



**National
Trust**

████████████████████
7th March 2024

Mr G Davies
His Majesty's Assistant Coroner for
Cornwall & the Isles of Scilly,
Cornwall Coroners' Service,
Pydar House,
Pydar Street,
Truro,
TR1 1XU

Dear Mr Davies,

Re: Regulation 28: Report to Prevent Future Deaths in the Matter of the Inquest Touching the Death of Ian Jacka

I am Head of Compliance for the National Trust and am writing in response to the Prevention of Future Death Report dated 27 December 2023 following the conclusion of the inquest touching upon the death of Ian Jacka. Thank you for agreeing to extend the time for the National Trust to respond.

The National Trust has considered your Report with care and taken expert advice from the Visitor Safety Group (VSG), who you will recall from the evidence produce the definitive guidance applicable to risk assessments at locations such as Chapel Porth, before reviewing its risk assessment and responding to your Report.

On 9 February 2024 four members of the VSG board visited the site, including the specific location where Ian fell. Those attending from the VSG included ██████████, VSG Chair and editor/co-author of 'Managing Visitor Safety in the Countryside – principles & practice'. They were provided with the following context:

The National Trust car park has space for around 60 cars
At busy times, a local landowner provides additional spaces in a field further up the lane.
The lane is a dedicated highway, outside the ownership of the National Trust
There are an estimated 160,000 annual visits, with a significant proportion being local.
UNESCO World Heritage Site designation (mining history)
SSSI and SAC designations
The Southwest Coastal Path passes through the site, joining the lane a little way below the location of the accident
The National Trust is not aware of any previous incidents in the area where Mr Jacka fell.

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The VSG group was provided with a copy of the Prevention of Future Death Report prior to the visit and was aware of the circumstances surrounding the fall. So as to ensure they were uninfluenced by the risk assessments of others, the VSG were not provided with copies of the Cormac/Cornwall Council or the National Trust risk assessments prior to the visit.

██████████ reported that he and each VSG Board Member separately reached the conclusion that it would not be appropriate to introduce a 'risk of fall sign' or fencing. There was agreement that the hazard was reasonably obvious, with the likelihood of someone falling where the drop was greatest being remote. There was, in consequence, no reasonable requirement for signs or barriers at this location. The participants observed there were many other unguarded drops in the vicinity, and it would not be reasonably practicable to treat them in a similar manner, should a precedent be set at the accident site. Nor would signs and barriers be desirable interventions as they would detract from the landscape value and have an adverse effect on the special characteristics that underpin the designations listed above.

The VSG representatives were provided with copies of the National Trust's and Cormac's risk assessments after the site visit.

In summary, VSG participants were satisfied that the National Trust in its visitor risk management at Chapel Porth, had followed the VSG guiding principles. Two of particular relevance are:

1. Fundamentals

- Take account of conservation, heritage, recreation, cultural and landscape objectives.
- Do not take away people's sense of freedom and adventure.
- Avoid restrictions on access.

4. Responsibility

- 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.
- It is reasonable to expect visitors not to put others at risk.

The VSG was concerned that you had found the National Trust's Risk Assessment in place at the time of the accident, to be 'flawed and unreliable.' They advised that they do not agree with that view. They reviewed the risk assessment and concluded that it demonstrated a sensible, thorough process carried out by someone familiar with VSG principles. The hazard of fall from height is recognised and there is a listing under current precautions that 'The highest point from the road to the car park is walled off so the edge is inaccessible and clearly visible'. The accompanying photographs demonstrate that the assessor looked at the site in the vicinity of the accident. The existing controls for falls from height are judged to be adequate.

A cause for concern set out in the PFD report was the absence of any discussion of control measures such as the signage and barriers that Cornwall Highways suggested following the accident. The VSG representatives recognised that the risk assessment might benefit from a statement explaining the need to avoid unnecessary and intrusive signs and barriers, but in

their view that would not have altered the conclusion that the residual risk on the site was acceptable without the need to introduce additional risk controls.

██████ advised that he also reviewed the Cornwall Council risk assessment dated 20 March 2023. He commented as follows:

"It uses a risk matrix table of likelihood multiplied by severity of consequence to produce a score, where 15 or above is deemed unacceptable. Two hazards produced a score of 15. 'Unprotected edge - Fall from height.' And 'Kerb at edge of carriage – trips, slips, falls when accessing adjacent private verge.' Scoring is subjective. However, my judgement is that likelihood is scored too high. Few visitors seem likely to go near the edge, or indeed choose to walk onto the verge. The lack of incident reports over the past dozen or so years would appear to support this

The Cornwall Highways Risk Assessment applies the highest score (5, 'catastrophic') for the severity of consequence. However, a trip over the kerb would be most likely to result in no injury or a minor first aid case. The slope between the kerb and the drop is relatively gentle, so the risk of a fall from height following the trip is greatly diminished.

The Cornwall Highways Risk Assessment recommends provision of a 'pedestrian edge restraint to prevent falls from height and user accessing private verge'. To be effective, the barrier would need to have properties such as provided for fencing quarries. It would be visually intrusive and create a potential crush hazard for pedestrians on the road when encountering vehicles. None of the VSG Board Members judged this desirable.

We note that the Cornwall Highways Risk Assessment methodology does not appear to have any way to consider the site in context. In consequence, risk controls are proposed without any consideration of potential adverse effects on landscape designations or other benefits to the public."

In conclusion, The VSG was satisfied that VSG principles remain valid, and had been applied appropriately by the National Trust.

Following receipt of the VSG's advice, the National Trust completed a further risk assessment at Chapel Porth focussing on the location of Mr Jacka's fall. Based upon the finding of the risk assessment and applying VSG guidance, the Trust has decided not to install fencing at the location or a sign warning of the risk of falls for the following reasons:-

- The hazard is obvious. The likelihood of someone falling where the drop is greatest is remote. There are no reports of any incidents of falls prior to 3 June 2022 or after.

- A trip over the kerb would be most likely to result in no injury or a minor first aid case. The slope between the kerb and the drop is relatively gentle, so the risk of a fall from height following the trip is greatly diminished.

- There is no reasonable requirement for warning signs or barriers at this location. There are many other unguarded drops in the vicinity, and it would not be reasonably practicable to treat them in a similar manner, should a precedent be set at the accident site. Nor would signs and barriers be desirable interventions as they would detract from the landscape value and have an adverse effect on the special characteristics that underpin the designations listed above.

-To be effective, any barrier would need to have properties such as provided for fencing quarries. It would be visually intrusive and create a potential crush hazard for pedestrians on the road when encountering vehicles.

The VSG suggested Cornwall Council should consider installing further signage on the road that might lesson the need for pedestrians to step off the road onto the verge. Cars exiting the car park, whose drivers have a clear view of any pedestrians on the road, are less of an issue than vehicles arriving. The view of the road ahead is more restricted for vehicles arriving at the site and their approach speed is likely to be higher. The VSG suggested discussions with Cornwall Council to consider use of further road signs to reduce speed and warn of pedestrians in the road. The VSG suggested the following signs be considered.



The National Trust will be contacting Cornwall Council to inform them of the suggestions made by the VSG. The National Trust will review the risk assessment at Chapel Porth on an annual basis in accordance with its risk assessment policy.

Yours sincerely

[Redacted signature]

[Redacted name]

Head of Compliance