

John Hobson HM Assistant Coroner for West Yorkshire (Eastern) HM Coroners Office

7 March 2022

Re: Regulation 28 Report – Gregory James Barber

Dear Sir,

I refer to your report dated 24th December 2021 made under paragraph 7, schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.

I would like to take this opportunity to express my sincere condolences to the family of Mr Barber. Please be assured that we take all incidents of this nature on the railway incredibly seriously and have carefully considered the matters raised in your report.

Your report references a post incident site report undertaken by the British Transport Police (**BTP**) (the PISR). Network Rail works closely with the BTP following fatal accidents on the railway and participates in a post-incident site visit. The PISR is authored by the BTP.

The PISR refers to Mr Barber's most likely access point as being over the parapet wall at the end of Wyther Lane. However, on the evening of the incident on 12 April 2021, Network Rail representatives attended the area of Kirkstall Lineside near Bridge Road, Leeds along with the BTP to undertake a post-incident site visit. During this visit, the BTP and Network Rail carried out an immediate inspection of the area and our records show that Mr Barber's access point was agreed to have been at a Network Rail access gate further down the track towards Kirkstall Forge Station. Mr Barber's personal possessions were found by BTP at this location.

In addition, on consideration of the PISR, Network Rail did not consider that the parapet wall was a trespass risk for the reasons explained below.

- 1. The parapet wall is 1.35m high and is immediately followed by a very steep embankment down to the railway, meaning it is not an easy point of access.
- 2. There is heavy vegetation behind the parapet wall which also serves to deter trespass and with no sign of access having been attempted or made through the vegetation.
- 3. Previous data held by Network Rail does not identify this location as a hot spot for trespass.
- 4. The area meets Network Rail's current standards for fencing and boundaries.

Despite these findings, Network Rail is committed to maintaining a safe railway and to reducing opportunity for members of the public to harm themselves on or near the railway. As such, following further engagement with the BTP in December 2021 in relation to this incident, Network Rail remitted works at this location to address the concern raised in the BTP PISR (and since raised in your Regulation 28 report). Specifically, Network Rail is procuring the installation of 8 metres of 2.4m palisade fencing behind the wall (before the land begins to slope downwards), together with specially fabricated palisade fencing closing off the gaps at either end of the new fence. This will further deter potential access over the parapet wall and down to the railway.

Subject to delivery of materials, work is due to commence during the week commencing 7 March 2022 and we expect it will be completed within two weeks.

I hope that this response answers your concerns but if I can be of any further assistance, or if you would like further clarification, please do not hesitate to contact me.

Yours sincerely,

Route Director, North & East Route