



**DAVID W. G. RIDLEY**  
**Senior Coroner for Wiltshire and Swindon**

	<p><b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b></p> <p>THIS REPORT IS BEING SENT TO:</p> <p><b>Secretary of State for Transport, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR</b></p> <p><b>Mr Simon Thurley, Chief Executive English Heritage, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST</b></p> <p><b>██████████ General Manager Wiltshire Landscape National Trust, Avebury Manor, High Street, Avebury, Wiltshire SN8 1RF</b></p> <p><b>Mr Tim Parker, Chairman of the National Trust, Central Office, Heelis, Kemble Drive, Swindon SN2 2NA</b></p> <p><b>██████████ ██████████ Corporate Director, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire BA14 8JN</b></p>
1	<p><b>CORONER</b></p> <p>I am DAVID W. G. RIDLEY, Senior Coroner for Wiltshire and Swindon</p>
2	<p><b>CORONER'S LEGAL POWERS</b></p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013. <a href="http://www.legislation.gov.uk/ukpga/2009/25/schedule/5/paragraph/7">http://www.legislation.gov.uk/ukpga/2009/25/schedule/5/paragraph/7</a> <a href="http://www.legislation.gov.uk/uksi/2013/1629/part/7/made">http://www.legislation.gov.uk/uksi/2013/1629/part/7/made</a></p>
3	<p><b>INVESTIGATION and INQUEST</b></p> <p>On 01 September 2014 I commenced an investigation into the death of Patrick Derek Sturtivant, aged 37. The Inquest was opened on 08 September 2014 and the final hearing was originally scheduled for 06 February 2015 however this regrettably had to be adjourned due to a breakdown in communication as regards the availability of a witness. The investigation however was concluded on Wednesday 15 April 2015. The conclusion of the Inquest was that Patrick, known to his family as Pat, had died as the result of a traumatic brain injury sustained in a road traffic collision. My formal conclusion on the Record of Inquest as to death was "Road Traffic Collision". The collision itself occurred on 29 August 2014 with Pat passing away the following day (30 August 2014).</p>
4	<p><b>CIRCUMSTANCES OF THE DEATH</b></p> <p>I have set out below the following findings of fact that I made consistent with the evidence that I considered and in particular having regard to the live evidence from the driver of the Mercedes vehicle, ██████████ providing expert evidence in the capacity as the designated Collision Investigator. Those findings of fact set out the circumstances of the death.</p> <ul style="list-style-type: none"><li>• The collision involving Pat and a Mercedes motor vehicle occurred shortly before 2041 on the Friday 29 August 2014;</li></ul>

- The incident occurred in the westbound lane of the A303 at Stonehenge Down near Amesbury Wiltshire approximately 1.4 mile east of its junction with the A360 and at a point adjacent to Byway 11 positioned to the south of the carriageway;
- The Mercedes was travelling westbound at a speed of between 40-50mph.
- Pat was crossing the carriageway with one of his passengers intending to get back in his car which was parked at the entrance to Byway 11 having escorted one of his passengers to the north side of the carriageway in order to view Stonehenge when he was struck by the Mercedes;
- The sun had set over half an hour previously and it was dark;
- Pat was wearing dark clothing, his passenger wearing marginally more noticeable clothing;
- The headlight glare from oncoming traffic would have made both Pat and his passenger not easily visible on the far side of the road verge when approaching from the east and they more likely than not were first visible when they were crossing the eastbound side of the highway and would have been silhouetted as moving objects by the oncoming vehicle headlights;
- There was insufficient time for the driver of the Mercedes to take avoiding action once Pat had started to cross the carriageway and the driver had become aware of Pat on the carriageway;
- As a result of the collision Pat sustained an unsurvivable brain injury and having been taken to Southampton General hospital died at 2130 on 30 August 2014.

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**CORONER'S CONCERNS**

During the course of the inquest the evidence revealed matters giving rise to a concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report those concerns to you.

The **MATTERS OF CONCERN** are as follows. –


- (1) At the end of the Inquest I heard live evidence from [REDACTED] who had prepared a helpful Traffic Management and Road Safety Assessment. I have enclosed a copy of that report with this letter as it includes helpful diagrams and maps to help explain the issue.

