



Department of the
Environment
www.doeni.gov.uk



**CODE OF PRACTICE
ON LITTER**

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Introduction

1.0 Codes of Practice on Litter

1.1 The Litter (Northern Ireland) Order 1994 (the 1994 Order) imposes duties under Article 7(1) and (2) on certain landowners and occupiers (referred to throughout this document as “duty bodies”) and described in detail at **section 4.1** to keep specified land clear of litter and on district councils and the Department for Regional Development to keep clean the land or roads for which they are responsible.

1.2 This is the second Code of Practice on Litter. The first Code was published in 1994 to accompany the 1994 Order. This Code is issued in replacement of the Code published in 1994, which is hereby withdrawn.

1.3 Paragraphs 3.0 to 11.11 of this document contains a “Code of Practice on Litter” (referred to throughout this document as “the Code”, issued under Article 9 of the 1994 Order).

1.4 Where land is defaced by litter and action alleging dereliction of the Article 7 duty is taken in court under Articles 11 and 12 of the 1994 Order, the Code is admissible in evidence in the proceedings. The Code seeks to encourage duty bodies to maintain their land within acceptable cleanliness standards. The emphasis is on the consistent and appropriate management of an area to keep it clean, not on how often it is cleaned.

1.5 It is envisaged that the Code can and should also act as a guide to other managers of land that are not subject to the Article 7 duty, such as registered social landlords; arms-length management organisations and event organisers in the management of the land for which they are responsible.

2.0 Why you should be interested in the Code

2.1 The quality of the local environment is important to people. Local environmental quality has several dimensions. These include:

- how places look and are perceived;
- how safe and happy people feel about living in an area; and

- how attractive areas are to workers, visitors and existing and new business investors.

2.2 Achieving and sustaining a high local environmental quality is important for all land managers, whether you are a business, a transport operator, a district council, a landlord or an individual householder.

2.3 High local environmental quality helps to:

- secure quality, long term commercial investors;
- attract and retain workers with scarce skills;
- meet landowners' and tenants' legal obligations and liabilities;
- attract good, long-term tenants, minimising voids and repairs costs;
- deter anti-social behaviour and some criminal activities;
- secure the approval of electors, for whom local environmental quality is a fundamental test of an administration's efficiency and effectiveness; and
- create environments that are more easily maintained and less subject to vandalism.

2.4 Your land can contribute to, and is affected by, litter on others' land. Northern Ireland is made up of a patchwork of abutting areas of land owned, tenanted and managed by a myriad of public and private agencies and individuals. Unmanaged litter from your land moves, blows or flows onto the land of others, and theirs onto yours. Through the Code, the Department is encouraging good land management through the awareness of circumstances that will lead to increased litter at particular times.

2.5 Powers are available to require others to clear their land of litter. The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (referred to throughout this document as "the 2011 Act") has extended a range of enforcement powers for district councils to compel businesses, private land owners, occupiers and managers to recognise their role in contributing to the quality and appearance of the local environment.

2.6 The Department encourages the public to take more responsibility. Under the 2011 Act enforcement powers have been extended and widened to help tackle problems such as the leaving of litter, dog fouling and a range of environmental crimes such as

fly-posting, graffiti, abandoned vehicles, nuisance alleyways, noise and statutory nuisance.

2.7 District councils will have new powers to serve a Litter Clearing Notice on any land, requiring the occupier, or failing that, the owner, to clear litter from that land. If the notice is not complied with they can enter the land, clean up and then reclaim their costs. Duty bodies may find it helpful to encourage voluntary groups to assist in cleaning areas.

2.8 The 1994 Order gives a person the right (under Article 11) to take legal action to require a duty body to remove litter on its land where this falls below the acceptable standard set out in the Code for longer than the period specified. If the court of summary jurisdiction is satisfied that the duty body is in dereliction of its duty under Article 7, it may make a Litter Abatement Order, requiring the duty body to clean up.

CODE OF PRACTICE ON LITTER
(issued under Article 9 of the Litter (Northern Ireland) Order 1994)

3.0 What are the duties?

3.1 Article 7(1) of the 1994 Order places a duty on certain bodies **to ensure that the land or roads (or land for which they are responsible) is, so far as is practicable, kept clear of litter** (defined in **section 5.0** below).

3.2 Article 7(2) places a further duty on the Department for Regional Development, in respect of any road which is not a relevant road, (e.g. motorways and a few other similar public highways), and on each district council in respect of any relevant road for which it is responsible (e.g. all other publicly maintainable roads in its district), to ensure that the road is, so far as is practicable, kept clean.

