Nuneaton & Bedworth
United to Achieve

AGENDA ITEM NO. 10 c

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Environment and Leisure Overview and Scrutiny Panel

Date of Meeting: 16th October 2025

Subject: Access to Open Water – Sea Cadets

Portfolio: Leisure and Health

Responsible Officers: Assistant Director Recreation & Culture / Assistant Director Environment and Enforcement

Corporate Plan – Theme: Green Spaces and Environment

Corporate Plan – Aim: Protecting our Natural Environment

Ward Relevance: All Wards

Public or Private: Public

Forward Plan: Yes

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1. Purpose of report

1.1. Following a request for the local Sea Cadets group to have access to Bermuda Lake for activities, this paper has been drafted to provide background and the current position the Council takes with safeguarding the public and itself with regards to external waterbodies. The paper will also consider what the future impacts might be.

2. What is the panel being asked to consider?

2.1. Consider the request of enabling the Sea Cadets access to Bermuda Balancing Lake, taking into consideration the implications associated.

3. Recommendations

3.1. That the members of the panel will scrutinise the proposal via presented risks and opportunities and provide recommendations that are moved to Cabinet.

3.2. Officer recommendation is that NBBC external water bodies are not approved for use unless solely leased or secured for a specific user with a full maintenance and repairing lease for the site.

4. Background

4.1. Following a request to the Portfolio Holder (Leisure & Health) for the local Sea Cadets group to have access to Bermuda Lake for activities, this paper has been drafted to provide background and the current position the Council takes in safeguarding itself with external water body areas and future considerations.

4.2. Previous requests have already been made by the Sea Cadets and declined by the Council for the reasons outlined in this report.

4.3. While referred to as a lake, it is in fact a large man-made balancing pond (flood basin) used to hold high water flows draining from the Bermuda park Industrial Estate, Bermuda housing area and the Arbury estate at times of heavy rain.

4.4. Since the adopted water safety policy in 2015, which was last refreshed and approved at Cabinet in January 2023, the Council continue to work with Blue Light organisations to affirm the messaging and seek support to keep people out of water bodies at all times.

4.5. Water has been identified as a significant hazard on some of the greenspaces the Council manage, because it is the only site hazard to have been related to deaths within our parks in the last 20 years therefore the policy takes a clear no access authorised to any water body across the Borough.

4.6. The Council has no statutory or legal obligation to provide access to its open water bodies.

4.7. Following the request to enable authorised access consideration needs to be given to the impact this has on the adopted Water Safety Policy and the risk to the Council.

5. Body of report

5.1. The Sea Cadets are currently accessing water bodies outside of the Borough for training due to limited available access of water bodies within Nuneaton and Bedworth. To improve accessibility for their members they have requested authorisation to use the Bermuda Balancing Lake. They had previously explored opportunities to utilise privately owned water bodies within the Borough but could not secure access.

5.2. It is understood that the Sea Cadets would meet all the required Health and Safety standards given they are sponsored by the Ministry of Defence (MOD) and would provide the Council with the necessary insurances, risk assessments and operational training to deliver organised sessions, whilst they access the water.

5.3. There are however implications and considerations to be addressed in relation to changing, access arrangements to Council managed water bodies (detailed further within appendix B):

5.3.1. Sea Cadet use of Bermuda balancing lake is contrary to the adopted Water Safety Policy. The policy will need to be retrospectively updated to reflect the use (if approved) and will likely create significant risks to the Authority and its officers that currently do not exist. These risks potential charges of corporate manslaughter, gross negligence manslaughter, negligence, or breach of duty of care should an accident occur here or elsewhere (e.g. Ensors Pool).

5.3.2. While permission could be given to this singular water body, the resulting risks will require the Council to put in place additional saftey measures, such as life buoys, at all the bodies of water it is responsible for across the Borough which will come with a cost.

5.3.3. Permitting recreational activities on balancing lakes is unusual due to their unpredictability,

changing water levels, currents and poor water quality. This balancing lake is fed from drainage water from nearby industrial and housing estates. As such the Council is unable to control the quality of water entering it.

5.3.4. Due to the nature of the waste sources feeding into the balancing lake there are significant and regular uncontrollable pollution incidents. In addition to no water quality testing is being untaken by the Council. It is also susceptible to outbreaks of blue-green algae which is toxic to both animals and humans.

5.3.5. Allowing singular usage will create confused / contradictory messaging to the public and significantly undermines the current Water Safety Policy and the Councils approach to Water Safety.

5.3.6. The use of the lake for this purpose will likely create higher maintenance costs which can't currently be quantified as there are no comparable activities taking place in the Borough. These would need further investigation, following liaison with the Sea Cadets if approved.

5.3.7. Unauthorised Fishing activities are already taking place at this lake which increase the risk of the water body.

5.3.8. Land ownership issues will make giving permission difficult and require additional legal support, and it may complicate or compromise our current maintenance access arrangements due to needing vehicle access authorised. (The Landowner would need to approve any change of use and necessary amendments with our legal teams and the Sea Cadets)

5.3.9. If permission is given for this use it will be against peer ecological advice due to the cumulative losses and degradation of ecological habitat already experienced at this important location.

5.3.10. Sea Cadet use may impact other community use of the site and site aesthetics.

5.4 Any changes to the Water Safety Policy, that change requirements for water safety equipment at waterbody sites, including increased inspections will need budget considerations as there is currently no budget or capacity allocation in place to support equipment, inspection and replacement as required.

