

17 March 2015

Response of West Sussex County Council to Report to Prevent Future Deaths issued by Penelope Schofield, Senior Coroner dated 22 January 2015 following an inquest into the death of Hilary Moock and Janice Taylor.

1. The A285 does feature on the EuroRap list of persistently high risk routes under the EuroRap fatal and serious collisions per kilometre travelled analysis. However the specific location of this incident does not express a high collision rate. In the five years to December 2014 there have been three reported injury collisions including that of the 28th September 2013. The other two collisions resulted in slight injuries. West Sussex County Council's current criterion for investigating collision cluster sites for possible remedial measures is eight reported injury collisions in five years or five reported injury collisions in three years. The EuroRap listing is not therefore a useful reference point for an assessment of intervention need for the specific location of this incident.
2. The route is a rural road in the heart of the South Downs National Park and as such, in common with other rural roads, is unlit. The start of the entrance is indicated by a bridleway direction sign (to diagram No 2610 Traffic Signs Regulations and General Directions 2002) sited at its junction with the A285, which serves as a marker. St Mary's Farm, Benges and Benges Cottages are private destinations and it would be expected that visitors with private vehicular right of access would be familiar with the location of the entrance. Lighting for the route would be both disproportionate to benefit and would be contrary to light pollution minimisation within such a rural setting. Specific lighting for such a junction would be a distraction rather than a benefit to drivers.

Visibility is limited by the topography (a hill crest slightly north of "Benges") which makes turning manoeuvres on this section of road slightly more difficult to negotiate than on a road designed to modern standards, but not exceptionally so. The visibility is not reduced below the stopping distances given in the Highway Code for 60mph.

Traffic speed surveys have recently been undertaken using automatic traffic counters that recorded data between the 20th January 2015 and the 4 February 2015. The results show that the average speed of southbound vehicles as they crest the hill and approach the junction is 43mph with an 85th percentile speed of 51mph. Within this range a southbound vehicle will cover the 90m between the hill crest and the junction in 4.6 to 3.9 seconds. This assumes that the approaching driver makes no reactive

adjustments on seeing a turning vehicle and maintains their speed. Our own on site field tests undertaken in daylight and darkness showed that from a standing start, handbrake on, wheels aligned straight and proceeding cautiously, the right turn manoeuvre was completed in between 3 and 3.5 seconds (to fully clear the southbound lane and enter the bridleway). In daylight it was possible to complete the turn without causing a southbound vehicle to adjust its speed if the manoeuvre was started before there was a southbound vehicle in sight. If a vehicle was in sight then the turn was not executed. At night it was far easier to judge the presence of oncoming vehicles as the glow from their headlights was apparent a significant time before they crested the rise. We conclude that the 90m forward visibility for a right turning driver is adequate for drivers exercising proper care and attention.

3. The asphalt surface of the A285 only extends as far as its carriageway width or to the extent of its highway boundary at the junctions of unmade tracks and entrances, in this case 2 metres beyond the carriageway edge line at the junction of the bridleway.

Our own investigation in October 2013 considered the condition of the access track to St Mary's Farm and Benges Cottages and whether this had been a causative factor in the collision. Evidence given at the inquest in relation to the behaviour and actions of the driver of the vehicle executing the turn and the range of factors that may have affected his judgment on this specific occasion will be significant in terms of causation and will have been taken into account. It is not considered that the change in surface would of itself have been a significant factor outside those additional and particular factors pertinent to the incident.

There is no public right of way by motor vehicles along the bridleway; such use is restricted to drivers with a private right of access. Responsibility for the maintenance of the surface for vehicular use falls to the private users. These drivers will be familiar with the location, its condition and its intersection with the main highway. We do not consider it likely that such drivers will exhibit excessive caution at this location due to the change in surface. It would seem reasonable to conclude that regular motor-vehicle users of the track are those best placed to make a decision on the suitable condition required for safe access to and from the main highway. At a site visit one year on from our original investigation it appeared that the track was in a similar condition to that on the date of the fatal collision. It could be surmised that regular users with private vehicular rights do not consider that its condition hinders motor vehicle access to the degree that it requires them to undertake regular and on-going maintenance. The Authority does not consider that access to or from the main carriageway requires such maintenance given the history of

incidents at this point.

4. There is no duty on West Sussex County Council as the Highway Authority to maintain the bridleway beyond that standard required for its publicly permitted use. More, the construction of an asphalt hard surface may go beyond the power to carry out works to improve highways given under Section 62 (2) of the Highways Act 1980 as this should be determined by the public use attaching to the route. Given this and the other considerations above the County Council does not consider there to be any grounds to carry out any works to extend the area of asphalt surface further into the bridleway.

The landowner may seek planning permission to make improvements to improve the quality of the surface so as to ease vehicular use and the County Council would not unreasonably object to such permission, subject to normal planning processes, should they wish to do so.