


ANNEX A

REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

*NOTE: This form is to be used **after** an inquest.*

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>1. The Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU</p>
1	<p>CORONER</p> <p>I am Melanie Jane Williamson, Assistant Coroner, for the coroner area of West Yorkshire (Eastern)</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>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.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On the 18th March 2011 an Investigation was commenced into the death of Dr Edward James Slaney, then aged 35 years ("the Deceased"). The Investigation concluded at the end of the Inquest on the 3rd December 2013. The conclusion of the Inquest was a Narrative Conclusion, namely:-</p> <p>"At approximately 2pm on the 10th March 2011 the Deceased was in the process of crossing Neville Street in Leeds when an approaching 2006 DAF LF curtain sided medium goods vehicle registration number [REDACTED] was overturned on to its offside as a result of prevailing high wind speeds, which wind speeds were caused by the building situate at and known as Bridgewater Place in Leeds. The Deceased became trapped under the said medium goods vehicle and sustained fatal injuries from which he passed away. The Deceased's death was certified at 2.35pm on the 10th March 2011 at The General Infirmary at Leeds."</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>On the 10th March 2011, just before 2pm, the Deceased was crossing Neville Street in Leeds towards Water Lane when a medium sized goods vehicle was travelling along Victoria Road in the direction of Neville Street. On that day the winds were strong but were not exceptional. As the vehicle entered the entrance to Water Lane, the wind hit the side of the vehicle and took it in the direction of the Deceased. The vehicle came to rest on its offside trapping the Deceased underneath. The Deceased sustained fatal chest injuries from which he died; his death being certified at 2.35pm on the same day at The General Infirmary, Leeds. The vehicle blew over due to high wind gusts prevailing around the building known as Bridgewater Place, which building is situate at the junction of Water Lane and Victoria Road in Leeds. This is a busy location for all highway users. The wind speeds were generated and accelerated by the building. In November 2001, planning permission was granted for the erection of the building subject to conditions. In April 2004 a wind study report dated the 4th October 2001 of the wind environment around the proposed building was submitted. The report dealt with pedestrian comfort around the building. It did not address pedestrian safety, or the effect(s) upon motor</p>

	<p>vehicles or high-sided vehicles. There is no standardisation of criteria employed in the preparation of such reports, and there is no obligation to consider pedestrian safety and the effects upon all types of highway user.</p> <p>There is no guidance for planning authorities as to the considerations necessary in relation to the wind effects of tall buildings. A standard sized motor vehicle will be affected by wind speeds of 15 to 20 metres per second.</p> <p>Development works commenced in June 2004 and the building was completed in March 2007. Since January 2007 the building has, at times, created difficult and hazardous conditions for third parties. A scheme has been identified which, it is anticipated, will ameliorate or mitigate, but not eliminate, the wind tunnel effect created by the building. This scheme has not been put into effect.</p>
5	<p><u>CORONER'S CONCERNS</u></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> <p>The MATTERS OF CONCERN are as follows. –</p> <p>(1)When considering the wind effect which is likely to be created by the construction of a tall building, appropriate criteria should be established in relation to the safety of all highway users; and</p> <p>(2)Guidance should be provided to all planning authorities that consideration should be given to the wind effects of tall buildings upon all highway users namely high-sided vehicles, motor cars, motor bikes, pedal cycles and pedestrians</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe your organisation 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 by 7th March 2014 I, the 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 – DAC Beachcroft Solicitors, Henry Hyams Solicitors, Irwin Mitchell Solicitors, Freeth Cartwright Solicitors and [REDACTED]</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>10 January 2014</p> <p></p> <p>Miss Melanie J Williamson Assistant Coroner</p>