3.3 This is in addition to the Article 7(1) requirement and therefore means the removal of detritus as well as litter (all defined in **section 5.0**). The removal of detritus is deemed to be practicable from metalled surfaces only. It is recommended, but not a duty, that detritus (see **section 5.0**) is also removed from other hard surfaces.

3.4 These duties relate to the duty body's relevant land and relevant roads, definitions of which are provided in Article 2(2) of the 1994 Order. Further information on these descriptions is available in the Department's guidance on the 1994 Order, which can be viewed at: www.doeni.gov.uk/clean_neighbourhoods.htm

3.5 These duties are not transferable. If a duty body contracts a private company or another agency, for example, a cleansing contractor, to carry out cleansing on its behalf, the duty body remains responsible if the land is not maintained to acceptable standards.

3.6 Previously, the duties also related to relevant land within a Litter Control Area, as defined in Article 10 of the 1994 Order. The 2011 Act repealed this Article and instead a Litter Clearing Notice may be served under Article 12A of the 1994 Order, as amended by the 2011 Act, on any land, requiring the occupier or, if

unoccupied, the owner, to clear that land of litter and take steps to prevent its reoccurrence of littering.

4.0 Who do these duties affect?

4.1 These duties affect:

- Crown authorities;
- Designated statutory undertakers;
- Governing bodies of designated educational institutions;
- Each district council as respects any relevant land and any relevant road for which it is responsible; and
- The Department for Regional Development as respect any road which is not a relevant road i.e. motorways and other designated roads;

definitions of which are provided in Article 2(2) of the 1994 Order.

4.2 These definitions are covered in detail in the Department's guidance on the 1994 Order, which can be viewed at: www.doeni.gov.uk/clean_neighbourhoods.htm

5.0 What comprises litter?

5.1 The 1994 Order provides a comprehensive definition of litter. Article 2(2) defines litter as—

- (a) any refuse, filth, garbage or other nauseous, offensive or unsightly waste; or
- (b) any waste which is likely to become nauseous, offensive or unsightly.

By virtue of an Order made under Article 2(7) of the 1994 Order, dog faeces are to be treated as litter for the purposes of Articles 7, 8 and 9 of the 1994 Order.

Note: (Dog fouling is a separate offence from littering.)

The following summarises common definitions used in cleansing contracts and is provided purely as a guide:

5.2 *Litter*, is most commonly assumed to include materials that are improperly discarded and left by members of the public, such as smoking-related materials (cigarette ends, etc); chewing gum and the remains of other products designed for chewing. However, whilst discarded chewing gum is litter when it is dropped (i.e. the dropper could be prosecuted under Article 3 of the 1994 Order for leaving litter), the standards in this Code do not apply to trodden-in chewing gum. Duty bodies are not required, therefore, to employ special cleansing methods to remove compacted gum or gum staining over and above normal cleansing regimes.

5.3 *Waste*, is included in the definition of litter in the 1994 Order and has the same meaning as in Article 36(1) of the Pollution Control and Local Government (Northern Ireland) Order 1978, i.e.,—

- (a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process; and
- (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled,

but does not include a substance which is an explosive within the meaning of the Explosives Acts 1875 to 1970 or any substance to which Article 3 of the Explosives (Northern Ireland) Order 1972 (1972 NI 3) applies.

5.4 *Detritus*, comprises small, broken down particles of synthetic and natural materials, which arrive at the site through the same displacement effects associated with mechanical, human, animal and natural actions, most of which also determine the distribution of litter. Detritus includes dust, mud, soil, grit, gravel, stones, rotted leaf and vegetable residues, and fragments of twigs, glass, plastic and other finely divided materials. Leaf and blossom falls are to be regarded as detritus once they have substantially lost their structure and have become mushy or fragmented. A significant and avoidable source of detritus is uncollected grass cuttings and weed growth from seeds germinating in moist detritus.

5.5 Large accumulation of detritus, built up over months and years, can contribute to the uncared for impression that an area exudes. Detritus on metalled roads must be removed as a

requirement of Article 7 duty to keep land and roads clear and clean and it is also recommended that detritus should be removed alongside litter by duty bodies from all other hard surfaces as well. (See **section 3.0**).

