

## **Subject: Response to Coroner's Regulation 28 Report**

We are writing in response to the concerns raised in the Regulation 28 Report issued following the tragic incident that occurred on 6 December 2022. Firstly, we would like to express our deep condolences to the family of Mr. Paul Collingridge. The loss of life is deeply saddening, and our thoughts are with them.

The role of Essex County Council in the regulation of street works is that it has to operate a statutory scheme made by the Department for Transport. Certain organisations called 'statutory undertakers' have the right to work in the highway; although they need a permit applied for in advance – other than in an emergency where they are required to apply for a retrospective permit if the works are urgent – we can only issue permits to regulate hours of work and to co-ordinate timings, we do not have any ability to refuse permission for works done in accordance with the Safety at Street Works Code of Practice (the Code). We can encourage good practice in some ways, but as statutory undertakers work with many different local authorities, local authorities are required to operate standard systems. Also, all local authorities and statutory undertakers are required to work with an online road works system for permits known as Street Manager, which is supplied by others. Our response has to be viewed in this context.

With regard to the points raised in the report, we wish to address the following:

1. **Road Works Permits and Setup in Hours of Darkness.** All work is more difficult during the hours of darkness. Undertakers and those working on their behalf are responsible for ensuring emergency works are set up safely and are required to have a trained and qualified person on site to ensure compliance with the Code. ECC does not have the ability to inspect all emergency roadworks as that does not form part of the safety system.
2. **Variations in Street Furniture and Road Markings:** In general, road markings are maintained to standard lengths but everyone working in the highway – including statutory undertakers - will appreciate that there will always be variations to take account of local features in the road such as junction locations and curvature in the road. Road markings will also fade over time as a result of weather conditions, high traffic volumes, and other factors. At Essex County Council, we employ a robust inspection system according to our Maintenance Strategy, adopting a risk-based approach to identify and prioritise any required works. We also note that the Safety at Street Works Code of Practice provides guidance as to how to proceed in setting up appropriate traffic management. Regarding curved carriageways, the absence of specific guidance on distance calculation in the statutory Code of Practice is acknowledged. While this remains a broader area for review for the Department for Transport, Essex County Council is prepared to support any request from the Department of Transport to improve the Code to address such circumstances. There is an overarching duty for statutory undertakers to have a safe system of work and the training they have will cover this.

3. **When applying for retrospective permission for street works there is no requirement for a statutory undertaker to notify the authority of any serious incidents that have occurred during the emergency period.** There is a national database run by the Department for Transport named Street Manager. This is the way that all local authorities communicate with all statutory undertakers. That database does not have a data field to allow permit applicants to report incidents or unusual events. We will raise this with the Department for Transport. However, the involvement of the police in any fatal road accident already provides a communications channel, meaning that in practice ECC is notified quickly of any fatalities and can quickly take any necessary action that it has the power to take.

In closing, Essex County Council is fully committed to working with all parties involved in this matter to improve safety standards and prevent similar incidents in the future. Please do not hesitate to contact us if we can provide further assistance.