

**Statement by Peter R Silverman**  
**24<sup>th</sup> March 2010**

I travel along the M40 between London and High Wycombe (junction 4) 2 or 3 times a week.

Going back a year or so it used to be kept acceptably clean but it has deteriorated considerably over the last 6/12 months. Large accumulations of litter became evident by December 2009.

I could see no evidence of any cleaning subsequently having taken place.

On 19<sup>th</sup> February I e-mailed Lord Adonis, Secretary Of State for Transport (see copy) giving him 5 days notice to remedy the situation.

The next day I stopped on the hard shoulder at two locations including location 5 (see map of locations) and took some photographs.

A reply was received from Mr Nugent of the Highways Agency saying that the Secretary of State for Transport had discharged all duties to UK Highways, their contractor, to Act as Litter Authority in accordance with the Environmental Protection Act. I do not believe that this is correct and e-mailed Mr Nugent on 1<sup>st</sup> March. Please refer to this and subsequent correspondence.

At no point did he say that they will take action to clean the sections of the M40 which were the subject of my complaint.

I can see no evidence that any action has been taken to remove the accumulated litter and debris between 19<sup>th</sup> January and 23<sup>rd</sup> March.

I had taken further photographs on 27<sup>th</sup> February at Location 5. A Highways Agency patrol car saw what I was doing, stopped and pointed out that I should only stop on the hard shoulder in an emergency.

On the 23<sup>rd</sup> March I carried out a thorough photo survey from the border with London to Junction 2 (Beaconsfield). I took photos at each bridge over the motorway and at two intermediary points where the carriageway could be seen from other roads. This survey was therefore not selective i.e. I did not just select points where the littering was at its worst.

In fact the very worst sections are those over the M25 to and including those over the Denham roundabout (Junction 1).

By the time this comes to Court I would image that the Highways Authority on behalf of Lord Adonis would have made sure that remedial action will have been taken. It is my hope therefore that the Court will issue a Litter Abatement Order which will instruct the Secretary Of State / Highways Agency to maintain the M40 in the future in a state of cleanliness consistent with the requirements of the Environmental Protection Act.