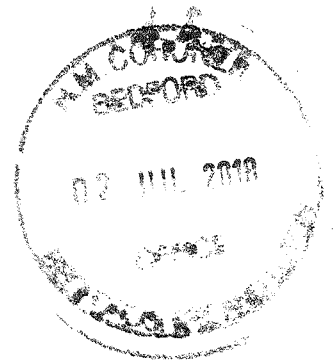


# PLEXUS

HM Coroner for Bedfordshire & Luton  
The Court House  
Woburn Street  
Amphill  
Bedfordshire  
MK45 2HX

Our ref: 1PDP-EV1007-70818  
Your ref: 42934-2017  
Date: 28 June 2018



Dear Sirs

**Our client:** B & D Civil Engineering Limited  
**Deceased:** Mr Matthew James Wilmot  
**Date of incident:** 28 May 2017

We write on behalf of our client, B & D Civil Engineering Limited in response to the Regulation 28 Report dated 17 April 2018.

We note the concern is that there was not enough emphasis within the risk assessment process that a route that does not run parallel to a highway has different risks to a path that is parallel to a highway.

It is further noted that the Coroner was satisfied that the evidence given at Inquest was that the risk assessment undertaken in connection to the excavation outside 280 Devon Road was in line with the Red Book and Industry Standards and the path was not located in an area of risk.

During the course of the Inquest, evidence was heard in respect of the contract/responsibility matrix including evidence that B & D provided labour, plant and equipment pursuant to a subcontract. The Inquest considered the relevant risk assessment and method statement. In addition, evidence was heard in relation to exhibit TH2, a Team Briefing given following the accident involving Mr Wilmot. The Briefing followed a review of the risk to the general public regarding open excavations and it briefed attendees to take into consideration certain specifics before leaving an open hole. The specifics together with the proposed steps to be taken are recorded in the copy Briefing annexed hereto.

The Briefing attended by B & D operatives emphasised focus on risks connected to an open hole and the likelihood of the public using an alternative route. It will be appreciated that on the Devon Road site the operatives were required to complete the Amey Utility Services Limited risk assessment template.

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Our client is advised that in order to address the specific concern of the Coroner M & S will amend point 4 of the Briefing to read, *"If a footway closure/road closure/alternative pedestrian route is setup, is it suitable/will pedestrians follow it? If the assessment is that they will not, please contact your supervisor for advice"*.

The procedure enables operatives to escalate any concerns for the supervisor to make the final decision on the appropriate control measures to be put in place.

Our client is advised the revised Briefing will be a mandatory part of the induction process for any new operatives supplied by B & D and existing operatives will be briefed and refreshed at six-month intervals.

Yours faithfully



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