

Hi [REDACTED]

Please can you pass the below response onto the Coroner. Many thanks.

Dear Ms Patel

I would refer to your REGULATION 28 REPORT TO PREVENT FUTURE DEATHS in respect of Daniel Waite (ref: [REDACTED]) dated 16 November 2020 and would respond as follows:

Section 5, Coroner's Concerns:

"There is not at present any restriction to parking or a requirement for signage on this section of the road such as a clearway and this is of particular concern."

I would confirm that there are now 'clearway' signs in place at both ends of this section of dualled carriageway and a temporary traffic regulation order has been put in place to enable immediate enforcement of this clearway. This order prohibits any parking along this section of carriageway.

Additionally, Kent County Council are implementing a sealed permanent traffic regulation order to replace the temporary order, with permanent posts and signage to replace those temporarily put on site. It will be robustly indicated on site that this road is designated a 'Clearway' and that no parking can take place.

I trust that this meets with the Coroner's approval and reassures her that measures have been put in place to mitigate any such parking in the future.

Yours sincerely

[REDACTED]

Director Highways, Transportation & Waste

[REDACTED]

[REDACTED]

[REDACTED]

12 February 2021

Dear Sirs

Inquest touching the death of Daniel Waite
Regulation 28 – Report to Prevent Future Deaths

This response is submitted on behalf of Tarmac following a Regulation 28 Report to Prevent Future Deaths (“the Report”) made by the Area Coroner for Mid Kent and Medway on 16 November 2020.

Before providing the response outlined below, we wish to express our condolences to Mr Waite’s family and friends.

Following the tragic incident on 3 July 2019 Tarmac undertook a detailed investigation to understand the fact pattern of the incident. Tarmac was keen to ensure that there was a proper understanding so that any potential lessons could be learned. The factual pattern gathered by Tarmac is aligned to that captured by the Police and conveyed during the Inquest proceedings.

We understand from the Report that the Coroner’s concerns are two-fold:

1. The A20 Ashford Road has no parking restrictions in force for this stretch of road. A total of 8 tipper lorries had been directed to stop on the A20 Ashford Road, Hollingbourne, close to the Mercure Hotel to await the deployment of motorway works on the M20 Motorway. The evidence at the inquest revealed that there was no requirement for coning or signage that may have alerted other road users to their presence.
2. There is not at present any restriction to parking or a requirement for signage on this section of the road such as a clearway and this is of particular concern.

Taking both of the Coroner’s concerns, it is Tarmac’s respectful position that the parking restrictions and requirements for signage are matters that are within the power of the relevant Highways Authority. Indeed, any requirement to install signage or other forms of traffic management on the road would have required the approval of the Local Authority. For these reasons, it is not within the power of Tarmac to be able to make direct changes as a result of the matters raised by the Coroner.

With regard to Tarmac’s own process, it may be of assistance to understand the process for locating the vehicles as they were on the day of the tragic incident.

The vehicles (“wagons”) are used in order to collect road planings, i.e. the top layer of the road surface that is removed as part of any resurfacing exercise. The top layer of the road will be removed by a large planing machine and the debris will travel up a conveyor and drop into the waiting wagons for onward transport.

The nature of such work is that it can only be performed when safe access to the working area (i.e. the road) can be confirmed. There needs to be suitable signage and traffic management to ensure that those involved in the planing process and all other road users will not be put at risk. The appropriate period is often dictated by traffic flows which will be closely monitored and the planing works will commence when traffic flows are sufficiently low that the traffic management can be installed and the planing operatives can safely commence work.

The need for the wagons will depend on when the planing operations commence. There is therefore a requirement for the wagons to be available at relatively short notice. On some occasions, the wagons may be required immediately, and on other occasions they may be waiting for a significant period of time before being called upon.

A significant amount of scheduling is undertaken by Tarmac to co-ordinate the process of traffic management, planing operations, and the removal of the planing material to ensure that the work is performed safely and efficiently, and minimises disruption as far as possible. It is not possible to have the wagons waiting on the hard shoulder of the road to be resurfaced, in this case the M20, and the option of waiting on the slip road also presents dangers.

The location of the wagons is a matter that is carefully considered by the individuals within Tarmac, who will take a risk-based approach on the appropriate location. Such an approach was adopted on the day of the incident, locating the vehicles in what was considered to be an appropriate location to respond to the work being conducted on the M20.

As noted by the evidence, the vehicles were parked in accordance with the Highway Code, and no criticism is made of their location by the investigating Police officers.

We can assure the Coroner, and Mr Waite’s family, that this incident is treated with the utmost seriousness. Tarmac is committed to the health and safety of its workforce and all those who we come in to contact with. The business has reviewed its approach and considers that its risk based approach to vehicle location remains appropriate but has nonetheless reacted and reflected on the tragic events; we have circulated the details of the incident internally so that those involved in future risk decisions are fully aware of what happened.