

Petition P-06-1212 Mark Allen's Law –

We want throwline stations around all open water sites in Wales.

Feedback to Petitions Committee in response to letter of 12th Jan 2022 to Clare Pillman, Chief Executive, Natural Resources Wales.

Introduction

Thank you for the opportunity to comment.

We understand why Mark Allen's family and friends have initiated their petition and admire them for finding positive energy from such a tragedy. We support the careful consideration that the Committee is giving to their proposals and we hope that our input adds further value to those considerations.

Your role in relation to water safety in Wales.

We in Natural Resources Wales (NRW) take water safety very seriously. We undertake training courses for any of our staff who work in or near water, and we assess the risks associated with water bodies on the land we manage, on our structures on rivers and particularly on the 42 reservoirs where we are the owner and operator.

We also have responsibility for public safety at a significant number of NRW assets such as flood defence structures, tidal doors, gauging stations, weirs, fish passes and flood alleviation reservoirs. However, we are not the landowner at many of these assets.

NRW manages 144,087 hectares of woodland and nature reserves. This land contains over 120 open water bodies. These are of relatively small size, averaging only 1.6 hectares. The majority are remote upland lakes and some are former mine reservoirs. Most of NRW-managed land is designated or dedicated as Open Access under the Countryside and Rights of Way Act (CroW), where the Code specifically excludes swimming without the landowner's permission and NRW's liability is reduced.

Considering the size of the NRW estate, we are not the riparian owner in many locations - these rights and responsibilities often being excluded from the original acquisitions. Therefore, only rarely do we have responsibility for the safety of river users.

Your involvement in the development of Wales' Drowning Prevention Strategy by Water Safety Wales and its impact.

NRW played no part in the development of Wales' Drowning Prevention Strategy. However, our staff attended the 2021 ROSPA Water Safety Conference and contributed to the Visitor Safety Group (see later) Guidance on Open Water Swimming Access.

Your views about the Welsh Government's proposals to widen access to inland waterways for recreation and your role with the National Access Forum Access to Water Subgroup.

We advised Welsh Government following our work leading the Access Reform Advisory Group. The NRW Chair of the former Access to Water Sub-Group, confirmed the focus on improving shared use of inland waters between Angling and Paddle-sport, seeking to develop a sustainable solution to the historic challenges, with a report submitted for Ministerial consideration. Public safety considerations were not a part of the sub-group's remit.

There are currently no general statutory public rights of recreational access in or on inland waters in Wales and very little common law, which put simply means Wales inland waters are private property. As such there is a risk of inciting trespass as an unintended consequence of providing safety information or resources, where there is no agreed access. Where access is consented, the liability and risk mitigation is the responsibility of the property owner.

To outline measures in place to increase water safety at NRW managed reservoirs.

At NRW-managed reservoirs, as with other assets, there is a programme of risk assessment, inspection and maintenance to ensure safety. Water safety is considered as a part of this assessment. There are three considerations:

- ownership responsibility,
- the scales of activity (likely numbers taking part); and
- taking “reasonable” steps.

We manage recreational safety on the land in our care via application of the Visitor Safety Group (VSG) principles and practice. The [VSG](#) is a UK and Ireland body with membership from most large landowning and visited historic property organisations. NRW are Board members. The VSG publication “Managing Visitor Safety in the Countryside” (as supported by the Health and Safety Executive), sets out principles for balancing the benefits and risks for visitors to the countryside. These are techniques which can be used to minimise the risks without spoiling the landscape and which show how landowners can meet their responsibilities while upholding people's sense of freedom and adventure. These are particularly relevant in relation to most of NRW's water bodies and assets given their usually rural, “undeveloped” location. We have zoned the NRW estate in line with VSG's Risk Control Spectrum. Risk assessment control measures and the level of management intervention are in line with this zonation.

To provide information on whether/how NRW managed reservoirs are assessed for a risk of drowning.

NRW conducts Public Safety Risk Assessments on its reservoirs and flood assets. The Control measures, such as signage, fencing and barriers to exclude members of the public, take into consideration VSG zonation in relation to the risk.

As a member of the VSG, NRW believes: -

- It is important to strike a balance between visitor self-reliance and management intervention.
- It is reasonable to expect parents, guardians and leaders to supervise people in their care.

- It is reasonable to expect visitors to exercise responsibility for themselves.

Feedback on the use of throwlines to prevent drowning.

Whilst the provision of throw lines might seem attractive and can at times be a sensible step there are very real difficulties that need to be considered, such as:

- Their provision might be seen to condone entry to the water and encourage unauthorised access. Perceptions of personal risk might be lowered if public rescue equipment is provided.
- We experience vandalism and theft where we do provide public rescue equipment of this nature at visitor sites. It is expensive to adequately inspect and maintain to ensure it will always be available and in serviceable condition. On many sites, we view provision of public rescue equipment to be impossible as a control measure.
- As an example of what is possible in the right circumstances, the “heavily developed” (as per VSG) waterfront in Bristol relies on mains power supply and Wi-Fi for remote monitoring of their public rescue equipment to help prevent theft/vandalism. This option is not available to NRW to monitor public rescue equipment because of the remote nature of the sites.
- For use in a workplace scenario, NRW staff who may be involved in water rescue scenarios receive training and regularly practice the use of throwlines. It is not easy and failure to get it right first time leads to diminishing success on subsequent attempts. Members of the public are unlikely to have had training, practice, or experience, and therefore their effectiveness in general use will likely be reduced.
- Local conditions have a big impact on throw line deployment success, surrounding vegetation, distance to victim (e.g. It is hard to deploy a throwline successfully beyond 15m) and the consciousness and coherence of the victim are critical, especially in cold water shock situations.

Further practical measures needed to increase water safety in Wales.

NRW acknowledge there is a known risk of drowning in all water and we have issued general guidance on our website as part of our wider Countryside Code messaging [The Wild Swimmers Code](#). We have worked in partnership with Water Safety Group Wales to promote shared messaging around the risks (please see [Be Adventure Smart and stay safe around water this summer / Mentor's gall ac arose in didoes o gamps dark yr. Haf hewn \(prgloo.com\)](#)).

We are also working with Royal National Lifeboats Institute at some coastal sites to develop beach safety risk assessments, and we sit on the Wales Beach Managers' Forum, alongside officers from County Borough Councils, to share safety information and best practice.

7th Feb 2022