6.0 The principle underpinning this Code

6.1 The quality of the local environment, that is, the appearance of an area, and the way that people perceive it, comes down to good, effective management. In order to know what resources should be deployed and when, accurate and systematic monitoring is needed. This will enable duty bodies to identify when and where the greatest litter problems are likely to occur, and to put into place procedures to ensure that these do not build up and that acceptable standards are maintained. It is good practice to make this information available to the public, for example, through publishing cleansing regimes.

6.2 The Department does not expect that implementation of this Code will demand additional expenditure on the part of a duty body, but believes that better standards can be achieved within the existing levels of expenditure by deploying suitable resources at appropriate times and combining this with education and enforcement.

6.3 Public opinion tends to be shaped by a minority of sites – unsightly niches and areas where litter may be trapped due to the nature of the environment itself. For most responsible bodies, good management is therefore simply about managing the minority of locations for short periods of time, as well as maintaining a consistent overall cleansing strategy. All duty bodies are encouraged to adopt suitable monitoring systems.

6.4 This Code introduces a revised set of recovery times for restoring local environmental standards for litter and detritus, if they fall below the prescribed standard. However, these should be regarded as a last resort as the levels should be maintained above an acceptable standard at all times.

7.0 Grades of cleanliness

7.1 The graded standards shown below remain similar to those defined in the first Code of Practice on Litter issued in 1994 under Article 9 of the 1994 Order.

For litter:

Grade A: No litter

Grade B: Predominantly free of litter apart from some small items

Grade C: Widespread distribution of litter with minor accumulations

Grade D: Heavily affected by litter with significant accumulations

For detritus (to be removed on metalled roads and recommended to be removed on all hard surfaces):

Grade A: No detritus

Grade B: Predominately free of detritus except for some light scattering

Grade C: Widespread distribution of detritus with minor accumulations

Grade D: Heavily affected by detritus with significant accumulations

7.2 These standards may be applied to any site for litter, and, in the case of detritus, to metalled roads and (recommended) all hard surfaces, using the following principles.

Note: Although the nature and characteristics of land may vary the principles on which the litter and detritus are graded remain the same. The photos that follow in paragraph 7.8 demonstrate graphically how these principles appear against different backgrounds.

- **Grade A** means that no litter (or detritus where applicable) is present in the area.
- The presence of even one small item of litter (or small scattering of detritus where applicable) downgrades the environment to a **Grade B**.

- The presence of litter (and/or detritus where applicable) that is significant enough to form a few minor accumulations (**Grade C**) or significant accumulations (**Grade D**) is regarded as unacceptable.

7.3 It is recognised that a **Grade A** cannot be maintained at all times, and the presence of a few small items of litter, not yet accumulating, are regarded by the public as acceptable for short periods of time. It is expected that managers of land should, through monitoring and the appropriate use of resources, keep their land clear of litter so that it does not fall below a **Grade B** and is cleansed to a **Grade A** on a regular basis. Metalled roads must be free from detritus after cleansing (to a **Grade A**).

7.4 The inclusion of the recommendation that all hard surfaces be cleansed to be free from detritus in this code seeks to ensure that thorough cleansing is carried out on a regular basis. Without this, an area still appears dirty.

7.5 It may not be practicable to remove all litter items from some softer or non-metalled surfaces, such as grass or sand, and in these cases a **Grade B** would be acceptable.

7.6 Where vegetated and metalled surfaces abut without clear kerb edging, for example a grass verge leading onto a rural road, managers should make a judgement as to the definitive edge of the metalled surface. The extent of detritus is then comprised of the amount of encroachment onto the metalled surfaces from this definitive edge. It should be regarded as good practice to cut back any vegetation that encroaches upon a metalled surface, and detritus can be managed with an effective sweeping regime. Although a **Grade A** may not be achievable in every circumstance, it is expected that an acceptable grade (**Grade B**) be achieved on the exposed metalled surface of a road. Mud and skim from flooding are separate issues.

7.7 Managers should be able to predict times or situations that lead to greater fluctuations in likely disposal patterns and prepare for them appropriately. Managers should also consider shaping their monitoring to enable them to respond quickly to potentially dangerous items such as glass or drug needles, or to sensitive areas such as playgrounds.

