

Aspire Safety a trading name of

Moorview (South Brent) Ltd

13 Barn Close

Langage Business Park

Plymouth

PL75HQ

19 April 2023

Cameron MacQuarrie

Mac Salvors Plant Hire Ltd

Newham Rd

Truro

Conrwall

TR1 2SU

Dear Cameron

**Re Truro Town Loops Phase 1**

As requested I have looked at the planned works and comment as follows.

I agree with your assessment that the proposed narrowing of the highway creates risk.

I am a Health and Safety Consultant specialising in construction safety. I am a Chartered Fellow of the Institution of Occupational Health and Safety and an ex HSE Inspector. I was involved HSE's introduction of the Construction Design and Management Regulations and took the first Crown Court prosecution under these Regulations. I regularly act as an expert witness in both criminal and civil cases and I therefore believe that I am competent to voice an opinion on this matter.

Since 1994, the Construction (Design and Management) Regulations as amended has placed an explicit criminal duty on anyone who carries out any construction design work to consider safety.

The current version of the Regulations ( SI 2015 No 51 ) includes Regulation 9(2) which states

(2) When preparing or modifying a design the designer must take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person—

(a)carrying out or liable to be affected by construction work;

(b)maintaining or cleaning a structure; or

(c)using a structure designed as a workplace.

I do not see how the design proposal can comply with this where there is a proposal to narrow the carriageway width in an area of mixed use. In the event of any fatality that resulted, the designer would be at risk of unlimited criminal fines and jail. The CDM Regulations include a set of nested duties that also place duties on other parties such as the Principal Designer and Client. At this stage it is not clear exactly who these parties would be.

Obviously in context I have provided a professional opinion on the potential consequence of an incident. Rather ironically when I was at HSE I did also take a criminal prosecution against Cornwall County Council with regard to a fatal accident that Cormac had which demonstrates that despite the best intention sadly things do not always go to plan. I suggest it would be much easier to change the design rather than to take the risk.

Kind regards

*Bruce Sutherland*

**Bruce Sutherland BSc Hons CFIOSH, MIDE, MFAAM**

**Director**

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