

	REGULATION 29 RESPONSE TO A REPORT TO PREVENT FUTURE DEATH THIS RESPONSE IS BEING SENT TO: The Area Coroner for Hampshire, Portsmouth and Southampton, Rosamund Rhodes-Kemp, in response to a 'Regulation 28 Report to Prevent Future Death' following an inquest hearing into the death of James Scott.
1.	NATIONAL HIGHWAYS I am Christine Allen, Regional Director, South East region, responding on behalf of Nick Harris, Chief Executive of National Highways Limited, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ.
2.	CORONERS MATTERS OF CONCERN The MATTERS OF CONCERN were identified as follows: (1) The area is a known flood risk. (2) Whilst the precise cause of the flooding is unknown, a more regular maintenance schedule may have prevented the build-up of vegetation within the gullies and therefore assisted in the drainage of the heavy rainfall experienced that day thus reducing the amount of surface water present on the road. (3) The fact that only a Temporary Sign was in place in an area known for years to be a flood risk. (4) The surface water was a contributory factor in this death.
3.	BACKGROUND • Location The A33 Basingstoke Road southbound near Kings Worthy / Abbots Worthy carriageway is the responsibility of Hampshire County Council (HCC). The National Highways (NH) network then starts southbound opposite the London Road junction. The HCC section of the highway at the staggered junction, and both roads of the B3047, fall to the A33 with a much steeper gradient from the left junction from the B3037 Alresford. This results in the catchment for rain / surface water to naturally run down hill, being the A33 slip road. • Drainage This location is a recorded flood risk site over a distance of 1523 metres in length from the NH boundary at the London Road junction, start of A34 slip road to the end of the A33 southbound on slip where it meets the main A34. In relation to the incident on 5 July 2024 and the coroner's concerns, we have considered the flood events recorded within the first 400 metres of that flood risk site.

The location of the incident is a recorded flood risk site. It is recorded as a category B (High). The incident on 5 July 2024 has been included as a flood event in the drainage database to inform the categorisation of this location. The grading assessment of flood risk sites is calculated automatically by our Geotechnical Data Management System (GDMS) monthly and is based on the number of reported flood events at each asset location. There are only three reported incidents at this location in the last 5 years and no further flood events have been recorded in this area since July 2024.

Upon receipt of the coroner's concerns, we found there to be a lack of clarity on the ownership of the overall drainage system at this location. As a result, NH and HCC met on site on 12 September 2025, and this has now been clarified and agreed. This clarification is set out further on in this response.

- **Maintenance**

As a recorded flood risk site, the maintenance frequency is increased from the standard of every two years to twice a year for drainage assets e.g. gullies, catchpits and channels (if applicable).

- **Inspection**

We undertake various types of inspection of our network which serve to inform us of the state and operability of our assets, these inspection types are principally:

- Safety Inspections – these are driven inspections of the network conducted by our own Inspectors; at this location they take place on a weekly basis. These inspections identify any areas of concern and defects at an early stage enabling assessment, prioritisation and rectification. Inspectors are aware of identified issues on their routes, including flood risk sites and focus attention on drainage assets in those locations.
- Condition Surveys – these are technical assessments of the condition and serviceability of the assets, for drainage assets these are conducted by specialist 3rd party contractors on a 'find and fix' basis to the Design Manual for Roads and Bridges (DMRB) standard CS 551 *Drainage surveys* - Part 13 and are prioritised based on the GDMS flood risk grading of an area. The grading of this area has not currently initiated a 'find and fix' scheme but we detail our plans outside of this later on in this response.

The inspection regime is carried out in accordance with our standards and severe weather planning requirements.

- **Weather**

To confirm, there were no weather alerts in place for the area on the day of the incident or the days immediately preceding it.