5.5 NBBC is also liaising with partners around the introduction of Public Space Protection Order's (PSPO) for water bodies and the impact of allowing access to a site would need further investigation/discussion as to how that could be managed.

6. Appendices

6.1. Please note the following appendices:

i. Appendix A – NBBC Water Safety Policy 2022
ii. Appendix B – Detailed implications and considerations
iii. Appendix C - Sea Cadet Position Statement

7. Background papers

7.1. Please note the following background documents / links:

- Cabinet 11th January 2023 Water Safety Policy Agenda Item: 7 Minute Reference CB91.

- Coventry Telegraph News Article 17th May 2024 'Contaminated Bermuda Lake is 'so bad' people should stay away as animals rescued'

  https://www.coventrytelegraph.net/news/local-news/contaminated-bermuda-lake-so-bad-29189100

- Midlands Air Ambulance is urging people to respect the water, after there were 18 accidental drowning deaths in the region last year

  https://www.bbc.co.uk/news/articles/c331pkr13mjo

- Warwickshire Police News Article 17th August 2025 '27-year-old man dies from drowning in Ensor's Pool, Nuneaton'

https://www.warwickshire.police.uk/news/warwickshire/news/2025/august/27-year-old-man-dies-from-drowning-in-ensors-pool/

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Nuneaton and Bedworth Borough Council

# Water Safety Policy

Dec 2022

Nuneaton & Bedworth

United to Achieve

## Contents

# Why is site safety important?

The Council has a moral and legal duty[1] to ensure, so far as is reasonably practicable, the safety of both our employees and visitors whilst on the land we are in control of. This is particularly pertinent on publicly accessible land, where we are actively inviting public access.

The statement "so far as is reasonably practicable" is the balance of the risk on one side and the time, money, and effort (sacrifice) required to avert that risk. The presumption is weighted toward taking measures to remove or minimise risk unless the sacrifice is grossly disproportionate.

The Council must therefore risk assess and appropriately manage the green spaces we are in control of and work with our partners and contractors in such a way as to ensure that those working, visiting, travelling through, and living adjacent to our greenspaces are safe from harm.

# What does the Health and Safety Executive say we should do about managing safety?

### The HSE says that you should do the following

- identify what could cause injury or illness (hazards)
- decide how likely it is that someone could be harmed and how seriously (the risk)
- take action to eliminate the hazard, or if this is not possible, control the risk

# Why are we writing a policy about water safety?

Many of our Greenspaces across the Borough are enhanced by the presence of water in the form of waterbodies - lakes, pools, and wet marshland and watercourses - streams, rivers, and canals.

Water has been identified as a significant hazard on some of the greenspaces we manage because it is the only site hazard to have been related to deaths within our parks in the last 20 years.

This policy is therefore focused on this element of site safety and on exploring and determining how we can manage the risk that our water bodies could pose to the public, our employees, and contractors.

To help us formulate this policy we have consulted ROSPA's current guidance on inland waters.

# What risk does water pose on our land?

Risk is determined by the likelihood and severity of harm that could occur because of a hazard.

[1] The Management of Health and Safety at Work Regulations 1999. The Occupiers Liability Act 1957. The Health and Safety at Work Act 1974

Water related risk will be dependent on the site's particular water feature, its location, design, any protective measures in place, its maintenance, inspection and repair, people's behaviour (contractors, members of the public and staff) and level of use.

The only way to really determine the level of risk posed is to risk assess our sites and the water related assets they contain.

## What harm could be caused by the water on our land?

Intentional or accidental entry into our waterbodies and water courses has the potential to lead to drowning, injury, hypothermia, and illness. Water can also cause damage to property.

The severity of harm likely to be caused if you accidentally or intentionally enter the water in our sites will be dependent on how you enter it and the characteristics of the waterbody or watercourse.

Severity of harm may be affected by

- Depth of water
- Depth of Silt
- Strength of Currents
- Water Quality (biological factors/pollution etc)
- Underwater hazards
- Temperature (of water and wider environment)
- Bank steepness or shelving

The potential for harm presented by the water related features on our greenspaces will consequently vary between different sites and at various times of the year.

## In what ways can the Council reduce the harm potentially caused by existing and new water features?

### Existing water features

#### *Design*

The Council is limited in the way that it can change many of the physical features of our existing waterbodies and watercourses. This is because changing the water depth, bank steepness, silt depth, temperature and current is often not practical or deliverable or, if it is physically possible, it can be prohibitively expensive. Any improvements that are possible and reasonable should however be identified within the sites risk assessment.

#### *Maintenance, Inspection and Repair*

We can however limit or manage some of the contributing features which may increase severity of harm e.g.,

- Keeping water courses and water bodies and their associated grills/inlets/outlets clear of debris build up in areas that may increase the risk of flooding or lead to higher water levels
- Keeping water courses and waterbodies clear of fishing line and other debris that may increase the risk of entanglement, injury and drowning should someone enter the water
- Reporting any pollution incidents to the Environment Agency
- Managing rat infestations where they pose a risk to health.

These elements can be addressed via scheduled maintenance, via monitoring/inspection and via remedial works/repairs where necessary.

