

ANNEX A

REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <ol style="list-style-type: none">1. Yorkshire Hydropower Limited2. Foresight Group3. Wakefield Metropolitan District Council4. The Canal and River Trust
1	<p>CORONER</p> <p>I am Kevin McLoughlin, Senior Coroner, for the Coroner area of West Yorkshire (East).</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 1 August 2019, I commenced an investigation into the death of Elliot Peter Burton, aged 15. The investigation concluded at the end of the Inquest on 30 April 2021. The conclusion of the Inquest was misadventure due to drowning.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>On Monday 29 July 2019, Elliot Peter Burton, aged 15, was found drowned on the site of Yorkshire Hydropower Limited, known as the Kirkthorpe Hydroelectric Plant, located on the river Calder, near Normanton, West Yorkshire.</p> <p>CCTV records show Elliot had entered the unmanned site as a trespasser on the morning of Thursday 25 July 2019. As he wandered around the site, he slipped and fell into the water at approximately 10.30 am at the section referred to as the outlet channel.</p> <p>The smooth tall concrete sides of this enclosure would have prevented him climbing out. He was unable to swim and so would probably have been unable to reach the escape ladder in the corner of the enclosure, even if he was aware of its position. There was no one on site to hear him or effect a rescue.</p>
5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the Inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTERS OF CONCERN are as follows. –</p> <ol style="list-style-type: none">1. The site is always unmanned. It is located in a remote area2. It is known that in the years 2018-2021, young people have trespassed onto the site.

	<p>3. There are deep uncovered channels on the site to conduct water through the facility. It is foreseeable that a trespasser would be in a precarious situation if they were to fall into the water, as Elliot Burton did. Many of the channels are uncovered, and /or have no edge protection.</p> <p>4. Despite perimeter fencing, it is known that one route for children to gain entry to the site is by crossing the River Calder at the Kirkthorpe weir adjacent to the site. There are few, if any impediments to prevent access to the weir from the river bank opposite the site.</p> <p>5. Despite the passage of some 21 months since Elliot Burton's death, little effective action has been taken to reduce the risk of children being harmed if they are tempted to trespass on this site.</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe you and your organisations have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 30 June 2021. I, the Coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons and to the local safeguarding board (as the deceased was under 18):</p> <p>The Family of Elliot Peter Burton Health and Safety Executive West Yorkshire Police, FAO [REDACTED] Tipos Marine Services Limited Doyle Security Services Limited Servo Group Limited ANF Consulting Limited, FAO [REDACTED] Cobalt Project Management Limited</p> <p>I have also sent it to media representatives, who may find it useful or of interest, so as to convey the nature of the risks to parents of children living on the nearby Eastmoor Estate.</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest.</p> <p>You may make representations to me, the Coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p>30th April 2021</p> <p><i>Kevin McLaughlin Sr. Coroner.</i></p>