7.8 Pictorial examples of the grading principles in different settings

Set A: litter in both relevant road and hard surface setting



Grade A
No Litter



Grade B
Predominately free of litter apart from some small items



Grade C

Widespread distribution of litter with minor accumulations



Grade D

Heavily affected by litter
with significant accumulations

Set B: litter in a soft setting



Grade A
No litter



Grade B
Predominately free of litter apart from some small items



Grade C

Widespread distribution of litter with minor accumulations



Grade D

Heavily affected by litter
with significant accumulations

Set C: Principles of detritus grading in a relevant road setting



Grade A
No detritus



Grade B
Predominately free of detritus except for
some light scattering



Grade C

Widespread distribution of detritus with minor accumulations



Grade D

Heavily affected by detritus with significant accumulations

8.0 Zones

8.1 The speed and intensity of the accumulation of litter in an area depend on a large number of factors. These can include the levels of pedestrian and vehicular traffic, natural physical features and location, the weather, the time of year, the nature of the surface of

the terrain, the structural and physical items that affect the ability to clean, and the nature and condition of the surrounding areas. All of these must be accounted for when analysing the most effective cleansing strategy.

8.2 However, there are two most common features that will have an impact on the levels and frequency of attention that needs to be paid to an area to keep level of litter to acceptable standards.

These are:

- the intensity of activity in the area, from people and vehicles; and
- health and safety limitations.

8.3 As such, this revised Code has re-classified the different types of land managed by duty bodies into four main zones, based on these two variables. It is anticipated that these will help to guide duty bodies on the intensity of management required.

- *High* intensity of use (busy public areas)
- *Medium* intensity of use ('everyday' areas including most housing areas occupied by people most of the time)
- *Low intensity* of use (lightly trafficked areas that do not impact upon most people's lives most of the time)
- *Areas with special circumstances* (situations where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work).

8.4 Duty bodies should allocate land into one of these four zones and manage it accordingly. **Table1** below indicates the types of land within each category.

8.5 More detailed descriptions of land uses and accompanying management notes are listed below in **section 11** below.

8.6 If in doubt, categorise a land use into the same zone as the dominant land uses around it. For example, a park located within a housing area should be managed as a medium intensity zone.

8.7 A road would be designated as a high intensity zone whilst running through a primary or secondary retail and commercial centre, a medium intensity zone in the suburbs and a low intensity zone once in the countryside. Hotspots (for example within 200m of entrances of car parking areas) in busy public parks, that are national tourist attractions located in rural areas, should be classified as high intensity in order to be managed effectively.

8.8 Duty bodies are recommended to publish details of these zones for their land and make them available to the public on request.

8.9 In some cases these land uses may integrate with areas for which other duty bodies have responsibility, such as suburban transport centres, or land adjacent to canals. In these cases, respective zones of responsibility should be clearly defined. Partnership working is recommended as a way to manage such areas.

9.0 Timings

9.1 Duty bodies are expected to set their cleansing schedules so that they meet the duty to keep land clear of litter, and roads clean.

9.2 In some areas, these standards can be effectively maintained during daylight hours. However, in others, longer hours of management are required, for example, in town and city centres. If the standard in high intensity areas should fall to an unacceptable level during the evening, it should be restored to **Grade A** by 8am. Good practice would be that **Grade A** is achieved earlier, by the time the area begins to get busy. This applies to weekends and bank holidays as well as weekdays.

9.3 If, in managing the litter, managers judge it necessary to work outside normal working hours, the duty body should administer a consistent policy to this effect. For example, in areas with a lively night-time economy, or which are obstructed by people or vehicles during the day, it may be far more efficient to carry out daytime operations to manage the levels to acceptable standards and carry out thorough cleansing regimes outside normal working hours.

9.4 As a last resort, if acceptable standards of litter are not met, response times have been set for each of the four categories by which land must be returned to an acceptable standard.

9.5 Duty bodies that allow their land to fall below acceptable standards for longer than the allowed response time may be subject to a Litter Abatement Order (Article 11) or a Litter Abatement Notice (Article 12) issued under the 1994 Order.

Response times:

High intensity of use	Medium intensity of use	Low intensity of use	Special circumstances
<p>½ a day</p> <p>This means by 6pm if reported before 1pm or by 1pm the next duty day if reported between 1pm and 6pm on the previous day</p>	<p>1 day</p> <p>This means by 6pm the following evening</p>	14 days	28 days or as soon as reasonably practicable

