

Norton Road Skate Park

Proposals for update & future operation

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Phase Two of the Half Pipe Refurbishment

The Project has now completed Phase One, which consisted of removing the plywood and Skatelite surface from the half pipe. Following this work, the steel structure has been inspected and found to be in remarkably good condition. This provides a basis to move on to the second and final phase.

It consists of the following elements:

- The steel structure to be sanded down and painted with a proprietary product to be selected by the project's specialist volunteers. This will protect the frame from further corrosion and extend the life of the half pipe considerably
- Any repairs will be made by the project group's team of specialist volunteers from the local fabrication companies
- The relaying of the skate ramp will then be done by the project team's preferred professional skate ramp builder, A1 Ramps. This will include surfaces on the towers' platforms at each end
- The exterior of the structure will be provided with cladding, designed and installed by the project's specialist volunteers. This will enhance the appearance, prevent climbing of the structure, and provide a base for signage
- There will no cost to Norton Town Council or MNAP. The project has received generous committed support in cash and in kind from local and national businesses sufficient to complete the project
- The finished structure will carry logos and names of the contributing companies, and also a full story board describing the history of the half pipe and of its refurbishment

Prior to the start of phase one of the project, a review of health and safety requirements took place, and a risk assessment was completed. The project has put insurance in place to cover the work of the volunteers, with details provided to Norton Town Council and MNAP. Many kind offers of help have been received, reflecting the enthusiasm in the community for the project. The volunteers selected to work on each stage are being chosen for their skills and experience. Where appropriate, their knowledge is being used to instruct other volunteers.

APPENDIX 1 – Background

The skatepark was constructed in 2003, as a result of initiatives by the local police and Ryedale District Council. The large half pipe was a gift from Alton Towers, who had used it for a series of events (never as a ride at their Theme Park).

At the time the police were concerned about the level of antisocial behaviour and believed that it was associated with limited recreational facilities for teenagers. After the skatepark was opened, the police reported a large reduction in problems.

The skatepark was operated by Ryedale District Council until 2013. At that time, Ryedale was seeking economies and handed the skatepark to Norton Town Council. The large half pipe received little attention and fell into disrepair.

While Norton Town Council embarked on upgrades to most of the equipment in the skatepark, a proposal was put early in 2021 to demolish the half pipe. This was resisted by some councillors, and a campaign started for the renovation of the half pipe to its original standard or better.

In May 2021, Norton Town Council agreed that the project should be placed under the umbrella of MNAP. This was confirmed by the MNAP Executive and the project team was appointed. The team obtained security fencing to prevent access to the half pipe, and also provided “Danger – Keep Out” signs. The skatepark was closed for a day while the old Skatelite and plywood were removed from the steel frame by volunteers. All material, along with accumulated rubbish, was removed from site and the half pipe secured.

In July 2021, Norton Town Council decided to refuse permission for the work on the half pipe to be completed. Concerns about health and safety were raised, and in particular whether it is possible to have a halfpipe like this unsupervised (and what this meant for liability). Questions were asked about whether the job would be done properly and about funding.

Many Norton citizens were upset by the refusal to continue with the project, and reacted by calling a Town Meeting with a number of resolutions, primarily asking the council to reconsider its decision.

The project team has carefully considered the concerns from the July meeting, and responses, including expert advice, are included in the following appendices.

Appendix 2 - Personnel

The project has benefited from considerable practical input from local skilled people. Roofers with training and experience of working at height led the work to remove the old timber, and provided instruction to others.

In addition to local volunteers, the competent persons (as described in BS EN 14974:2019) for the work are Jason Hazelwood and A1 Skate Ramps.

Jason has nearly 20 years of knowledge and experience of playground and skatepark equipment design, manufacture and maintenance. He now runs his own design company, primarily focusing on special purpose machinery, alongside playground equipment/product design. In relation to this work, he has an excellent understanding of BS EN 1176 parts 1,2,3,4,5,6,7,10 and 11 as well as BS EN 14974.

Jason's role is to coordinate all the parties, agree the necessary work, and to inspect completed work. He will liaise with A1 Skate Ramps as well as the local volunteers.