NH and our contractors monitor weather routinely due to the impact it can have on our business-as-usual activities. In the event of a weather alert (forecast) of severe weather, which includes heavy rain, an impact assessment is conducted to determine what, if any action is required to maintain the safety of road users on the network. A severe weather event for heavy rain fall, will trigger consideration of any specific areas

	of vulnerability where additional measures may be required, or additional resources need to be stood up to affect a rapid response. This includes locations identified as flood risk sites. In the event of severe weather that is likely to cause disruption or impact on the network we invoke the process detailed in our Crisis Management Manual (CMM) which sees us escalating our operating state from 'Normal Operations' to 'Regional Alert'. This state triggers multiple actions including briefings and tactical teleconferences which include our supply chain within the region to consider the impact and any measures that may need to be actioned in advance of or in response to the threat. Depending on the severity of the event this may include measures such as additional resources, equipment or pre-emptive work prior to the arrival of the inclement weather.
4.	DETAILS OF ACTION TAKEN Inspections Our weekly safety inspections prior to the incident were all completed and documented with no drainage follow up action required. Please note this was conducted on one gully known to belong to NH at the time. Ownership of the drainage systems in the area has now been established with HCC. Drainage The first drainage flood risk site visit of financial year 1 April 2024 to 31 March 2025 was ordered on 23 April 2024 with a six-month window for completion. The work was completed on 31 August 2024. The drainage flood risk site visit prior to this was carried out on 23 November 2023 which was flood risk site visit two for the previous financial year. During these works the gully lid was lifted, vegetation and detritus cleared, and the gully jetted with any waste sucked out and removed. M3 Junction 9 Improvement Scheme The location of the incident has now been taken under the management of the NH M3 Junction 9 (J9) major improvement scheme to improve congestion and traffic flow in the wider area. The scheme is being delivered by our supply chain and overseen by ourselves. In circumstances like this we invoke a Detailed Local Operating Agreement (DLOA) which sets out whether the scheme or normal operations is responsible for the maintenance and inspection activity in the area. The M3 J9 major improvement scheme has now taken responsibility for cyclic maintenance in this area until completion of their scheme scheduled for March 2028. Safety inspections will remain with our NH Inspectors but with the addition of regular driven site checks by the scheme Traffic Safety Control Officer (TSCO) who will identify and act on any defects that arise.

• **Site Meetings / Maintenance Work**

On 21 August 2025 the M3 J9 scheme attended the area, strimmed and jetted the filter drains removing overburden and lifted manhole lids ensuring lines were cleared and unburdened with sediment.

On 28 August 2025 our drainage engineers conducted a site visit to the location of the incident. We were unsuccessful in our efforts to combine this meeting with HCC representatives however we have since completed a collaborative visit. NH identified the following additional work on our own network which was instructed on 2 September 2025:

1. Sweeping of kerb line on Northbound and Southbound carriageways between London Road and A34.
2. Check side entry inlets in whole area.
3. Removal of overburden across entire area.
4. Review drainage systems from the St Marys Close Pedestrian crossing northwards to the London Road pedestrian crossing.
5. Repair or replace eight gullies and locate outfalls in the ditch on the southbound verge between Kings Worthy House and London Road pedestrian crossing. [This action required HCC collaboration to clarify ownership].
6. Vegetation clearance in the 'ditch' line (HCC land) and clearance of the ditch to the River Itchen. [As above this action required collaboration with HCC to clarify ownership].

A further site visit was conducted on 12 September 2025. This was attended by HCC's Principal Engineer, Hampshire Police and NH Drainage Engineers plus representatives from the M3 J9 scheme. All attendees agreed to the remedial work instructed on 2 September 2025 above with the addition of:

7. M3 J9 scheme to arrange jetting of NH gullies to outlet.
8. A review of resurfacing extents within the M3 J9 scheme as the program currently stops approximately 25 metres short of the current NH boundary and an extension will avoid a double joint in a short distance.
9. M3 J9 scheme to review if drainage can be improved during the surfacing phase of the works to remove the flat spot at the rolling crown and to gain flow into the gullies on the southbound carriageway between London Road and Worthy Clinic.