Table 1 Type of Zone

	High intensity of use	Medium intensity of use	Low intensity of use	Special circumstances
Nature of the area	Areas which, through intense pedestrian and/or vehicular movements, are prone to fluctuations in litter and require both	Areas affected by moderate levels of pedestrian and vehicular activity and therefore less prone to fluctuations	Areas subject to low or infrequent levels of pedestrian and vehicular activity and therefore less prone to	Types of land where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work (including

	high levels of monitoring and frequent cleansing	in litter usually situated outside centres of retail or commercial activity, but used regularly by members of the public	fluctuations in litter often located in more rural areas	legislative restrictions for all land types)
Maximum response time to restore to grade A standard if it falls below grade B	<p>$\frac{1}{2}$ a day</p> <p>This means by 6pm if reported before 1pm or by 1pm the next duty day if reported between 1pm and 6pm on the previous day</p>	<p>1 day</p> <p>This means by 6pm the following evening</p>	14 days	28 days or as soon as reasonably practicable

Type of land (duty applies to relevant land/road within these categories- refers to specific guidance in section 11)

	High intensity of use	Medium intensity of use	Low intensity of use	Special circumstances
Retail, office and commercial (see section 11.2)	Primary and secondary retail, office & commercial areas	Primary and secondary retail, office & commercial areas		
Housing land		Areas of		

(see section 11.3)		housing (except those located within primary or secondary retail, office & commercial areas which fall within high intensity areas)		
Industrial areas (see section 11.4)		Industry/ warehousing /retail parks		
Roads (see section 11.5)	Main roads running through the above areas	Main roads running though the above areas	Rural roads running through the above areas Motorway and trunk road roundabouts and lay-bys, approach and slip roads connecting to these roads	Carriageway , verges and central reservations of motorways and trunk roads
Transport interchanges (see section 11.6)	Publicly accessible areas in and around transport interchanges in busy public areas (most likely to be major airports,	Publicly accessible areas in and around transport interchanges located in these areas (most likely to be suburban and important town harbours,	Public areas in and around transport interchanges located in these areas. Also operational rail land between platforms	Operational rail land within urban areas, not covered by other zones

	ports, harbours, bus, train and car parks)	bus, train, car parks and haulage operations)	and within 100m of platforms ends	
Public open spaces (see section 11.7)	Parks and open spaces located in busy public areas, or with strategic national importance , or parts of other open spaces subject to high intensity of use	Parks and open spaces located in areas as described above, or parts of other open spaces subject to medium intensity of use	Parks and open spaces located in areas as described above, or part of other open spaces subject to low intensity of use	
Educational land (see section 11.8)		Land of designated educational institutions (most commonly schools, colleges and universities), during term- time, other than weekends or half-term holiday	Land of designated educational institutions (most commonly schools, colleges and universities), when being used for a purpose authorised by governing body or managers during holidays	
Waterside	Waterside	Waterside	All other	

land (see section 11.9)	land in areas with high intensity of use	land in areas with medium intensity of use	waterside land	
Beaches (see section 11.10)				Amenity Beaches should be generally clear of all litter between 1 May and 30 September inclusive. Individual district councils should decide the level of cleanliness that they are able to provide to any non-amenity beaches, and where practicable, beaches must be inspected from time to time and cleaned as necessary
Other areas (see section 11.11)	Other busy public areas		All other areas	

9.6 There will be circumstances where, in the interests of responsibility and/or health and safety, managers are required to respond far quicker than the maximum response time. For example, should drugs needles be found on a school playground, or any items of litter are found on an airport runway, it is expected that these objects be removed as a matter of priority, well before the maximum response time. It is recommended that for drug related litter, duty bodies respond within 3 hours of a report to the “Duty Body”.

9.7 When there is an accumulation of material that is potentially hazardous to health (for example waste food), duty bodies should remove this at the earliest practicable opportunity.

9.8 Response times will be subject to overriding requirements, especially in relation to health and safety and traffic management, where the regulations or procedures laid down in the relevant legislation must be adhered to in the first instance.

10.0 Practical issues

10.1 The time periods given in **Table 1** are maximum response times for cleaning an area that has become adversely affected by litter and/or detritus (where applicable).

10.2 The caveat in the litter duty concerning practicability is very important. On some occasions, circumstances may render it impracticable for the body under the duty to discharge it. It is for the courts to agree whether or not it was impracticable for the body under the duty to discharge it. Examples where it may be considered impracticable to clear within duty timescales include:

- When there are severe weather conditions;
- When special events present practical difficulty in meeting the response times;
- Health and safety considerations;
- To avoid damage to sensitive areas (can include natural habitats and heritage sites as well as, for example, the need to preserve forensic evidence at a crime scene);
- Where advance notice is required for traffic management.

10.3 Every effort must be made to clear the land at the earliest opportunity. See **section 11.0** for further information on practicability issues pertaining to each land type/roads.

