

**REPORT TO:** East Lothian Council

**MEETING DATE:** 29 April 2025

**BY:** Executive Director for Place

**SUBJECT:** A1 Road Network: Litter Management Responsibilities

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**1 PURPOSE**

- 1.1 To seek approval for the Chief Executive to write to Scottish Ministers on behalf of the Council requesting a review of responsibilities for litter management on the A1 in East Lothian.

**2 RECOMMENDATIONS**

- 2.1 That the Chief Executive writes to Scottish Ministers requesting a review of litter management responsibilities for the full section of the A1 and a move towards consistency with areas part of the special roads order to allow the Council to focus resources on population centres, local road network and area of ownership/responsibility.
- 2.2 That the Chief Executive writes to other local authorities with trunk road litter management responsibilities and COSLA, providing information on the local context and seeking support for the requested review.

**3 BACKGROUND**

- 3.1 Under the Environmental Protection Act 1990: Code of Practice on Litter and Refuse (CoPLAR), there is a duty to ensure land under Council control is kept clear of litter and ensure public roads (for which the Council are responsible) are kept clean, so far as is practicable.
- 3.2 Council resource relating to cleansing and litter management is contained within the Amenity Services, Environmental Health and Community Protection budgets. There is no specific allocation of budget explicitly for litter prevention strategies and the Council will determine priority of spend from within available resource on a case-by-case basis. Litter is not

caused by the Council but by the behaviour of individuals. This contributes towards the pressures on local services.

- 3.3 As a local authority experiencing significant housing and population growth set in National Planning Frameworks, the demand for our services continues to grow. This is expected to impact our future capacity required to adhere to the standards identified under the Environmental Protection Act based on the range of priorities and areas requiring attention. Services prioritise areas based on the factors identified in the Act with a focus on population centres and areas of highest footfall. The provision of additional local resource is extremely challenging within the current financial climate, and it is therefore likely that any future expenditure on litter prevention and clearance will be required to be managed within existing resource.
- 3.4 The majority of the A1 in East Lothian has been delivered under special orders with Scottish Ministers (and their appointed contractor currently BEAR Scotland) responsible under the Act. There are two sections that are not part of the special roads order:
- a) From the border with Edinburgh Council to Old Craighall
  - b) From Thistly Cross to the border with Scottish Borders Council.
- 3.5 With respect to sections (a) and (b) above, the Council has maintenance responsibility of section (a) as Roads Authority. It is cleared on a cyclical basis (minimum annually) in conjunction with other planned maintenance and BEAR Scotland.
- 3.6 Section (b) is owned by Scottish Ministers and there is no Council responsibility for roads maintenance, repairs or grass cutting, which is undertaken by BEAR Scotland. This section has therefore not been zoned by the Council; however, litter management defaults to the Council as the section has not been included in the special-order contract.
- 3.7 The Council has a regularly reviewed risk assessment for litter picking and a Safe Operating Procedure (SOP) for this task on the A1. Bins are strategically located in laybys and cleared daily by Council staff. Litter picking verges adjacent to the A1 carriageway carries a higher risk to staff than other areas due to the proximity to and speed of traffic. Measures including lane closures have been identified as required mitigations under the Council SOP. BEAR Scotland undertakes litter management of the rest of the A1 between Old Craighall and Thistly Cross. They plan litter picks in conjunction with other planned works and do not require a lane closure to undertake this task under their risk assessment and SOP. BEAR is a specialist contractor for trunk road management and maintenance.
- 3.8 The Council has worked in collaboration with BEAR Scotland to undertake litter picks of section (b) (see 3.4 above) in March 2023 and April 2024. Transport Scotland has funded lane closures to allow the Council's safe operating procedure to be adhered to. The Council is part of an A1 Litter

Coordination Group, organised in conjunction with BEAR Scotland, Transport Scotland, City of Edinburgh Council and Scottish Borders Council. Joint discussions have taken place, and options are being explored by Transport Scotland and BEAR to support clearance prior to the start of their grass cutting in May 2025. The current arrangements present practical challenges with the same operator not being responsible for all management and maintenance of the trunk road.

- 3.9 A review of litter management responsibilities for the full section of the A1 would allow the consideration of consistency with areas part of the special roads order. This would allow specialist contractors to undertake duties the Council are less equipped to fulfil on land not under Council ownership or control whilst allowing the Council to focus resources on population centres, local road network and area of ownership/responsibility. This would not lead to a reduction in Council resource, or a budget efficiency based on the volume of litter management required in areas under Council control and increasing demand through population growth.
- 3.10 It is recommended that the Chief Executive writes to Scottish Ministers requesting that they, in conjunction with Scottish Government/Transport Scotland undertake a review of litter management responsibilities for the section of A1 in East Lothian. Sections of the A1, and other trunk roads, sit within Scottish Local Authority boundaries. A review may consider a consistent approach across all trunk roads. It is therefore also recommended that the Chief Executive writes to other local authorities and COSLA highlighting the East Lothian context and seeking support for the review of responsibilities.

## **4 POLICY IMPLICATIONS**

- 4.1 The recommendations in this report align with the East Lothian Council Plan 2022-27 supporting the *Grow our Capacity* objective to deliver excellent services as effectively and efficiently as possible within our limited resources.
- 4.2 The recommendations in this report aim to support the Council to better fulfil duties under the Environmental Protection Act 1990: Code of Practice on Litter and Refuse (CoPLAR).

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy. Should a review be instructed by Scottish Ministers an assessment would be progressed as part of the Council's formal response.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – the recommendations in this report would not lead to a reduction in Council resource, or a budget efficiency based on the volume of litter management required in areas under Council control and increasing demand through population growth.
- 6.2 Personnel - staffing resource will continue to be required to be deployed in areas where the Council is responsible for litter management.
- 6.3 Other - none

## **7 BACKGROUND PAPERS**

- 7.1 None

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