A1 Skate Ramps is based in Colchester, Essex, and is a 100% skateboarder owned and run company. It has over 20 years of skateboarding and ramp construction experience ensuring the know how to build the most rock solid and durable ramps in the market. A1 Skate Ramps will install the new plywood and Skatelite, to provide a safe, standards compliant skating surface.

Moving on from the stripping of the old wood to the restoration of the steel frame of the half pipe, the work is to be done by local people skilled in steel fabrication. The individuals involved have been carefully selected by the project team and are skilled workers with steel structures. At present, they do not wish to be publicly identified because of concerns that people known to be involved with the project have been harassed by some partisan individuals.

The final stage of installing a new Skatelite surface and underlying plywood is to be carried out by A1 Skate Ramps, possibly with support from local volunteers with relevant expertise.

The project is very grateful to the many volunteers who have offered their time and skills.

Appendix 3 - Breakdown of work

The work already completed was the removal of the old plywood and Skatelite. The April 2021 RoSPA inspection identified delamination of timber as an unacceptably high risk issue, and it was obvious that the timber required replacement.

With the timber surface removed, the steel structure has been inspected by local steel fabricators and by Jason Hazelwood. Much of the framework is considered to be basically sound, but there are areas where repairs are needed. For example:



Items such as this require repair by local skilled steel fabricators who are happy to do this work in a voluntary capacity. Fuller details of the repairs needed can be found in the last section of the “Independent Safety Inspection of Norton Skate Park” by Jason Hazelwood (provided as a separate document).

Surface corrosion is also to be removed by the volunteer team, followed by painting with lead free anti corrosion paint.

These actions deal with the RoSPA identification of a high risk issue of corrosion of the steel structure. The RoSPA recommendation is to “De-

scale back to good metal and coat with lead free paint, using appropriate precautions. Repairs may be necessary where corrosion is severe". This is also consistent with Jason Hazelwood's inspection.

There are detailed items identified by RoSPA - the coping projection does not comply and there is a head entrapment risk. These will be dealt with along with the repairs.

Once the steel frame is in good condition, A1 Skate Ramps will install new timber and a Skatelite surface. This offers a safe surface that is excellent for skating.

Collectively, the actions described above meet the RoSPA evaluation that the half pipe as inspected was unacceptably high risk by virtue of requiring major repairs. The final result will be a half pipe in sound condition and as safe for the users as can possibly be achieved.

Appendix 4 - Health & Safety

The project team has been committed to best practices in health and safety throughout, both in respect of work on the half pipe and in the subsequent use by skaters and others.

Prior to any work being done, issues were reviewed and a risk assessment completed. Volunteers have been selected for relevant skills and experience, or provided with instruction.

The advice obtained from Kevin Chilton was only provided at the last minute, and we do not know who instructed him or what the instructions were. Kevin is frank about the fact that he has no relevant experience and only a tenuous claim to be a “competent person” in the terms of BS EN 14974:2019. No doubt he did the best he could in the circumstances. Unfortunately, his report contains a number of items that we believe should be challenged:

- The half pipe is claimed to be on bricks with wooden spacers. This is a partial truth. The major parts of the framework that support the platforms and the main slopes are resting firmly on the ground, either directly or on fixed feet that allow for the uneven ground. There is concrete round the points where the framework rests on the ground. The middle part of the structure has bricks and wooden spacers to limit flexing. Replacement of the bricks by rigid supports is planned as part of the repair work – see below.
- It is claimed that the frame must be fixed to the ground. This claim is inconsistent with BS EN 14974:2019 which allows for a unit to be secured by its own weight. Clearly the half pipe structure is a very weighty item, and will not move, thereby meeting the standard. This is also confirmed by RoSPA’s expert who states that half pipes are rarely fixed down, but are secured by their weight.
- It is claimed that there should be stair access to one tower. The rationale for stair access to only one tower is unclear. More importantly, this contradicts advice from RoSPA: “Stairs or ladders are not allowed as they encourage less able riders and others to access the top of the platform. I have inspected high and difficult to access units and have found that if it was possible to get onto the top of the unit, then getting down was definitely easier. The height of the platform will discourage users that are not ready to reach it from trying to access it until they have developed and honed their wheeled skills”.
- The half pipe should only be used under close supervision. This claim is directly contradicted by RoSPA, John Watson (qualified health and safety professional), SkateboardGB and Huntingdonshire

