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**Re: Trestles - Updated Beach Safety Assessments (CA/22/00888)**

1 message

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Fri, Aug 12, 2022 at 7:22 PM

To: Andrew Gambrell <andrew.gambrell@canterbury.gov.uk>

Cc: Simon Thomas <simon.thomas@canterbury.gov.uk>, Chris Cornell <Chris.Cornell@councillor.canterbury.gov.uk>, Ashley Clark <ashley.clark@councillor.canterbury.gov.uk>, Claire French <claire.french@canterbury.gov.uk>

Bcc: Trish Dixon <trish@fishtag.co.uk>, Sally Newcombe <mcnew.mcnew@gmail.com>

Andy Gambrell  
Principal Planning Officer – Development Management  
Canterbury City Council

**Re: Trestles - Updated Beach Safety Assessments (CA/22/00888)**

Dear Andy,

These are our comments on the latest iteration of the Beach Safety Assessment submitted to CCC by the Whitstable Oyster Fishery Co and uploaded to the CCC planning portal 03-08-22. Other than the addition of a chart showing the oyster trestle development, little seems to have changed between these and the WOFC's earlier submissions and the scores in the risk matrices remain the same. Therefore most of our original comments still apply and, like previously, we consider this BSA to be poorly executed and lacking in fact, detail and accuracy. We would make these observations in addition:

**(1) Irrelevant considerations underplay true trestle risk**

The Beach Safety Assessment requested by the Inspector was specifically in respect of the trestle development in the inter-tidal zone i.e. risks to the public caused by the development. The Public Inquiry condition made no mention of the dry beach. The BSA's that have been submitted, however, deal disproportionately with hazards that apply only to the dry beach – dog faeces, barbecues, alcohol etc. This reduces the significance of the risk of the trestles which the Beach Safety Assessment was specifically tasked to consider. The expansion of the resubmitted BSA into 2 documents has just duplicated large amounts of this irrelevant dry beach safety material.

**(2) Documents lack any professional attribution**

As previously pointed out, there is no mention of the authorship of this BSA or any relevant qualifications in this field this person (or persons) might have. The only attribution is "prepared by" Claire Goldthorp, so it is unclear if responsibility for accuracy and any future liability should fall upon this person. Neither CCC nor the public can have confidence in a BSA that has no proper professional accreditation.

**(3) Inaccuracies in the Risk Matrix**

The Risk Matrix still has inconsistencies which have been previously pointed out and clearly demonstrate that feedback has not been addressed. Most incongruous is that 'use of tractors and trailers between farm and beach' has a potential risk of death (scored 5) and a likelihood of 3 (possible) - which, incidentally, is incorrectly scored as 12 not 15. No data relating to incidents with the tractors or farm machinery involving the public or employees is included in the BSA or publicly available so it's impossible to comment on the score estimates.

However, considerable data is available for incidents where members of the public have suffered accidents, injuries and near misses as a result of the trestles. Much of this incident data collected is included within the 2021 Marico Report, which this version of the BSA references. However, the risk to water users coming into contact with the trestles is scored as 3 (possible) in this BSA even though numerous incidents have been recorded since the trestles have been deployed. This

should be scored 5 (almost certain) as these incidents are “real” and a matter of public record. Furthermore the potential outcome ‘drowning’ is only scored as 4 (critical) which is inappropriate as drowning is clearly fatal and should be scored as such 5 (fatal).

The incidents that have been recorded are almost certainly under-reported as neither WOFC nor CCC have ever instituted a formal incident reporting process in the ten year history of the development despite recommendations in the 2017 & 2021 Navigational Risk Assessments to do so. Consequently the risk score of the trestles is a significant underestimation.

#### **(4) Formal Incident Reporting**

This revised BSA makes reference to the Navigational Risk Assessments published in 2017 & 2021 in which one of the many recommendations was a process for formal incident reporting.

Five years later no such process has yet been set up. The suggestion in the BSA that formal incident reporting and logging should be “*in conjunction with CCC Foreshore Services*” and that “*proper records are kept*” raises the following queries:

- (a) How exactly would this work in practice between the WOFC and CCC, particularly when CCC has no jurisdiction over the safety regime implemented and operated by WOFC? Who does what? Who is responsible for keeping the proper records and where are they kept? In a properly formulated BSA an operational management scheme for this would be clearly laid out.
  
- (b) Involving CCC Foreshore Services adds another layer of complexity and confusion to reporting, especially in the event of an emergency. Herne Bay & Tankerton both have lifeguards to whom incidents can be reported. Whitstable, which arguably now has the most hazardous swimming and boating waters, doesn’t. Is it the WOFC’s intention to provide dedicated personnel with lifeguard qualifications to assume this responsibility? None of this is made clear in the BSA.
  
- (c) It’s our suspicion that this proposal is largely an attempt to hive off the responsibility for the collection of accident data to Canterbury City Council (including the financial responsibility) in the same way that beach cleaning on this privately-owned land has been.

