COUNTRYSIDE VISITOR SAFETY

2006 Seminar Proceedings
of the
Countryside Recreation Network

Edited by Melanie Bull
Network Manager

Formatted by Katherine Powell
Network Assistant

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WELCOME AND INTRODUCTION

Chris Marsh
Environment Agency
(CHAIR)

Firstly, welcome to the Countryside Visitor Safety Seminar one of a range of Countryside Recreation Network events and programmes aimed at providing information and sharing good practice.

My name is Chris Marsh and I am the national Recreation Policy Advisor for the Environment Agency. The Agency has been a member of CRN for a number of years and I am delighted to be invited to chair this seminar today. The Agency is the most powerful environmental regulator in Europe and our vision is *'to create a better place for people and wildlife'* and that includes where people enjoy themselves such as the countryside. I do hope today's seminar will be informative and above all of practical use in helping you to do your job.

I suspect that the reason many of you are here today is that despite all the safety guidance, HSE booklets, and plethora of risk assessment forms etc., the whole business of managing the health and safety of visitors to the great outdoors is fraught with difficulty. This is evident not least in the need for us, the providers, to pull off the 'con trick' of balancing the need of visitors to feel the unrestrained freedom that is essential to the countryside experience.....while in reality we secretly try and manage their activities within tight legal and corporate parameters. Our balance in walking this tight rope gets tested virtually everyday with new case law, new types of activities, new advice from regulators and recent developments such as the rise of the 'blame culture'.

So, the bad news is that the visitor health and safety goal posts are always moving but the good news is they are probably not moving as fast as you think they are. And through learning from events such as this we should be able to get ahead or at least keep up.

The 'stars' of these seminars are the speakers and facilitators that freely give up their time and expertise so that we can all benefit. I'm lucky enough today to be helped by some of the best in the business in their various fields and I thank them for their generosity.

The format of the day is that there will be a series of short presentations in the morning with about five minutes allowed for questions at the end of each session. We will resume after lunch with two sets of two workshop sessions. Finally we will gather back together for a feedback and conclusions session.

Speakers

Speaker	Presentation Subject
Mark Daniels Head of Health and Safety National Trust	VSCG Guiding principles the risk control matrix Principles that can help in making a common sense approach. Setting risk and environment in context.
Fiona Groves The Natural Route Consultancy & Losehall Hall Associate	Health and Safety Management at multiple use sites. Tools, systems and processes to help balance a host of recreation activities.
Paddy Harrop Nation Recreation & Education Co-ordinator Forest Enterprise	Mountain biking and other adventurous activities. How Forest Enterprise balance the challenges of high risk activities, remote locations and operational needs.
Peter Wade National Safety Advisor British Waterways	Practical solutions to safety issues. New signage standards
Chris Probert Chartered Surveyor Forestry Commission	Case Law How recent court cases have helped to inform H&S practice

Workshop Sessions

Workshop Subject	Facilitator
A. CRoW & Section 16 – dedicated for access on foot. (actual and perceived H&S risks, expectations and fears)	Chris Probert/Paddy Harrop
B. When the going gets difficult (aligning H&S theory and practice)	Mark Daniels
C. Getting your safety message across (information, education and interpretation)	Fiona Groves
D. Tools for integrated safety management (assessing and planning an integrated approach)	Peter Wade

Countryside Recreation Network Seminar

COUNTRYSIDE VISITOR SAFETY

VSCG GUIDING PRINCIPLES THE RISK CONTROL MATRIX

Mark Daniels
Head of Health and Safety
The National Trust

No paper submitted

Countryside Recreation Network Seminar

COUNTRYSIDE VISITOR SAFETY

**HEALTH AND SAFETY MANAGEMENT AT
MULTIPLE USE SITES**

*Fiona Groves
The Natural Route Consultancy*

Introduction

The types of organisations that manage countryside sites or routes are varied – in visitor activities, staff numbers, nature of sites, resources and how they balance other activities such as heritage, wildlife, conservation and timber production

The key is to develop an integrated approach within a common sense framework which focuses on visitor needs and expectations but puts in balance other priorities or principles for sites, routes, services or activities.

We can do this by responding to sites special nature, the range of activities it can offer and looking at visitor needs whether real or perceived

Why plan to manage?

A universal management model is difficult – **the focus** needs to be on planning with processes and tools that :

- Allow us to make common sense, realistic and practical management decisions
- Suggest systems, programmes and records for use in managing people on sites

An effective plan to manage can also be really useful in:

- Showing most effective use of resources
- Integrate risk management and safety with other practices and policies
- Show a route for getting things done
- Help adopt an approach within other plans, policies and priorities

Not suggesting a separate "Safety Plan" as such, although for larger sites and services it may be appropriate ......but thinking about what you already do, with visitor safety in mind, can be the most effective way to manage and deliver improved Health and Safety on sites.

Plan to manage different uses and activities

Whether these are conservation, heritage, wildlife, or work related e.g. forestry or farming - we need to take account of the special nature of sites, after all it is often the reason for visitors being there. Whatever management solutions they should not detract from this. Thinking about the way visitors may want to access such sensitive areas whilst doing a conservation plan, a landscape plan could really help avoid issues in the future want to use sites. The key is in early planning stages when looking at principles developed to reflect site.

Plan to manage visitors

You may have many different people doing a whole range of activities and for different reasons... Local communities, Tourists, Schools, Dog walkers, Cyclists, Horse riders, Families, Individuals, Specialist wildlife, heritage or conservation seekers, Children, teenagers, adults, retired, working, on holiday Walking Cycling Horse riding, On an event, Environmental education, Car rallying; Orienteering, Playing, Wildlife watching.

If you think about our own sites and also our own visits to sites – what are you wants and needs?

It is important to understand how your visitors and people in wider society view and accept risks. If we consider the wide range of activities that people carry out on our sites and how they come to those activities as groups and individuals we can assume a range of expectations and fears.

EXPECTATIONS	FEARS
- A good day out - Relaxation - Well managed facilities - Organised services - Find way around - Information - Care - Basic services - toilets, shelter, - Somewhere to eat - Somewhere to shop - To get away from the hum drum - To do something special - Enjoy themselves	- Fear of unknown - not knowing risks in advance, familiarity with site and/or activity - Having no control - over what happens, uncertain of what could happen - Not finding site - Getting lost - Theft / attack - Injury or death - Safety restrictions

Their experience during a visit may also affect these expectations and fears and as a result their perception of risk:

Sudden change in environment
Witnessing an accident
Broken or missing equipment
Distractions
Bad leadership
Bad experience

Visitor expectations, comfort and risk acceptability depends very much on individuals and depends on:

Type of environment
Type of activity
Self-reliance
Participant age - children

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People are less likely to be tolerant of risk when:

> **They are exposed to the risk without choice**
> **They have no control over the outcome**
> **There is an uncertainty**
> **They have no personal experience of the risk – fear of unknown**

There is potential for major catastrophe when:

> **The benefits of taking the risk are not clear**
> **They are exposed to risks but other get benefits**
> **The potential accident would result from human failure rather than natural exposure**

We can generally assume that it is reasonable for people to bring life skills and experience with them. However, these skills and therefore acceptance of risk is different depending on the person, nature of activity and where the activity is occuring. We should aim for visitors to be aware of nature and extent of risk and take this on voluntarily. The idea of no nasty surprises.

Understanding your visitors in this way is vital for managing access and recreation provision and the safety of those visits on our sites.

Plan to manage safety – introducing the planning model, see below:

ANALYSE, EVALUATION / REVIEW

What have we got? Physical and site visual – identify types of environment, special areas – physical, terrain and vegetation, highlight; Profile of visitors –needs and expectations, use of site, identify particular risk issues; Statistics – accident data, risk assessment; Checking and maintenance records; Current controls and how the work	Profile: Visitors, Accident data and Specific site issues SWOT VISUAL APPRAISAL PEST
Summary and Rationale Build on above to produce a Rationale for the site in terms of environment, visitor use and expectations. Also identify areas of conflict, obvious safety issues, management impacts and needs e.g. conservation, heritage, what and where do you think the priorities might be. Look at current risks assessments.	MATRIX Concentric ring Brief description, Assess hazards in context RISK ASSESS

.PLAN

Your aim.
What in a nutshell are you trying to do? Harming visitors is not an option!

Aim

Set principles and/or objectives

Based on above are there any overriding **principles** for the whole site or parts of the site?
Principles that will help direct the sort of provision you want
E.g. Conservation takes preference over recreation at these points. E.g. Priority is for visitor centre complex, then...

And **specific objectives** are the ways and means to employ your aim.
WHY you are doing it
WHERE are you doing it
WHO you are aiming at and
WHAT you are trying to do?

Principles and build on
|MATRIX|
|RISK ASSESS|
|VISUAL APPRAISAL|

Objectives

|SMART| *as Targets or outputs*

IMPLEMENT

How will you do it? What Level of facilities and services are needed to meet principles and objectives?

Split into manageable areas, categories or units
Safety checks for facilities and services - Car parks, structures, other
Managing accidents and Emergencies - Communication systems
Managing groups and activities on site
Communicating with visitors — information, interpretation, signing
Special areas - Water, wildlife, conservation or heritage areas
Staff training and resources
Assess risk and more analysis areas and units may need analysis of components e.g. Car parks - trees, traffic flow, signing, surfaces for the different areas / units.
Develop Systems, processes, programmes and records that will work for each based on reasonable and practical resources, staff and site requirements

|MATRIX|
|RISK ASSESS|

Systems for:

- Response to accidents
- Inspections and checks
- Activity Agreements / Permits
- Information Guidelines
- Staff training

MONITOR

Feedback and change Does it do what you want in terms of objectives? Have you got a monitoring system that works? Back to the start to look whether things have changed:

> **Controls and systems**
> **Accident and claim data**
> **Records from above**
> **Case law**
> **Profile, numbers and use**
> **Nature of site**

Tools for analysis and planning

The following are those that I consider most useful for considering and then integrating with other uses on sites – multiuse approach

- **Team review – a basis for consultation with users and local staff**
1. **Matrix**
2. **Risk assessment**
3. **SWOT**
4. **Visual Appraisal**
5. **Essential Features**

1. Matrix

This has been developed over time with help of others in the industry and builds on approaches in Canada and the States – Recreation Opportunity Spectrum. The model tries to reflect a range of environments linked to visitor expectations and then suggest possible management input in relation to safety management, so for example, see matrix attached.

This model is really only an aid/guide and meant to be looked at in the context of your locations, so for example Sherwood rural may differ from Lakes rural. It is unlikely that one site will only cover one range although in overall geographical terms a site may be more rural or more urban. Even within sites or groups of forest locations it may be possible to have the whole range. More urban near a visitor centre and more rural towards extremities – depending on you're facilities and services.

The matrix can be applied as a **concentric ring** idea
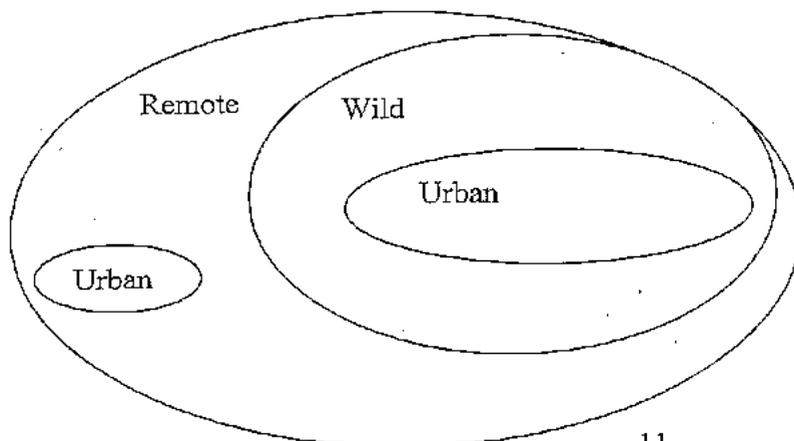
This model is by no means a final and will obviously differ slightly from site to site. We have designed it really as a tool to aid your decision-making and it might also help to clarify some of the issues in your mind. Helps to prioritise sites, areas, planning needs and work to be done. We will apply and amend this as we go out to do a site analysis.

