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Highways, Capital Development & Waste Management

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Dr EA Earland
Exeter and Greater Devon Coroner's Office
Room 226
Devon County Hall
Topsham Road
Exeter
EX2 4QD

Dear Dr Earland

Report pursuant to Regulation 28 Coroner's and Justice Act 2009 following the inquest into the death of Luke James Lyons - DOD 25 January 2013

Thank you for your letter of 17 September 2013 following your inquest into the sad death of Luke Lyons in January of this year.

The incident in which Mr Lyons died occurred on the A396 carriageway at Cove and during a period of extreme weather that resulted in very challenging driving conditions. You have noted these conditions; commented upon the measures taken at this location by Devon County Council as the highway authority, both at the time and subsequently; have raised questions about the adequacy of the remedial actions taken and enquired as to our preparedness for this coming winter. I am pleased to be able to respond to all of these items below.

The driving conditions on 25 January 2013 on the A396 at Cove, and in the preceding hours, were indeed challenging with very cold weather following a period of heavy rainfall. Heavy rainfall had also been typical over a much longer period leading to ground saturation and spring water emanating from higher ground.

As you noted during the inquest itself, our procedures for dealing with winter precautionary salting were followed and were thought to be proportionate to the predicted conditions. Our salt spreading regime is dependent upon the treatment remaining on the carriageway and consequently our inspections do look for and seek to address any issues relating to drainage. Such inspections are aided by correspondence and comments from motorists who may observe and report water on the carriageway. At this location, our records do not show that there has been a history of correspondence or complaint on this subject from the public, and our inspections have not noted recurring drainage issues. This further suggests that any water on the carriageway would have been the result of extreme and prolonged periods of rainfall that saturated the higher ground above the carriageway. Regrettably, we do expect these types of weather events to repeat in future and our inspections and treatment programmes reflect this.

In tandem with the physical treatments taken on the A396 last winter and in support of the treatments undertaken throughout our precautionary salting routes, Devon County Council

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also used soft measures to alert road users to the difficult travelling conditions they could expect to encounter. This included sustained media coverage over the winter period, and these support measures will continue throughout the coming winter.

Since the fatal incident involving Mr Lyons, work has been undertaken at this site to improve drainage further, and this intervention has itself been subject to frequent inspection since the works were carried out. These inspections, conducted from spring 2013 and as recently as the period of heavy rainfall experienced in October and November, suggest that the intervention at Cove is functioning as designed and no excess water arising from a failure of this intervention has been observed on the carriageway. I understand that the concerns raised by MPC 5759 were on behalf of the family of Mr Lyons and that [REDACTED] has not expressed a personal view of the adequacy of the intervention made at Cove. I am of course entirely sympathetic with the concern felt by Mr Lyons' family and our level of inspection for this location following our drainage improvements reflects our commitment to ensuring that the work has been fit for purpose and helps to prepare us for the coming winter. I can, therefore, confirm that I am satisfied that the performance of the drainage works as observed to date is as expected and according to its design.

Our plans for the 2013/14 winter period therefore include the use of the drainage features we have in place. We will continue to operate our precautionary salting regime in line with our policies and best practice and we will continue to use our inspection process and intelligence gathering systems to monitor the performance of this carriageway and take such steps as are necessary to protect road users as a consequence of that monitoring. We have distributed a leaflet to Parishes and published it on our website to give advice on travelling in winter and we will use the media to disseminate messages about taking care when driving in severe weather conditions.

Our rationale for this approach is the outcome of drainage inspections at the location to date; our confidence that our winter precautionary salting programme is effective, proportionate and in line with best practice and that our inspection regime is both capable of identifying issues as they arise and initiating any remedial measures that may be required and our commitment to disseminating important advice and information to travellers.

I hope that my response to your concerns demonstrates that our commitment to providing for the safe passage of motorists on Devon's network is of the highest concern to us - not least during the challenging conditions of the winter period - and that we will continue to work towards ensuring that the distress felt by the family and friends of Luke Lyons is not repeated elsewhere.

If I can be of any further assistance in this matter, please do not hesitate to call me.

Yours sincerely

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