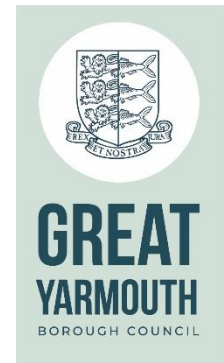


Jacqueline Lake  
Senior Coroner for Norfolk  
Norfolk Coroner Service  
*By email*

18 March 2022



*On behalf of Great Yarmouth Borough Council and Caister-on-Sea Parish Council*

Dear Mrs Lake,

### **Prevention of future deaths report – Anthony David Rode**

We acknowledge your report of 25 January 2022 into the circumstances surrounding the death of Mr Rode, and your points in relation to the ownership and maintenance of land.

We would first like to offer once again our condolences to Mr Rode's family and friends, and to restate our appreciation for his effort and those of his fellow Coastwatch volunteers in helping keep people safe when visiting the seaside. Mr Rode's dedication in regularly travelling from Mundford is particularly worthy of respect.

### **Land ownership**

Your report discusses the ownership of the land where Mr Rode intended to carry out grass strimming. Although some areas of coastal land are registered, including the nearby toilet block, most of the land in this area is not registered. As you may be aware, although the Land Registry was established in 1862, compulsory registration of all land transactions is a relatively recent requirement and has been introduced in stages up until 1990, and in broad terms is only triggered when land changes ownership. As a result around 13% of land in the UK is not publicly registered and ownership is indicated only by private deeds. This includes much of the coastline, and the land involved in this case.

The borough and parish councils have examined our own records and enquired with the Land Registry, and we have been unable to find any definitive proof of who owns this particular land, and nothing to indicate that it is in the ownership of either council. We would therefore seek to clarify that there is no "dispute" as to ownership of the land. As to responsibility for maintenance, the section below explains the position.

Historic map records indicate that the land was previously part of the route of the Eastern and Midlands Railway, eventually passing into British Railways with nationalisation in 1948 and eventual closure in the 1950s. It is unclear where ownership now lies. We believe the likeliest current owner is one of the successor bodies to the British Rail Board but we have been unable to definitively confirm this.

### **Maintenance and coastal protection**

Notwithstanding questions of ownership, the Coastal Protection Act 1949 places certain duties and powers with local authorities whose area adjoins the sea. Great Yarmouth Borough Council primarily

manages these responsibilities through our property team and with the advice of Coastal Protection East, a joint endeavour with North Norfolk and East Suffolk district councils.

There is a shoreline management plan that governs the approach to the area, balancing environmental protection and human and economic impacts. The marram grass and dune areas along the coast play an important part in this ecosystem, and under the CPA it may be an offence to carry out work that affects them without the permission of the coastal protection authority.

We understand and appreciate that Mr Rode was likely not aware of this and that his motivation was to aid his fellow volunteers in monitoring the coastline. We are not aware that he or Coastwatch sought advice on trimming the marram grass, but if this had been requested we would have been able to explain that our approach is to allow natural growth in this area to supplement the nearby man-made sea defences and to support the local ecology. This would have allowed further discussions with Coastwatch on obtaining a better vantage point through other means, allowing their work to continue but without affecting the natural defences provided by the marram grass.

### **Education and prevention**

We recognise that individuals and organisations, while acting with the best of intentions, may only have a partial understanding of the interlocking issues around coastal management. This, in turn, may lead them to taking direct action which would be outside of our established shoreline management plan.

To help reduce the potential for this to happen in future, Great Yarmouth Borough Council and Caister-on-Sea Parish Council have agreed to take the following steps to increase public awareness of these issues:

- Discussion with parish councils within the borough at our Parish Liaison Meeting on 28 March 2022, encouraging local publicity through village newsletters and similar publications
- Writing to and meeting with organisations and businesses, such as Coastwatch, that have a presence close to the shoreline to explain the operation of our shoreline management plan, including the need to seek permission from the coastal protection authority before carrying out any works, and how we can work together with them to support their operations
- A social media campaign to promote understanding of the shoreline management plan, and to discourage independent activity
- Working with our Coastal Protection East partners to encourage similar steps to increase understanding of the same within their districts.

We will also continue to investigate the ownership of the land although for the reasons stated above we do not believe this was necessarily material in this case, as the requirements of the CPA and the shoreline management plan apply irrespective of ownership.

We would be happy to provide any further information that may assist you.

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[Redacted signature area]

[Redacted name]

Chief executive, Great Yarmouth Borough Council

[Redacted name]

Clerk, Caister-on-Sea Parish Council