Sites MATRIX	Semi –urban	Rural	Wild	Remote / mountainous
Terrain, environment and access	Easy terrain Fairly urban with many built structures Easy access for all ages /abilities	Varied terrain Fewer built structures Access does not cater for all ages /ability	Rugged terrain Few built structures and Limited almost no access for less able	Extreme rugged may be mountain terrain No or rare evidence of built structures
Level of expected management	Major . Car parking, Tarmac or hard surfaces, orientation signing / way marking, visitor centre, toilets, cafe, play area and staff and visitor services on offer	Moderate Informal car parking, reasonable surfaces, some orientation / waymarking, facilities such as trails, cycling, possibly play, possibly toilets. Occasional event	Minor No provision for car parking but may be informal, little signing / way marking or information	Minimal No or very provision of facilities, services or signing/information
Level of user personal skill and self reliance	Minimal Little skill in personal safety and self-rescue, may have some skills in emergency first aid. Not expected to need.	Minor Understanding of personal safety and first aid skills, not expected to use.	Moderate Skills and experience in first aid, personal safety and self-rescue needed. Reasonable level of fitness required	Advanced Advanced skills, training and experience in first aid, leadership, personal safety and self-rescue. Good level of fitness
Access and safety management	Good orientation / signing and explanation of facilities and services. Information on what to expect and anything, which may affect visit. High profile warnings and supervision. Staff available, first aid training and leadership. Obvious contact point.	Advisory and warning signs. Way marking Advice of contact points / more information. Staff leadership for guided activities.	Minimal advisory, warning signs and way marking. Proactive approach to work with groups. Staff leadership skills for guided activities.	No advisory / warning signs. Proactive approach with groups. Individual self-reliance skills essential.

2. Outline Risk Assessment

Harm will result from exposure to hazard. The extent or level will depend on the likelihood of harm arising. Principles are the same when applied to visitor safety, basically a process that identifies: natural hazards – in relation to environment, weather and other animals; and man made hazards – structures, machinery, work activities, other visitor activities, reassure:

- Hazards have the potential to cause harm
- Examine who might be harmed
- How might they harmed
- How seriously they may be harmed
- How likely they are to be harmed
- Assesses a level of risk
- Put controls in place to reduce that risk (if at unacceptable level)

Risk = the likelihood that harm will result from exposure to that hazard
The level of risk= the likelihood of that harm occurring and the number of people affected

Outline Risk Assessment for:				
The Hazard	Location of the Hazard	Who could be harmed?	Level of risk	Controls and monitor by?

	Slight harm	Harmful	Extremely harmful
Unlikely	Low risk	Slight risk	Moderate risk
Likely	Slight risk	Moderate risk	Substantial risk
Very Likely	Moderate risk	Substantial risk	Intolerable risk

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3. Visual Appraisal

Developed from Landscape Architects assessments, this approach can be very useful to "map out" the current situation. It basically uses annotated maps in layers to show:

- Survey information. For example physical features, recreation facilities or focus points, archaeological, conservation, historical interest, ROW and access points, landscape setting and character, transport routes, legal and tenure agreements, visual character, local communities, areas of antisocial activity.
- Appraisal of opportunities, Constraints on management systems and potential conflicting interests
- Leads into a design concept and planning stage that looks at broad zones and objectives

4. SWOT

S trengths
W eaknesses
O pportunities
T hreats

Strengths - factors on which to build
Weaknesses - factors to remedy minimize or overcome
Opportunities - factors to seize
Threats - factors to be aware of, avoid or counter

5. Features of a visit

Getting there	Preparation and journey to the site, promotional information, transport, cost and comfort.
Being There	
Welcome	Arrival, parking, orientation, and safety
What's on offer?	Special features, facilities and services, information and some orientation
The experience	Activities visitors undertake, what they do and experience
Leaving and going	What they do and take away with them on leaving site. Travel onwards

Acknowledgements

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What management to implement

In our analysis and use of tools above should HIGHLIGHT:

- Accidents for different activities
- Accidents and site in relation to other non-visitor activities
- Potential for conflict – real and perceived
- Visitor profile – numbers, age, experience, ability and mobility
- Accidents in different locations
- If one the of visitor is creating hazards for others
- What controls are already in place and whether they need change

Objectives and principles should build on these to think about what actions are reasonable and look at the best systems to support these.

Control and design solutions for multiuse sites

Management intervention at the right level made through informed practical and reasonable decisions – application of a process and tools to give good and balanced H&S Management

- Reduction
- Restriction
- Education
- Supervision
- Emergency Response

Do nothing – if no harm or of small significance – risk assess
Eliminate hazard – if possible or realistic
Minimise risk of contact with hazard – change route, timings for activities, zone away or out
Man made physical control – fencing, gates, barriers, signposts as a warning combination, metal grills as decorative features - buildings – masonry, protective walls
Diversions – access restrictions for work activities
Natural Physical – for example planting borders and thorn shrubs to divert, discourage access or create route for paths. Replacing natural artefacts or natural objects e.g. stones, new planting density and height and tree under store, clear site lines, reducing small corners - design out where possible with graded vegetation and choice/feel of habitat
Communication – inform interpretation and education – safety campaigns, warning signs and notices at selected locations, integrating safety message on orientation or interpretation boards, orientation in surroundings, guides and leaflets, contact for help; Use of permission letters for activities
Grading routes for activities – allow visitors to make their own judgements and choices
Emergency response – in relation to matrix need to think what might be appropriate and where – actions that visitors need to know or take on themselves – integrate back with emergency plans most organisations and sites a have
Creating Design solutions that help make people feel safe – open space, comfort artefacts – lighting, feel of urban, wind down and unthreatening car parks, lack of

litter/vandalism, few barriers and structures; design network of safe routes and open spaces that reassure; entrances and exits have greatest impact

Things to think about

- Cyclists – seed of travel – need to see
- Horses – high up
- Care not to create new hazards
- Care not to overdo and put people off – tendency to then exaggerate risks to themselves –add another fear
- Care not to destroy/detract for what is essence of site
- Consent required for scheduled monuments (archaeological, historical value or listed buildings. Special consideration for AONB, SSSI'S

COUNTRYSIDE VISITOR SAFETY

MOUNTAIN BIKING AND OTHER ADVENTUROUS ACTIVITIES

Paddy Harrop
Recreation and Education Co-ordinator
Forest Enterprise

Managing mountain biking and other challenging activity
A risk analysis based approach

1. What is a challenging activity?
2. History of mountain biking (MTB) and Forestry Commission
3. Types of extreme MTB
4. Guidelines for managing sites

1. What is challenging

It is important to recognise that peoples acceptance of risk is based on their experience and understanding of an activity. What one person may consider to be hazardous may not be to another and as managers it is important that we take a measured approach to managing safety, often the visitor may have the best understanding of the hazard associated with their activity and so it is important to involve them in the decision making process.

2. History of MTB and Forestry Commission

Mountain biking is not a new activity. Cyclists have been riding bikes off road since the bike was invented but the activity has grown and diversified significantly over the last 20 years:

1980's - arrival of mountain bikes in UK and attempt by FC to issue permits
1990's - promotion of MTB routes mainly using existing forest tracks
1994+ - development of purpose built MTB trails starting in Coed y Brenin based on International Mountain Bicycling Association (IMBA) principles
1996+ - recognition of jump and downhill routes (40 known sites in 1998 Over 100 sites by 2000)
1999 - development of policy for managing extreme MTB facilities
2000+ - stabilisation of numbers of jumps spots and downhill routes, increased direct management by Forestry Commission
2004 - mountain biking will continue to be a popular activity an I would expect more diversification and challenge as bike technology continues to develop and improve.

3. Types of extreme MTB

Downhill – Competition based activity using heavy full suspension bikes. Users tend to be fairly self-reliant and have good protective gear and are very aware of the hazards of their

activity. Competition routes are often re-used outside of events but the sport has matured a lot and is far more main stream than it used to be.

Dual Slalom (Dual) and Four Cross (4X) are similar short course versions of downhill where riders ride the same course against each other.

Dirt jump – common activity anywhere where there is soil that can be dug. Sets of jumps in a line are ridden with height and technical achievement as the aim rather than speed. Dirt jump bikes are cheap and riders are often younger. Courses of jumps tend to grow with the riders experience. User self reliance is high but often-protective gear is more fashion than safety orientated. Only requires a very small area. Dirt Jump is still a fairly underground activity and groups of riders are often loosely formed rather than in formal clubs.

BMX, BSX (Bike super cross) and trials are other activities involving jumps and stunts or tricks but are less common that dirt jump in the forest.

North Shore Style – Originally developed on the north shore of Vancouver Island where the forest floor was unrideable and riders took to the trees. This style has developed in the UK as an add on to purpose built cross-country trails. Wooden structure like board walks, balance beams and seesaws are built to give extra challenge to a trail. Structures can be anything from a few centimetres to a few metres high. No specialist equipment or bike is required and the level of activity is increasing across the UK at the moment.

4. Guidelines for managing sites

Six stage approach:

- Find out where the areas are
- Decide which areas are a priority
- Decide whether you want to stop the activity
- Decide how you will manage the site
- Implement your management strategy
- Monitor use

Find out where the areas are

You may already have a rough idea but talking to other staff local bikers, clubs or bike shops may give you more information. It is useful to map these areas so that the information can then be used in future recreation plans and forest plans.

Decide which areas are a priority

Table 1 on should help you to do this. You will also have to consider what resources you can put into this but try to deal with the high priority areas first.

Remember that your duty of care to your visitors who may be affected by this activity is greater than to the deliberate users of the site and may require more input. It is more important that you protect the walker who may be hit by a flying bike or a cyclist who accidentally comes across the area, than protecting the person on the bike. This duty

increases even further if the visitor is using a facility provided by us, for example if the walker is on a waymarked trail. Your priority should be where:

A. **Unofficial areas impact on other visitors**
B. **There are hidden hazards in the challenging bike area that may cause a problem for the unwary that stray into the area.**

Also consider the likelihood of your actions having a successful outcome. For example, if a low priority area has a 90% of success and a high priority area only 10% for the same effort then act now on the low priority and review how and when you can implement the high priority.
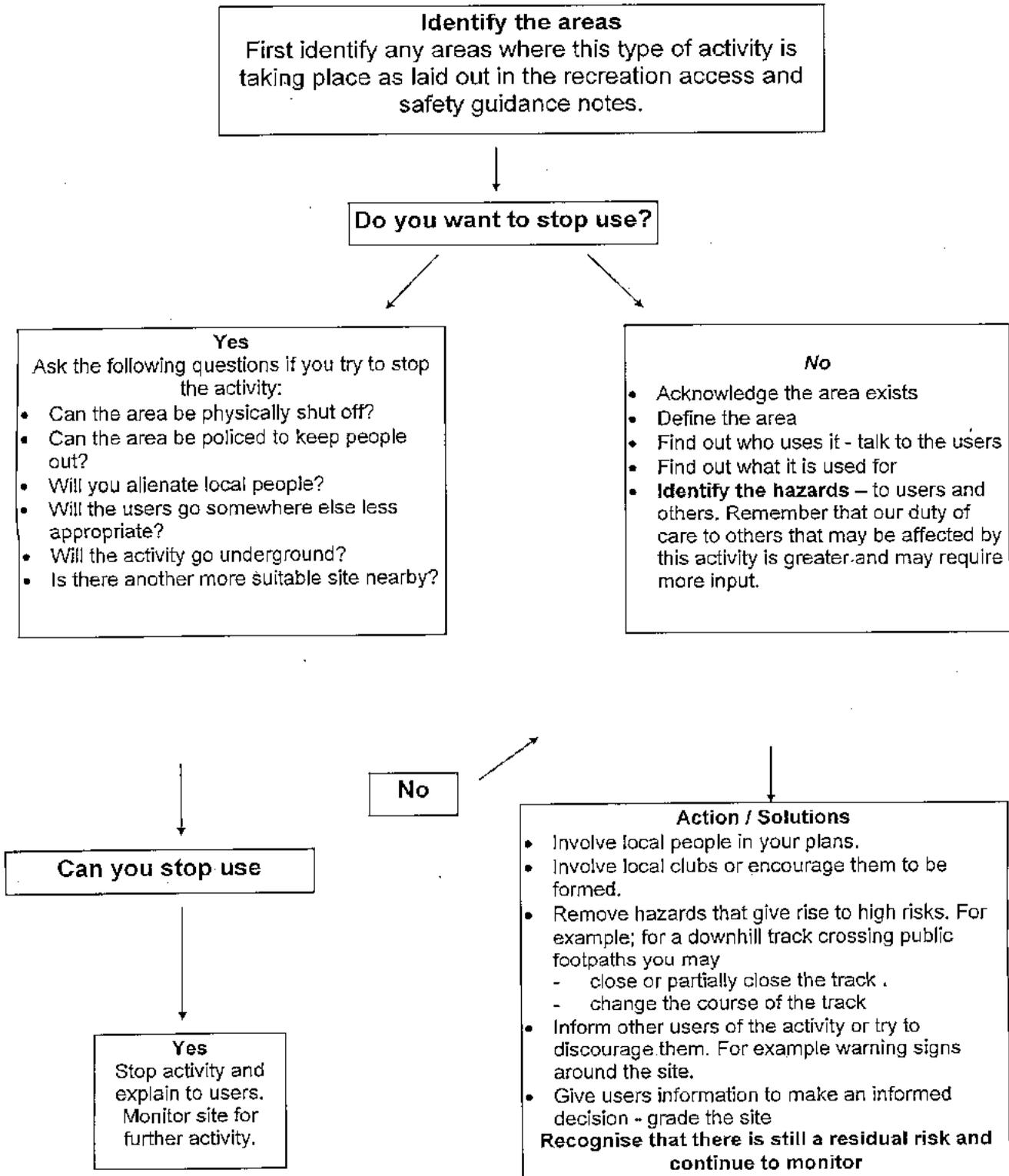
Table 1 – Identifying Priorities

