



Department for Transport

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Dear Peter,

Thank you for your letter of 20 September 2021, and the accompanying report into the fatal accident near Ashbourne in Derbyshire. I was deeply saddened to learn of the death of Mrs Mojay-Sinclare.

You raised a number of concerns in your letter which I have addressed below.

1. With regard to signing, I should first clarify that it is the responsibility of local authorities to ensure hazards on their network are identified and appropriately signed to warn drivers.

Traffic signs warning of a ford ahead are prescribed in the Traffic Signs Regulations and General Directions 2016, and available for local authorities to use without reference to the Department. Advice on their use is given in Chapter 4 of the Traffic Signs Manual.

2. The water depth gauge was prescribed in the Traffic Signs Regulations and General Directions 2002, but the decision to place them at any site would have still been at the discretion of the local authority. Their use was not mandated by this Department.

There is relevant guidance on the use of the water depth gauge in Chapter 4 of the Traffic Signs Manual, including a diagram showing dimensions and appearance which can be used by manufacturers. I should stress that is guidance issued by the Department as "good practice guidance" and provides local authorities advice on good working practices which they can choose to adopt or choose to ignore. Local authorities do not have to conform to good practice guidance;

however the Department believes that conformance to the guidance is desirable.

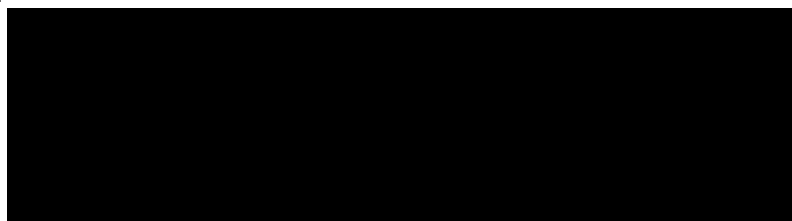
3. With regards to highways inspection requirements, local highway authorities have a duty, under section 41 of the Highways Act 1980, to maintain the highway network in their area. The Act does not set out specific standards of maintenance, as it is for each individual local highway authority to assess which parts of its network are in need of repair and what standards should be applied, based upon their local knowledge and circumstances. The Government has no powers to override local decisions in these matters or intervene in these kinds of local issues.

That said the Government does support the Code of Practice on Well-Managed Highway Infrastructure and this publication provides advice to highway authorities on a number of issues, including inspections of the highway. This free document is available at the following link: www.ciht.org.uk/ukrlg-home/code-of-practice/.

4. I appreciate that there were a number of previous incidents at this ford that the local highway authority was not made aware of, but I am afraid I cannot comment on the why this might have happened. While service agreements are often in place between forces and local authorities there are no existing requirements for this to take place. The sharing of information locally is a matter for local agencies. You may wish to consider bringing this matter to the attention of your Local Resilience Forum.

I hope this response has explained my thinking on why I do not believe there are any actions necessary from the Department. I am afraid the concerns that you have raised are issues where the decision to act rests with the local authority, and there are tools available to them already to enable them to do so.

Yours sincerely,



SECRETARY OF STATE FOR TRANSPORT