#### **(5) Online safety communication.**

The proposal that safety information should be disseminated through a website “whitstable.rocks” dedicated to the WOFC’s various bar & restaurant operations is clearly inappropriate and unfit for purpose. Why would anyone seek beach safety information from a website designed to promote a chain of seafood eateries? This appears to be a marketing exercise to generate ‘hits’ for the company website rather than a serious attempt to warn the public of a marine hazard.

#### **(6) Maritime & Coastguard Agency Consultation / 15-06-22**

We concur with the MCA in their identification of the numerous serious failings in this BSA. In particular:

- *It is not clear who has completed the assessment. This would provide integrity to the document and its ownership.*
  
- *Section titled “Overview”. This section begins by stating “This policy has been created ...”, however it is not clear to whom this “policy” belongs and how it should be implemented.*
  
- *Section titled “The Scope of This Document”. The section states the document will be reviewed, however it does not state the frequency of review. It also does not confirm who will conduct the review and what the outputs will be.*
  
- *Section titled “About The Assessed Area”. The third paragraph states that “The farm is not visible at high tide when it is submerged”, however a recommendation of the Navigational Risk Assessments (NRA) completed in 2017 & 2019 was to mark the end of*

*the trestles so their positions would be visible at all states of the tide. It is disappointing to hear this risk control measure for ensuring safety of other marine users has still not been implemented. The implication of this is that the risks associated with the hazards identified in the NRA's have not been reduced to As Low As Reasonably Practicable (ALARP).*

- *A list of recommended risk controls should be included and confirmation on whether they will be actioned and by whom.*
- *The risk assessment does not appear to have considered the views of local stakeholders. Since it is not known who completed the assessment and local stakeholder views have not contributed, it is difficult to understand the accuracy of the risk scores.*
- *The risk assessment does not confirm how the report will be used in the future. It identifies 'actions' within the hazard log, however it provides no recommendations for reducing the risks to beach users. The report has been created on behalf of the Whitstable Oyster Fishery Company (WOFC) and we would recommend the WOFC provides confirmation of their intentions and a timeline for adapting the actions and risk control measures in this assessment as well as those identified in the NRA's completed in 2017 and 2019.*

### **(7) The Navigational Risk Assessments published 2017 & 2021**

This iteration of the Beach Safety Assessment makes mention of the NRA's that were carried out but does not reference the comments of consultees. In the most recent NRA, the Maritime & Coastguard Agency were primary consultees and in the "Hazard Review" their observations included the following:

*"The MCA considers that the site does represent a danger to navigation, increasing the potential for incidents to occur, particularly in-light of expansion. Concerns are largely the same as 2017. The following concerns were identified:*

- *Access to slipways in event of an emergency for recreational users, as raised by local stakeholders.*
- *The potential for continued expansions into the future.*
- *The possible failure to implement the recommended risk control measures identified within the 2017 NRA.*
- *The presence of multiple cultivation methods and the risk posed by the new pole and line structure.*
- *Maintaining Search & Rescue access to the site.*
- *The risk of propellers fouling on the new poles and lines".*

Under "Possible Mitigation Measures" (none of which are included or discussed in the BSA), the MCA's comments are as follow:

- *Consultation should be required prior to any expansion or layout change and prior to the implementation of new technology or growing methods.*
- *Improvement of the marking of the site overall, including a review of the appropriateness of withies. Ensuring that AtoNs are monitored to ensure they are maintained and fit-for-purpose.*
- *Making the activity licensable going forward would ensure that appropriate stakeholder consultation occurs prior to any layout or activity changes and that appropriate marking and lighting is put in place.*
- *Implementation of restriction on future expansions to the north-east so not to further impede the recreational use/ sailing area.*
- *MCA questioned whether an Emergency Response Plan, agreed with the RNLI, has been put in place and suggested that it could be considered for the future if not.*

The Emergency Response Plan was included in the 2017 Marico NRA 'Risk Control measures to be adopted' but was never carried out. (We understand from evidence given at the Public Inquiry that this is likely to be because Search & Rescue operations can't safely be carried out within the

trestle “no-go” zone).

Five key risk control measures were specified in the 2017 report:

- (1) Remove vertical steel rods from trestles.
- (2) Relocate buoyage
- (3) Inform users
- (4) Train rescue craft
- (5) Mark area with withies visible at all states of the tide.

Five years later only one measure has arguably been fully implemented – relocating buoyage. However, from the comments made by Trinity House, another primary consultee in the most recent Navigational Risk Assessment (published 2021), even this appears to be a live, unresolved issue. In fact, WOFC did not contact Trinity House with regard to the marking of the site until 2016, when the trestles had already been deployed for six years. Trinity House also commented on a failure to get a response from WOFC and the absence of a marine licence for the development. It is our strong recommendation that CCC should require Trinity House to scrutinise the Beach Safety Assessment and their comments be included in the Officer’s Report to councillors.

The numerous failings of the WOFC identified by the two major marine bodies responsible for marine safety – the Maritime & Coastguard Agency and Trinity House - casts doubt on the ability or willingness of the WOFC to (a) prepare a credible and functional Beach Safety Assessment (b) institute a robust safety regime and (c) comply with its guidance.

Regards

Paul McNally



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