Visitor Hazards			Site hazards		
			High	Medium	Low
			Heavily used areas. High number of man made structures with hazardous materials/ features, e.g.: use of metal/sharp wood or stone, very deep pits. Some jumps and pits are hidden. Natural hazards may not be obvious – overhangs at the top of steep banks	Moderate use areas. Some man made structures but generally built from earth, any pits or jumps are shallow and visible. Natural hazards are generally obvious.	Low use areas. Few man made features generally using earth, pits and jumps are shallow and visible. Natural hazards are not severe and are obvious.
	High	Route crosses well used forest roads, waymarked trails or rights of way, visibility for both sets of user is poor and cyclists will be travelling at speed. And/or it may not be obvious that this is not part of our network of trails	1 Talk to users, alter route or improve visibility. Remove dangerous structures. Monitor use during rec. inspections	1 Talk to users, alter route or improve visibility. Monitor use during rec. inspections	2 Alter route or improve visibility. Monitor use during rec. inspections
	Medium	Routes cross well used desire line paths/tracks or less well used forest roads, rights of way or waymarked trails, cyclists will be travelling at speed and for one of the user group's visibility is poor.	2 Talk to users, alter route or improve visibility. Remove dangerous structures. Monitor use informally	2 Talk to users, alter route or improve visibility. Monitor use informally	3 Alter route or improve visibility
	Low	Route crosses any type of path but visibility for both sets of users is good and/or cyclists not travelling at speed and/or there is little other use apart from the cycling activity in this area of the forest.	3 Talk to users, remove dangerous structures. Monitor use informally.	4 Monitor use informally	5 No action

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Decide whether you want to stop use and whether this is possible

The flow chart below will help you to make you decision.   Again this offers some solutions. There is no point bulldozing a course that you know will be rebuilt the following week.

Self Built Bike Courses – Flow Chart

Identify the areas
First identify any areas where this type of activity is taking place as laid out in the recreation access and safety guidance notes.

Do you want to stop use?

Yes
Ask the following questions if you try to stop the activity:
- Can the area be physically shut off?
- Can the area be policed to keep people out?
- Will you alienate local people?
- Will the users go somewhere else less appropriate?
- Will the activity go underground?
- Is there another more suitable site nearby?

No
- Acknowledge the area exists
- Define the area
- Find out who uses it - talk to the users
- Find out what it is used for
- **Identify the hazards** – to users and others. Remember that our duty of care to others that may be affected by this activity is greater and may require more input.

No

Can you stop use

Yes
Stop activity and explain to users. Monitor site for further activity.

Action / Solutions
- Involve local people in your plans.
- Involve local clubs or encourage them to be formed.
- Remove hazards that give rise to high risks. For example; for a downhill track crossing public footpaths you may
  - close or partially close the track .
  - change the course of the track
- Inform other users of the activity or try to discourage them. For example warning signs around the site.
- Give users information to make an informed decision – grade the site
Recognise that there is still a residual risk and continue to monitor

Decide how you are going to manage the site

Table 2 sets out guidance on different management approaches. You should also consider access to the site. *Can emergency services get in if there is an accident?*

Table 2 - Possible Management Approaches

Different options will suite different sites and users groups the flowchart should help you to decide which one to adopt.

Approach
Stop the activity and remove or destroy any structures
Allow the activity to continue but no formal management by FE and monitor informally *This is only an option if the risks are relatively low and evidence of number of users is low.*
Allow the activity to continue Erect signs so that users can make an informed decision and to warn passers by of the hazards. Carry out inspections on signs and monitor site use and condition.
Consult users and develop site rules (but not a formal agreement) carry out inspections and put up signs so that users can make an informed decision and to warn passers by of the hazards. Users may help to inspect monitor and manage the site.
Enter into a formal agreement over site management and development, for example: with a local club or bike shop. Carry out inspections and put up signs so that users can make an informed decision and to warn passers by of the hazards. Users may help to inspect, monitor and manage the site.
Take full ownership of the site Carry out inspections and put up signs so that users can make an informed decision and to warn passers by of the hazards.

Implement your management strategy and monitor the effects

It is important to monitor the effects of your management. Depending on what you do this may mean informal of formal checks on the site looking at construction and changes to the site. Gathering accident information through talking to users or through formal agreements and providing accident books. However you do it, it is important to monitor what happens and review your plans.

What should you do if you find something dangerous?

If you find something that you think is dangerous you should do something about it. Your action will depend on risks and hazards associated with the site and what you what you want to develop it into.

If it is a fairly small site with low use and no formal agreement or site rules the sensible approach will be to remove the dangerous feature or materials. If your worry is about other visitors being scared or injured a simple warning notice, or improved visibility, may be enough.

On a site with rules or an agreement, or at least plans to achieve one or the other, then you will want to talk to the people using the site and try and agree with them what should be done first. If you find something that is very dangerous you should try and tape it off until you can speak to the site users or take further action.

Whatever the situation if you find something that is really dangerous you MUST do something about it.

COUNTRYSIDE VISITOR SAFETY

BRITISH WATERWAYS

Peter Wade
Visitor Safety Advisor
British Waterways

The presentation began by highlighting a few frequently asked questions:

- *Can organisations manage Visitors to unmanned sites?*
- *How can we reduce/remove the impact of the hazards?*
- *How can we reduce conflict between different visitor groups?*
- *Can we keep the law off our backs when things go wrong?*
- *Can organisations manage Visitors to unmanned sites?*

Safety of visitors is critical to the success of any business. Management of visitors to both manned and unmanned sites is often complex, consequently some organisations do not attempt to develop systems and implement suitable controls leaving them open to claims & prosecution.

Managing the safety of visitors to unmanned sites gives rise to specific issues; examples of these are given below:

- Split management responsibilities
- Reduced scope for direct intervention
- Competing objectives
- Supervised and Unsupervised activity
- Limited amount of published guidance or best practice
- Little or no in-house expertise in visitor management

The approach chosen may vary from organisation to organisation, however there will be common issues that require a robust Visitor safety management system.

How can we reduce/remove the impact of the hazards?

At some point the organisation will need to identify its visitors, sites accessible to those visitors and the activities that are carried out during the visits. It will also be necessary to assess the risks to those visitors from the hazards they are exposed to. This may include conflicts between activities and individuals/groups carrying them out.

Decisions about the acceptability of risk are subjective however it is worth recognising:

- *There is no such thing as absolute safety!*

The perception of visitors with regard to a safe site will be dependant on:

- *Awareness of risk*
    - o And
- *Use of life skills*

When deciding on the acceptability of risk it will often involve:

- *User acceptance*
- *Popularity of site/activity*
- *Level of management intervention needed/available*

It may also be a balance between heritage/environment & safety weighted against cost/benefit.

Managing visitor safety in British Waterways

In November 2003, British Waterways' Chief Executive, Robin Evans, said

"Our ambition is that by 2012 we will have created an expanded, vibrant, largely self sufficient waterway network used by twice as many people as in 2002. It will be regarded within the national consciousness as one of our most important and valued national assets".

In 2002 over 10 million people regularly visited their local waterway. It is estimated those visitors gave a footfall of over 160 million visits.

This vision commits us to managing our sites and infrastructure to minimise the risk to visitors, users and staff. We risk assess sites dependant on the identified level of use of the site and the hazards, both found on site and caused by identified uses.

We have many ways of minimising risk, from removal or segregation of the hazard, to education, participation and consultation. We look to use a mix of soft and hard control measures, vegetation and planting to fences, walls and paving. Many of our sites are designated as historic or environmentally sensitive, where this is an issue we look for novel ways of management in addition to physical controls and information/interpretation.

Hundreds of overhead power lines cross our waterways and land; working with the Angling and Overhead Power Lines Working Group (AOPLWG) we have developed a standard sign system to warn anglers and other users of the presence of overhead power lines. Current guidance from AOPLWG promotes a minimum exclusion zone to angling of 30 metres. The exclusion zone should be measured along the ground at right angles to the outer conductor of the overhead power line. In addition the exclusion zone should be

maintained where overhead power lines run parallel to the water within 30metres of the waterfront.

When assessing the risk from overhead lines it must be recognised that anglers are not the only group at risk, people flying kites, carrying boat masts or similar equipment in a vertical position may also contact an overhead power line, furthermore risks are not only confined to the waterfront. Power lines also cross many car parks at amenity sites and accesses to the waterfront. Further information and guidance is available from the Energy Networks Association.

Managing Visitor Conflict

With the large number of visitors and users carrying out contrasting activities on and adjacent to our waterways there is a risk of user conflict. Where possible we look to minimise this risk by segregating contrasting types of use. Where this is not possible we promote understanding through user forums and multi activity events where visitors can try out a range of new activities.

We also produce a number of guidance documents to help users minimise the chance of conflict and to allow them to understand our requirements. When things do go wrong we have an incident reporting system that allows visitors to our land and users of our water space to report what has happened. This information is used for analytical purposes and where possible, to reduce the likelihood of an incident re-occurring on a particular site.

Can we keep the law off our backs when things go wrong?

There is no single answer to managing risks to visitors. The procedures outlined above contribute, we believe, to a robust Visitor Safety management system. Whilst there is no guarantee that any system will keep an organisation out of court it helps to demonstrate their commitment to visitor safety & to minimising risk!

Countryside Recreation Network Seminar

COUNTRYSIDE VISITOR SAFETY

CASE LAW

Chris Probert
Forestry Commission

Managing Visitor Safety - What can we learn from the Courts?

In 2003, the House of Lords gave a landmark judgement in the context of countryside recreation, in the case of Tomlinson v Congleton Borough Council. The outcome of this case, together with several others makes essential reading for managers of recreational facilities.

Given the number of visits to the countryside, and concerns over "compensation culture", it is perhaps surprising that not more cases reach court, as injured parties attempt to secure damages following injury for which they maintain the land owner or occupier is responsible. Occupier's liability legislation is a complex area, and has recently been amended for access land in England and Wales created under the Countryside and Rights of Way Act. The law is different in Scotland, but essentially lessons which can be learned from the courts are relevant in all four home countries, but local advice should always be taken if in doubt.

Statistics for accidents to countryside users suggest that risks to walkers are low compared to other sports or outdoor activities. A study prepared by Asken Ltd for the agencies involved in implementing Part 1 of The Countryside and Rights of Way Act showed that walkers probably have a 1:10000 chance of suffering an accident. Health and Safety Executive figures show that between 1991-2000, 27 walkers were involved in incidents with livestock, while ROSPA record 6 walkers drowned in 1992, with 59 falling into water. The Forestry Commission maintains records of accidents to visitors, and with recent estimates suggesting around 120 million visits per year to the estate, 106 recorded accidents were logged in 2002-03, with 110 and 131 in the two previous years, many of these affecting cyclists and users of play equipment, rather than walkers.

While all statistics need to be read in context, figures appear to show few major accidents in relation to visits, and this is perhaps why there have been few court actions. This paper focuses mainly on "quiet recreation" such as walking; however, the lessons can be applied, with care, to most forms of recreational land management and facility provision.

Risks associated with access were summarised in the Asken study. The greatest risk to walkers comes from proximity to suckler cows and calves when accompanied by a dog. The second greatest risk comes from swimming in quarry lakes, followed by falls in quarries.

Against this background, how does case law help the countryside manager?

There are generally three main outputs:

- judgements help to clarify the law;
- they set precedents for lower courts, most obviously when decisions are made by the Court of Appeal or the House of Lords; and
- they offer useful pointers towards future management.

Recent cases have emphasised the importance of individual choice and responsibility; the need to establish and maintain proper, well informed management processes; and the value of well-documented records and trained staff.

Four cases are worthy of consideration here, although there are several others which also merit a look, and which are summarised in "Managing Visitor Safety in the Countryside-Principles and Practice".

Firstly, Tomlinson - The House of Lords decision in 2003 reversed Court of Appeal findings from 2002, in the case of the claimant who had sought damages following very serious injury after he took a standing dive into shallow water in a country park. Warning notices were in place, but largely ignored. The Lords held that there was no duty to safeguard people from themselves. If irresponsible people ignored warning notices, this did not create a duty to take other steps to protect them. Lord Hoffman stated that:

"A duty to protect against obvious risks or self inflicted harm exists only in cases in which there is no genuine or informed choice, or in case of employees, or some lack of capacity, such as the inability of children to recognise danger..."

