

Our ref: FOI 747,847
Your ref:

Operations Directorate Services Team
Manager
9th Floor
The Cube
199 Wharfside Street
Birmingham B1 1RN

01 March 2017

I am writing to confirm that we have now completed our search for the information, which you requested on 01 February 2017.

In your request you asked for the following information:

Please provide to me all internal documents (or one such document or documents which summarises the position, if the same exists) which relate to whether Highways England is in breach of its statutory duty to keep the highways in England free from litter as per s.89 of the Environmental Protection Act 1990.

Highways England, as a government owned company, is responsible for the [Strategic Road Network](#) in England. Under the Environmental Protection Act 1990, we are responsible for collecting litter on England's motorways and a small number of trunk roads; local authorities are responsible for collecting litter on the majority of all-purpose trunk roads (APTR).

Under the Environmental Protection Act, proceedings can be brought against the duty body that has to keep the land clear under section 89(1). S91 of the act '*summary proceedings by persons aggrieved by litter*', states that if a duty body fails to keep its land clear of litter, individuals are able to complain to the Magistrates Court who can issue a litter abatement Order. After checking our records, it appears that Highways England has no current litter abatement Orders made under this section of the act.

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at: <https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number 747,847 in any future communications.

Yours sincerely

Email: Ops_dst@highwaysengland.co.uk