



**COUNTY OF DEVON, PLYMOUTH AND TORBAY
CORONER AREA**


**REPORT ON ACTION TO PREVENT OTHER DEATHS
JAY STUART WHITING**

**HM ASSISTANT CORONER
NICHOLAS LANE**

	<p><u>REGULATION 28 – REPORT ON ACTION TO PREVENT OTHER DEATHS</u></p> <p>THIS REPORT IS BEING SENT TO:</p> <p>1) Chief Executive, Plymouth City Council Via email: [REDACTED] (Head of Legal Services and Monitoring Officer, Plymouth City Council – who has been relevant contact through investigation and inquest process)</p>
1	<p><u>CORONER</u></p> <p>I am Nicholas Lane, HM Assistant Coroner for County of Devon, Plymouth and Torbay</p>
2	<p><u>CORONER'S LEGAL POWERS</u></p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners' (Investigations) Regulations 2013: http://www.legislation.gov.uk/ukpga/2009/25/schedule/5/paragraph/7 http://www.legislation.gov.uk/uksi/2013/1629/part/7/made</p>
3	<p><u>INVESTIGATION and INQUEST</u></p> <p>On 17 January 2023 an investigation was commenced into the death of Jay Stuart Whiting. The investigation concluded at the end of the inquest hearing on 14 November 2024 at Exeter Coroner's Court, in the County of Devon, Plymouth and Torbay Coroner Area. A short-form conclusion of 'road traffic collision' was determined.</p>
4	<p><u>CIRCUMSTANCES OF THE DEATH</u></p> <p>Jay Whiting was only 21 years old when he was fatally injured in a single-vehicle road traffic collision in Plymouth on 7 January 2023.</p> <p>Following medical evidence heard at the inquest, the cause of death was determined in Section 2 of the Record of Inquest as:</p> <p><i>1a – head injury</i> <i>1b – road traffic collision</i></p> <p>Section 3 of the Record of Inquest (which answered how, when and where Jay Whiting came by his death) was determined as follows:</p> <p><i>'Jay Whiting was the sole occupant of a vehicle registered to him when he was driving northbound on Embankment Road, Plymouth, in the early hours on 7 January 2023. Jay lost control, and was then unable to regain control, of the vehicle, owing to a number of relevant factors, including very wet weather and significant water collection on the road, the poor condition of the vehicle's rear tyres and the reclined position of the driver's seat. Jay's vehicle left the road and hit a mature tree, which was situated on the pavement adjacent to the carriageway. The collision of the vehicle with the tree resulted in Jay suffering fatal injuries. Despite initial resuscitation by attending paramedics and transport to Derriford Hospital, Plymouth, Jay died there in the neuro-intensive care unit later on 7 January 2023.'</i></p>

5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the investigation and inquest the evidence revealed one matter giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTER OF CONCERN is as follows:</p> <p>Although the determinations at the inquest found there to be a number of relevant factors which contributed to the fatal road traffic collision and, therefore, to Jay Whiting's death (as set out in paragraph 4, above), one such contributing factor was that the vehicle being driven by Jay Whiting left the road and immediately collided with a mature tree (one of many such trees which line Embankment Road, Plymouth). Embankment Road (or at least this particular stretch) is a dual carriageway and a main route into the city centre of Plymouth.</p> <p>As part of the investigation and inquest process, photos were taken of the scene by forensic collision investigating officers, and these showed the large trees to be adjacent to the dual carriageway, situated on a pavement only a matter of inches from the kerb. It is clear from these photos that, firstly, any vehicle that, in whatever situation, has cause to leave the road and mount the kerb is very likely to immediately collide with one of the mature trees and, secondly, the size of the trees (the circumference of their trunks) make it difficult for pedestrians, or those using mobility aides, to safely walk/move along the pavement without having to step into the road.</p> <p>Evidence was heard at the inquest from Motor Police Constable [REDACTED], road casualty reduction officer for the Plymouth area (employed by Devon and Cornwall Police). MPC [REDACTED]'s unequivocal opinion was that the presence of these mature trees at this location (both on the northbound and southbound carriageways on Embankment Road, but particularly the stretch of trees at the location of this fatal incident on the northbound carriageway) is frankly dangerous from a road safety perspective. MPC [REDACTED] stated that, in addition to this fatal accident in 2023, there was a fatal accident in 2008, where a vehicle collided with one of the trees along the same stretch of the northbound carriageway, resulting in the deaths of two occupants of the vehicle. MPC [REDACTED] was therefore concerned that there had been three deaths arising in very similar circumstances at the same location, involving trauma brought about by vehicular collision with one of the mature trees. MPC [REDACTED] stated that he was not aware of any other location in Plymouth where trees lining the road had been considered a contributory factor in a fatal vehicle collision. Owing to these concerns, MPC [REDACTED] made a request that consideration is given by Plymouth City Council to removing the trees at this location.</p> <p>Evidence was also heard at the inquest from [REDACTED], senior traffic engineer for street services (employed by Plymouth City Council). [REDACTED] stated that he was aware of the concerns held by Devon and Cornwall Police regarding the mature trees and that, personally, he would also like the trees to be removed. [REDACTED] stated that the removal of trees in Plymouth was currently 'a political topic' and, for the trees on Embankment Road to be removed, a decision would need to be taken justifying the use of scarce local authority public funding. [REDACTED] accepted that there had, thus far, been no formal risk assessment or evaluation carried out by Plymouth City Council as to whether the safety concerns identified warranted resources being used to remove the trees. [REDACTED] further accepted that this process should now take place and that he had been waiting for the outcome of this inquest before deciding upon appropriate next steps.</p> <p>Owing to there being clear safety concerns regarding the continued presence of these mature trees on Embankment Road, Plymouth, in my view these need to be formally considered (it is for Plymouth City Council to consider issues of risk and cost/benefit analysis of any proposed action/inaction) with a view to determining what, if anything, should happen to the trees.</p>
6	<p><u>ACTION SHOULD BE TAKEN</u></p> <p>In my opinion action should be taken to prevent future deaths and I believe your organisation has the power to take such action (for the reasons set out in paragraph 5, above).</p>

7	<p><u>YOUR RESPONSE</u></p> <p>Your organisation is under a duty to respond to this report within 56 days of the date of this report, namely by 21 January 2025. I, the coroner, may extend this period.</p> <p>If any request is to be made for this period to be extended, please ensure this is made in writing at least 14 days prior to the above required response date.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise, you must explain why no action is proposed.</p>
8	<p><u>COPIES AND PUBLICATION</u></p> <p>I have sent a copy of my report to Jay Whiting’s mother and father and Devon and Cornwall Police (via their road casualty reduction officer for Plymouth).</p> <p>I have also sent a copy of my report to the Chief Coroner.</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>

9	<p>Date: 26 November 2024</p> <p>Signature: </p> <p>Nicholas Lane HM Assistant Coroner for County of Devon, Plymouth and Torbay</p>
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