Regulation 28: REPORT TO PREVENT FUTURE DEATHS

REGULATION 28 REPORT TO PREVENT DEATHS

THIS REPORT IS BEING SENT TO:

1 [redacted], Corporate Director Regeneration and Local Services
Durham County Council
County Hall
Durham
DH1 5UL

1 CORONER

I am Jeremy Chipperfield, Senior Coroner for the County Durham and Darlington coroner area.

2 CORONER'S LEGAL POWERS

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.

3 INVESTIGATION and INQUEST

On Seventh February 2019 I commenced an investigation into the death of David Steward MOORE aged 45. The investigation concluded at the end of the inquest on 27 November 2019, The conclusion of the inquest was:

ACCIDENTAL DEATH

I a Head and Neck Injuries
I b
I c
II

4 CIRCUMSTANCES OF THE DEATH

At around 1830hrs on 28 January 2019, the deceased was crossing an area of unlit road on the A693, around 565 metres west of the Beamish roundabout, when he was struck by a motor car being driven westbound, within the speed limit, with dipped headlights.

5 CORONER'S CONCERNS

The MATTER OF CONCERN is that the following circumstances together create the risk that other deaths will occur. Those circumstances are that -

The section of the A693 where the collision occurred is:

- a de facto pedestrian crossing point connecting footpaths intersecting that road;
- an area to which the national speed limit applies (60mph for cars);
- very dark at night, being unaffected by ambient illumination;
- without street lighting

The material section of road is a natural crossing point for pedestrians travelling between two footpaths

leading between the collision site: and (i) the village of No Place, to the south of the A693 and (ii) the village of Kip Hill, to the north of the A693.

I accepted the following evidence about the material section of road (given by a police Collision Investigator): (i) the road is approximately 12m wide, and after nightfall is "in complete darkness", being bordered by dense trees and unaffected by discernible ambient light; (ii) drivers are entirely reliant on headlamp illumination to detect pedestrians; (iii) in reliance on his own dipped headlamps, a driver could gain first sight of a static pedestrian in the carriageway at a distance of no more than 40m from that pedestrian; and (iv) a motor car travelling at 60mph would require significantly more than 40m (around 80m) to come to a halt (taking into account driver reaction time and mechanical stopping distance).

In this case, the driver first saw the deceased "just prior to the collision" when the latter was running "with large strides" towards the southern side of the A693. Despite emergency breaking, he failed to avoid the collision. It was impossible to stop in the available distance.

6 ACTION SHOULD BE TAKEN

In my opinion action should be taken to prevent future deaths and I believe you and your organisation have the power to take such action.

7 YOUR RESPONSE

You are under a duty to respond to this report within 56 days of the date of this report, namely by 24 January 2020. I, the coroner, may extend the period.

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.

8 COPIES and PUBLICATION

I have sent a copy of my report to the Chief Coroner and to the following Interested Persons who may find it useful or of interest: Chief Coroner of England and Wales, [redacted], [redacted], Strategic Traffic Manager, [redacted] - Kingsley Napley Solicitors, Highways England.

I am also under a duty to send the Chief Coroner a copy of your response.

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.

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Jeremy CHIPPERFIELD
Senior Coroner for
County Durham and Darlington
Dated: 03 December 2019