

**Response of Denbighshire County Council to Regulation 28 Report**  
**of His Majesty's Coroner, Mr John Gittins**

**1. Background**

- 1.1 On 15 December 2023, His Majesty's Coroner sent a Regulation 28 Report ("the Report") to Denbighshire County Council ("the Council").
- 1.2 The Report confirmed that a fatal road traffic accident occurred on 2<sup>nd</sup> December 2023 when John Michael Thomas lost control of his motorcycle on the A539 outside Llangollen, near to the Sun Inn Public House.
- 1.3 An inquest has been opened and adjourned.
- 1.4 The Council takes this opportunity to express its sympathy to Mr Thomas' family for their loss.

**2. The Report**

- 2.1 In the Report dated 15 December 2023, HM Coroner sets out the following issues and concerns:
- HM Coroner understands that *"issues regarding flooding and the general condition of the highway"* at the accident location (near to the Sun Inn ) *"had been made known to the local authority prior to the accident"* – The Sun Inn Location.
  - HM Coroner understands that *"concerns have also been raised with the local authority in relation to surface water/flooding on another part of the A539 near to Llangollen"* near to the Wenffrwd Pocket Park Entrance – The Wenffrwd Location.
  - HM Coroner confirms his concern that *"if action is not taken to remedy these issues, there is a risk that future deaths may occur"*.
- 2.2 The Report requires the Council to respond and confirm details of action taken or proposed to be taken and the timetable for such action.

**3. The A539 at the Wenffrwd Location, Llangollen**

- 3.1 This is located approximately one kilometre from the location of the accident. It is shown at Location A on the plan at **Appendix 1**.
- 3.2 On occasions of heavy rainfall or extended periods of wet weather, the land (field) adjacent to the highway becomes saturated and can cause excess water to run off the land and onto the highway. This is not uncommon, particularly in rural locations and where there is natural landscape immediately adjacent to the highway.

- 3.3 Prior to the Report from HM Coroner, the Council was aware of the aforementioned issue at this location. It was not (and is not) considered to present a specific safety concern or an issue that requires remedial action. As above, such issues are common across the highway network, particularly in rural locations and it is not caused by an issue related to the highway infrastructure. The issue only presents at times of heavy or extensive rainfall. It does not result in an amount of water that makes the highway in any way unpassable for traffic and the location is the subject of winter maintenance and gritting in accordance with the Council's winter maintenance policy.
- 3.4 As a matter of completeness, the Council will contact the owner of the field adjacent to the highway to see if any alterations could be made to this private land that may assist in retaining the water on the land on the occasions when it becomes saturated.

#### **4. The A539 at the Sun Inn Location, Llangollen**

- 4.1 The area of the A539 at the Sun Inn is approximately 200 metres west of the accident location. It is shown as Location B on the plan at **Appendix 2**.
- 4.2 At this location a drainage system from an adjacent road flows into a manhole which is partially blocked. As a result, there is an overflow which runs on the highway to flow into a gully approximately 70 metres away, before draining under the road and into the canal.
- 4.3 At times of heavy or extended rainfall, water runs off the inclined bank and onto the highway and the drainage mechanism described above takes time to carry away the water. The reason for this is multi-faceted and includes:
- The saturation of land adjacent to the highway at times of heavy or extended rainfall.
  - The incline of the land adjacent to the highway, such that water falls towards the highway.
  - The gully being located 70 metres away from this location.
  - The capacity of gully.
- 4.4 The Council is continuing to investigate this use. It seems likely that a new outfall system may need to be installed, potentially to include new drainage infrastructure in the car park of the Sun Inn.
- 4.5 If this work is required, then it will be completed by September 2024 at the latest to ensure it is completed before the requirement for general winter maintenance and gritting begins.

#### **5.0 Drainage feature east of the accident location**

- 5.1 On the north side of the road there is a stone feature which collects run – off from the land behind it and feeds it into a culvert which again runs under the carriageway to outfall into the canal. This is shown as Location C on the plan at **Appendix 2**.
- 5.2 The stone feature referred to is historical. It was identified that ongoing use of the private land behind the feature by livestock had altered the layout/surface of the land. This in turn impacted on the flow of water off the land into the feature so that it was not collecting all the flow of water from the land. This has been rectified. Debris had also collected in the stone feature, and this has been cleared. Whilst it is impossible to eliminate the risk of water

run-off onto the highway, these remedial measures have been effective in improving drainage at the location and they are measures that will be retained and continued by the Council.

- 5.3 The council has a list of critical culverts which are known to require higher maintenance standards and this feature will now be added to it a monitored more closely.

## **6. Other matters**

- 6.1 We have addressed above the specific concerns highlighted in the Report of HM Coroner. More generally, and in an effort to assist HM Coroner, the Council is able to provide further information in relation to the A539 in this section of its response.
- 6.2 The A539 is subject to a regular system of routine inspections in accordance with the Council's policy for highway maintenance. Routine inspections are carried out every three months.
- 6.3 The A539 forms part of the highway gritting network in accordance with the Council's Winter Maintenance Policy.
- 6.4 Following the extensive rainfall and disruption caused by Storm Babet on 20<sup>th</sup> October 2023, the Council implemented a specific response action of addressing the impact of the storm on drainage gullies and channels on the A539. This work has been completed with all gullies and channels being cleared.
- 6.5 As an additional safety measure, the Council has also erected warning signs on the A539 at both the Wenffrwd Junction location and the Sun Inn location. These warning signs alert motorists to the possibility of the presence of water or ice.

## **7. Conclusion**

- 7.1 Across any highway network, there will always be locations where issues of water drainage arise, particularly during times of heavy or extended rainfall. There are multiple potential reasons for this, to include the topography of the area.
- 7.2 The safety of the highway network for the public is of paramount important to the Council. I am satisfied that the specific concerns identified by HM Coroner have been carefully considered and reasonable and appropriate measures are in place to address them.
- 7.3 The Council is of course willing to assist HM Coroner with his inquiry in any way that it can.

  
**Head of Highways and Environmental Services**

**08.03.24**