

Response to Regulation 28 Report to Prevent Future Deaths, on behalf of the Trustees of the Ymddiriedolaeth Clough Williams-Ellis Foundation.

1. Introduction

- 1.1 The following has been prepared in response to the Coroner's Regulation 28 Report to Prevent Future deaths issued to the Trustees of the Ymddiriedolaeth Clough Williams-Ellis Foundation as Landowners of the Brondanw Estate.
- 1.2 It goes without saying that the death of the four young men on 19th November 2023 is deeply upsetting and tragic.
- 1.3 The land upon which the vehicle ended up is owned by the Trustees, but let to the [REDACTED] under a contract of tenancy governed by the Agricultural Holdings Act 1986.

2. The Coroner's Report

- 2.1 The Coroner's Report, in so far as the Landowner is concerned, states:
- 2.2 A stock fence had been erected (likely by the private Landowner) concerning the lane of the road in question. It is understood that Cyngor Gwynedd had no responsibility for this given that it was on private land. The stock fence had been damaged and had not been replaced prior to the collision on 19th November 2023.**
- 2.3 Whilst the evidence could not determine whether or not the fence, had it been repaired and in situ at the time of the collision, would have altered the outcome the risk to road users who leave the road accidentally is that they may land in the ditch below road level.**

3. The Brondanw Estate's Position

- 3.1 It is extremely unlikely that the roadside fence would have been erected by the Landowner. Under the terms of the tenancy, fencing is the responsibility of the Tenant. The Tenant has confirmed to us that in this case the fence was in fact erected by Cyngor Gwynedd a number of years ago. The Tenant has further confirmed that there would be no reason to have erected a fence in that location as the ditch and embankment act as the stock proofing for the adjacent field.
- 3.2 In any case stock fencing is not meant to be a feature of highway safety and is not designed to withstand the force of a car hitting it at speed, and if that was its intended purpose something more robust ought to have been considered.
- 3.3 Over the years there have been a number of accidents on the section of road in question.
- 3.4 Any works on or adjacent to a public highway to enhance safety for road users are the responsibility of the relevant Authority and not the adjoining Landowner.

3.5 The below photograph shows the section of stock fencing erected by Cyngor Gwynedd behind bollards recently erected by Cyngor Gwynedd.



3.5 The below photograph shows the point where the car entered the ditch, where no stock fencing exists or existed, but now has the bollards installed by Cyngor Gwynedd.



3.6 The bollards, whilst delineating the edge of the carriageway, are of low quality and unlikely to be sufficiently strong to prevent a vehicle crashing through them and potentially ending up in the ditch below.

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Agents to the Trustees of the Ymddiriedolaeth Clough Williams-Ellis Foundation

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