In this key ruling, the Law Lords clearly defined individual responsibility, emphasising the importance of individual autonomy. This is of crucial importance to countryside managers, recognising that individuals must accept responsibility for their actions. Situations remain where there will still be a duty to protect against obvious risk. Their Lordships gave an example where they thought it appropriate for an occupier to take precautions:

"a narrow, slippery path with a camber beside the edge of a cliff from which a number of persons had fallen."

This pointer for managers also demonstrates the need to be aware of previous site history when making site management plans.

The Tomlinson case is a landmark decision in the context of occupier's liability, but managers must remember that children and the vulnerable still need special attention. This is a well-established principle, borne out in the decision of the House of Lords in 2000 (Jolley v Sutton London Borough Council). Here, a child was injured when an abandoned boat, which he had been trying to repair, fell on him. The defendants had been in breach of their duty of care by failing to remove the boat, but argued that it was not reasonably foreseeable that a child could be injured while trying to repair it. In the decision, the Court held that the accident was of a type which was reasonably foreseeable, and Lord Hoffman commented that one should:

"never underestimate children's ingenuity in finding unexpected ways of doing mischief to themselves and others".

However, while occupiers need to plan very carefully to protect young and vulnerable people, they are also entitled to expect very young children to be in the care of an adult, when on their property.

Post "Tomlinson", a number of cases have been decided, following the principles established by the House of Lords. The National Trust recently successfully defended a claim in Northern Ireland, following an accident when a basalt column collapsed at the Giants Causeway. It was held that the accident was due to the state of the premises, and that the columns in question had become unstable, unknown to anyone. There was no evidence of similar instability since 1962, and the Plaintiff was unable to establish that there had been any breach of the duty of care-that the Defendant should take such care as in all the circumstances of the case was reasonable to see that the visitor was reasonably safe in using the premises for the purposes for which he was invited to be there. Having successfully defended the claim, the Trust still received advice from the Court, regarding site management, and the frequency with which site inspections should be conducted. Lessons to be learned here include the need for proper written records of site inspections; records of remedial work, and factual evidence of accidents and accident reporting.

In 2004 a further case of note was decided, involving the Royal Society for the Protection of Birds. This concerned a visitor to a woodland reserve who tripped and fell, losing the sight in one eye. The RSPB was sued for damages, and defended the case on the basis that the Plaintiff failed to prove that the accident happened as alleged. As with the previous case, the judge considered the duty of care which was owed to the Plaintiff. Here it was held that stumps are commonplace in woods, so the presence of a protrusion on a path was not a breach of the duty of care. However, the decision in this instance took into account the nature of the area; the type and number of visitors and the absence of previous accidents or complaints-a recurring point. It should be noted that the area in question was isolated and remote woodland, where the Society expected walkers to take care for their own safety, as opposed to highly used and easily accessible paths. On this basis, the accident was not reasonably foreseeable and the Court held that to impose liability on the Society would mean that all protrusions would need to be removed. This would place an unreasonable and disproportionate burden on the occupier. As with the Tomlinson case, the nature of the site required users to take reasonable care for their own safety. It is worth noting that the Society had a properly documented system in place as evidence of its claim that it was managing its land responsibly.

Moving beyond the need for users to take responsibility for their own actions, the courts have also made decisions which help to guide countryside managers in other areas of work too.

Tree safety is a cause for concern to almost all country landowners, and there have been several cases where occupiers have been found to have a duty of care to others. However, one recent case involving a tree in a woodland setting offers useful pointers with regard to inspections.

This involved the Forestry Commission following an unfortunate accident to a walker when a 70ft ash tree fell on to him as he walked on a public right of way through the Forest of Dean. At trial, the key issue was the state of the tree. Could it reasonably have been identified as a hazard prior to the accident? The court found that the tree was unremarkable such that it could not have been identified, and on that basis the claim failed.

As with the cases described earlier, the court then went on to consider the responsibilities of the Commission, and whether it had a reasonable inspection regime in place at the time of the accident. The Commission owed the Claimant a duty of care to take reasonable care for his safety as the user of a public right of way, and as a visitor to the forest. It was the responsibility of the Commission to establish a reasonable system of inspection, which would enable dangerous trees to be identified and dealt with. The Commission had a system of tree inspection, developed over several years, with formal inspection only of high risk areas, for example around car parks, major recreation sites and on roadside boundaries. No formal documented procedures existed for sites such as the one in question. However, an informal system was used in these places, and staff were on the look out for potential hazards, as they went about normal duties. The court held that:

"On the evidence...the Defendant had taken reasonable steps to assess the usage of the footpath in question and had implemented a reasonable system of inspection involving as it did opportunistic inspections by dedicated and skilled employees who as I found know a danger when they see one".

The court therefore agreed that it was reasonable to concentrate resources on high-risk areas and use informal inspection for lower risk sites, enabling managers to apportion limited resources according to risk. It is an important point to bear in mind, however, to ensure that the reasons why such decisions are taken are documented and retained for reference. Staff also need training, and this should be regularly updated or refreshed, with records kept of programmes and attendance.

Several lessons can be learned from the outcomes of these cases, but perhaps the most important can be distilled down to six key areas:

- understanding that occupiers are not necessarily liable for all accidents;
- the need to analyse risks and take reasonable steps;
- taking into proper account site or activity history;
- having documented procedures in place not just for sites and features but also for organised groups and activities;
- retention of written records–remember these might be used in court; and
- training of staff, ensuring this process is regularly refreshed.

Against the background of these and other recent cases, land managers who have adopted the processes put forward by the Visitor Safety in the Countryside Group can be re-assured by the latest thinking from the courts, and the final words from Lord Scott in the Tomlinson case provide a useful conclusion to the debate:

"Of course there is some risk of accident arising out of the 'joie de vivre' of the young. But that is no reason for imposing a grey and dull safety regime on everyone".

Countryside Recreation Network Seminar

COUNTRYSIDE VISITOR SAFETY

WORKSHOP PAPER

CROW AND SECTION 16 - DEDICATED ACCESS ON FOOT
HEALTH AND SAFETY IMPLICATIONS

Workshop chaired by
Chris Probert, Forestry Commission and Paddy Harrop, Forest Enterprise
Workshop notes provided by
Andy Maginnis
Worcestershire County Council

APPROACH

The workshop was facilitated by Paddy Harrop and Chris Probert of the Forestry Commission. Paddy and Chris invited participants to identify landowners' fears and expectations about visitor behaviour and list the key hazards that visitors might encounter. These were then discussed by the group.

KEY FINDINGS

- Under the CROW Act 2000 the landowner's duty of care towards visitors in terms of occupiers' liability is reduced – particularly with respect to natural features. Nevertheless, the consensus of the participants was that it was still advisable to adopt and implement a visitor safety strategy which included risk assessment; a recorded inspection regime; accident reporting and investigation procedures and public information.

- Participants recognised the concerns that many landowners have about the potential for an increase in litigation. However, most participants felt that with a few exceptions, the take up of the new right of access was unlikely to be significant – particularly in the short to medium term.

- It was also felt that the new right of access was likely to be exercised in a predominantly linear fashion (although several linear routes might develop across some parcels of Access Land).

- Participants noted the potential for confusion where Access Land adjoins other accessible land in terms of levels of liability. It was also noted that, ironically, a visitor to Access Land breaking the "rules" e.g. allowing their dog off a lead when restrictions apply, would become a trespasser and would be owed a higher duty of care than a legitimate visitor!

- It was recognised that positive access provision through waymarking; surfacing; the provision of access points and other management tools could be used as methods to

steer visitors away from hazardous areas. It was noted that this is most successful if trails are provided that match desire lines.

- A number of hazards were identified including livestock; trees; cliffs; machinery; management operations; poorly designed or maintained furniture; weather; mines and quarries; mines, water ; fires, other visitors, overhead power lines.

- Disused mines and quarries were noted as potential hazards. Often records of their location are incomplete, inaccurate or non-existent. Fencing would be costly and unsightly and would create a maintenance liability with health and safety implications in its own right. It was felt that some landowners might use the presence of mineshafts on their land as a reason for requesting restrictions. This was considered by the participants to be understandable but unfortunate.

- A number of participants commended the Countryside Agency's Land Managers' Guidance Pack as being of value (available by calling 0845 1003298).

Andy Maginnis
Worcestershire County Council Countryside Estates Manager &
Local Government Association representative on the Countryside Recreation Network

Countryside Recreation Network Seminar

COUNTRYSIDE VISITOR SAFETY

WORKSHOP PAPER

WHEN THE GOING GETS DIFFICULT

Workshop chaired by
Mark Daniels, The National Trust
Workshop notes provided by
Dan Barnett, Senior Countryside Sites Officer
Worcestershire County Council

Situations that are considered more difficult were discussed:

- **When someone gets hurt**

    o enforcement
    o local politics
    o difficult to have rationale debate
    o economic realities come in to play
    o Health and Safety Executive becoming more involved in 'natural' hazards

- **Rights of Way on train lines**

    o Health and Safety Executive favour closure of pedestrian crossings in some areas (Cornwall) where there has been increased use. This increase is alleged to have been caused by a new Tesco store.
    o Should the Planners have done more to foresee this and ensure appropriate mitigation?

- **Education should play a greater role in improving safety for children and adults**

    o for example: Water Safety

- **Important to have industry standards**

    o e.g. Visitor Safety in Countryside guide
    o networking/sharing very important

Case Studies

Lords Rake - Scafell

There is a possible rock fall waiting to happen on this remote scramble up Scafell in the Lake District. There is movement of a large rock perched on the top of this popular scramble route. The National Trust carried out a risk assessment and due to the remote location and adventurous nature of the route a decision was taken not to block the access but to provide signs warning of dangers and to undertake regular monitoring. Do you agree? Take a look at the Visitor Safety in the Countryside guide and make your own decision.

Cragside V Jesmond Dine

- A historic National Trust bridge at Cragside with a very low parapet
- Local Government Environmental Health served notice suggesting that the parapet was dangerously low and asking for a full risk assessment
- Newcastle City Council have the same type of bridge at Jesmond Dine park – they choose to have a wooden barrier
- Further to the risk assessment it was decided that there was no need for a barrier at Cragside but for new surface and correct signage. If the National Trust had carried out a risk assessment at Jesmond Dine, they would have identified a need to add a barrier
- The only difference between the two is numbers of visitors, but this is a key factor

Do you agree? Take a look at the Visitor Safety in the Countryside guide and make your own decision (available from http://www.vscg.co.uk/VSCGPublications.htm)

COUNTRYSIDE VISITOR SAFETY

WORKSHOP PAPER

**GETTING YOUR SAFETY MESSAGE ACROSS
COMMUNICATING WITH VISITORS**

Workshop chaired by
Fiona Groves,
The Natural Route Consultancy

Why communicate?

- Promotion / marketing - to promote access opportunities
- Rules / regulations - parameters and to advise on constraints to access
- Direct /orientation - to help visitors find their way around a site
- Warning / safety - reduce and prevent and to warn of hazards accidents
- Management - to advise of management requirements such as car park charges, site closure times etc.
- Education - to encourage understanding and positive attitudes about caring for the environment and/ or organisation, service
- Inform and Interpretation - aspects of the site, route, service, organisation, management
- Involve – develop two way feedback and exchange
- Enhance enjoyment – to match expectation and to help people make informed choices about what they do and where they do it

In the context of access and safety

- Alert visitors to the nature and severity of any risks and hazards and impart information about any control measures in place
- To give visitors the knowledge to decide for themselves
- Let visitors know what is expected of them

Different ways of providing information

- Face to face – Verbal interpretation, telephone
- Signing on site – Waymarkers, Symbols, Advisory signs, Orientation panels
- Printed information - Leaflets, posters, tickets and booklets, Codes of conduct and Hirer information
- Web sites

Solving communication issues with media

Use of signs

Frequently badly used – give thought to design, content and maintenance
Advantages – ensure concise, simple, cost effective, to warn of things not readily obvious, can reinforce more complicated messages
Limitations – poor design, damage, durability, maintenance, ignored, limited for children, foreign language, and use of inappropriate/not plain language, visually impaired, can be visually intrusive.

- Use only when appropriate (following risk assessment and deciding that this is the most effective control)
- Think of alternatives or combine with other solutions – planting, with existing panels/information
- Don't provide a sign if the hazard is obvious
- Overuse is counter productive
- Inspection
- Be consistent in design – use categories
- Use recognised symbols where possible
- Think about location – general warnings need to be seen by as many people as possible – main access points, signs individual to hazard near that hazard, smaller signs that remind
- Health and safety reason for having them message needs to be unambiguous and site specific. Available to everyone who visits the site.