*Providing lifesaving equipment on site e.g., life rings.*

ROSPA guidance states that providing life rings may, in limited circumstances, afford the victim extra time or support to enable rescue. It explains that the design intention for rings is to be 'dropped' to casualty rather than thrown horizontally which means that they are most usefully placed near vertical drops and deep water rather than in areas where you need to throw them any distance to the person in the water. Their guidance also states that the use of life rings requires a high degree of maintenance and that they are very susceptible to theft or vandalism. ROSPA also explains that there is also the risk that placement may be seen as creating a permitted swim spot or inducement to swim, i.e., the belief that "this is a safe space to enter"

Due to the elevated level of vandalism experienced on all our sites, the limited resources available for regular inspection and equipment replacement and the unsuitability of many of our water bodies, the Council has decided not to use life rings to reduce the potential severity of injury.

### New water features

The Council has enormous potential to influence the design of new water bodies and water courses both on our land and on the land of others. This influence could potentially limit or reduce the degree of hazard posed.

To develop this, the Council have recently adopted a Supplementary Planning Document - Open Space and Green Infrastructure Supplementary Planning Document (SPD) 2021 which is, amongst other things, intended to influence the design of new water bodies/courses in the Borough. The safety principles of this SPD focus on developers identifying and designing out hazards where possible and it also requires individual risk assessments of designs, signage, and stipulates gentle slopes and ideally shelving to all water bodies and water courses wherever feasible. These general principles will also be adopted in the design of any future water bodies or water courses we create.

## Why do people enter our waterbodies and watercourses and how can this be managed?

There are 2 predominant ways that the public/visitors, staff, volunteers, or contractors could potentially enter our water bodies i.e., through accidental or intentional entry into the water.

ROSPA state that of the accidental drownings by month (Average 2013-2019) 46% had no intention to enter the water and 54% had intended to enter the water.

### Unintentional/accidental entry into our water bodies

- Falling into the water body or water course e.g., slipping down the bank
- Collapse or failure of structure e.g., bridge, bank or fencing leading to unintended entry into the water body
- Flooding issue that leads to unusual and unexpected areas being under water e.g., roads/houses/paths

### Intentional entry into our water bodies

- To perform a maintenance activity
- To carry out a permitted recreational activity e.g., boating, fishing
- To carry out an activity that is not permitted e.g., swimming, walking on ice etc

## How can the Council reduce peoples' accidental entrance into the water?

The Council can do the following things to limit accidental exposure to waterbodies and watercourses. Further/different actions may also/alternatively be identified by the sites' risk assessment.

*Warn people of the danger*

- Provide signage at entrances to the site to warn the public of what hazards the site contains and what the site rules are using words and standard symbols.

*Allow people to anticipate the hazards' specific location*

- Improve visibility of the hazard e.g., by cutting back overhanging vegetation so people can see and therefore anticipate the hazard and for example keep children away or under control.
- Provide 'nag' signage at the hazard location to highlight the hazards position (e.g., danger deep water/steep drop) and remind the public of any site rules (e.g., stay out of the water) – this is particularly important where the hazard is significant and/or where it may not be anticipated – e.g., hidden/not very visible steep banks

*Move people away from the hazard*

- Set footpaths back from the edge. Before installing new or renewing existing facilities/infrastructure review its position – can it or should it be moved away? Consideration should be given to desire lines if a path is moved too far away people may still walk near the waterbody or watercourse, so a balance needs to be met. The SPD recommends that paths are setback at least 3m from the edge of banks where practical to allow for a path grass verge (that is safe to maintain) and rough edge to the bank to deter entry/improve wildlife value. Greater distances may be needed where horse riders or cyclists are anticipated. Where bank erosion is a problem greater distances may be needed.
- When installing new facilities set them back from water if appropriate/practical – follow guidelines included in the adopted Supplementary Planning Document - Open Space and Green Infrastructure Supplementary Planning Document (SPD) 2021 and risk assess new installation designs as appropriate.
- Tailor the required maintenance so that contractors are not unnecessarily exposed or are less frequently exposed to the hazard. Is it necessary to maintain the site right up to the edge of the bank? And if it is how can this be made safer? This can be done in a physical way on site but should also be done by the contractor in the form of a risk assessment/changing operation etc.

*Prevent or physically deter people from coming too near the hazard*

- Provide barriers to exclude the public where the risk is high or very high e.g., via fencing even if paths are not nearby
- Consider providing barriers/fencing to exclude the public where you cannot avoid them coming in proximity with a moderate hazard e.g., where an existing path or recreational facility comes close or immediately adjacent to a moderately risky watercourse or waterbody
- Let the vegetation grow longer alongside water courses and water bodies to deter entry and to limit required access by maintenance staff/contractors. This is often the best approach in areas of lower risk or in areas where other measures would be unaffordable.

*Encourage the reporting of any safety issues*

- Provide contact details on site entrance signage so that the public – who use the site know who to contact in the case of a problem.

- Provide an issue reporting mechanism on the Council's website and via phone (this is provided for via our customer services enquiry/complaint processes - DASH)
- Ask contractors to report issues – this is done by our maintenance contractor via GLIVE and by them via phone calls/emails if more urgent

*Inspect hazards and associated safety precautions to identify any escalating risk factors*

- Inspect water related structures and facilities to ensure that they are fit for purpose and that there are not any factors that could increase the risk. The inspection frequency will be based on the sites or group of items originally assess risk level.

