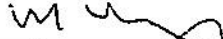




REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

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| | <p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <ol style="list-style-type: none">1. Highways England2. North West Motorway Police Group |
| 1 | <p>CORONER</p> <p>I am Matthew Cox, Assistant Coroner for the Coroner area of Manchester North</p> |
| 2 | <p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroner's and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013</p> |
| 3 | <p>INVESTIGATION and INQUEST</p> <p>On the 15 March 2021 I concluded an inquest into the death of Lee David Marsden who died on 20 December 2019. I reached the following conclusion: Road Traffic Collision</p> |
| 4 | <p>CIRCUMSTANCES OF DEATH</p> <p>The deceased was seen accessing an area between junctions 2 and 3 of the M66 motorway on foot at 20:04 hours on 20 December 2019.</p> <p>The North West Motorway Police Group (NWMPG) notified Highways England of the sighting via electronic interface at 20:05:28 hours. As a result of this communication, Highways England set advisory speed limits of 60 mph between junctions 2 and 3 at 20:08:01 hours. Two further reports of sightings were made, one of which (at 20:10 hours) was by an off-duty police officer who asked that consideration be given to imposing a speed-limit of 30mph at junction 3. NWMPG updated Highways England of these reports using the prefix 06/8126 to indicate that one of the informants was a police officer. The significance of the prefix 06/8126 was not appreciated by Highways England.</p> <p>The evidence was that had Highways England appreciated that the informant was a police officer, the speed limit would have been set at 30mph between junctions 2 and 3 with a target time for implementation of 2 minutes. This would have meant that the 30 mph speed limit would have been in place by 20:12:58 hours.</p> <p>At 20:16 hours, the Deceased was struck by a vehicle in the third land of the northbound carriageway. His body was projected into the southbound carriageway where other vehicles collided with him. He sustained fatal injuries and his life was pronounced extinct at the scene.</p> <p>At 20:22:17 hours, almost six minutes after the impact, an advisory speed limit was set on both carriageways by Highways England between junctions 2 and 3.</p> <p>Evidence from the Forensic Collision Investigator was that had the speed limit of 30mph been in place, the Deceased would have had a greater chance of avoiding the impact.</p> |
| 5 | <p>CORONER'S CONCERNS</p> <p>During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> |

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| | <p>The MATTERS OF CONCERN are as follows:-</p> <ol style="list-style-type: none"> 1. There was a delay in activating the warning signals to reduce the speed of traffic travelling along the M66 motorway between junctions 2 and 3 to 30mph. 2. The efficacy of communication between Highways England and North West Motorway Police Group in that there was a failure to appreciate the significance of the prefix numbers 06/8126 3. No internal review of the circumstances of this fatal accident has been undertaken by Highways England with the consequent loss of an opportunity for learning |
| 6 | <p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe each of you respectively have the power to take such action.</p> |
| 7 | <p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely 21 May 2021. I, the Assistant Coroner, may extend the period.</p> <p>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.</p> |
| 8 | <p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons namely:-</p> <p>The family of Lee David Marsden</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>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.</p> |
| 9 | <p>Date: 26 March 2021</p> <p>Signed: </p> |