Full road closures of the area were implemented overnight on 15-16 September 2025 where Items 1-4 and 7 above were completed.

	• Signage The temporary “Road liable to flooding” sign was on site at the time of the incident. Our review has found the sign can be seen on site on 27 April 2023 and 21 May 2024. At the first site visit on 28 August 2025, it was noted that the sign had been laid down on the verge, this was reinstated by NH that day. The M3 J9 scheme has been instructed to ensure the sign remains in place until instructed to be removed by the NH Operations Directorate South East Drainage team upon completion of the actions proposed and a suitable period of monitoring.
5	DETAILS OF FURTHER ACTION PROPOSED • Inspections Weekly safety inspections will continue as planned through the NH routine program. • Drainage Work In addition to Items 8 and 9 of the Maintenance Work above, the following further action is to be undertaken: 1. Review of any further works identified during overnight closure on 15-16 September 2025. 2. Further works to be considered by M3 J9 scheme on the central reserve due to the pedestrian crossing being moved out slightly to narrow the lane. HCC to repair defective gullies at Itchen Abbas Road. 3. HCC to jet and clean drainage system from Itchen Abbas Road and Kings Worthy House to outlet in ditch. 4. HCC to ensure ditch is clear and flowing. 5. HCC to investigate where ditch drains to and ensure functionality. 6. HCC to liaise with M3 J9 scheme team to agree traffic management requirements and works they intend to undertake. 7. M3 J9 team to support HCC wherever possible to facilitate road space access to complete the HCC works. • Maintenance Regular planned maintenance will continue in accordance with the frequency determined by NH flood risk sites. This will be delivered by the M3 J9 scheme for the duration of their works that are due to be completed by March 2028. • Signage

	No further signage action required at present due to extensive M3 J9 scheme traffic management and signage now in place. M3 J9 scheme to ensure that "Road liable to flooding" sign is not removed without prior consent of NH drainage engineers.																							
6	TIMETABLE FOR ACTION <table border="1"> <thead> <tr> <th>Date</th><th>Action</th><th>Item</th></tr> </thead> <tbody> <tr> <td>21/08/2025</td><td>Central reserve filter drain remediated.</td><td>Section 4 – Item 1</td></tr> <tr> <td>28/08/2025</td><td>Re-instatement of 'Road liable to flooding' sign.</td><td>Section 4 - Signage</td></tr> <tr> <td>15 – 16/09/2025</td><td>Complete items 1-4, 6 and 7 of the Maintenance Work.</td><td>Section 4</td></tr> <tr> <td>31/12/25</td><td>Repair / replacement of 3 NH owned gullies.</td><td>Section 4 – Item 5</td></tr> <tr> <td>TBC (HCC)</td><td>HCC remediation works including 5 gully repairs / replacements.</td><td>Section 5 – Item 2</td></tr> <tr> <td>TBC pending review of M3 J9 program</td><td>Further works that may be required, such as surfacing or additional drainage.</td><td>Section 4 – Item 8-9</td></tr> </tbody> </table>			Date	Action	Item	21/08/2025	Central reserve filter drain remediated.	Section 4 – Item 1	28/08/2025	Re-instatement of 'Road liable to flooding' sign.	Section 4 - Signage	15 – 16/09/2025	Complete items 1-4, 6 and 7 of the Maintenance Work.	Section 4	31/12/25	Repair / replacement of 3 NH owned gullies.	Section 4 – Item 5	TBC (HCC)	HCC remediation works including 5 gully repairs / replacements.	Section 5 – Item 2	TBC pending review of M3 J9 program	Further works that may be required, such as surfacing or additional drainage.	Section 4 – Item 8-9
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7	SAFETY OF ROAD USERS The safety of everyone on our road network matters; it is an imperative for our business in what we set out to achieve and a core value of our organisation in how we go about it. The action taken and planned on the A33 is designed in this light to help to prevent future deaths at this location.																							
8	17 September 2025 Signed:  Christine Allen, Regional Director South East region																							