

The Coroner's Office for the County of  
Dorset

Bournemouth Town Hall

Bournemouth

BH2 6DY

Date: 11th March 2020

Your Ref: [REDACTED]

Our Ref: [REDACTED]

Contact: [REDACTED]

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**For the attention of Mr Brendan J Allen HM Assistant Coroner for Dorset**

Dear Mr Allen,

**Re: Regulation 28 report – Inquest Touching the death of Beryl FRICKER**

I refer to your letter dated 29th January 2020 to the BCP Council's Chief Executive, [REDACTED], and the Inquest touching the death of Beryl Fricker held on 14th January 2020.

I was very sorry to learn of this incident and I would like to pass on my sincere condolences to family and friends with regards to their loss both personally, and on behalf of the Council.

With regards to your report to prevent future deaths under Regulation 28 of the Coroner's (Investigations) Regulations 2013 I would respond as follows.

**Fatal Accident Investigation**

The factual information available to BCP Council indicates that Beryl Fricker died as a result of a head injury received as a consequence of a road traffic collision with a car in Upwey Avenue, Hamworthy, Poole, at its junction with Lake Road, at 16.35hrs on Tuesday 20th November 2019.

BCP Council carries out joint investigations into all fatal road traffic collisions in conjunction with the Dorset Police Road Casualty Reduction Officer. With regards to the incident on Upwey Avenue, the site was visited by officers on Monday 10th December 2019 (see Appendix A).

The relevant observations to be highlighted as a consequence of this joint investigation included noting that at the time of the incident, it was cloudy and fast approaching dusk; the streetlighting present in the area was working at the time of the collision; the pedestrian was wearing dark clothing; although the vehicle was moving at a low speed the pedestrian was not spotted crossing by the driver of the car until it was too late to avoid a collision.

**Investigation into Street Lighting Illumination Levels**

As I understand it, you have indicated in your report that during the course of the inquest the evidence revealed matters giving rise to concern, namely that in your opinion there is a risk that future deaths will occur unless action is taken to improve streetlighting levels at the middle of the junction. You have therefore requested that consideration is given to better illuminating the junction for all road users.

There are other possible explanations for the failure of the driver to see Beryl Fricker crossing the road which are unrelated to lighting levels. For example, the driver's visibility of the pedestrian could have been inhibited by the vehicle's A-pillar rather than the lighting levels, and changing the lighting would not have prevented it.

Another issue is that at the time of the collision (dusk), ambient lighting levels may have been high enough that any street lighting would have been basically ineffectual depending on the level of cloud cover (sunset was at 16:15hrs and civil twilight ended at 16:52hrs on that day in Poole).

BCP Council's policy is that it illuminates subsidiary roads and footpaths to lighting class P4 in accordance with BS5489-1:2013 (Code of practice for the design of road lighting). The Council Streetlighting Engineer has checked the current street lighting provision at the Upwey Avenue Lake Road junction by way of producing a lighting report using specialist design software.

This report indicates that the existing lighting levels around the junction are standard and appropriate for this location in terms of the recommended British Standard for the Lighting of Subsidiary Roads & Footpaths (see Appendix B, Upwey Avenue Lighting Design for further reference). This lighting class requires the following performance levels and alongside these are the lighting levels being provided by the existing lighting:

Performance Requirement	Class P4 Levels	Existing Lighting
Average illuminance over an area (in lux)	3.75 - 5.63	4.95
Minimum illuminance on an area (in lux)	0.75	0.75

The measurement of illuminance (in lux) basically refers to the level of brightness provided by the lighting. The above shows that the current lighting around the junction is consistent with the appropriate British Standard requirements for this situation, albeit meeting the minimum illuminance level required of 0.75 lux.

For further reference, the street lights in the area use 19W LED lights that were installed in 2016 (Lake Road and Dean Close) and 2017 (Upwey Avenue). These emit a 'white' light to a CCT (colour temperature) of 4000K. All of the lamp posts are 5 metres in height, apart from column no. 3 on the western corner of Lake Road and Upwey Avenue which is 6 metres high.

In order to carry out a full and detailed assessment of the actual illumination levels on site using light meters, we are required to visit the location during the day to measure and mark out several light calculation points on the road and footway, and then follow up with a visit during the hours of darkness. Unfortunately, the streetlighting team haven't been able to carry out the required site inspections due to the weather conditions. This is because the inclement conditions we have experienced recently have meant the road surfaces were still fairly wet in the evenings, and this factor can easily influence the ambient lighting levels we measure.

I can assure you that a site assessment will be carried out shortly when the weather conditions are more suitable. The results of this survey will then determine our proposals for any potential amendments or improvements, if considered necessary. BCP Council would not normally make any improvements to the existing illumination levels at the junction unless this was specifically recommended as part of any safety report.

### **Addressing Concerns/Action Plan**

We do have a specific priority to reduce pedestrian casualties, particularly in our urban areas. The Council regularly reviews all collisions that result in casualties across its whole road network, and in the context of our objective of reducing casualties. We do this by focusing our limited resources on 'hotspot' locations that have 7 or more casualties within a 5 year period that also fall in a 50m radius.

Given this was only the second recorded injury road traffic collision at this location since May 1987, and the collision record for this location is very low, it appears unlikely that another serious incident will occur here.

Irrespective of these observations however, the Council does take your concerns seriously. Firstly, we will undertake to investigate whether any improvements to illumination levels can sensibly be made at the junction once we have carried out a more detailed survey using a light meter. This is provided that an improvement here would do no harm. For example, upgrading lighting could be a disproportionate measure because it may potentially require upgrading all similar junctions, and also it could possibly result in a mismatch of illumination provision along Lake Road.

Secondly, in addition to the issue of illumination levels you would appear to raise concerns that the road layout in some way has either contributed to or at least failed adequately to prevent the collision, and that there is a potential for further similar collisions given how wide it is across the Upwey junction with no central refuge.

As with all similar requests received for pedestrian improvements of this nature, the Council will undertake an initial assessment of the pedestrian provision at the junction and determine whether it is feasible to either provide a central refuge island or alternatively narrow down the junction mouth to improve visibility as part of a road safety engineering intervention. The assessment process includes recording measurable factors such as the number of pedestrians crossing at peak times, the volume of traffic as well as judging the difficulty people have in crossing the road.

Please be assured that BCP Council will do what it can to progress these potential options, however, it is not possible to provide timescales at present. It should be noted that funding for any schemes recommended as a result of these assessments is limited and there is already a long waiting list of similar improvements across the authority.

I will also ensure that officers are aware of the need to progress relevant survey and prioritisation work so that we can consider further and respond back to you with additional update information in due course.

I trust that the above response is helpful but please feel free to contact me again if you require further clarification about any point I have raised.

Yours sincerely



**Service Director  
Growth and Infrastructure**