

[£146k fine for company after joiner crushed to death by 20-tonne excavator](#)

A construction company has been fined £146k after a joiner was crushed and killed by a 20-tonne excavator.

Philip McDonald had been hired by Birch Brothers (Kidderminster) Ltd to assist with the construction of a concrete overflow weir structure at Monks Pond, near Ashbourne in Derbyshire.

The 48-year-old was with colleagues on a road above the work area waiting for the excavator to remove sand from trench boxes when it rotated clockwise and crushed him.

Kidderminster Magistrates Court heard that the Principal Contractor, Birch Brothers (Kidderminster) Ltd, had hired in steel fixers and joiners to undertake the work before tragedy struck on 5 September 2017.



The fatal incident happened at Monks Pond, near Ashbourne in Derbyshire.

An investigation by the Health and Safety Executive (HSE) found that the [work had not been adequately planned](#), and no instruction had been given to the digger operator, or to pedestrians who were working in the area. The risks associated with the work had not been adequately assessed either, and there was [no segregation of pedestrians and plant](#) in this area of the site.

The company had not appointed a banksman to ensure the [safety of pedestrians while the vehicle was in operation](#) and there was also nobody to oversee this element of the work to ensure it was carried out safely.

Following the incident, a Prohibition Notice was served stopping further work involving mobile plant/vehicles until the site had been organised in such a way in that pedestrians and vehicles could move without risks to safety.



The scene at Monks Pond, near Ashbourne in Derbyshire.

Birch Brothers (Kidderminster) Ltd of Barracks Road, Sandy Lane Industrial Estate, Stourport-on-Severn, DY13 9QB, pleaded guilty to breaching Regulation 27(1) of the Construction (Design and Management) Regulations 2015 and were fined £146,000 and ordered to pay costs of £4,621.90

In September 2022, the company appointed liquidators.

HSE Inspector Katherine Cotton said, “This was a tragic incident that was easily preventable. Those in control of work have a responsibility to organise their sites and devise safe methods of working, in relation to vehicles and pedestrians, and ensure they are implemented.

“Construction site vehicle incidents can and should be prevented by the effective management of transport operations throughout the construction process.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

Notes to Editors:

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.