10.4 The courts should also take into account action taken through other legislation, such as Street Litter Control Notices or Litter Clearing Notices.

11.0 Detailed description of land uses.

11.1 This section provides more detailed descriptions of the types of land referred to in **Table 1** and, where appropriate, specific notes on the discharge of the duty and issues of practicability.

11.2 Retail, office and commercial areas – This category includes all city and town centre areas and should include all of the main town and city retail, office and commercial centres as well as busy tourist hot spots outside central areas. It should also include secondary retail, office and commercial areas (that have a frontage of over 50 metres), often located in areas of housing or smaller towns and villages. Out-of-town retail parks and industrial estates are not included in this category (see **section 11.4** below).

11.3 Housing land – This category includes all (relevant) land primarily used for housing, with the exception of housing located within busy town and city centres, which should be included within the Retail, Office and Commercial category.

11.4 Industrial areas – This category includes land within industrial and warehousing developments, out-of-town retail parks and science parks, as well as the roads running through them. Some large industrial estates have honey-pot sites around a number of mobile or fixed establishments selling food, or can be known fly-tipping sites that should be managed as a high intensity zone.

11.5 Roads – This category covers certain types of road – motorways, trunk roads, and those defined as main roads and rural roads. Rights of way that are publicly maintainable will fall into the rural roads category. Relevant roads falling outside these definitions should be zoned according to the surrounding land use.

11.5.1 The duty relating to relevant roads under Article 7 of the 1994 Order is that they should also be kept clean, not just clear of litter. In practice, the Code therefore requires the removal of detritus from metalled road surfaces, and recommends its removal from all other hard surfaces. This should be reflected in the cleansing strategy.

11.5.2 Care should always be taken to ensure that debris, detritus and other materials are not left to become a danger to road users by accumulating to; block channels, gullies and cause flooding; encourage weed growth; or become compacted. The seasonal variations in such accumulations should be taken into consideration when formulating cleaning regimes. The difficulty of removing seasonal leaf fall is recognised in the definition of detritus, which only covers leaf fall that has substantially broken down. Extensive deposits of mud and slurry arising from farms, forestry and construction activity may present practicability issues, especially in rural areas, to which the principles in **section 10.0** apply.

11.5.3 Broadly speaking, in accordance with the 1994 Order, as amended, the Department for Regional Development is responsible for ensuring that motorways and specified all-purpose trunk roads are kept litter-free. The responsibility for litter clearance on the rest of the road network lies with the relevant district council.

11.5.4 Main roads and ‘other roads’ including for example dedicated cycle ways, lay-bys, and redundant road infrastructure still accessible to the public, should fall into high or medium intensity zones depending on the surrounding land use. Rural roads and ‘other roads’ in rural areas fall into the low intensity zone.

11.5.5 Sections of motorways and trunk roads where vehicle speeds tend to be lower and traffic less frequent fall into the low intensity zone, namely roundabouts at motorway and trunk road intersections, run-on and run-off roads, and lay-bys on trunk roads. Other areas of motorways may be subject to the following health and safety considerations.

11.5.6 On motorways, where safety issues are paramount, it is recommended that cleansing is always carried out alongside

routine maintenance to aid maintenance of standards. The issues of practicability pertaining to motorways are recognised, but examples of good practice in regular operation include the use of moving blocks, or scavenging crews, which have proved to be effective in tackling littered areas. Some areas with slower traffic flows such as on-off roads and roundabouts are often the most littered but are actually easier to manage than areas with less refuge and higher traffic speeds such as central reservation.

11.5.7 In general, managers should identify times at which roads are least busy or obstructed and cleansing should be carried out at these times. This may mean working outside normal working hours.

11.5.8 On roads where high levels of vehicle obstruction occur most of the time, for example, those located within areas of high density housing, appropriate cleansing strategies must be used, for example, manual sweeping.

11.5.9 It should be possible for managers to set up effective cleansing strategies to manage levels of litter above acceptable standards, and carry out thorough cleansing with appropriate equipment, as required, during times with lower levels of traffic flow and/or obstruction.

11.5.10 Article 8(1) requires district councils to place appropriate traffic signs and barriers on roads to warn or regulate traffic when exercising their litter duty. Article 8(2) also requires district councils to comply with any directions from the Department for Regional Development in respect of both the placing of such signs and barriers and of days or periods during which clearing or cleaning must not be undertaken. Additionally, Article 8(2) allows district councils to apply to the Department for Regional Development asking it to exercise its powers to make temporary traffic regulation orders to restrict or prohibit the use of the road to allow cleaning and the clearance of litter to take place.

