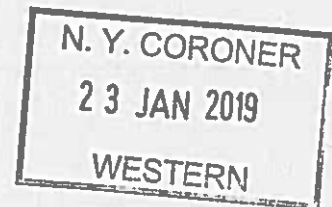




**North Yorkshire  
County Council**



Our Ref: RF/AF/LJ190121

Your Ref: 00420-2018 AM

**Richard Flinton**  
Chief Executive  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AD  
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22 January 2019

Mr Robert Turnbull  
Senior Coroner for the Western Area of North Yorkshire  
21 Grammar School Lane  
NORTHALLERTON  
North Yorkshire  
DL6 1DF

Dear Mr Turnbull

#### **RESPONSE TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS**

I refer to your Regulation 28 Report dated 30 November 2018, concerning the fatal collision on the A59 at Broughton, resulting in the death of Luke John Saxton.

Having considered thoroughly the detail of your report in conjunction with the County Council's own Fatal Collision Inspection Report and advice from the relevant NYCC officers, I have arrived at the following conclusions:

#### **Regulation 28 Report, Recommended Action - Street Lighting**

When assessing the need for street lighting a range of factors are considered, one of the most significant being the long term collision record.

Collision records are studied as part of the County Councils, Fatal Collision Inspections Report to understand the comparative detail of any past occurrences and identify trends. As part of this inspection, records indicated there were 8 personal injury collisions on this section of the A59 in the latest 5 year period, prior to this incident (3 years is the standard study period). Only one of which occurred during the hours of darkness involving two vehicles, none were pedestrian related. Typically the County Council would not consider installing street lighting where the day/night ratio was greater than 3:1 as this would tend to indicate other factors were at play. Given the nature of the road and speed limit, there would be a requirement for passively safe columns with associated disconnection system.

In addition to this, the installation of a system of street lights alone would default the speed limit to 30mph. Therefore it would also be necessary to make a speed limit Traffic Regulation Order (TRO) applying the national speed limit and installing the necessary signs.

Consideration must also be given to precedent, over 80% of the County's roads are currently unlit and to take this course of action at this location and collision history, would likely lead to numerous other locations in the county being equally of merit.

At present there are no footpaths linking Broughton Hall and the bus stop on the south side of the A59, nearest to the Bull Public House, where the collision occurred for the reason there is a nearer bus stop located to the west of the side road junction, with a footpath link. It would not be expected for people to be walking that route specifically, even if the hall is a popular wedding venue.

Pedestrian flows on this section of the A59 are likely to be very low and similarly traffic flows on the A59 during the night time is also considered to be relatively low. Therefore, there is no direct justification to install a footway.

A review of the bus services in this area also shows that there were no bus services operating during the hours of darkness and any specific street lighting at the bus stops would likely be switched off after the last scheduled bus as an energy saving measure.

A costing exercise for the provision of street lighting returned a figure in the region of £66,000 and the associated legal procedure for the making of a TRO and signing would be in the region of £5,000.

Having given due consideration to the erection of street lighting and through that objective assessment, I have been informed that on balance this section of the A59 falls below the required level for such intervention.

#### Proposed Action

Notwithstanding the above, we may be able to introduce another measure to support any pedestrian movement in this area with the aim of reducing their potential conflict with live traffic, subject to further review.

The Traffic Signs Regulations and General Directions 2016 (TSRGD) does prescribe a pedestrian in the road warning sign (TSRGD Diagram 544.1). However, it is specified that it can only be installed at locations where the road does not have a footway(s) and with no verge or metre hard strip.

This section of the A59 in question does in part have footways on the south side extending between the Bull Public House and the bus stop. The carriageway also has a metre wide hard strip and grass verge for its remaining length between the bus stop and its junction with the side road leading to Broughton Hall, from where it is understood Mr Saxton travelled from.

This section of carriageway is also relatively flat and affords satisfactory inter-visibility between drivers and pedestrians. On that basis, this section of the A59 does not merit the installation of these signs.

However, it is noted that work has been done to use the metre hard strip as an unofficial cycle lane with measures installed to guide cyclists from the west bound traffic lane to this strip. Furthermore, it is wholly feasible that a pedestrian may not wish to walk on the grass verge and chose to walk on the surfaced carriageway. Combined this may offer some mitigating circumstance.

Further consideration will need to be given to this as the installation of none prescribed signs on the highway would result in the County Council being held accountable should a future collision occur in which this sign(s) was struck or in some way involved.

Nevertheless a pragmatic approach must be taken and this will be looked at in more detail by the relevant officers.

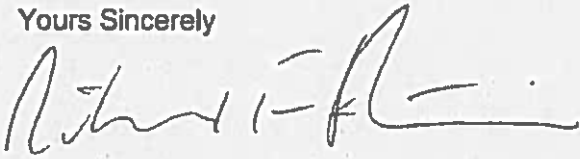
#### Additional Action

Although not directly associated with this collision, further road safety works are being introduced at the nearby A59/Gargrave Road junction which has been identified a high risks site for vehicles making turning movements. Improvements to the existing signing and road marking will be introduced at the very earliest opportunity, (subject to weather conditions for lining works) and will contribute towards improving overall road safety in this area.

Whilst this may not be the recommended outcome, I trust the reasoning set out demonstrates that NYCC has respectfully given this matter the due consideration it deserves given the tragic circumstances involved and that the further mitigation goes some way to addressing your concerns.

Please advise if you would like me to forward a copy of this letter to Mr Saxton's family direct.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Richard Flinton', written in a cursive style.

Richard Flinton  
Chief Executive