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Date

08 November 2016

Mr Dorries
Senior Coroner for South Yorkshire
The Medico-Legal Centre
Watery Street
Sheffield
S3 7ET

Dear Sirs

MR JONATHAN SELLMAN (DECEASED) -V- ROTHERHAM MBC

We write on behalf of the Rotherham Metropolitan Borough Council (Rotherham MBC) in response to Mr Dorries' (HM Senior Coroner) Regulation 28 Report dated 17 August 2016.

Mr Dorries' concerns relate to the circumstances touching the death of Mr Sellman, whose vehicle left the Sheffield Parkway (A630), travelling towards Junction 33 on the morning of 28 March 2016. It is noted that Mr Dorries states at section 4 of his said report that: *'subject to investigation in greater detail at the Inquest, it appears on a preliminary basis that Mr Sellman lost control because of standing water on the carriageway'* and that he expressed the following concerns at section 5 of the said report:

(1) Water appears to be pooling on the carriageway of this fast and busy road, notwithstanding that the local authority considered the drainage to have been broadly operative at the material time;

(2) The state of the verge is as such that a car might be pushed upwards on leaving the road out of control, landing on or over the Armco barrier.

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Rotherham MBC takes Mr Dorries' concerns extremely seriously and has taken a number of steps since the accident to meet these concerns including the following:

- (i) it has commissioned a thorough and independent inspection of the A630 at the accident locus and its vicinity;
- (ii) it has undertaken extensive surveying of the highway drainage system at the relevant location to enable a thorough assessment of its suitability;
- (iii) when undertaking its regular inspections of the highway by way of monthly driven inspections, the highway inspector is now accompanied by a drainage supervisor;
- (iv) it has purchased a dash cam and implemented a system whereby a design technician drives along the Parkway to monitor the situation during periods of heavy rain.

The above-mentioned investigations support the following conclusions:

- (i) the A630 was built in the 1960s and the geometry of this highway is appropriate and adheres to relevant construction standards;
- (ii) the capacity of the drainage system on the approach to and at the accident locus, including gully spacing and the capacity of the pipework for the receiving carrier drains is more than adequate to drain the road satisfactorily during periods of heavy rainfall and was functioning in accordance with its capacity at the relevant time;
- (iii) the construction of the road itself and the drainage system does not give rise to a risk that there will be 'standing water' or 'pools of water' on the carriageway;
- (iv) Rotherham has long established procedures for the maintenance of the highway at the accident locus, which are in accordance with and in fact exceed National standards and which may be summarised as follows:-

- maintenance of the eastbound and westbound carriageway is scheduled to take place three times a year on two consecutive Sundays. A temporary traffic order is made to close individual lanes in order for the maintenance works to be undertaken. The works commence early in the day and finish at 10.00 am to avoid traffic congestion and the Police monitor traffic on the day, especially on the M1 motorway, and may require the curtailment of the maintenance works as necessary due to traffic congestion;

- the said maintenance works include the cleansing of gullies and, where necessary, gully connections;
- (v) Rotherham undertakes regular inspections of the highway by way of monthly driven inspections by a highway inspector and, since the accident, who is now accompanied by a drainage supervisor;
- (vi) in addition to its regimes of scheduled maintenance and inspection, Rotherham also relies upon reports from members of the public and/or the Police to report any concerns that might arise in the meantime;
- (vii) the evidence suggests that the two gullies adjacent to the central reservation (at the accident locus) were functioning correctly at the time of the accident;
- (viii) further evidence indicates that on 10 April 2016 the gully - GF3 - to the west of the accident locus was recorded as blocked. If it was also blocked on 28 March 2016 (which has not been established) this situation would have caused added pressure on the adjacent downstream gullies: however, this scenario would not have caused water to flow across the carriageway because the system is constructed to accommodate such 'blockages'. The water would simply have travelled along to the next point of exit;
- (ix) it is significant to note from a video taken from a Police car at 07:26 hours on the day of the accident, that whilst there was clearly surface water flowing across the eastbound carriageway, as might be expected during a period of heavy rain, these conditions did not cause the driver to deem it necessary to lower his speed below 84 miles per hour;
- (x) the verges of the highway comprise compacted 'dirt' and are no different to substantial tracts of highway across the country. It is not possible to say what (if any) role the relevant verges had in respect of Mr Sellman's accident in the absence of any information about his speed or trajectory or the general circumstances in which he lost control of his motor car;
- (xi) there is no basis upon which to identify the A630 Sheffield Parkway as a high risk carriageway from a road safety point of view: furthermore, approximately 50,000 vehicles travel on the Parkway on a daily basis.

Yours sincerely

Morris



Partner
for Kennedys