11.5.11 In relation to **section 11.5.10** above, district councils will need to liaise with the Department for Regional Development, to identify and agree suitable arrangements. These considerations arise particularly in relation to strategic routes that are subject to continuous heavy traffic flows. Wherever possible, agreement should be reached on the co-ordination of road maintenance and

cleansing activities, to help improve efficiency and service standards.

11.6 Transport Interchanges - are the interchanges between two or more modes of transport, such as major transport centres, centres including railway stations, bus stations, taxi ranks, ports and airports, as well as any approach roads, landscaped areas, and car parking facilities within them. Non-operational land to which the public has access, such as platforms in railway stations and approach roads and areas, would not normally be expected to be subject to special considerations relating to health and safety. Some health and safety caveats apply to operational railway land, ports and airports, addressed in **sections 11.6.4** and **11.6.5** below. For more detailed information, please see the Department's Guidance on Litter available from DOE website – www.doeni.gov.uk/clean_neighbourhoods.htm

11.6.1 Relevant land in this land use will fall under direct responsibility of duty bodies named under the Litter (Statutory Undertakers) Designation and Relevant Land) Order (Northern Ireland) 1996 (SR 1996 No. 22). The designated statutory undertakers include Northern Ireland Railway Company, Ulsterbus, Citybus, Belfast and Coleraine Harbour Commissioners, Londonderry Port and Harbour Commissioners, Warrenpoint Harbour Commissioners, Larne Harbour Limited, The Northern Ireland Fishery Harbour Authorities, Belfast International Airport Limited, Belfast City Airport and the Northern Ireland Housing Executive.

11.6.2 Relevant land in this category may also fall under the direct responsibility of district councils.

11.6.3 The predominant land use around public transport facilities will determine the cleanliness standards and response times expected of the duty body, in addition to the general level of usage. For instance, a bus station, in a central business district, or a major international airport, would form a high intensity area. A small railway station in a rural area would fall into low intensity zone.

11.6.4 Issues relating specifically to railway land –

- Areas of railway land to which the public are permitted to have access, which include station forecourts, platforms and

public land adjacent to the station, should not normally be subject to significant health and safety caveats so as to preclude management of litter to acceptable levels.

- Operational land up to 100m beyond the platform ends at railway stations between platforms is subject to a 14 day response time to allow for possible delays due to health and safety considerations. It is felt that this time is sufficient to clear such land, should the levels of litter fall below acceptable levels between regular cleansing cycles.
- It is recognised that operational land within urban areas may be subject to greater health and safety considerations, but duty bodies are expected to combine management of litter with routine track maintenance work so as to avoid significant accumulation of litter. Any significant accumulation should be removed at the earliest opportunity.
- In areas where the origin of litter is external to railway activities, the duty body may consider it appropriate to make clearance arrangements on a partnership basis involving the railway undertaking, district councils and amenity groups.
- Access to railway land is subject to strict controls, and district councils must not under any circumstances enter nor purport to authorise entry by any person. Only the railway undertaker concerned is in a position to authorise entry by persons in possession of appropriate railway safety certification meeting the requirements of undertaker's Railway (Safety Case) Regulations.

11.6.5 Issues relating specifically to ports and airports -

- Access to ports and airports is strictly controlled because of the risks to safety and security; in particular, access to the airside at commercial airports and access into restricted areas of ports is subject to stringent security checks. The port authority or airport authority responsible for the site must therefore always be contacted with regard to accessing such land.

11.7 Public open spaces - This land use type includes a wide range of open spaces to which the public has access. Sites include parks, picnic sites, and municipal cemeteries.

11.7.1 Public open spaces experience varying levels of patronage, often determined by their location or national/regional reputation. As an example, public open spaces located in intensely used zones should be managed closely as they will be subject to the same fluctuations in pedestrian, and in some cases, vehicular, flows, as the surrounding area. The same rule should be used for the other zones. Some hotspots in the less intensely used open spaces, such as car parks or information points, should be zoned as higher intensity zones in order to manage the likely fluctuations in littering appropriately.

11.7.2 Duty bodies will need to have regard to relevant guidance relating to protected areas such as Sites of Special Scientific Interest and Areas of Outstanding Natural Beauty.

11.8 Education land – This duty applies to land in the open air and under the direct control of the governing body of designated education institutions. Broadly speaking, universities, public funded colleges of higher or further education and schools are designated for the purpose of this duty, but for full details see Article 2(2) of the 1994 Order and the Litter (Designated Educational Institutions) Order (Northern Ireland) 1994 (SR 1994 No. 338).