*Respond to safety issues and make repairs in a timely manner*

- Respond to repairs identified by the public, contractors or via inspections in a risk-based order and agreed time frame.
- In addition, identify any items that are likely to escalate to higher risk and maintain/repair as necessarily to prevent risk escalation.

## How can the Council reduce the risk to those we permit into our waterbodies and watercourses?

As a Council we have taken the decision to not to encourage people to enter our waterbodies or watercourses unless they absolutely need to. This means that swimming, boating, diving, and other recreational activities, including events that require entrance into the water are not encouraged on any of our sites. This is with the general intention of limiting numbers in the water and therefore limiting risk in this way. It also allows us to have one clear message of 'stay out of the water' that we consistently give out to the public.

Contractors, staff, and supervised volunteers will on occasion however need to work in it or alongside water. In cases where this happens the activity will need to be risk assessed first and be covered by appropriate insurance before permission is granted for that activity.

## How can the Council reduce the number of people intentionally entering our water without permission?

We are aware that people do go into our watercourses and water bodies on occasion without specific permission. This most commonly happens in warmer weather however it is something that does happen year-round including when ice is present.

This is extremely difficult to manage as none of our sites have a routine on-site presence and we do not have the resources to do this or to provide a regular enough presence on site to make a real difference to people's behaviour. As these activities are most common outside of normal working hours (evenings and weekends) it is likely specific staff with enforcement powers would need to be employed to influence the behaviour of the public in this way.

To attempt to manage this unpermitted access into water and to warn the public we commit to making timely press releases at key times of the year to warn of relevant specific dangers, e.g., thin ice, dangers of swimming in unsupervised waters, underwater hazards, deep water/strong currents etc.

These press releases should be released prior to significant periods of extremely hot weather, at the beginning of the school holidays and prior to periods of extremely cold/freezing weather (targeting school holidays).

The Council is also in the process of establishing a Public Space Protection Order that makes it an offence to be in the water without our permission. This order will follow the stay out of the water messages we have provided on signage and through the media and will allow our partners - the police - to take enforcement action where necessary.

We will also work with community and friend's groups in such a way that the stay out of the water message is passed onto these groups as appropriate.

## Determining the specific hazards on our sites and the level of risk posed via site-by-site risk assessments

The Council will assess and subsequently regularly review, risk assessments for all greenspaces containing waterbodies.

These site risk assessments will outline what water related assets these sites contain, their individual assets risk score (based on the below matrix, general asset information/categorisation and individual site accident/incident knowledge) and the site managing officers' determination of the sites overall risk score – normally based on the highest scoring asset.

The overall site risk score may vary from the highest asset score where a site is large or where risk levels vary greatly. In these cases, the sites may be split into zones with similar risk, for example Whittleford Park will be split into Barpool Valley, Claypool and Marsh, and with much less/or no water and both with lower risk Gorse Valley and Vale View. The overall site score may also vary if the combination of assets present combine in such a way that in the officer's opinion it changes the overall site risk, or that the asset that scores highest is not significant enough to directly dictate site overall score.

# Risk Assessment Matrix

| | | | Scores in the report are multiplication factors of Likelihood x Severity | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Severity>> | | | | | |
| Likelihood | Very High probability, if the situation is not addressed an accident is almost certain. | 5 | Very High | VL (5) | L (10) | M (15) | H (20) | VH (25) |
| | High probability an accident is probable without any added factor. | 4 | High | VL (4) | L (8) | M (12) | H (16) | H (20) |
| | Moderate probability an incident is foreseeable. | 3 | Moderate | VL (3) | L (6) | L (9) | M (12) | M (15) |
| | Some probability, requires a combination of factors to take place. | 2 | Low | VL (2) | VL (4) | L (6) | L (8) | L (10) |
| | No significant probability; lightning strike, freak accident. | 1 | Very Low | VL (1) | VL (2) | VL (3) | VL (4) | VL (5) |
| | | | | Very Low | Low | Moderate | High | Very High |
| | | | | 1 | 2 | 3 | 4 | 5 |
| | | | | No injury likely e.g. damaged or soiled clothing, minor bruising, grazes | Minor injury, laceration or bruising requiring first aid only | Injury requiring medical intervention e.g. cuts requiring stitches | Serious injury including concussions or fracture of long bones | Severe injury involving a potential life changing injury or fatality |
| | | | | Severity>> | | | | |

Note 1: The total risk scores included within our reports are a multipication factor of the calculated Likelihood and Severity of each finding. Both Likelihood and Severity are given a number between 1 - 5 as shown on the matrix above and these two numbers are then multiplied together to give the total risk score that is shown against defects on the report. Total risk scores can be divided in both directions, i.e. a total risk score of 12 could be a Likelihood (3) x Severity (4) or Likelihood (4) x Severity (3).

Note 2: When we inspect we only see a snapshot of the current condition of the equipment. It is the operators responsibility to ensure that there is a continuing level of maintenance to keep the equipment in good working order and the site fit for use.

## How often should we formally inspect the assets that the site contains?

It has already been determined that the formal inspection of our assets is unlikely to influence unauthorised entrance into our water bodies as the frequency, day and time of day is unlikely to coincide with most unauthorised activity on site and even if witnessed by officers their presence is unlikely to change this behaviour to any noticeable degree. Officer presence is unlikely to influence behaviour because officers do not have enforcement powers and, they will be working alone. Perpetrators of unauthorised activities including swimming may also stop and then carry on with their activity after the officer has left site.

