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To:

Re: Health and Safety at Work: proposed Work at Height regulations.

Dear MP/AM,

Snowdonia-Active is an organisation core funded by the Welsh Development Agency to support and develop the Outdoor Sector in North West Wales. We are writing to you to express our concern about the Health and Safety Commission's interpretation of the European directive relating to Work at Height.

We believe that whilst the regulations are likely to have a positive effect upon safety within the construction industry in the UK, they are wholly inappropriate for instruction work carried out for recreational Climbing, Mountaineering and Caving. The regulations are entirely at odds with current best practice as specified by the national governing bodies (British Mountaineering Council, Mountain Leader Training UK, Adventure Activities Licensing Authority, Association of Mountain Instructors, British Caving Association), and will, once they are implemented on 19th July 2004, have a severely negative and far reaching impact upon the Outdoor Activity industry.

There are a number of aspects in the proposed regulations that clash with current best practice. The regulations prescribe a double rope system currently employed by the Roped Access industry that differs radically from any methods used in modern rock climbing and mountaineering scenarios. Other examples of inappropriate regulations are the prohibition of lone instructors working with a single client or group when safe working ratios are already regulated by industry standards, and the proposed working methods for dealing with 'fragile surfaces' in the mountain environment. In short it seems that the HSC have failed to comprehend that there is a crucial difference between the managed environment of the building site, where guard rails and signage can be erected, and the natural mountain/cave environment where instructors and guides teach their clients to manage risk through the adoption of well established techniques and best practices.

The Outdoor Activity industry has rigorous qualification standards and an excellent safety record built upon years of refinement of techniques and equipment. If this was not the case, then it would be understandable that the HSC would be pushing for changes to best practice. However, given the exemplary standards evident throughout the Outdoor Activity industry, the motivation to apply the proposed regulations remains a mystery.

The Foot and Mouth crisis of 2001 highlighted the significance of the Outdoor sector to the local economy, and as time has moved on this aspect of the economy has continued to grow. A major research program, 'The Value of the Sector' assessing the true value of the Outdoor Sector to the North West Wales economy, has just been completed on our behalf by Cardiff based consultancy firm, Newidiem. This will be given a formal launch in the near future, however the key findings of the study add considerable gravity to the importance of protecting the Outdoor sector from these inappropriate and damaging regulations.

The study found that the Adventure Tourism Industry adds over £140 million per annum to the North West Wales economy, of which £60 million is contributed to the economy of Snowdonia National Park, and that the Outdoor Sector generates almost 6% of all employment in Gwynedd, Môn and Conwy.

Outdoor activities such as climbing, hill walking and mountaineering also provide considerable health benefits to society, a point reflected in the recent 'Climbing Higher' document authored by Alun Pugh, the Welsh Assembly minister for Culture, Sport and Languages of Wales.

The consultation process into the proposed legislation ends on 2nd April, and despite numerous attempts to sway the position of the HSC by a working party of Outdoor sector representatives lead by MLTUK, to date there has been no significant shift in the HSC's interpretation of the European directive.

We are asking you to help raise awareness of this issue and support our fight for the regulations to be made consistent with current national governing body best practice. It has been suggested (by Alastair Burt MP) that a pan UK parliamentary delegation will make a representation to Des Browne, the minister for Work and Pensions. If you could support this delegation, it would greatly help our cause. We would also encourage you to sign the Early Day Motion 789 (NB. To view this, go to <http://edm.ais.co.uk>).

The MLTUK working party is producing a formal response to the consultation process; having been fully involved in the discussions leading up to this, Snowdonia-Active endorses this representative response. We hope that you will be able to add your support by informing the HSC that you also endorse this response. (NB. To view a copy of the latest draft of the response, go to: www.mltuk.org)

We look forward to hearing from you and would gladly meet at your convenience to discuss this crucial issue further.

Yours faithfully,

Pete Bursnall

Project Manager

23/03/04