

Emma Whitting
Senior Coroner for Bedfordshire and Luton
Coroner Service
The Court House
Woburn Street
Amphill
Bedfordshire
MK45 2HX

[REDACTED]

1st June 2023

Dear Ms Whitting,

Environment Agency Response to Regulation 28 Coroners (Investigations) Regulations 2013 Report dated 21st April 2023 following the fatality of Laura Pottinger and Sarah Waller at Kempston Weir, Bedford.

On behalf of the Environment Agency, I would like to send our sincere condolences to the families of Sarah and Laura.

Following your site visit to the location and the concern that you set out in your Regulation 28 Report, I have discussed this matter with [REDACTED]. We address below the following Matter of Concern that you have asked us to consider -

“Although there is a physical barrier to prevent access to the top of the weir, there is no similar barrier to prevent access to the bottom which appears just as hazardous in view of the re-circulating flow (or towback), particularly during time of high water levels.”

For all assets that we own, operate, maintain and control, we undertake a continual programme of public safety risk assessment (“PSRA”) in accordance with our duties under the Health and Safety at Work, etc. Act 1974 and The Management of Health and Safety at Work Regulations 1999. Following all significant events, environmental changes or otherwise every five years, we further review our PSRA for the asset/site in question.

As a result of the review for this site, whilst the facts of the incident are being established we are taking the following actions;

1. Installation of a boom downstream of the weir on a temporary basis whilst a review of all the options for the site (including the removal of the weir) is undertaken. The weir serves no operational purpose to the delivery of the Environment Agency’s functions. It is a legacy asset, inherited from a predecessor body.

2. Installation of grab lines and throw lines on the downstream banks of the watercourse adjoining the weir, to aid rescue and exit from the watercourse. The timeframe to install the boom and grab/throw lines is dependent on the practical issues set out below (liaison with the landowner, and geology of the fixing points) but we are endeavouring to progress this as quickly as possible.
3. Continue working with partner organisations for the delivery of a national water safety communication campaign, which aims to educate and increase public awareness of the hazards associated with the recreational use of watercourses, including structures within the channel and river control assets.
4. Continued liaison with our partner organisations and stakeholders (including membership of The National Water Safety Forum and The Royal Society for the Prevention of Accidents) in respect of the best practice for the management of weirs.

In determining these measures the following factors have been considered.

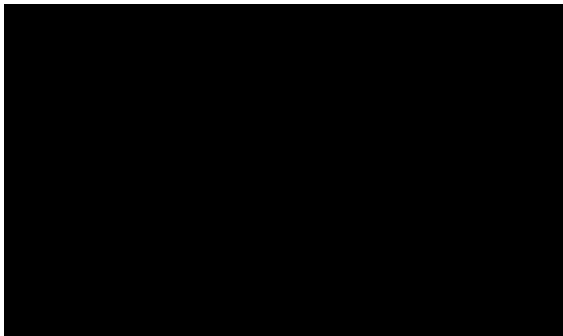
1. The extent to which installing a downstream boom will act as an effective risk control measure. It will not be a physical barrier to prevent access. In general booms of this nature are installed upstream of a hazard to provide a point of rescue for individuals and/or craft who are being pulled by the flow of the watercourse towards the hazard. It provides a point of anchor against the flow and to enable movement towards the side of the channel. In the case of a downstream boom, the flow of the watercourse will pull individuals/craft away from the hazard. Only deliberate, purposeful movement against the flow would place individuals within the vicinity of the hazard. A boom will not provide an impenetrable barrier and so it will be relatively easy for individuals to circumnavigate it if they choose to.
2. A boom will however provide a visual barrier which may provide river users with an additional indication that it is not safe to travel further.
3. Whether the installation of a downstream boom will create or increase any operational risk to Environment Agency employees or contractors which cannot be managed. Once in situ the boom will require inspection, management and maintenance to ensure that it operates effectively and doesn't in itself become a hazard.
4. Whether the installation of a downstream boom will create or increase flood risk, due to debris becoming caught in it.
5. Whether the installation of a downstream boom will create a congregation point for those who seek more challenging environments for water-sports activities.
6. The boom will need to be securely anchored into the banks of the watercourse to ensure that it is safe and effective. The exact location where the boom can be situated needs to be determined having considered the structural integrity of the bank structures already in situ (revetments) and the identification of land with the required geology.
7. The Environment Agency is landowner only of Kempston Weir itself and a small area of land in the immediate vicinity (please see attached plan). It is likely that a downstream boom will need to be situated in the land surrounding the weir, which is owned by a third party. Liaison and potentially the consent of the landowner will be required.
8. There is no statutory right to navigate the waters leading up to and surrounding Kempston Weir. The statutory navigation begins downstream at Kempston Mill. The Environment Agency are the Navigation Authority for the statutory navigation. Use of

and presence in the watercourse outside of the statutory navigation is a private property matter concerning the owners of the land which forms the bed of the watercourse.

9. Having considered the wider circumstances regarding this site, we are aware that there are canoe/kayak/paddleboard hire centres in the nearby vicinity. There is also a free carpark and known craft launch points with free access in the immediate locality. Anecdotally we have been informed that one of the centres uses the weir for supervised white-water training. The Environment Agency has limited powers to physically exert any control over these activities and this is even more so the case outside of the statutory navigation and on land not within our ownership which approaches the weir.
10. The Environment Agency has a statutory duty (to such extent as we consider desirable), generally to promote the use of inland waters and land for recreational purposes. To this end, where appropriate we work with a wide group of partner organisations to maximise the benefits that accessing the water brings to many individuals, whilst managing the risks arising from these activities. With our partner organisations, in addition to physical control measures, we strive to warn water users about the hazards arising from accessing the water and the assets within our control.

We hope that this information addresses the concern that you have raised. Please let us know if there is anything further that you require to facilitate your investigation into this tragic incident.

Yours sincerely



Chief Executive
Environment Agency