Symbols

- Communication of simple issues relevant to the immediate site rather than the whole site. Available to everyone who visits the site. For example – no dogs; no cycling; no riding; deep water; steep drop; and other highway code information.

Face to face contact

- Have staff in Visitor Centres and on the ground and also have ranger led events.
- Have staff that are good at dealing with complex issues for a small number of people.
- There is a need for knowledgeable trained staff with good general communication skills.
- Combine safety messages with general introductions, booking information, site information etc. as this is very flexible and can be tailored to the individual/group – is therefore responsive.
- Give an identifiable face to the organisation or site to enable that member of staff to engage more deeply with users and develop empathy which can then be used effectively for difficult situations or awkward customers.
- Work directly with user groups – educational groups through curriculum.

- Make sure messages are simple and at a level that most people can understand – don't remove enjoyment and retain a balance
- If the staff are not right this can affect quality of experience and can give rise to conflict situations
- Take care not to give information overkill
- Not permanent.

Leaflets, Publications, Information and Interpretation:

- Are user friendly - can deal with more complex issues about the forest in general and be available pre-visit.
- Target audience for leaflets and other publications will generally be small due to restricted print runs and limitations sometimes given by distribution, but interpretation and information panels can reach large numbers of visitors to the site.
- Can use "high art" and visuals in a positive way and can show the site before the actual visit and give a positive impact on expectations.
- Are downloadable and mixed web technology can be good.
- Can aim at a specific target audience.
- Give time to think about the message and how to say it.
- Can also explain logos/organisation better.
- Are good for highlighting and showing accessibility and widening other access.
- They can also be costly and need support through wider marketing /communication strategy.
- Care also needs to be taken with out of date information.
- There is a risk of misunderstanding if representation is wrong or the information gives higher expectations than reality.

Codes of conduct

- More complex explanation of do's and don'ts plus interaction between users.
- Can be used off and on site and in partner's publications.
- Potential to reach a wide range of people within a user group.

Hirer information

- Where equipment is being hired: bikes, skis, horses... it is possible to target detailed information about an activity or a site and explain why some rules are in place.
- Don't just give a helmet out, explain it reduces head injuries by XX%.
- Can link to National Guidelines and endorse service.
- Can involve groups to develop right methods to get information across.
- Can link to specialist equipment and highlight additional training/competence needs.
- Can be accessible and use face-to-face and other lively media.
- Hirers often have greater depth of specialist information in relation to H&S – can liaise with HSE.

Waymarking /Orientation and Route Grading

- Helps visitors find their way round trails.
- Should be clear in both directions on a circular trail.
- Reassures people and stops them getting lost.
- Available to everyone who visits the site, depending on age and ability.
- Grading helps people to make a decision about whether a trail is suitable or not and should make clear the length and nature of the path.
- May be available pre-visit if contained on the leaflet plus where possible on site.
- Potential to reach all visitors.

Strategy for media and Content

- What is the message?
- Who is the target audience?
- What format suits the message and audience - the best way for information reach them?
- Who do I need to work with?
- How effective is it?

Basically it all depends on:

- what you are trying to say
- who you are saying it to
- where you are saying it

Message and Target Audience – some thoughts

Target Audience Message	Big	Medium	Small
Complex	Interpretation	Leaflets Codes	Face to Face Hirer information
Simple	Symbols Advisory, warning and prohibition notices Waymarking	Symbols Advisory, warning and prohibition notices Waymarking	Symbols Advisory, warning and prohibition notices (leader advice)

COUNTRYSIDE VISITOR SAFETY

WORKSHOP PAPER

TOOLS FOR INTEGRATED SAFETY MANAGEMENT
Assessing and Planning an Integrated Approach

Workshop chaired by
Peter Wade
British Waterways
Workshop notes provided by
Wade Muggleton
Worcestershire County Council

Introduction

Safety of visitors is critical to the success of any organisation. Management of visitors to unmanned sites is often complex, consequently many organisations do not attempt to develop systems and implement suitable controls.

This workshop set out to:

- Look at suitable approaches to safety management

- Confirm what has worked & what has not for those present

- Discuss how organisations can support each other in the future

Main points from the workshop discussion:

Key to bullet points:

❖ Indicates question from delegates

o Indicates concern from delegates

✓ Indicates suggested solution

Aim – Look at suitable approaches to safety management

❖ *Is there a need for organisations to record positive outcomes of inspections as well as issues?*

✓ Very important to record positive outcomes of inspections as well as issues

✓ Important to have a trail of evidence for future reference (record facts!)

❖ *There appears to be a lack of industry Best Practice for Visitor Safety Inspection procedures/regimes?*

Concerns from delegates

  o No clear methodology within individuals/across organisations

  o Issues with data recording – how, who when?

  o Time pressures - inspections are carried out as & when!

  o Limit to what volunteers can inspect

❖ *It appears that priority for inspections are based on level of problems – if it is not a problem it is a low priority*

  ✓ Inspections could be completed as part of other programmed work i.e. whilst on guided walks, routine estate work etc.

  ✓ Important to prepare program/get dates in diary for Inspections well in advance (12 months)

  ✓ Quality training is essential for all (but particularly if using volunteers for specific disciplines)

Aim - Confirm what has worked & what has not for those present

  ❖ *Countryside safety does not fit with more general H & S Regimes – H & S officers often provide information over phone from "textbooks", Do not understand problems!*

  ✓ Take Health & safety Professionals on site, explain issues, discuss sensible management decisions

  ✓ Introduce H & officers to VSCG Principles

❖ *It appears that inspections are based on level of problems – if it is not a problem it is a low priority*

❖ *Difficulty with conflicts of interest i.e. ecology, archaeology, landowners*

  ✓ Explain reasons for changes, e.g. short term lost for long term to reduction in impact

  ✓ Seek less intrusive methods of change/improvement

Aim - Discuss how organisations can support each other in the future

  ✓ Further seminars

  ✓ Need for networking, email discussion groups

  ✓ Option to include VSCG Principles document in cost – include in pack

❖ *Offer from a number of organisations to share work/good practice but how can it be disseminated?*

❖ *Would it be possible to have Bulletin Boards on VSCG website, to allow organisations to share information?*

❖ *Need to put HSE under pressure to commit their stance on Visitor Safety*

❖ *Comment from floor – Asking HSE nationally to risk assess something specific in countryside is a bit like asking them to risk assess SPACE TRAVEL!!*

Support/Networking/information available:

ILAM (www.ilam.co.uk)

IPROW (www.iprow.co.uk)

CMA (www.countrysidemanagement.org.uk)

Country Parks Network (www.green-space.org.uk)

VSCG (www.vscg.co.uk)

All have websites with valuable information

COUNTRYSIDE VISITOR SAFETY

CONCLUSIONS

Chris Marsh
Environment Agency

- It is important not to take things you have learnt to day in isolation and out of context. Rather use this information as a first step in learning more. This can be done though a number of ways such as personal contact, seeking specialist legal advice, reference to books and papers or visiting relevant websites.

- Many references have been made to the Visitor Safety in the Countryside Group and its publication 'Guiding Principles of Visitor Safety Management'. You can obtain copies of this booklet thought visiting their website www.vscg.co.uk and completing the order form.

- Not all the answers to complex safety issues can be provided by seminars such as this. However, by sharing information, what they can do is to give a steer on the principles likely to be applied and indicate measures adopted by other organisations in similar circumstances.

APPENDIX A

PROGRAMME

9.30 *Coffee and registration*

10.00 **Introduction and welcome from Chair** - *Chris Marsh, The Environment Agency*

10.10 **VSCG Guiding principles the risk control matrix** - *Mark Daniels, The National Trust*
Principles that can help in making a common sense approach
Setting risk and environment in context

10.35 **Health and Safety Management at multiple use sites** - *Fiona Groves, The Natural Route Consultancy*
Tools, systems and processes to help balance a host of recreation activities

11.00 **Mountain biking and other adventurous activities** - *Paddy Harrop, Forest Enterprise*
How Forest Enterprise balance the difficulties of high risk activities, remote locations and operational needs

11.25 *Refreshments*

11.45 **British Waterways** - *Peter Wade, British Waterways*
Practical solutions to safety issues

12.10 **Case Law** - *Chris Probert, Forestry Commission*
How recent court cases have helped to inform H&S practice

12.35. *Lunch*

13.20 **Workshop session 1 (choice of A or B)**

14.15 *Refreshments*

14.30 **Workshop session 2 (choice of C or D)**

15:25 **Return to Main room**

15.30 **Feedback from workshop sessions**

15.45 **Conclusions**

16.00 **Close**

Workshop Session 1 Choices
A - **CRoW & Section 16 - dedicated for access on foot**
Actual and perceived health and safety risks, expectations and fears
Facilitators: Chris Probert, Forestry Commission/Paddy Harrop, Forest Enterprise
B - **When the going gets difficult**
Aligning health and safety theory and practice
Facilitator: Mark Daniels, National Trust

Workshop Session 2 Choices
C - **Getting your safety message across**
Information, education and interpretation
Facilitator: Fiona Groves, The Natural Route Consultancy
D - **Tools for integrated safety management**
Assessing and planning an integrated approach
Facilitator: Peter Wade, British Waterways

APPENDIX B

BIOGRAPHIES OF SPEAKERS

Countryside Visitor Safety Seminar
The Priory Rooms, Birmingham
19th January 2005

CHAIR

CHRIS MARSH
RECREATION POLICY & PROCESS ADVISOR
ENVIRONMENT AGENCY

I first trained as an engineer in one of the largest motor component manufacturers in the Britain. I later specialised in hydrostatic system design and helped to devise power trains for large earth moving equipment and dockside container carriers. I later became Service Manager for Ferranti Engineering which involved extensive travel to Europe, the near and far east, North America and the Caribbean. During this period I became interested sailing yachts and later became a partner in a self-build schooner project. When the boat was completed, I sailed full time in waters around the coasts of France, Spain, Portugal and the Canary Islands.

On return to Britain I changed career to countryside management and joined Warwickshire County Council to market and promote the use of Country Parks. A year later I became manager of Kingsbury Water Park where I was responsible for visitor services and managing rangers and other staff. In the early 90's visitor numbers had climbed to over 200,000 a year of which 30,000 were anglers. Other water sports at the Park included hydroplane racing, water skiing, windsurfing and sailing. The site was also of significant conservation importance especially for over-wintering wildfowl and contained a renowned wetland nature reserve.

In 1990 I joined the National Rivers Authority and worked within Recreation, Fisheries, Conservation and Navigation and experienced a wide range of environmental and safety issues. Two years ago I became National Recreation Policy Advisor for the Environment Agency head office team in Bristol. I currently represent the Agency, as a partner with other key organisations, on the *Visitor Safety in the Countryside Group*. This national group contains key players in conservation and countryside recreation provision including the National Trust, British Waterways, English Heritage, Forestry Commission, RSPB and others with objectives to formulate best practice and a more consistent approach to visitor safety management and legal interpretation. I also represent the Agency on the *RoSPA National Water Safety Committee* and sit on the *CRN Management Group* and *Greenspace Country Parks Strategy Group*.

SPEAKERS

MARK DANIELS
HEAD OF HEALTH AND SAFETY
THE NATIONAL TRUST

I have worked for the National Trust for 14 years as Health and Safety officer and more recently as Head of Health and Safety. I have been a member of the VSCG since about 1997. Previously I was an HM Inspector of Health and Safety, working for the HSE in Yorkshire for 9 years. My career began with 8 years as a Merchant Navy deck officer with Blue Star Ship Management.

FIONA GROVES
DIRECTOR
THE NATURAL ROUTE CONSULTANCY

Fiona is an access and recreation professional whose work focuses on creative policy formulation, development planning and implementation strategies for a range of access, visitor and user provision. Drawing on expertise from projects she undertakes in running her own business, The Natural Route, Fiona combines a healthy pragmatic approach with creative influencing and problem solving techniques. Fiona's specialist areas include: Visitor Safety Guidance; Audience and Access development; Education and community initiatives; Woodland Initiatives and Continuing job support for delivery staff and agents. Fiona also builds on previous and current extensive work with the Forestry Commission and as a Losehill Hall Training Associate, to deliver staff training on visitor safety.

