

## Draft motion for LGA General Assembly – July 2017

### Background

1. Section 89 of the Environmental Protection Act 1990, sets out the various responsibilities with regard to the “**Duty to keep land and highways clear of litter**”, with the responsibility to ensure that the highway or road is, so far as is practicable, kept clean split between:
  - 1.1. Each local authority, as respects any relevant highway or relevant road for which it is responsible.
  - 1.2. The Secretary of State, as respects any trunk road which is a special road and any relevant highway or relevant road for which he is responsible.

(Special Roads are roads on which certain types of traffic are prohibited, under the Highways Act 1980. All motorways are Special Roads, together with some high-grade dual carriageways. It is understood that the only non-motorway special road that has been identified is the A282 in Essex and Kent, between M25 junction 30 and south of M25 junction 1b. This section of road includes the Dartford – Thurrock River Crossing.)

### Issue

2. The operational impact of this arrangement is that the simple designation of the road can mean that the burden and cost of keeping the highway and adjacent verges clear of litter on the strategic road network falls unfairly on some local authorities. For example within Kent responsibility for cleaning the M2 and M20 rests with Highways England acting on behalf of the Secretary of State whereas cleaning the A2 and A20, both strategic dual carriageways leading to Dover, become the responsibility of the individual authorities concerned.

### Proposal

3. It is proposed that the LGA should lobby Government to require them to amend the legislation and place the duty to keep land and highways clear of litter on all trunk roads with the Secretary of State alone.