



**The Royal Society for the Prevention of Accidents**  
Leisure Safety Team

Consultation response

**The Department for Environment, Food and Rural Affairs**

The Draft Marine Bill

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### **RoSPA's response to the revised Marine Bill consultation**

The Royal Society for the Prevention of Accidents is an accident and injury prevention organisation. Our mission is to 'save live and reduce injuries'. RoSPA currently sits on the UK Blue Flag jury and amongst the Leisure Departments work we carry out public safety audits of beaches and provide expertise in the development of beach safety information.

This is the Royal Society for the Prevention of Accidents' (RoSPA) response to the Department for Environment, Food and Rural Affairs Draft Marine Bill that seeks views on a wide number of areas, in particular the establishment of a 'Marine Managing Organisation' and Access to the coastal land.

RoSPA's views and suggestions from this consultation will be specifically centred on the legislation to create a coastal access corridor in England, which would have a significant impact on public safety.

The proposals in the Bill are to improve the access of England's coastline and ensure that the millions of people that visit these areas every year can gain access easily.

In order to achieve this the Coastal Access Duty aims to:

- Secure a long distance route ("the English coastal route") for open-air recreation
- Apply spreading room and access to defined coastal land.
- Ensure that any restrictions or exclusions are removed so as to allow access to parties with an interest in the land.

The potential route will be proposed by Natural England in conjunction with advice and consultation from local interested parties. NE have outlined there key principles which will be applied to the work on their website.

Natural England will produce a report for the Secretary of State for DEFRA, once the planning and consultation period has completed. This will propose the line of a long-distance route as part of the English coastline. The report will outline:

- Restrictions
- Exclusions
- Additional land subject to access
- Alternative routes

### **General comments**

RoSPA are in support of the proposal for Legislation to create a coastal access corridor in England and improvement of general access to England's coastline.

With regard to Leisure and in particular Leisure Pursuits, it is encouraging to see improvements being made that will benefit the public and further enhance the resources that are commonly used for Leisure purposes.

*Quoting the research in Coastal Access introduction – "There were 72 million leisure visits to the coast (outside seaside towns) generating £1.4 billion spend in 2005, and going for a walk was the most popular main activity on these visits."*

With the proposed changes it can only be perceived that these figures will rise in the future.

Additionally to this, the new access routes could provide a learning element to children and support what RoSPA promoted in educating through risk. The Long Distance Route would provide an excellent learning environment for young families when participating in a family day out and introduce them to a Water Education that is very important. It would also encourage these young children to utilise the outdoors as much as possible.

The creation of a natural long distance route should, in our opinion, assist with the overall safety management of England's coastline giving opportunities to clarify land ownership and responsibility. A national route way will allow for consistency in the provision of safety information and where necessary other safety control measures. So that visitors to the coast

can expect the consideration of hazards by landowners to be the same and have a greater awareness of safety and their own requirements in terms of behaviour, responsibility and supervision of children.

#### **RoSPA views and recommendations**

Reiterating what was previously stated with the children's water safety education, it is important to highlight that the proposed new access should be **as safe as necessary, not as safe as possible**. This ensures that the experience isn't completely without a risk element that makes it more fun and exciting.

#### **Provision of safety information**

##### Signage

All signs should conform to the BSI Standard for Water Safety Signs and it is important to segregate information signs and safety signs. This makes the message a lot clearer and sharper making it easier to read and more importantly understand what it is telling or warning you of.

It was stated in the draft that Natural England would not be erecting signs if they unaware of any hazards and had no Duty of Care with this. More often than not a incident will happen because of a lack of awareness and obviously the signs are there to highlight these. It may be worth using an external source to help with the hazard spotting to make sure they are all recorded and the relevant signs are erected.

In addition to this, a reporting procedure will need to be formalised so that members of the public or wardens can make aware any situations (near-misses) or dangerous occurrences that may happen. So that the necessary pre-cautions, such as signs, can be erected to make others aware.

##### Temporary Closures

The temporary closures will be implemented as a control measure either to protect something, like nesting birds or the public from tides and possible erosion proving to be a danger. Is there a fail safe against these?

Obviously when using a Causeway there are going to be times when you can or can't use them due to the tide. But there is always going to be a case when someone wants to take a greater risk and try and use a short cut, thus increasing the chances of getting trapped and stranded.

Consideration will need to be given to the best methods of informing the public of the dangers and more importantly when they can or can't use a specific area.

#### **Access**

##### Man-made Structures

Although the wartime defences have already been mentioned and taken into consideration when perusing safety issues, it is important to highlight other man made structures such as piers, dock walls and coastal defence walls can pose a risk as well. Should the dock wall but at a height and the pathway run over it will there be a consideration of falls from height? This could lead to the possibility of control measures than need to be investigated to keep the area safe but not defect the natural environment.

We recommend that you look into the legal aspect and more importantly what's reasonably practicable in the way of control measures. For example, it may not be practicable to fence of an entire cliff edge to stop the event of people falling over, but it may be to do so on a stretch of 15 feet.

## **Revision of CROW Act**

### Arable Fields

The CROW Act gives right of access to land and due to this area being used for farming; chemicals like insecticide will be present in the atmosphere. This can in some cases have extreme effects on a person's health. In addition to this, large agriculture machinery will be present especially through the harvest time. Arable land was excluded from the original act, however using it to provide coastal access will mean it is now included.

In an extreme scenario you could look at an alternative route during peak harvest times, but an easier and more convenient measure would be sufficient signage so that people could be made aware of the dangers.

### **Rescue**

Although it was said that the public are their own responsibility, it would be advisable to investigate forms of rescue with the local emergency services. Due to the nature of the Long Distance Route many people will be walking it for the first time and could find themselves getting lost and into difficulties. Having strategically placed Emergency Points with clear instructions of what to do and who to call would make rescue more manageable but more importantly easier.

### **Creation of way making**

In the nature of walking most people don't like to turn back on themselves and see the same scenery again. This can cause a problem as people tend to stray from the designated path and having the sea so close could result in someone getting themselves into difficulties and danger.

With the coastal route being linear there is going to be a certain amount of repetition when people need to get back to where they started. We suggest that alternative routes are implemented and the possible development and implementation of an A-A route is considered to ensure people don't take these short cuts.

### **Health and safety used as a means to deny access**

The draft bill proposes that certain areas of the coastland that isn't accessible at the moment will inevitably be, if successful. Unfortunately, not all will be in favour of this especially when the route is directed through somebody's property.

We envisage that RoSPA, as an accident prevention organisation, will be used to oppose some parts of the development on Health and Safety grounds. This has the potential to disrupt the flow of the route and in some areas possibly stop it.

Plans need to be discussed and formulated on how these opposing actions could be stopped. The initial recommendation would be to involve the parties in the process so that they can put across ideas that would limit the disruption to them.

### **Responsibility for maintenance**

The maintenance of the route will be an advantage as it means that the coastlands will be preserved and well looked after. The difficulty will start with who in fact supervises and undertakes the maintenance as this could in fact impact on a party's liability.

If the work was unsatisfactory or not completed to such an extent that safety issues were being raised then a hierarchy would need to be introduced to ensure that these matters were rectified.

So, responsibility for maintenance needs to be given to one party to guarantee there are no co-ordination problems that could affect the outcome. This group needs to be supervised and well monitored so as to keep a high level of upkeep for a particular area.