PADDY HARROP
RECREATION AND EDUCATION CO-ORDINATOR
FOREST ENTERPRISE

2003 – to date	Recreation and Education Co-ordinator for Forestry Commission England. Responsible for all aspects of visitor safety; education and learning programmes; education and recreation staff development; market research. Current projects: • Review of visitor safety • Developing play on Forestry Commission land • Access for disabled visitors • Promoting active recreation
1998 -	Support Officer, Environment and Communications with responsibility for recreation, access and cultural heritage across Great Britain. Main job is to support our forest district staff in there recreation and access work. A few highlights: • Developed and implemented access and safety policies for Forest Enterprise • Developing recreation strategy for Forest Enterprise • Land Reform Act (Scotland) Sub group work with access forum on the code of conduct and group access • Developed guidance and practice for the management of mountain bike routes for Forestry Commission land • Manage partnerships with access organisations including, British orienteering federation, Scottish Auto Cycle Union, CTC, Sustrans, British Horse Society, Scottish Field Archery Association. • Prepared draft guidance restriction for dedication scheme within Countryside and Rights of Way Act (England and Wales)
1995 – 1998	District Forester West Argyll Forest District Various roles in the district including Forest Plans, Recreation and access for the Kintyre area, harvesting and marketing and deer management.
1992 – 1995	District Forester Cowal Forest District Forest management, deer management and recreation role include the Argyll Forest Park.
1990 – 1992	Beat Forester West Sussex Management of all aspects of work in a very high population high use area in the South East of England.
1986 - 1990	BSC (Hons) Forestry Bangor University

PETER WADE
VISITOR SAFETY ADVISOR
BRITISH WATERWAYS

I am 48 years of age and have worked for British Waterways for 32 years. After starting working life as an apprentice carpenter in South Yorkshire I progressed through the organisation fulfilling roles as a supervisor on large commercial waterways before qualifying as a civil engineer. In March 1997 I accepted the post of Waterway Manager, North Yorkshire Waterways, accountable for the management and development of 80 miles of canal and river navigation with three marinas and the City of York within its boundaries.

During my career I have worked extensively to improve safety in an environment that was constructed for commercial use and not designed to fulfil the needs of its modern users.

I took up my current role of Visitor Safety Advisor in October 2001 after spending an interesting period working within our internal audit department where I specialised in safety and operational audits.

Outside working hours I spend my leisure time balancing married life with my main interest of angling. In my late teens and early twenties I could regularly be found perched 400 foot above the water fishing for cod from Bempton Cliffs in East Yorkshire. Age, experience and marital responsibility curtailed this activity and saved me from one form of self-inflicted danger!

I have three grown up children and two grandsons who at five & one have already taken an interest in water and regularly help feed the fish in the garden pond, which is protected by a 3 foot fence!!

CHRIS PROBERT
CHARTERED SURVEYOR
FORESTRY COMMISSION

Chris Probert is a Chartered Surveyor with the Forestry Commission. Since 1995 he has been involved in the development and implementation of policy and practice for the management of access on the Forestry Commission estate, with particular emphasis on management of liabilities. He is also responsible for co-ordinating the implementation of access rights under the Countryside and Rights of Way Act 2000.

APPENDIX C

Title	Name	Surname	Job Title	Organisation
Mr	Mark	Allum	Access Officer - Projects	Yorkshire Dales NPA
Mr	Ralph	Barnett	Countryside Recreation Leader	Suffolk County Council
Mr	Dan	Barnett	Senior Countryside Sites Officer	Worcestershire County Council
Mr	Tim	Beard	Principal Health and Safety Adviser	Derbyshire County Council
Mr	Tim	Bird	Principal Ranger	Cornwall County Council
Mr	Ian	Braund	Property Manager - Northern Region	Environment and Heritage Service
Mr	Jo	Burgon	Head of Access and Recreation	National Trust
Mr	Adam	Chell	Countryside Officer	Cornwall County Council
Mrs	Nicola	Chidley	Senior PROW Field Officer	South Gloucestershire Council
Ms	Wendy	Churchill	Ranger	Coventry City Council
Mr	Dave	Clarke	Countryside Officer (sites and trails)	Cornwall County Council
Mr	Richard	Cooke	Adviser	Rural Development Service, Defra
Mrs	Lynn	Crowe	Principal Lecturer	Sheffield Hallam University
Mr	Tony	Davison	Summerhill Manager	Hartlepool Borough Council
Mr	Colin	Dilcock	Senior Ranger	North York Moors National Park Authority
Mr	Mike	Eastwood	Countryside Access Manager	Cornwall County Council
Ms	Charlotte	Edward	Policy Officer	CCPR
Mr	Simon	Edwards	Senior Ranger	Coventry City Council
Ms	Denise	Exton	Technical Officer (Fisheries, Recreation and Biodiversity)	Environment Agency
Dr	Caro-lynne	Ferris	Network Manager	Countryside Access and Activities Network
Ms	Sarah	Ford	C.R.O.W. Officer	Barnsley Council
Mr	John	Gleadow	Countryside Access Officer	Kirklees Metropolitan Borough Council
Mr	Andy	Green	Countryside Officer	Countryside Agency
Mr	George	Hammonds	Countryside Sites Officer	Worcestershire County Council

Title	Name	Surname	Job Title	Organisation
			DELEGATE LIST	
Mr	Paul	Hawkins	(cancelled) credit note CX024665	Exmoor National Park Authority
Miss	Emma	Hawthorne	Community Programmes Manager/Lifelong Learning Officer	Great North Forest
Mr	Joe	Hayden	Head Ranger	Birmingham City Council
Mr	Patrick	Hayes	Area Recreation Officer	Environment Agency
Mr	Alan	Humphries	Public Safety Project Co-ordinator	Environment Agency
Mr	Peter	Ibbotson	Cotswold Way National Trail Works Co-ordinator	Gloucestershire County Council
Mr	Mathew	Lewis	Countryside Manager	Mormouthshire Council
Mr	Bob	Lowe	Head of Recreation and Access	Countryside Council for Wales
Mr	Denjs	Manning	Warden	Mormouthshire Council
Mr	Peter	Maunder	Area Rights of Way Officer	Gloucestershire County Council
Mr	Patrick	McCluskey	Sports and Countryside Development Officer	Down District Council
Mr	Bernie	McLinden	Senior Ranger (Northern Area)	North York Moors National Park Authority
Mr	Simon	Melville	National Nature Reserves Interpretation Officer	English Nature
Mr	Gerry	Mills	Project Manager	South Armagh Tourism Initiative
Mr	Wade	Muggleton	Senior Wider Countryside Officer - Countryside Service	Worcestershire County Council
Mrs	Cate	Murphy	HPTO Health and Safety Adviser	Environment and Heritage Service
Dr	Liz	O'Brien	Social Researcher	Forest Research
Mr	David	Owen	Health and Safety Adviser	Derbyshire County Council
Mr	Mark	Owen	Path Development Officer	South West Coast Path Team
Mr	John	Parsons	Principal Rights of Way Officer	Gloucestershire County Council
Mr	John	Porter	Sutton Park Manager	Birmingham City Council
Miss	Esther	Richmond	Project Development & Countryside Officer	West Devon Borough Council
Ms	Jo	Ronald	Cotswold Way National Trail Officer	Gloucestershire County Council

Title	Name	Surname	Job Title	Organisation
			DELEGATE LIST	
Mr	Andrew	Sides	Acting Manager	Sperrins Tourism
Mr	Lee	Skinner	Rights of Way Officer	Isle of Wight Council
Ms	Christina	Smith	Rights of Way Assistant	Surrey County Council
Mr	Ron	Stretton	Senior Safety Officer	Birmingham City Council
Mr	Paul	Thomson	Area team Leader Countryside Service	Hampshire County Council
Mr	Steve	Wallis	M&S Advisor	Worcestershire County Council
Mr	Graeme	Watson	Access and Recreation Officer	Forestry Division, Isle of Man Government
Ms	Heather	Wilson	Access Officer	Down District Council
Ms	Rachael	Young	Countryside Officer (sites and trails)	Cornwall County Council

APPENDIX D

Countryside Recreation Network
Countryside Visitor Safety seminar
19 January 2005

The VSCG Guiding Principles and the
Risk Control Matrix

Mark Daniels, National Trust

The Visitor Safety in the Countryside
Group
- Its origins and history
- Purpose and membership
- The guiding principles
- The risk control matrix
- "Managing visitor safety in the countryside -
  principles and practice" booklet

The VSCG Guiding Principles

Fundamentals

Take account of conservation,
heritage, recreation, cultural
and landscape objectives

The VSCG Guiding Principles

Fundamentals

Do not take away people's
sense of freedom
and adventure

The VSCG Guiding Principles

Fundamentals

Avoid restrictions on access
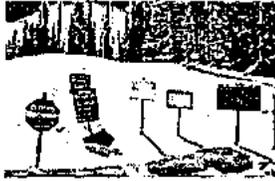
The VSCG Guiding Principles

Awareness

Ensure that your visitors know the risks they face

The VSCG Guiding Principles

Awareness

Inform and educate visitors about the nature and extent of hazards, the risk control measures in place, and the precautions which visitors themselves should take

The VSCG Guiding Principles

Partnership

Recognise that people taking part in similar activities will accept different levels of risk

measures

risks
Work with visitor groups to promote understanding and resolve conflict

Recognise that risk control

for one visitor group may create to others

The VSCG Guiding Principles

Responsibility

It is important to strike a balance between user self-reliance and management intervention

The VSCG Guiding Principles

Responsibility
- It is reasonable to expect visitors to exercise responsibility for themselves
- It is reasonable to expect visitors not to put others at risk
- It is reasonable to expect parents, guardians and leaders to supervise people in their care

The VSCG Guiding Principles

Risk control

Assess risks and develop safety plans for individual sites.

