

29 NOV 2019

27th November 2019

Private and Confidential

Mr Robert Simpson
Assistant Coroner
Coroner's Service
County Record Office
Orchard Street
CHICHESTER
West Sussex
PO19 1DD

Dear Mr Simpson

Re: Inquest into the death of Saeid HEDAYAT

Thank you for your letter of 2nd October 2019 (ref 00442-2019) regarding the inquest into the death of Saeid HEDAYAT. I have been through the points raised and tried to address them in turn below.

Addressing each of MATTERS OF CONCERN are as follows: -

(1) West Sussex County Council's risk assessment which was carried out to determine drain clearance frequency did not take any account of zone 1 blockages and I heard evidence that there is no time period set for reviewing the risk assessments. I heard evidence that the risk levels have not been reviewed since 2011 despite more recent data being available.

On the first point, whilst it is recognised that we did not provide evidence that there was no time period for reviewing the risk assessment, we would like to assure the Coroner that we have reviewed the risk and that that our current and future operations take account of changes in risk level.

At the start of our current Term Maintenance Contract (which commenced 1st July 2011) we worked with our contractor to develop an annual, county wide gully cleansing programme. To do this historical WSCC information regarding gully cleansing, silt levels and treatment intervals were assessed and an optimised cleansing programme developed. This approach involved looking at where flood events have occurred and, where silt levels in gullies have historically been high, arranging for these gullies to be cleansed more regularly than those in areas not prone to flooding and with historically low levels of silt.

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The treatment intervals for each gully were reviewed on a regular basis to ensure that the most appropriate level of service is delivered. At the end of a two-year cleansing cycle, an optimised cleansing regime was agreed and this took into account any changes in silt levels and priority based on levels of risk determined by the assessment of need.

The programme ensures that no gullies, chambers or catchpits are above a 50% silt level at any time.

The average silt level from the cleansing data would adjust the cleansing frequency based on a re-assessment of risk.

A full review of all gully cleansing data on our current term maintenance contract was undertaken at the start of this year (2019) and our programme was again prioritised and optimised prior to the start of this current financial year (1 April 2019).

Moving forward, WSCC has now adopted the approach of recording Zone 1 blockages when the contractor is undertaking the cleansing programme. It will be logged as the asset being "obstructed prior to cleanse" and will be reported back with all other cleansing data and defects. This data, in addition to any recorded customer enquiries, will give enhanced data which will help identify areas where we might have ongoing zone 1 blockages and thus help address the Coroner's concern.

On the second point, as stated above, at the end of each two year cleansing cycle we undertook a review of the programme. The average silt level from the cleansing data would adjust the cleansing frequency based on a reassessment of risk level. This information was not however included in the Witness Statement of Richard Speller as we have limited paperwork detailing the methodology and Officers involved in the past contract management have left the Authority. However we do have some annual plans from the contractor which cite this working practice which could be provided if required by the Coroner or we could ask for statements from the contractor to confirm this.

As stated above, under our current Term Maintenance contract, we undertook a full review of the programme at the start of this year and a new optimised programme commenced on 1 April 2019. We are currently undertaking a procurement exercise for a new contract starting April 1st 2020 and there will be a review of the programme again and we will consider risk levels again. Award of the contract is likely to be made in December 2019 after which the specifications for drainage cleansing frequency within the new contract can be disclosed.

(2) I also heard evidence that neither anomalous silt level reports nor reports from members of the public of road flooding would trigger a review of the risk assessments.

Flooding incidents are not necessarily caused by blocked gullies. When we receive a report of a flooding incident where water is slow to drain, then an officer will attend site and assess the likely cause. There may not be any evidence of an issue and in this case the contractor may not be asked to attend. For example, where there has been an exceptional severe weather event and the gully and drainage system did not have the capacity to cope with the deluge. If an officer visits the site and the gully is silted they will arrange for our contractor to attend site and undertake an adhoc cleanse. Whenever our contractor attends site for cleansing or jetting outside of the cleansing programme (i.e. when data is recorded as 'Ad-Hoc ') if the level of silt recorded is above 50% then this would factor into the optimisation of the frequency of cleansing going forward. This information is recorded in our record management system.

As stated above, we have put in place new processes to capture areas where there are zone 1 blockages (i.e. frequently occurring substantial detritus sitting over the top of the gully). This can then be taken into account through performance reporting and when we undertake annual reviews produce our optimised programme in our new contract.

We also monitor a drainage 'heat map' which shows customer reports on drainage issues and this highlights areas reported and affected following rain events. We use this information when we are considering remedial work.

(3) The highways authority representative at the inquest was not able to inform me of what plans West Sussex County Council has to reassess the drain risk levels in light of the increased severity of winter storms.

WSSC was part of the team who prepared the Guidance for Climate Change document (see attached). This document outlines the key areas that a local authority needs to consider in relation to climate change risk assessment and the adaptation of corporate plans, policies and performance and infrastructure. The document also considers our approach to land use, planning and the built environment which includes developments and drainage requirements and specifications for surface water drainage plans.

As Highway Authority we will be considering the climate change impacts and how to future proof our network. This will include understanding and reacting to drain risk levels in light of any increased severity of winter storms.

(4) I found that that drain numbered B9913 was blocked on a regular basis due to debris and silt collecting in zone 1. There are no warning signs (temporary or permanent) drawing drivers' attention to the flood risk despite this. I heard evidence that signs would not normally be installed unless the highways authority were not able to immediately resolve the flooding if they attended. This approach does not appear to adequately deal with the risks posed where road flooding occurs regularly due to a zone 1 blockage.

It would set a very difficult precedent for the highway authority if we adopted a policy of signing occasional laying water as a result of Zone 1 restrictions which only occurred as a result of infrequent events (storms). In inclement weather rain intensity may cause any catchment area to become temporarily blocked by detritus.

As a Highway Authority, we use the Traffic Signs Manual (Chapter 8 and 4) which gives guidance on how to use of Flood warning signs.

The Traffic Signs Manual states that Flood Signs (dia.554) can be used when conditions become dangerous and used for as long as the hazard continues to exist or expected to occur in the near future.

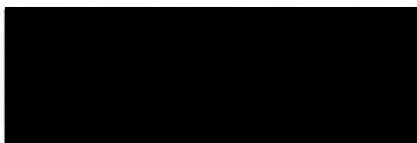
If we attend site and are unable to resolve a flooding issue immediately and this is impacting safe passage of the highway, our normal practice is to place temporary Flood Signs to warn motorists until we can resolve the issue.

In terms of the subject location, we were not aware of an ongoing issue with zone 1 blockage (only one customer report) and as such would not have deemed it necessary to install signage.

If we had been aware of an ongoing issue then we would have either signed as appropriate or investigated remedial measures.

If you feel there are any matters that you were concerned about that have not been adequately covered in this response please do not hesitate to contact me.

Yours sincerely

A solid black rectangular box used to redact the signature of the Director of Highways, Transport & Planning.

Director of Highways, Transport & Planning