With over 300 Parks & Greenspace sites, covering approximately 151 hectares of land and with around 50% of this containing water, it is also unlikely that inspecting officers will happen to visit a particular area of a site at the time when a serious defect occurs, e.g., via failure or vandalism. We therefore rely heavily on the public and our

maintenance contractors, who are out on the sites on a more regular basis, to report these more obvious issues to us via our customer enquiries system (DASH) and GLIVE, our grounds maintenance contractor reporting system.

## What is the purpose of the formal inspection?

The formal inspection process is designed to identify the more subtle issues that may, over time, lead to increases in risk. These inspections may also identify serious defects. These formal inspections should be undertaken alongside periodic specialised inspections, as required by the asset, such as bridges, to ensure all subtle defects are identified before they progress to a serious fault.

More subtle defects may include but are not limited too; bridge decking that is approaching the end of its useful working life or needs cleaning to prevent or extend its lifespan. Water courses becoming blocked with debris which requires clearance by our contractors, protective fencing or guard rails that are damaged or loose and missing or defaced safety signage.

## What format should these formal inspections take?

We will formally inspect our site's water assets using an existing asset management system that is date and time stamped and unalterable after inspection, to provide a robust audit trail. This inspection software allows the inspector to assess the current risk associated with the asset(s) on site leading to a live risk assessment based on the last recorded inspection. It is anticipated that over time more of the sites assets (that fall outside of water safety, but which also carry their own risk) will be added to this monitoring system.

## How often should we formally inspect our sites/site assets?

How often we formally inspect should be related to site and asset risk and so we should visit higher risk sites more frequently than lower risk sites. It must also be deliverable and allow sufficient time to respond to the findings of both the formal inspections and the other defect reports e.g., the DASH enquiries, GLIVE reports and other structural surveys that are completed on our assets.

It has been determined that we have the capacity to formally inspect sites based upon 2 x 0.8 (FTE) Officers, at the following frequency.

- 2 yearly inspections for very low risk sites/assets
- Annual inspection for low-risk sites/assets
- 6 monthly inspections for moderate risk sites/assets
- Weekly inspection for high-risk sites/areas/assets
- Daily inspection for very high-risk sites/areas/assets

## What other additional specialised inspections related to water safety should we complete?

The most common specialised inspection that is often related to water safety is the inspection of our bridges – the need for specialised bridge inspections is, however, also applicable outside of water safety sites.

There are four levels of Bridge Inspection.

- **Routine Visual Safety Inspection** – A routine visual inspection undertaken by non-engineers, such as Parks & Greenspace Officers as part of a formal water safety inspection.

- **General Inspection** – Is a bridge inspection undertaken by a qualified engineer* typically at not less than two-year intervals unless otherwise specified. This is a general examination of the structure to detect evidence of distress that might require repair or maintenance attention.

- **Principal inspection** - This consists of a more detailed inspection of the structure from within touching distance, typically at not less than five-year intervals unless otherwise specified and may involve a certain amount of non-destructive testing. This will normally be undertaken by qualified bridge engineers* either from a consultant or the Bridges Unit at WCC (Warwickshire County Council).

- **Special Inspection/Engineers Report** - This carried out to investigate a specific problem, after a major accident or event, such as ground movement or flooding, or passage of unusually heavy loads. This will normally be undertaken by qualified bridge engineers* either from a consultant or the Bridges Unit at WCC.

## Responding to defects

How we respond to defects identified by inspections and via customer and contractor reports is crucial to the managing of risk on our sites. If more time is spent inspecting and less time is spent on the follow up repair and preventative process, it may be counterproductive and even reduce site safety.

The extent & availability of resources to undertake repairs also requires that we adopt a triage approach.

## General Principles of defect/risk management

Using the risk assessment matrix previously shown to risk assess the site, the following response to risk/defects will be implemented.

| |
|---|
| **1 – 5 Very Low Risk** The site/asset(s) is in good condition, fit for purpose and no remedial work is required. (Unless otherwise indicated) There may be some non-compliances with current standards*. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 2 years. |
| **6 – 10 Low Risk** The site/asset(s) may not comply with current standards but is generally in good condition. Minor works may be required and these should be completed within the next 6 - 12 months. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 1 year. |
| **11 – 15 Moderate Risk** The site/asset(s) has a fault or number of faults that require attention. These faults should be rectified within the next 2/3 months to ensure the continuing safe use of the site by users. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 6 months. |
| **16 – 20 High Risk** The site/asset(s) has serious defects that require immediate attention. This level of risk will normally result in the site/asset(s) being taped off with hazard tape to warn the public & a telephone call from site by the inspector, requiring that a maintenance team be sent to site within 24 hours to make safe/repair. 'Make Safe' may include the installation of temporary cage type fencing to prohibit access by the public until repairs can be made. These faults should be rectified within 2 months or must be escalated to the Director – Public Services for further action. Sites/asset(s) in this category will be formally inspected at intervals not exceeding 1 week. |
| **21 – 25 Very High Risk** The site/asset(s) is in a dangerous condition. Further public access must be immediately prohibited, or the asset must be removed from service ('Made Safe') until such time as it is repaired or safely removed from site. In this instance the inspector would remain on site until a maintenance team was sent to attend to the item. 'Make Safe' may include the installation of temporary cage type fencing to prohibit access by the public until repairs can be made. These faults should be rectified within 2 months & must be escalated to the Director – Public Services immediately. Sites/asset(s) in this category will be inspected daily, by the maintenance team to ensure that temporary safety measures remain in place & are effective. Sites/asset(s) in this category will also be formally inspected at intervals not exceeding 1 week to monitor progress until work is completed. |

