

Malvern Hills District Council: Public Space Protection Order Consultation Gullet Quarry

Frequently Asked Questions

About Gullet Quarry

Gullet Quarry, which is owned by Malvern Hills Trust, has been the site of several fatal swimming accidents over the years, most recently being the loss of two individuals during the summer of 2013. Immediately after those last two incidents the site was closed to the public and that same year the Malvern Hills Conservators (Trust) commissioned a report from the Royal Society for the Prevention of Accidents (RoSPA) which gave a number of further recommendations for improving safety at the site. Subsequent to that report new perimeter fencing and signage has been installed warning the public to keep out of the fenced area and not to swim in the quarry.

Despite being regularly patrolled by Trust wardens during the summer months, and regular attendance by both members of the police and the local fire service to raise public awareness of the dangers of swimming at the quarry, the Trust are still recording frequent incidents of individuals or groups entering the fenced-out area and swimming in the quarry. This was particularly problematic during the long hot summer period of 2018, with up to 40 individuals being recorded within the fenced area at one time.

Why is access restricted to the Gullet?

Whilst it looks beautiful, disused quarries can be dangerous places.

As a redundant quarry the site has many steep, exposed rock faces with high vertical drops, unstable faces and suffers frequent rock falls.

The lake has steep banks with depths of over four metres being encountered in many places within just one metre of the edge.

The fence extends beyond the lake itself to create distance from the water and to keep people away from the rock faces, both of which pose a significant risk. Once visitors are in close proximity to the water, they are more likely to enter it and put themselves at risk.

Why it is dangerous to swim in Gullet Quarry?

Taking the plunge in lakes and quarries is extremely dangerous, for reasons that may have never even crossed your mind.

It has been identified that while the waters at the surface and edges may feel relatively warm, there is a thermocline (temperature boundary) within the lake, with much colder water below. This water is sufficiently cold that it can cause cold water shock to swimmers. Any swimmer can be affected, regardless of their age or fitness. The body can go into shock or leave you too exhausted to swim within minutes of jumping in. Jumping or diving into the quarry could be a fatal mistake. It is difficult to tell from the shore how deep the water is and it is possible to injure yourself on rocks in shallow water. In deeper areas, you may be more likely to suffer cold water shock. If you can't stand up in a

lake or quarry, there will be no way to recover from the shock of the temperature - and you increase your risk of drowning.

The site is remote and there are no lifeguards on site to offer assistance. If you find yourself in trouble, there may be no one around to help you. If other visitors are present, they may put themselves at risk of injury or death trying to come to your aid.

Mike Dunn, Director of Education and Research at the Royal Life Saving Society UK, warned that you're risking your life every time you swim without a lifeguard. He said: *"Every year around 400 people in the UK drown, and more people drown in summer than at any other time of year. Many of the dangers around water are obvious, but some are not as easy to see, and it is these hidden dangers that catch people out. One of the biggest causes of drowning is believed to be the affect that cold water has on your body, known as cold water shock."*

Why don't you just drain the lake?

The lake is constantly fed by both surface and ground water so pumping it dry will not last. Additionally it is one of only a few large open water bodies on the Malvern Hills and has a value both to wildlife and as part of the visual landscape.

Are you making the public aware of the dangers of open water swimming?

We are fully supporting the work and campaigns of the Royal Life Saving Society by promoting their advice and guidance. We are also supporting the Police and Crime Commissioners Home & Dry Water Safety campaign.

Why aren't the existing byelaws sufficient?

Under the byelaws that cover the Trust's land, both entry into the fenced out area, and swimming in the quarry itself are unlawful. However attempts to enforce these byelaws in the normal way have proved difficult for both the Trust and the Police to implement. The Police have attended the site on a number of occasions this year, at the Trust's request, and successfully moved people on, but contraventions have continued despite these visits.

What is a Public Spaces Protection Order (PSPO)?

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

Breaching the order is a criminal offence, resulting in a fixed penalty notice of up to £100 if appropriate or prosecution.

What will the Order include?

Subject to the findings of the public consultation, it is proposed that the PSPO will cover the following restrictions at Gullet Quarry:

- Entering the water and/or perimeter fence area
- Consumption of alcohol

Why is the drinking of alcohol included in the proposed PSPO ?

It is widely recognised that the consumption of alcohol can significantly increase the risk of drowning for swimmers. Additionally alcohol can impair an individual's judgement, balance and consequently greatly increases the risk of falls or other accidents in or around the quarry.

How have you consulted on the proposed Order?

The consultation process is conducted in accordance with Cabinet Office Guidelines, with the consultation period being conducted over 6 weeks. This gives the public an opportunity to lobby against the use of this power or alternatively re-affirm their support for important local laws to control anti social behaviour arising at Gullet Quarry.

The proposals will also be circulated to a wide variety of interested parties including residents, community safety partners, health and well-being partners and neighbouring authorities. There are certain detailed issues associated with the implementation of such an Order that require determination as part of the fenced area of the Quarry falls within the local authority boundary of Herefordshire Council.

The results of the consultation exercise will be used as the basis for a further report to the Council's Executive Committee on the implementation of the Public Spaces Protection Order.

Furthermore, should Executive Committee authorise the proposed PSPO, there is a further requirement for publicity within the Anti Social Behaviour, Crime and Policing Act 2014 Publication of Public Spaces Protection Orders Regulations. These require that where a local authority has made a PSPO, they must publish it on its website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.

Who will enforce the Order?

Police officers are able to enforce, as well as the District Council's Community & Environmental Protection Officers.

When will the Order be in place?

If approved it is anticipated that the Order will be in place from 1st October 2019.

How long with the Order be in place?

The maximum duration of a Public Space Protection Order is three years. At any point before the expiry, the council can extend the Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or reoccurring. This would require public consultation.

How will people know that the Order is in place?

The public consultation on the proposed order is alerting statutory bodies, community representatives, interested parties and member of the public

Before the Order is made, the council must publish the draft Order in accordance with regulations by the Secretary of State and ensure that the draft Order is available on its website.

Signage will be erected at the site to advise members of the public that the Order has been made and the effects of the Order.

Will there be any exemptions to the Order?

This will be subject to the findings of the public consultation. Exemptions may include for example if expressed permission of the landowner (Malvern Hills Trust). This could include the permitted access within the fenced area for the purposes of scientific or educational study into the geological evidence found here. Any groups wishing to obtain access should contact the Trust at the earliest opportunity to arrange permissions.

Do we have any other Orders in our area now?

Yes, dog control measures are subject to a PSPO. Information can be found at: <https://www.malvern hills.gov.uk/dog-fouling>