

bmmjv



Mr Kevin McLoughlin
Senior Coroner for West Yorkshire (East)
HM Coroners Office
71 Northgate
Wakefield
WF1 3BS

By email: hmcoroner@wakefield.gov.uk

Case No 11568

27 April 2020

Dear Mr McLoughlin,

Regulation 28 Report to Prevent Future Deaths following the inquest touching upon the death of Mr Gary Dean Webster

I am writing to you on behalf of BMM JV Limited (**BMM JV**) to respond to the concerns raised by your investigation into the circumstances surrounding the tragic death of Mr Webster. I wish to extend my deepest sympathy and condolences to Mr Webster's family on behalf of BMM JV.

BMM JV is an incorporated joint venture between BAM Nuttall Limited (**BAM Nuttall**) and Mott MacDonald Limited (**Mott MacDonald**). BMM JV was incorporated in June 2013 for the purposes of tendering for projects like the Leeds Flood Alleviation Scheme. BMM JV entered into the contract in September 2014. BMM JV were appointed as Principal Designer to the project in June 2015.

On behalf of BMM JV, BAM Nuttall delivered the construction aspects of the project and Mott MacDonald delivered design aspects in relation to elements of the Knostrop Weir's installation. The Weir design had been determined by ARUP prior to BMM JV's appointment. Mott MacDonald's design role, on behalf of BMM JV, was confined to the design of the concrete foundation and wall elements of the Weir.

I have sought to address your concerns, to the extent that I am able, in turn:

1. Risk Assessment

I understand that BAM Nuttall have responded to the Regulation 28 Report (**the Report**) separately and addressed you in respect of matters concerning site operations.

BMM JV was not involved in the construction or site operations.

2. Qualifications

I understand that BAM Nuttall have responded to the Report separately and addressed you in respect of matters concerning site operations.

BMM JV was not involved in the construction or site operations.

3. Design of the Weir installation

The Weir design had been determined between ARUP and Leeds City Council before BMM JV's appointment in September 2014.

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ARUP, in its role as Designer (under the Construction (Design and Management) Regulations 2007), had undertaken the hydraulic modelling of the river and Weir, as well as the selection of the form of the Weir.

Leeds City Council tendered and contracted with specialist supplier, Dyrhoff, to design, manufacture and supply all the component parts of the moveable Weir, prior to BMM JV coming on board.

The extent of Mott MacDonald's design role, on behalf of BMM JV, was specifically in relation to the design of the concrete foundation and concrete wall elements of the Weir and to accommodate process and equipment defined by ARUP. These aspects of the design were unchanged by BMM JV's own contribution to the design of the concrete foundation.

Information relating to the pre-construction phase plan (PCPP) was prepared by ARUP prior to BMM JV's appointment. The PCPP was included as part of the tender documentation sent by Leeds City Council to BMM JV. The pre-construction phase of the project was essentially complete by the time of BMM JV's appointment on the project in September 2014.

BMM JV were appointed as Principal Designer under the CDM Regulations 2015 in June 2015. BMM JV's role as Principal Designer included ensuring risks had been controlled by design. ARUP bore responsibility for the design of the operation of the Weir and the strategy for maintenance of the asset. BMM JV was provided with a health and safety file as part of its appointment which included an Operation and Maintenance Part 3 FAS Maintenance and Repair Strategy prepared by ARUP.

ARUP's design allowed for the isolation of the Weir for maintenance purposes as set out in ARUP's Operation and Maintenance Strategy (paragraph 4.3, page 18).

I trust that the information supplied above satisfies your request for information. BMM JV will ensure the Report is shared with other designers in future weir projects.

Yours sincerely,

Company Secretary

BMM JV Limited