*Refer to Open Space & Green Infrastructure Supplementary Planning Document(s) (2021) & Parks & Countryside Office Std. Specification (2019)

**Appendix B – Detailed implications and considerations**

**1. Conflict with Water Safety Policy**

- The proposal contradicts the Council's Water Safety Policy, which prohibits recreational activities on water bodies to prevent accidental or intentional harm.
- Allowing Sea Cadet use undermines consistent public messaging ("stay out of the water") and may encourage unsafe behaviour.

**2. Legal and Liability Risks**

- Granting access could expose the Council to legal risks including:
    - **Corporate manslaughter**
    - **Gross negligence manslaughter**
    - **Negligence or breach of duty of care**
- Previous incidents at nearby Ensors Pool have led to fatalities and HSE investigations, reinforcing the need for strict adherence to safety policies.

**3. Increased Risk and Maintenance Costs**

- Recreational use in water bodies elevates the likelihood of harm (infection, injury, drowning), increasing the site's risk profile.
- Additional costs would arise from:
    - Water quality testing
    - Specialist equipment and staff
    - Enhanced supervision and maintenance

**4. Unsuitability of Balancing Lakes**

- Balancing lakes are unpredictable, with fluctuating water levels, currents, and poor water quality.
- Bermuda Lake is fed by runoff from industrial, residential, and agricultural sources, contributing to pollution and blue-green algae outbreaks.

**5. Environmental and Ecological Impact**

- Bermuda Lake is a designated **Local Wildlife Site (LWS)** and part of a critical ecological corridor.
- Cadet use may disturb habitats, threaten protected species, and potentially lead to permanent infrastructure that degrades ecological value.
- Peer organisations (e.g., Warwickshire Wildlife Trust) have advised against recreational use due to ecological sensitivity.

**6. Land Ownership and Access Issues**

- Legal and logistical complications exist regarding vehicle access and land ownership if this is required by the Cadets.
- Resolving these issues would require legal input and additional costs to be identified to support changes.

**7. Community and Aesthetic Concerns**

- The site is a valued greenspace for local residents, used for walking, running, commuting, and informal recreation.
- Introducing cadet activities and infrastructure may:
    - Reduce available public space
    - Urbanise the area
    - Encourage antisocial behaviour
    - Diminish the site's aesthetic and recreational appeal

**8. Precedent and Policy Gaps**

- Authorising Sea Cadet use may set a precedent, making it difficult to refuse future requests from other groups.
- The Council currently lacks a formal policy for granting recreational access to water bodies, increasing the risk of inconsistent or unfair decision-making. This would need to be addressed subject to outcome.

Sea Cadets engages young people aged 10-18 from all backgrounds but there is good evidence to suggest it reaches young people from more disadvantaged backgrounds. Sea Cadets aims to help young people achieve in education, employment and in longer-term mental and physical wellbeing and community engagement. These aims bring challenges; for example, children entitled to free school meals are nearly half as likely to get five good GCSE's in comparison to their better-off peers, which has a knock on effect on their future employment and earning prospects. Sea Cadets aims to address these challenges by giving young people 'adventure that launches young people for life today', with the aim of helping teenagers 'develop into resilient, confident young people who can launch well in today's complex and sometimes overwhelming world and thrive in it (please find attached the Sea Cadet Impact Report for further information).

There are just over 400 Sea Cadet units across the UK, with the majority of these units working hand-in-hand with their local authority to have access to local inshore bodies of water to deliver the training and nationally recognised qualifications. Warwickshire District is one of nine Districts in South West Area alone. Within Warwickshire District, there are nine units (Nuneaton & Bedworth, Sutton Coldfield, Coventry, Rugby, Leamington Spa, Tamworth & Lichfield, Shirley, Redditch, and Stratford Upon Avon). It is disappointing that out of the nine units within Warwickshire District, only one unit is not supported by their local council to have access to local bodies of water, which is Nuneaton and Bedworth. This puts our cadets at a huge disadvantage in relation to their peers with whom they compete against, meaning our cadets and adults have to work so much harder and travel so much further just to be on a level playing field to compete. As adult volunteers who support Sea Cadets (outside of our own day-to-day jobs/external responsibilities) and as a charity trying to support 40 young people (with more on a waiting list) this has become completely unsustainable. Nationally, there are huge pressures being placed on the public and public services. The young people of Nuneaton and Bedworth towns are suffering because of this... we (as adults) collectively have a moral duty to do all we can to ensure our future generation are equipped with the skills, knowledge and opportunities to lead successful lives and lead our towns in the future.

