

**Subject:** Non compliance by Highways England of its statutory duty on litter - A40 / Denham Roundabout - Warning Notice under EPA S91  
**Date:** Tuesday, 27 February 2018 at 14:26:04 Greenwich Mean Time  
**From:** Peter Silverman - Clean Highways  
**To:** Jim O'Sullivan  
**CC:** Bernadette Kelly, John Read, Jesse Norman  
**Attachments:** Denham traffic 7.30 27\_02\_18 - 1.jpg, S91 Warning to JOS 27\_02\_18.docx

Attn: Jim O'Sullivan, CEO Highways England.  
cc Bernadette Kelly Permanent Sec at the DfT  
Jesse Norman MP, U/s of State at the DfT  
John Read, Clean Up Britain

Dear Mr O'Sullivan,

Please thank your Ops Director, Nick Harris, for [his reply](#) to mine to you of 6<sup>th</sup> and 16<sup>th</sup> February in which I had passed on complaints from roads users made via [Have your say](#). The palliative measures he refers to – collaborating with local authorities, pursuing options for behavioural interventions, working with Keep Britain Tidy, communication campaigns etc – do not seem to be working. This is exemplified by the horrendous situation on your section of the A40 in Buckinghamshire.

A40 Video <https://youtu.be/0OfXpWDXcXA>

Please action this link to see my video showing the grossly neglected state of the A40 from the border with the LB Hillingdon down to the Denham roundabout / M40 J1. It was shot on 21<sup>st</sup> February. How do you reconcile this with your statutory duty under [EPA S89\(1\)](#) and (2)?

#### Safety concerns

I drove down the same section of road at 2.30pm on 26<sup>th</sup> February and noted that the two large sheets of rigid material, each around a square yard or so in size one of which is metallic, shown early on in the video were still in situ on the metalled surface as was the large tyre remnant near the bottom of the slip road. I can provide dash cam footage to confirm. So much therefore for the claim that the network is inspected daily to identify items that could pose a risk to motorists.

To the east of where the video starts - but still on your section of the road - a number of adjacent drains are completely clogged with detritus and vegetation. After a recent period of heavy rain I noticed puddles had built up by them stretching well in to the carriageway. With freezing weather upon us this needs your urgent attention.

#### Earlier video – no serious cleaning for a year

<https://youtu.be/WVeBhtJzcSS> which covered the same area was shot in July 2017. The piece of angle iron (also on the metalled surface and potentially dangerous) which had been first photographed on 11<sup>th</sup> March 2017 is still showing in the new video. This has lain there in full view in an easily accessible position - just 3 minutes' walk from the entrance to the depot of your contractor (Connect Plus M25 Ltd). No serious cleaning seems to have taken place for almost a year and possibly much longer.

#### Refuse escaping from waste transporters

The video shows that the preponderance of litter/refuse in situ is not the sort of material that motorists would discard through their windows. I have provided you with [extensive evidence](#) that poorly sealed waste transport vehicles are a significant source of this refuse. I have also [explained that you have the power to prosecute](#) the operators of these vehicles. However you adamantly refuse to do so.

#### Action under S91 of the EPA against Highways England

Please find attached to this e-mail a Warning Notice under [S91 of the Environmental Protection Act](#) – *Summary proceeding by persons aggrieved by litter.*

As you see I am giving you an extended 60 days to clean up the area covered in the video or face an action in the courts.

Please note that most of the verges could be cleaned without the need for traffic management if you take advantage of the morning rush hours when the traffic is moving slowly, and manage the undergrowth appropriately .

I have attached a screen shot from Apple Maps taken this morning at 7.30 am. The red lines show areas where the traffic is “almost at a stand-still”. Yellow indicates “moderate traffic”. The vegetation should be managed so that operatives can access different sections without having to walk to them close to moving traffic and have safe zones to retreat into if traffic speeds increase unexpectedly. Traffic speeds on the westbound off-slip road could also be temporarily reduced by either restricting the flow with a blocking vehicle parked in one of the two lanes or by increasing the time the lights are held on red.

Please let me know if there are any overriding considerations which would prevent you bringing the area up to a compliant standard within the 60 days and I will consider my position.

Please also acknowledge receipt of the Warning Notice by return.

Once it is cleaned up what do you propose doing to maintain the area so that it does not fall back into looking like a scene from a third world country?

Kind regards

Peter Silverman

01895 625770

07799 404766

[www.cleanhighways.co.uk](http://www.cleanhighways.co.uk)

[Have your say](#)

[Duty to keep highways clear of litter](#) (video)