11.8.1 In developing their management strategies, managers should anticipate the changing intensity of use throughout the year, together with the likely impacts of the different users (students, studying during term-time, visiting students, other visitors).

11.8.2 Duty bodies should also take into consideration the impact of their land on the land around it, particularly at key times of the day or year, and seek to work with neighbouring duty bodies to address some of these impacts through awareness-raising or more practical activities. Litter trails from schools to local shops and the impact of residential university students on litter and waste collection in specific areas can significantly increase the management requirements for other duty bodies as well as on education land itself.

11.9 Waterside land – This land use includes canal waterways, marinas, inland navigation towpaths and towpaths to which the public have access in urban areas.

11.9.1 Under the Litter (Statutory Undertakers) Designation and Relevant Land) Order (Northern Ireland) 1996 (SR 1996 No. 22) land other than operational land is not to be treated as relevant land of any designated statutory undertaker. Operational land is also defined in the Order.

11.9.2 The growing number of waterside areas located within high intensity of use areas, such as leisure areas comprising bar and restaurant developments, visitor attractions or honey pot sites, are upgraded to a high intensity zone. Likewise, waterside areas experiencing medium intensity of use or located within a medium intensity zone would be zoned as a medium intensity zone. This will enable them to be managed appropriately to address the levels of use and high fluctuations of litter likely to relate, in particular, to the weather and the time of day.

11.9.3 In areas where the origin of litter is external to the activities of the canal or inland navigation undertaking, the duty body may consider it appropriate to make clearance arrangements on a partnership basis involving the undertaking, district councils and amenity groups.

11.9.4 Duty bodies responsible for canals, marinas and towpaths should aim to cleanse hard surfaced areas to a **Grade A** where practicable. A **Grade B** is sufficient as a standard for areas subject of issues of practicability such as access, physical restrictions due to design or nature of the environment, or areas that are ecologically sensitive where a minimum, if any intervention is required.

11.9.5 Secluded areas such as underneath canal bridges or near waterside buildings are particularly likely to attract individuals taking drugs, and therefore be susceptible to higher levels of drugs litter. It is recommended that canals and related areas should be subject to regular and systematic management and monitoring.

11.10 Beaches - duty bodies responsible for beaches include district councils and Crown Authorities.

11.10.1 This land use includes amenity beaches (including inland beaches where substantial number of bathers or beach users may congregate). As a minimum standard, amenity beaches should generally be kept clear of all types of litter between the traditional bathing season of 1st May and 30th September inclusive. It is expected that during this time of the year, beaches be subject to a frequent monitoring routine and be cleansed to as practicable a standard as possible. The Code recognises that a **Grade A** is not always achievable, due to the terrain and conditions in a beach environment. A **Grade B** would be a suitable cleanliness standard under these circumstances.

11.10.2 Due to changing holiday and climatic patterns, beaches are increasingly being used outside of the traditional bathing season. Although the duty does not extend beyond the bathing season, it is recommended as good practice that duty bodies are aware of the different nature of beaches within their area, that they carry out regular monitoring programme of those beaches and develop an appropriate cleansing regime.

11.10.3 By virtue of the Litter (Non-Relevant Land) Order (Northern Ireland) 1995 (SR 1995 No. 184), land below the place to which the tide flows at mean high water springs is not to be treated as relevant land of a district council or as relevant Crown land. Again, it is recommended as good practice that duty bodies are aware of the impact of litter in the inter-tidal area, and where appropriate carry out cleansing.

11.10.4 District councils should identify those beaches for which they have responsibility, which might reasonably be described as amenity beaches. Any assessment should take into account the level of use of the beach for recreational purposes.

11.10.5 The duty applies to items or materials originating from discharges directly to the marine environment as well as discarded items from beach users. As a guide, only litter comprising manufactured or processed items of materials that have been discarded, disposed of or abandoned, by intent or accident, should be removed. Litter should include processed food items but it does not include seaweed or twigs, which contribute to maintaining the local ecosystem.

11.10.6 There may be issues of practicability relating to litter removal from beaches and particular care will be needed in respect of sensitive habitats.

11.11 Other areas - This category represents all other areas of relevant land not classified within any other type of land in **sections 11.2 to 11.10.6** above. These areas should be managed according to the intensity of use of the land surrounding them and zoned accordingly.