Our four most recent cadets (who are now eighteen or above), all came from backgrounds which would fall under the 'disadvantaged' category; one was in Local Authority Care, one had additional needs, one came from a low-income family and one who speaks English as a second language.  All four thrived during their time at Nuneaton & Bedworth Sea Cadets and fully enhanced an array of opportunities made available to them  through Sea Cadets. Sea Cadets undoubtedly paid a hugely influential part on their outcomes. Two are now current serving members of the Royal

Navy (one whose image is proudly displayed outside of the town hall), one is in the final year at university, and one is currently awaiting a date to enter the Royal Navy to train as an Air Traffic Officer (all have continued to remain an active part of the unit, are enrolled as adult volunteers, and all are present to support the unit when they are on leave). They all continue to inspire the younger generation which is incredible to see.

In terms of the factors reviewed in relation to the use of Bermuda Balancing Lake for training activities by Sea Cadets, please see information below highlighted in green:

***Increased Risk and Maintenance Costs***

Recreational use in water bodies elevates the likelihood of harm (infection, injury, drowning), increasing the site's risk profile.

Sea Cadet Mitigation - All of our risk assessments and operating procedures meet the terms set out in the Inshore Boating Operating Procedures (IBOS release 3.0.1, 2024). IBOS gives the baseline operating requirement for boating in the Sea Cadets. IBOS covers the aspects of external accreditation for boating activities. IBOS is applicable to all small boat activities (inshore) and does not apply to Offshore activities (separate guidance is available for offshore activities although this is not relevant to Nuneaton & Bedworth). There are many governing documents, which influence boating activities. IBOS has been developed to allow venues to be confident that they are compliant with the requirements and standards, and understand what they need to do to achieve this in a clear single source format. IBOS has been developed to incorporate the following governing documents:

| | |
|---|---|
| Training Afloat Regulations - Available through Defence Gateway | SCV2 – Small Commercial Vessels Compliance |
| RYA Guidance Notes - (Login required) | MGN 280 – Marine Guidance Notice |
| AALA – Adventurous Activities Licensing | SOLAS V (safety of lives at sea) |
| MOD Boat Safety Cases - Contact Inshore Boating | Royal Navy BR 67 - Contact Inshore Boating |
| Water Safety Equipment Log (WSEL) | MSSC marine hulls insurance policy |

British Canoeing Definition and Deployment Document

In addition to the above, the Memorandum of Understanding (December 2018) between the Royal Navy (Secretary of State for Defence - SOSD) and Marine Society and Sea Cadets (MSSC), the Ministry of Defence (MoD) provide indemnification. Please see extract below:

*'AUTHORISED ACTIVITIES OF THE SEA CADET CORPS AND THE MSSC SOSD hereby undertakes to fully and effectively indemnify1 the MSSC, the Units, Cadets, adult volunteers, members of the Unit Management Teams (UMTs), members of Uniformed Volunteer Staff, Civilian Instructors and employees of the MSSC or MOD, including staff used by the MSSC as offshore relief crew, against all liabilities, claims, actions, proceedings, demands, costs, charges or expenses which may be incurred in respect of sickness or personal injury (including injury resulting in death) or loss of or damage to property by reason of or arising out of any negligent act or omission by, or on the part of, a Cadet, adult volunteer, member of a UMT, member of Uniformed Volunteer Staff, Civilian Instructor, employee of the MSSC or MOD whilst in the course of Authorised Activities as described in the Memorandum of Understanding entered into between SOSD and the MSSC or of travel to or from Authorised Activities. MOD will accept liability for loss or damage to or by publicly owned property and equipment and that procured using public funds.'*

Furthermore, Sea Cadets operates in line with Quality Assurance and a 'Chain of Command'. There are an array of support services available for volunteers that are provided through the MSSC. The Inshore Boating department are a team employed by the MSSC as a link between Sea Cadet volunteers and the Royal Navy. Inshore Boating advise on safety and management of all boating activities that take place inshore; ensuring all are operating in line with current legislation and guidance.

***Additional costs to the Council would arise from:***

- Water quality testing
- Specialist equipment and staff
- Enhanced supervision and maintenance

Sea Cadet Mitigation: Please see attached document 'Water Quality Considerations' which is included in IBOS. Sea Cadet Unit 616 of the Sea Cadet Corps (Nuneaton & Bedworth) would be responsible for the additional costs associated with Water Quality Testing and Trained staff to undertake the testing and make decisions inline with a dynamic risk assessment. In the interests of transparency, tests will be undertaken and recorded - any future records will be available on request.

It is hoped that by Sea Cadets accessing safe training on the Bermuda Balancing Lake, this will enhance the current supervision levels in the area, whilst promoting safe activity and reduce the numbers of non-permitted members of the public entering the water.

Sea Cadets take pride in the environment and as such, carry out community-based modules as part of their Cadet Training Plan (CTP). These modules can be adjusted to reflect the area of operations and as such, some organised and agreed maintenance can be undertaken by the Sea Cadet members.

***Unsuitability of Balancing Lakes***

- Balancing lakes are unpredictable, with fluctuating water levels, currents, and poor water quality.
- Bermuda Lake is fed by runoff from industrial, residential, and agricultural sources, contributing to pollution and blue-green algae outbreaks.

Sea Cadet Mitigation: As above - Please see below at document 1 'Water Quality Considerations' which is included in IBOS. Sea Cadet Unit 616 of the Sea Cadet Corps (Nuneaton & Bedworth) would be responsible for the additional costs associated with Water Quality Testing and Trained staff to undertake the testing and make decisions inline with a dynamic risk assessment. In the interests of transparency, tests will be undertaken and recorded - any future records will be available on request.