He gave evidence having visited the scene that indications of activity on Byway 11 would appear to be limited to the area in the immediate vicinity of the A303 itself being used by the public as a car park or a stopping point so as to enable the occupants of vehicles, as indeed was the case with Pat and his passenger, to get a better view of the Stonehenge Monument lying to the north of the A303. Clearly the public are using this area in this manner and I am therefore concerned that there is a risk of future deaths occurring in similar circumstances if action is not taken.

It was not [REDACTED] opinion that the rest of Byway 11 was being actively and frequently used as a green lane. Byway 11's current designation is as a BOAT (Byway Open to All Traffic). In Highway Law the right of the public to use such a right of way is pass and repass along it. The right does not extend in the absence of an emergency to parking.

[REDACTED] explained that discussions have taken place with the owner of the land, The National Trust and also with Wiltshire Council Rights of Way Department and their legal team with a view to possible closing of the terminal 600 metre section of Byway 11

	<p>laying immediately south of the A303 and the Stonehenge Monument, downgrading Byway 11 down to a Bridleway and then diverting the bridleway along a current permissive path on National Trust Property so that the diverted Right of Way will then join Byway 12 approximately 400 metres south of the A303. The explanation and a plan are found on the final page of [REDACTED] Report.</p> <p>I can entirely see the logic of this proposal and fully support the proposal as a means of addressing my concern relative to the area at the northernmost point of Byway 11. Such a modification would stop this area being used as a car park so as to facilitate free viewing access to the Stonehenge Monument.</p> <p>(2) Even if the above proposal is adopted in co-operation with the National Trust and Wiltshire Council I have however a further concern that in my view it is reasonably foreseeable that the problem currently associated with the area adjacent to the point at which Byway 11 joins the A303 will move approximately 390 metres west to the point at which Byway 12 connects to the A303. I know the area well and I can just see the problem shifting to this particular location and that concerns me from the point of view of the prevention of future deaths as if not addressed at this point could again lead to another fatality occurring in similar circumstances following the closure of Byway 11. I heard evidence from [REDACTED] that Byway 12 is actively used as a green lane and I am fully aware that any modification to Byway 12 due to its use as a connecting green lane between the A303 and the A360 is likely to be highly controversial and political but that does not remove the concern that I have that there in my view is a reasonably foreseeable risk in the future if the terminal end of Byway 11 is closed. It is with this in mind and having considered the matter further after the inquest that I have included in the list of recipients of this Regulation 28 Report, The Department of Transport and English Heritage. The reason for this is of course last year the issue of the A303 generally in this area, following the closure of the A344, has prompted a review of the highway infrastructure in this area from the point of view of diverting the A303 or indeed as regards the funding of a tunnel through which the A303 would pass underground in the vicinity of the Stonehenge Monument and I would therefore like my concerns relative to the issues raised in this report relative Byway 11 and Byway 12 south of the A303 to be taken into consideration.</p>
6	<p><b>ACTION SHOULD BE TAKEN</b></p> <p>In my opinion action should be taken to prevent future deaths and I believe that the recipients of this Regulation 28 Report have the power to take such action with the National Trust and Wiltshire Council addressing Item (1) and all four recipients addressing Item (2).</p>
7	<p><b>YOUR RESPONSE</b></p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 12 June 2015. I, the Coroner, may extend the period upon request.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p><b>COPIES and PUBLICATION</b></p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons;</p> <p>[REDACTED] c/o [REDACTED] Watkins &amp; Gunn Solicitors, Sussex House, 17 Gold Tops, Newport, NP20 4PH</p> <p>[REDACTED] c/o [REDACTED] BCL Burton Copeland Solicitors, 51 Lincoln's Inn Fields, London WC2A 3LZ</p> <p>I have also sent it to [REDACTED] of the Road Safety Unit, Wiltshire Police, who may find it useful or of interest.</p>

	<p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p>Dated 17 April 2015</p> <p>Signature  Senior Coroner for Wiltshire and Swindon</p>