



Department
for Transport

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Our Ref:
Your Ref:

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Dear Mr Smith,

I am writing in response to the 'Regulation 28' report issued on 17 April 2020. I am replying as the Minister responsible for this issue.

On behalf of the Department for Transport (DfT), I would like to take this opportunity to acknowledge the concerns you have raised regarding the tragic incident which resulted in the death of Mr Ashley Mark Holden on 10 November 2018.

In preparing this response my officials have consulted with the following:

- Driver and Vehicle Standards Agency (DVSA)
- Health & Safety Executive (HSE)

Your report outlined a number of concerns relating to guidance for the safe loading and unloading of bales and the consistency of existing HSE and DfT guidance, which you considered to be insufficiently detailed to avoid the occurrence of unapproved and potentially unsafe working practices.

I understand you have sent a similar letter and report to HSE. The report you have written offers clear scope for my department to take a lead in reviewing previous DVSA guidance, whilst working with HSE to reach a consistent approach to future guidelines.

There are two relevant and specific guidance documents available to the public, which you have reviewed and noted as being inconsistent in their approach. You have also highlighted that the most recently published guidance does not currently make proper reference to the earlier guidance.

We propose:

- That DVSA updates the 'Load Securing - Vehicle Operators Guidance' which was last reviewed with HSE in 2015. HSE has agreed in principle to assist DVSA in updating this guidance which was already proposed at the start of this year. Having considered the approaches that could be taken, we have identified that a generic approach to safe loading principles, rather than very specific information covering each size of bale and trailer, is considered to be most practical. A comprehensive table seeking to cover every permutation of trailer and bale would be overly complex and may confuse. However, the updated guidance will look at the key principles for the safe loading and transport of bales.
- To amend the DfT Code of Practice, 'Safety Loads on Vehicles' (2002) to ensure both are cross referenced effectively. Whilst HSE leaflet INDG125 already references the DfT guidance on page 10 titled *Find out more* - <https://www.hse.gov.uk/pubns/indg125.pdf>, we note that HSE intends to consider whether improvements can be made to INDG125 when it is next under periodic re-evaluation.
- DfT will work with other organisations including, where appropriate, the DVSA and HSE to promote safe working practices during loading and unloading operations. We note that HSE does and will continue to engage with the agricultural industry to promote safe practice over a variety of topics, including safe working with bales.

I hope you find these proposals helpful and are assured that the Department and its agencies are taking appropriate action to respond to your concerns.

Yours,
Charlotte

BARONESS VERE OF NORBITON