***Environmental and Ecological Impact***

- Bermuda Lake is a designated Local Wildlife Site (LWS) and part of a critical ecological corridor.
- Cadet use may disturb habitats, threaten protected species, and potentially lead to permanent infrastructure that degrades ecological value.

- Peer organisations (e.g., Warwickshire Wildlife Trust) have advised against recreational use due to ecological sensitivity.

Sea Cadet Mitigation: Whether boating inland, voyaging at sea, or exploring the countryside, we spend so much time up close to nature that the environment is in our DNA! And because our waterborne activities rely on safe water quality, we're acutely aware of the importance of healthy ecosystems. An environmental campaign has recently been launched by Sea Cadets (please see attached article for more information). Sustainability remains at the forefront of our thinking, and we would strive to work collaboratively with other wildlife organisations as experts in their field and to limit and protect the habitats and ecosystems in place. There are many ways of doing this and we are in regular communication with other units who successfully manage this to learn best practice. We are eager for this to work for all.

***Land Ownership and Access Issues***

- Legal and logistical complications exist regarding vehicle access and land ownership if this is required by the Cadets.
- Resolving these issues would require legal input and additional costs to be identified to support changes.

Sea Cadet Mitigation: Ideally, access would be gained via Cygnet Way, using the infrastructure already in place (including the drop kerb and access gate). This would be at agreed times only. The Sea Cadets do have access to a legal team who we could contact further down the line (if needed/required).

We would meet all the required Health and Safety standards given we are sponsored by the Ministry of Defence/fully endorsed and would be happy to provide the Council with the necessary insurances, risk assessments and operational training to deliver organised sessions, whilst accessing the water.

Appendix C – Sea Cadets position statement

Document 1 - 'Water Quality Considerations'



**Activity: All Inshore Boating Activities**

**Title: Water Quality Considerations**

## Summary

When boating it is important to consider quality of water in our static / dynamic risk assessments, ands site specific instructions. Water quality can be affected through many means of infiltration, surface water run-off, sewage overflow and pollution.

Contact with poor quality water can lead to serious health issues, so appropriate control measures must be in place at each venue. Sea Cadets operate across a range of rivers, canals and reservoirs/lakes, as well as harbours and open coastal areas. It is therefore important that each venue operates in accordance with any advice or guidance from their water / navigation authority.

## Standards

- Venues must include appropriate local control measures for water quality hazards in local risk assessments.
- Venue site specific instructions must implement these control measures and the responsibility for their assurance at a local level.
- Each venue should engage with their local Water/ Navigation Authority/owner (in the case of reservoirs this will often be the local water board) and operate within their stated advice.
- In the absence of local authority testing venues should consider regular testing being undertaken and recorded – this can be done independently or in collaboration with other water users.
- Maintain a high standard in commitment to cleanliness, including wash down of equipment and hand washing.
- If in doubt, stay **out** of the water.

## Expectations

Each venue shall ensure that they have appropriate safe systems in place that include water quality for the activities takes place and a record is kept logging that the water quality is considered appropriate as part of the overall conditions.

Due diligence will be undertaken in ensuring that water quality is understood, and advice is followed.

Venues should work in collaboration with their local water/ navigation authority and other water users, many of whom regularly test their waters and publish the results. Venues must consider the location of external testing and their proximity. Where flow is a consideration, test results up stream are key.

Where contamination is a hazard, venues shall maintain a watch on the weather prediction and factor this into their dynamic risk assessment. If there has been a high volume of rainfall, this will cause surface runoff and overflow of sewers and drainage. Self-test kits are available from several online retailers.

## Further Guidance

Location
Venues should remain vigilant to their surrounding environment and waterway use, consideration should be given to potential contaminants. Some key areas for thought are listed in a non-exhaustive list below:

- Sewage outlets
- Storm drains outlets in urban and industrial areas.
- Land Use – including surface run off from agriculture.
- Industry, particularly on or at the water edge.
- Commercial Shipping
- Flow rate and recirculation of water.
- Recent weather patterns.

Venues should pay particular attention upstream of their location, or for coastal locations in the direction of tidal streams.

Weather
Weather can severely impact water quality. Rain will cause any contaminants that are on land to wash into waterways. Severe rain and flooding will also cause sanitary outlets to be compromised. Hot weather can cause an increase in bio growth such as Blue Green Algae causing contamination of water. Prolonged hot periods may also cause inland waterways to stagnate due to low water levels and a lack of movement.

Testing
Many waterway or navigation authorities regularly test and publish their results, these can provide a useful basis on informing us on water quality. Venues may choose to purchase testing kits and test the quality of water in their operating area. It is important to note that any tests to determine water quality should be those taken in areas that will flow into the operating area (Upstream/ up tide).

Useful sources of information are:

| | |
|---|---|
| – Water Treatment Services | Recreational water quality standards |
| – Paddle UK | Don't get sick advice and useful links |
| – Surfers Against Sewage | Sewage Mapping |
| – Future Learn | "do-it-yourself" water testing |

## Outcomes

Venues will need to have a better understanding of the factors and their effects on water quality. By having better information decision makers can "make a good call" and be more confident in it. This might be to stop activity or reschedule. Equally deciding to avoid immersion activities or changing to an alternative training area might be acceptable outcomes.

We are aiming to keep our participants safe and well whilst enjoying and benefiting from boating, however this is also an excellent topic for youth advocacy and collaboration with other water users.