Monitor the behaviour and experiences of visitors to review visitor safety plans

The VSCG Guiding Principles

Risk control

Risk control measures should be consistent

The VSCG Guiding Principles

Risk control

Ensure work activities are undertaken to avoid exposing visitors to risk

all icons - allowing you to cut and paste onto pages

Lord's Rake,
Scafell,
Lake District

Lord's Rake,
Scafell,
Lake District

Lord's Rake, Scafell, Lake District

Cragside v Jesmond Dene
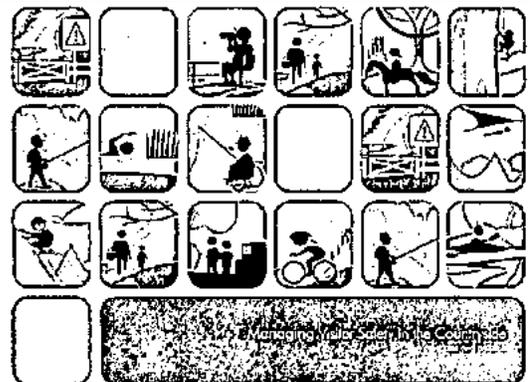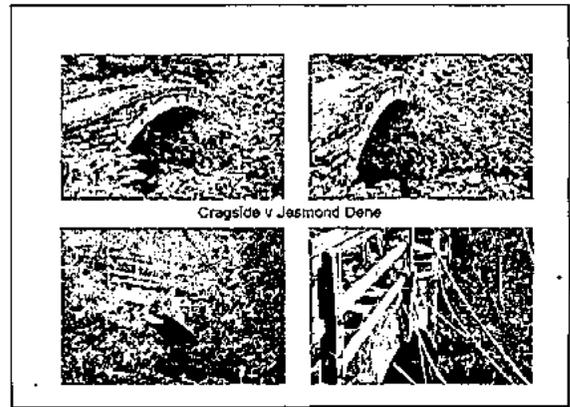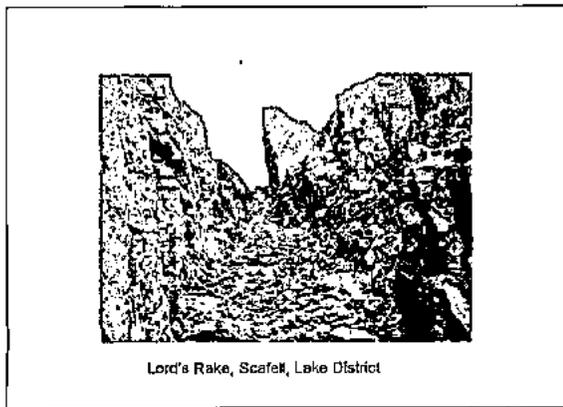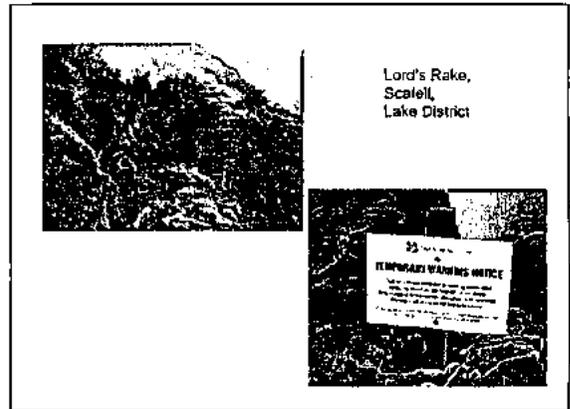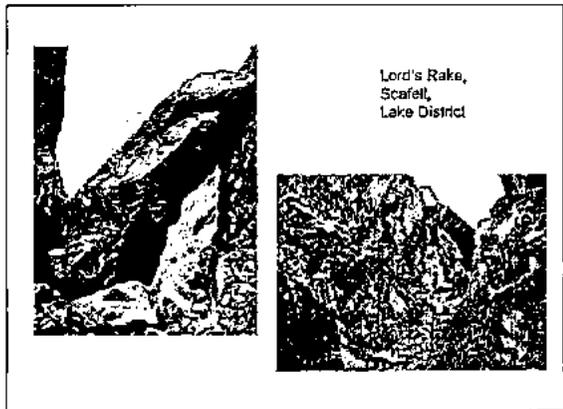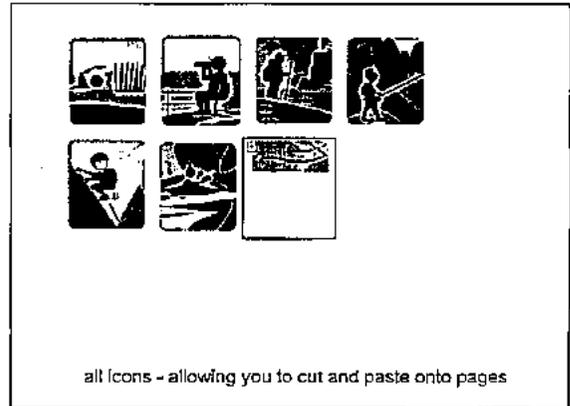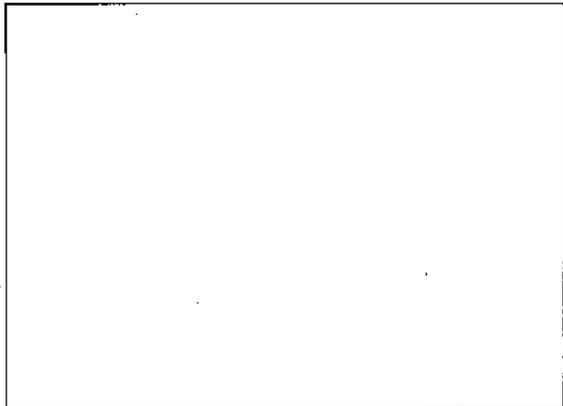
Carrick-a-rede
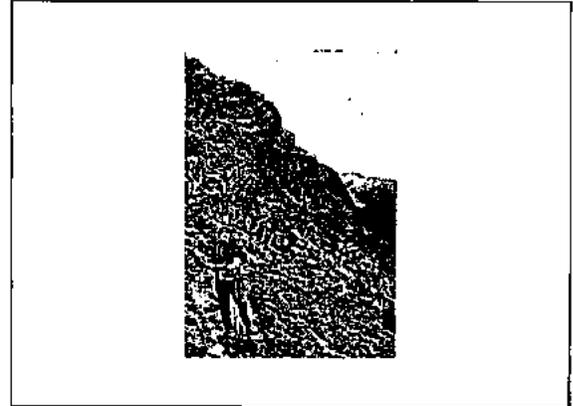
Health and Safety Management at Multiple use sites

Integrated decision making that can:

- Allow us to make common sense, realistic and practical management decisions
- Suggest systems, programmes and records for use in managing peoples safety on sites
- Consider other needs and activities and in relation to the special nature of our sites, activities and most importantly, Visitors

Also to look at......

- A Model for planning to manage with a Health and Safety focus
- A quick view of tools to help
- Thoughts on practice, control systems, processes and design solutions to implement

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Plan to manage different activities, priorities and principles

Conservation, heritage, wildlife, or other business uses such as forestry or farming.

Thinking about the way visitors interact with such sensitive areas or activities - whilst doing a conservation plan or a landscape plan - could really help avoid issues in the future

We need to take account of the special nature of sites, after all it is often the reason for visitors being there.

Management solutions should not detract from this

The key is in early planning stages:

What is the special nature of the site, it's physical nature and environment? What is the uniqueness you or our visitors would want you to keep?

A focus on the essence of the site will help to develop individual Principles AND Objectives for that site

---

Plan to manage visitors

It is important to understand how your visitors and people in wider society view and accept risks. If we consider the wide range of activities that people carry out on our sites and how they come to those activities as groups and individuals we can assume a range of expectations, fears and risk acceptability.

Think of your sites and also your own visits!!

Remembering that.........each and ever day can be different from the other.

People are less likely to be tolerant of risk when:

- They are exposed to the risk without choice
- They have no control over the outcome
- There is an uncertainty
- They have no personal experience of the risk – fear of unknown
- There is potential for major catastrophe
- The benefits of taking the risk are not clear
- They are exposed to risks but other get benefits
- The potential accident would result from human failure rather than natural exposure

Type of environment

Type of activity
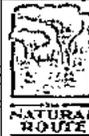
Self-reliance

Participant age

1

Planning to Manage Safety

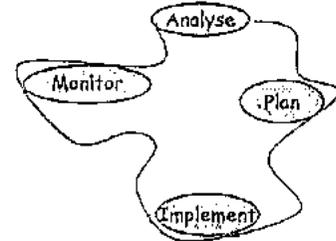Is a process of establishing purpose for the what, where, when and how?

· Assessing current and future issues, needs and potential
· Optimising available resources
· Meeting those needs by implementing measures that work in a in a sustainable way
· Responding to people and giving improved choices

Handout in seminar pack
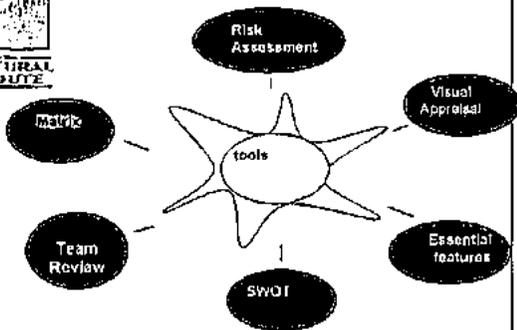
Analyse · Plan · Implement · Monitor

Risk Assessment

Visual Appraisal

Matrix

tools

Essential features

Team Review

SWOT

Management intervention at the right level made through informed practical and reasonable decisions -- application of a process and tools to give sound and balanced H&S Management

· Reduction
· Restriction
· Education,
· Supervision
· Emergency Response

Split into manageable areas, categories or units and develop Systems, processes, programmes and records that will work for each based on reasonable and practical resources, staff and site requirements

· *Inspections and checks* - Safety checks for facilities and services
· *Managing accidents and Emergencies* - Communication systems and Response to accidents
· *Managing groups and activities on site* -Activity Agreements / Permits/booking systems
· *Communicating with visitors* -- information, Interpretation, signing,
· *Interpretation and Information* Guidelines
· *Special areas* - Water, wildlife, conservation or heritage areas
· *Staff training and resources*

Do nothing – if no harm or of small significance – risk assess

Eliminate hazard -- if possible or realistic

Minimise risk of contact with hazard -- change route, timings for activities, zone away or out

Man made Physical control -- do checks, Fencing, Gates , Barriers, signposts as a warning combination, Metal grills as decorative features - Buildings – masonry, protective walls

Diversions - access restrictions for work activities

Natural Physical -Planting borders and thorn shrubs *to divert*, discourage access or create route for paths, Replacing natural artefacts or natural objects ;design out and in where possible with graded vegetation and choice/feel of habitat

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Communication – Inform through interpretation and education; safety campaigns, warning signs and notices at selected locations, integrating safety message on orientation or interpretation boards, orientation in surroundings, guides and leaflets, contact for help; Use of permission letters for activities

Grading and zoning for routes and activities, –spatial and time, allow visitors to make their own judgements and choices and manages possible conflict

Emergency response – in relation to matrix need to think what might be appropriate and where -- actions that visitors need to know or take on themselves – integrate back with emergency plans most organisations and sites a have

Creating Design solutions that help make people feel safe – design network of safe routes and open spaces that reassure; entrances , exits have greatest impact Systems and processes

---

- Build on and share practice of others – this forum and workshops
- Look at using tools on site
- Resources and training

Managing mountain biking and other challenging activities

Paddy Harrop

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1. What is a challenging activity?
2. History of MTB and Forestry Commission
3. Types of extreme MTB
4. Guidelines for managing sites
5. Questions

CRN Safety Seminar

What kind of activities are dangerous?

Driving a car?

Playing cricket?

Cycling?

CRN Safety Seminar

Results

(non fatal accidents)

Driving a car - 1.5 accidents per million hours

Cycling - 7 accidents per million hours

Playing cricket - 40 accidents per million hours

CRN Safety Seminar

History of mountain biking

1980's - arrival of mountain bikes in UK and attempt by FC to issue permits

1990's - Promotion of MTB routes mainly using existing forest tracks

1994+ - Development of purpose built MTB trails starting in Coed y Brenin based on IMBA principles

1996+ - Recognition of jump and downhill routes (40 known sites in 1998 Over 100 sites by 2000)

1999 - Development of policy for managing extreme MTB facilities

2000 - Fatality at jump spot at Delamere

2000+ - Stabilisation of numbers of jumps spots and downhill routes, increased direct management by Forestry Commission

2004 - Where now?
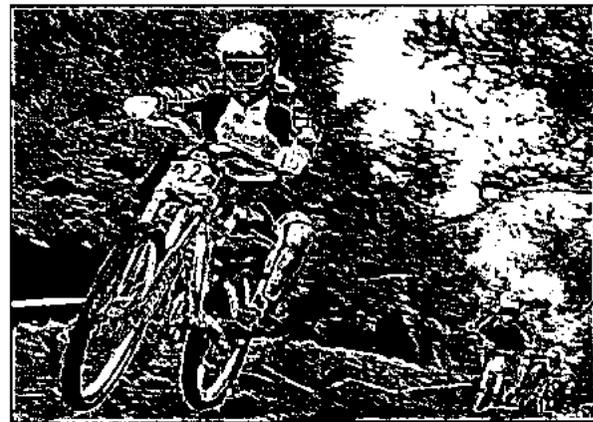
CRN Safety Seminar

Extreme MTB - Dirt Jump

Dirt Jump

Bike super cross (BSX)

BMX

Trials

CRN Safety Seminar

Extreme MTB - North Shore Style
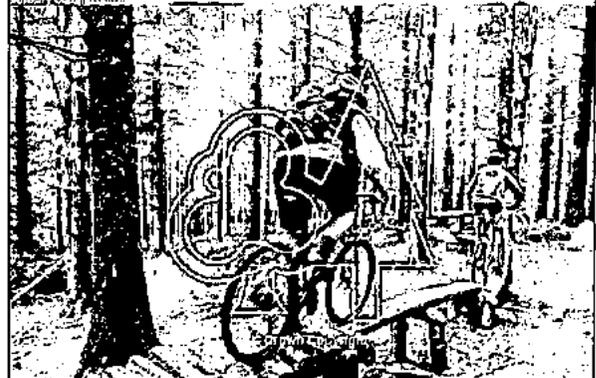
Managing extreme MTB

Six stage approach:
1. Find out where the areas are
2. Decide which areas are a priority
3. Decide whether you want to stop the activity
4. Decide how you will manage the site
5. Implement your management strategy
6. Monitor use

CRN Safety Seminar

Identifying Priorities

Priority:
A: Routes impact on other visitors
B: Where there are unforeseen hazards

Balance likelihood of success against level of priority

CRN Safety Seminar

High Priority

CRN Safety Seminar

Stopping use

Questions:
· Do you want to stop use
· Can the area be closed off?
· Is there somewhere better to use?
· Will closing the area off increase risk to cyclists and other visitors
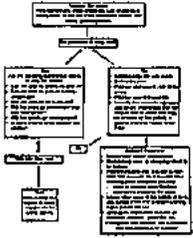
CRN Safety Seminar

Action / Solutions

- Involve local people in your plans.
- Involve local clubs or encourage them to be formed.
- Remove hazards that give rise to high risks. For example; for a downhill track crossing public footpaths you may
  - close or partially close the track
  - change the course of the track
- Inform other users of the activity or try to discourage them. For example warning signs around the site.
- Give users information to make an informed decision - grade the site

Recognise that there is still a residual risk and continue to monitor

Managing the site

Approach
Stop the activity
Allow the activity to continue with informal management
Allow the activity to continue with formal management
Consult users and develop site rules
Enter into a formal agreement
Landowner takes full ownership of the site

Management - Site rules

Site Rules	
Essential (What should you include?)	Desirable (What could you include?)
Type of construction that is acceptable / unacceptable Location of pits and jumps Spread of the site – define the boundary Warning signs around the edge Litter	Safety rules – helmets etc Inspections – users help out Accident reporting Providing material or machines Conflicts or hassle with others Mentoring – experienced riders help inexperienced riders Different grades of route/jump

Monitoring

- Site safety checks (recorded)
  - Extent of site
  - Site features
- Level of use
- Accident reports
- Talk to riders
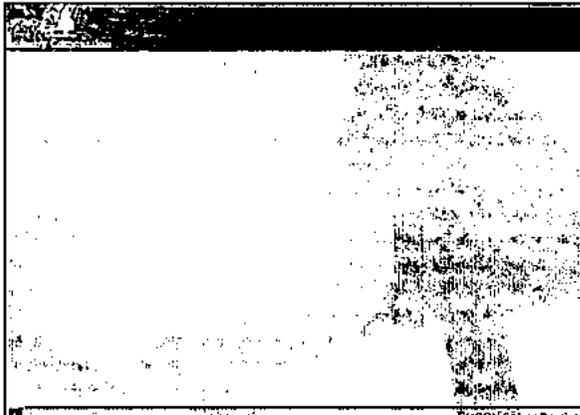- Environmental impact
- Litter
- Success or failure

Resources

- Forestry Commission Guidance: paddy.harrop@forestry.gsi.gov.uk
- Whistler Trail Standards: www.whistler.ca
- IMBA Trail Solutions: www.imba.com
- British Cycling (DH 4X): www.britishcycling.org.uk
- The Mountain bike book: www.haynes.co.uk

Practical Solutions for

managing Safety Issues

Peter Wade

Visitor Safety Advisor

British Waterways

A few frequent questions!

