

Regulation 28: REPORT TO PREVENT FUTURE DEATHS

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

REGULATION 28 REPORT TO PREVENT DEATHS

THIS REPORT IS BEING SENT TO:

██████████, Director of Highways, Transport and Planning, West Sussex County Council, County Hall,
Chichester PO19 1RQ

1 CORONER

I am **ROBERT SIMPSON**, Assistant Coroner, for the coroner area of **WEST SUSSEX**

2 CORONER'S LEGAL POWERS

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.

3 INVESTIGATION and INQUEST

On the 18th February 2019 an investigation was opened into the death of Saeid Hedayat, aged 55. The investigation concluded at the end of the inquest on 1st October 2019. The conclusion of the inquest was that 'Saeid Hedayat lost control of the vehicle he was driving on the B2112 which overturned. As a result of this he suffered a hypoxic brain injury and died'.

4 CIRCUMSTANCES OF THE DEATH

On the 8th February 2019 Saeid was involved in a single vehicle road traffic collision. Following heavy rain the B2112 was flooded across the westbound carriageway. This flooding resulted from the blockage of drain number B9913 with debris and silt. The blockage occurred on top of the drain grating in zone 1. Nothing in the other zones of the drain impeded the drainage of water.

When the police collision investigator attended the scene 2 hours and 50 minutes after the collision the water was receding but still measured up to 7cm in depth. I found that the depth of the flood at the time of the incident was likely to be greater than this.

There is no lighting at the location and the road is subject to the national speed limit.

No conclusions could be drawn from the evidence available about the speed at which Saeid was driving. Saeid either lost control after swerving to avoid the floodwaters or as a result of aquaplaning having hit the floodwaters. After losing control his vehicle flipped and landed on its roof causing multiple injuries.

5 CORONER'S CONCERNS

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.

The MATTERS OF CONCERN are as follows: -

- (1) West Sussex County Council's risk assessment which was carried out to determine drain clearance frequency did not take any account of zone 1 blockages and I heard evidence that there is no time period set for reviewing the risk assessments. I heard evidence that the risk levels have not been reviewed since 2011 despite more recent data being available.
- (2) I also heard evidence that neither anomalous silt level reports nor reports from members of the public of road flooding would trigger a review of the risk assessments.

- (3) The highways authority representative at the inquest was not able to inform me of what plans West Sussex County Council has to reassess the drain risk levels in light of the increased severity of winter storms.
- (4) I found that that drain numbered B9913 was blocked on a regular basis due to debris and silt collecting in zone 1. There are no warning signs (temporary or permanent) drawing drivers' attention to the flood risk despite this. I heard evidence that signs would not normally be installed unless the highways authority were not able to immediately resolve the flooding if they attended. This approach does not appear to adequately deal with the risks posed where road flooding occurs regularly due to a zone 1 blockage.

6 ACTION SHOULD BE TAKEN

In my opinion action should be taken to prevent future deaths and I believe your organisation has the power to take such action.

7 YOUR RESPONSE

You are under a duty to respond to this report within 56 days of the date of this report, namely by 28th November 2019. I, the coroner, may extend the period.

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.

8 COPIES and PUBLICATION

I have sent a copy of my report to the Chief Coroner and to the following Interested Person namely [REDACTED]

I am also under a duty to send the Chief Coroner a copy of your response.

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.

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Robert SIMPSON
Assistant Coroner for
West Sussex Coroner's Service

Dated: 2nd October 2019