- Can organisations manage Visitors to unmanned sites?

- How can we reduce/remove the impact of the hazards?

- How can we reduce conflict between different groups?

- Can we keep the law off our backs when things go wrong?

So what makes visitor risk management different?

- Split management responsibilities
- Reduced scope for direct intervention
- Competing objectives
- Supervised and Unsupervised activity
- Limited amount of published guides or best practice

So what can we do!

Managing Visitors to unmanned sites

Need to identify who the users/visitors are

Look at sites accessible to visitors to:
- Identify the hazards
- Assess the risk including
- Any conflicts associated with activities at the site

Introduce suitable risk controls

Easy, Job done!

Assessing Risk

Acceptability of Risk

- No such thing as absolute safety
- Perceptions of risk and use of life skills
- Voluntary acceptance
- Awareness
- Balance between heritage/environment & safety
- Cost Benefit

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Our Vision

"Our ambition is that by 2012 we will have created an expanded, vibrant, largely self sufficient waterway network used by twice as many people as in 2002.

It will be regarded within the national consciousness as one of our most important and valued national assets. Robin Evans, November 2003

Slide 1

Who are our Users/Visitors

- Boaters - private, hire, charter, trip, residential, powered/un-powered
- Walkers/Ramblers
  (including thoughtful & thoughtless dog owners)
- Joggers/runners
- Anglers - pleasure and competition
- Cyclists (Commuters, leisure cyclists and those in lycra)
- Educational parties (Schools, colleges and interest groups)
- Visitors to events
- Those little darlings that carry out discouraged activities
  E.g. Swimming, Shooting, vandalism, graffiti etc

Slide 2

How should we manage them?

Slide 3
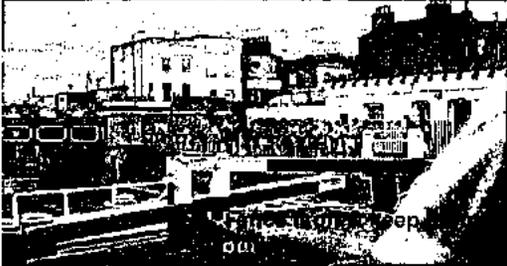
Or invite them in

Participate?

Slide 4

Slide 5

We look to use a mix of soft

and hard control measures

Slide 6

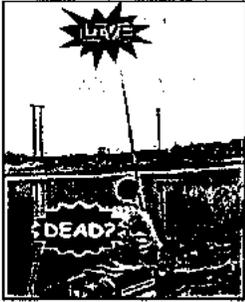Controls should be appropriate for the location (site specific) but

Should be consistent for the risk

No one want this to become a reality!

So how can we remove/reduce the impact of the hazards? Risks Should be obvious, (No Nasty Surprises!)

Controlling Risk

- Education forms an important part of our control strategy
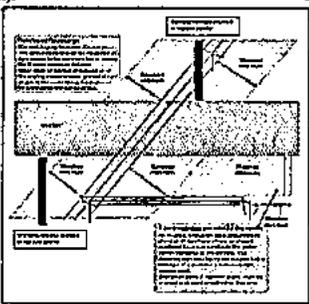- We look to provide information where possible

For Example

Managing Visitor Conflict

No single answer

Every issue is different but many are caused because users do not understand each others motivation.

Conflict can be reduced by careful management & participation

User group/forums

Consultation

Multi activity events

## Managing Visitor Conflict

By planning/managing use of the site

Where possible segregating contrasting activities e.g.

Anglers on the towpath cycleway on the off side.

Promoting positive participation

User group/forums

Consultation

Multi activity events

Controlling Risk

- We also produce Visitor Safety Procedures for managers
- and guidance for users and visitors

If things go wrong

- Visitors can report it

VISITOR INCIDENT REPORTING

Slide 1

Controlling Risk

■ Where local solutions are not possible issues are referred to the safety team for resolution

Slide 2

Slide 3
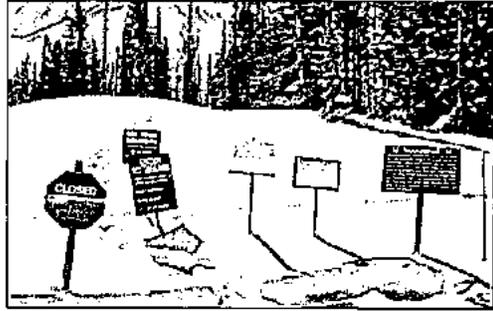
- Can we keep the law off our backs when things go wrong?

- I cannot tell you how to do that, but by being proactive and following the VSCG guiding Principles you have a fighting chance!

Slide 4

Thank you for listening

Peter Wade
Vn for Safety Advisor
British Waterways
Willow Grange
Church Road
Watford
WD17 4QA
Tel: 01923 201340

Countryside Visitor Safety

Case Law
Christopher Probert FRICS

Risk-perception or reality?

- 1998 1.25 billion countryside visits DTI Leisure Accidents Surveillance System
- 1:17000 chance of an accident-refine to 1:10000
- HSE 1991-2000 Recorded 27 accidents to walkers in England and Wales from livestock
- ROSPA 1992, 6 walkers drowned and 59 fell into water

Forestry Commission

- 50 million visits per year officially but some estimate nearer 120 million
- 2002-03, 106 recorded accidents
- Previous 2 years 110 and 131
- One reportable accident per 416K visits, based on 50 million figure
- Risk of accident needs to be kept in perspective

However, if things do go wrong....

- In certain cases accidents may lead to claims against the owner or occupier
- Some claims may be settled out of court
- Some need to be defended, and thus go to court
- We can learn lessons from the results of such cases

How does case law help us?

- Gives clarification of the law
- Sets precedents for lower courts when decisions made by Court of Appeal or House of Lords
- Offers useful pointers towards future management
- "Managing Visitor Safety in the Countryside" has useful section on case law
- This presentation offers a few further thoughts

Look for specific themes

- Managing guided events
- Importance of individual choice and responsibility
- The need to establish proper, well informed management processes
- The value of well documented records, and trained staff

Managing guided events

Forestry Commission case several years ago. Key points:
Before the event:
- Assess the terrain and equipment (footwear) requirements
- Provide information to group organiser, and advise that people who are improperly equipped will be excluded
- Get organiser to confirm advice has been received and communicated to participants
- Give a brief introductory talk before setting off, and check footwear etc.
- Do not split the group and do not deviate from planned route without advising group and issuing any warning

Individual Choices & Responsibility

- Tomlinson v Congleton Borough Council - House of Lords 2003. Benchmark case
- The Law Lords clearly defined individual responsibility
- No duty to safeguard people from themselves. If irresponsible people take no notice of warnings, this does not create any duty to take other steps to protect them.
- "A duty to protect against obvious risks....exists only in cases where there is no genuine and informed choice, or in case of employees or some lack of capacity, such as the inability of children to recognise danger"

Key Points

- The case emphasises the importance of individual autonomy
- Recognises that there will still be situations where there is a duty to protect against obvious risk, for example "a narrow slippery path with a camber besides the edge of a cliff from which a number of persons had fallen".
- But remember, children and the vulnerable need special consideration

Children

- There is a well established principle that children and the vulnerable need special attention
- Hemington and McGinley cases
- In 2000, Lord Hoffman reminded occupiers (Jolly v Sutton London BC) never to underestimate children's ingenuity in finding unexpected ways of doing mischief to themselves and others.
- However, an occupier is entitled to expect very young children to be in the care of an adult.

Post "Tomlinson"

- Ferrari and The National Trust Giants Causeway in N Ireland.
- Claim dismissed in grounds that accident was due to state of premises. Some basalt columns had become unstable, unknown to anyone. There was no previous evidence of similar instability since 1962, so Plaintiff could not establish any breach of the duty of care - that the Defendant should take such care as in all the circumstances of the case was reasonably to see that the visitor was reasonable safe in using the premises for the purpose for which he was invited to be there.

Lessons

- Although the Trust successfully defended the case, there were still issues to be considered in subsequent site management. There are also important pointers for other access providers.
- Need to keep proper written records of site inspections, and take remedial action to remedy defects
- Interesting comments on frequency of inspections, also demonstrating how difficult it can be to manage natural features safely.
- Also, be careful to record fact in accident reporting.

Site and facility inspections

- Two recent cases of note
- First is Forestry Commission case dealing with trees, where the inspection regime featured prominently in the outcome
- Secondly, a case defended successfully by RSPB following an accident in a woodland reserve

Hazardous trees

- The Commission has a policy of tree inspections, prioritised by risk zone and hazard rating
- Policy developed in light of case law relating to (street) trees and recent guidance on tree hazards
- This case dealt with a tree fall which caused serious injury to a walker on a path
- Mclellan v Forestry Commission

Tree inspection

- The key issue was the state of the tree. Could it have reasonably been identified as a hazard prior to the accident. The court found that the tree was unremarkable such that it could not have been identified, and on that basis the claim failed.
- The court went on to consider if the Commission had a reasonable inspection regime in place at the time of the accident
- The Commission owed the claimant a duty of care to take reasonable care for his safety as a visitor to the forest and user of a PROW

Inspection System

- Given the duty of care, the Commission had to have a system in place to enable dangerous trees to be identified and if necessary removed
- The only formal systems were those adjoining roads, car parks etc. Nothing was documented for other areas. However, there was an informal system in place

Findings

- The court stated:
- "on reasonable evidence...the defendant has taken reasonable steps to assess the usage of the footpath in question and had implemented a reasonable system of inspection involving as it did opportunistic inspections by dedicated and skilled employees who as I found know a danger when they saw one".

What does this mean?

- Have a formal inspection regime in place for high risk areas
- Ensure everything is properly documented
- It is reasonable to have a less vigorous regime for lower risk areas - apportion limited resources according to risk
- You need to be able to show why you have reached a decision
- Ensure training provided, updated and documented
- If you rely on informal ad hoc inspection, make sure staff are knowledgeable. Keep records.

RSPB

- Plaintiff tripped over a stump and fell losing sight in one eye
- Claim defeated as Plaintiff failed to prove that accident happened as alleged
- However, the judge went on to consider the duty owed by RSPB
- Similar process to that in Commission's tree case

What was the duty of care?

- Stumps are commonplace in woods, so presence of a stump on the path in question was not a breach of duty of care
- This took into account the nature of the area, the type and number of visitors and the absence of previous accident or complaint
- (Note parallels with earlier cases)

Foreseeability?

- This accident was not reasonably foreseeable
- To impose liability on occupier would mean that all protrusions etc. would need to be removed. This would go too far, be unreasonable and disproportionate.
- RSPB had proper documented system in place to support its claim that it was managing responsibly
- As with Tomlinson, the nature of the site required visitors to take reasonable care for their own safety

So what can we learn from all this?

- Owner/occupier not necessarily liable for all accidents
- Analyse risks and take responsible steps
- Take proper account of site/activity history
- Have documented procedures in place, not just for sites/features but also for organised activities and groups
- Retain written records - remember these might be used in court
- Train staff, and ensure this process is regularly refreshed

Finally

- Lord Scott in "Tomlinson"
- "Of course there is some risk of accident arising out of the joie de vivre of the young. But that is no reason for imposing a grey and dull safety regime on everyone."