District Council (who operate a slightly larger half pipe). Details of RoSPA's and John Watson's views are shown in full below. A discussion between a member of our team and an officer of Huntingdonshire District Council revealed that the St Neots skate park, which includes a slightly larger half pipe than the one in Norton, was funded by local groups, with match funding from the council. The equipment is inspected weekly and the inspections documented (as should happen with all play equipment). There is a six monthly look underneath the half pipe. It is insured by Zurich. RoSPA carry out an inspection every other year. Maintenance is by King Ramps – a similar company to A1 Skate Ramps. The council has no concerns about undue risk or liability. You can see a video of skaters in action at St Neots, including several falls, where the skater slides harmlessly on the Skatelite surface, at <https://www.youtube.com/watch?v=S6t8818Pv5Y> and a still is shown below. The skaters are wearing safety gear, something the project team is very keen to encourage in Norton – see Appendix 6.



RoSPA Advice on Health & Safety

A member of the team wrote to RoSPA on 9 August, including the report from Kevin Chilton, the letter from John Watson, the HSE advice shown below, and a photograph of the half pipe. In the email, mention was made that the skatepark, including half pipe, had been the subject of a recent inspection by RoSPA. An opinion on the health and safety issues was requested from RoSPA. The following is the reply:

I have read the supporting letter from John Watson, and I am in total agreement with his findings. If a permanent presence for supervision was required, then there would be little use for the thousands of Skatepark facilities throughout the U.K. Also, if the operator takes steps that are “as reasonably as is practically possible” including regular inspection and maintenance, then although possible, litigation is unlikely. Please see below from the H.S.E.

Striking the right balance between protecting children from the most serious risks and allowing them to reap the benefits of play is not always easy. It is not about eliminating risk. Nor is it about complicated methods of calculating risks or benefits. In essence, play is a safe and beneficial activity. Sensible adult judgements are all that is generally required to derive the best benefits to children whilst ensuring that they are not exposed to unnecessary risk. In making these judgements, industry standards such as EN 1176 offer benchmarks that can help.

1.

1 The Courts have made clear that when health and safety law refer to ‘risks’, it is not contemplating risks that are trivial or fanciful. It is not the purpose to impose burdens on employers that are wholly unreasonable (R v Chargot (2009) 2 All ER 660 [27])

Management of litigation (RoSPA)

You are only liable for damages, under UK law, if you are negligent. If you take all recommended steps, it is unlikely that you will be deemed negligent and therefore if litigation occurs, you are less likely to have damages awarded against you. You are not exactly fireproof, but you are certainly strongly flame resistant. There is a new Publicly Available Specification (BS EN 14974) from BSI that covers skateboarding facilities. Work is also near completion on a European Standard.

Below are my comments and observations on the report from Kevin Chilton:

The Standard for Skateparks - Safety requirements and test methods. **BS EN 14974:2019.**

● **3.19 competent person**

person with sufficient training, experience, and knowledge of this

standard, as well as an understanding of roller sports or with a particular qualification required for properly performing their duty.

I recommend that you liaise with A1 Skate ramps throughout the repair of the Half Pipe, as I understand you also have volunteers who are experienced in some aspects of the restoration. These two bodies should qualify as “competent persons”.

- **1. Foundations.**

In my experience it is unusual for Half Pipes to be ground secured, the weight of these large units is enough to stabilise them to the surface. I do agree that the unit must be true and level and this can be achieved by using seasoned timbers or preferably steel plates as a base for the legs.

- **2. Corrosion.**

Galvanised fitting to be used by A! Skate ramps. Any severe corrosion that could affect the structural integrity of the unit to be cut out and replaced. Corrosion proof paint then to be applied.

- **3. New Timber Boarding.**

Plywood panels shall meet the biological attack requirements of use class 2 for indoor use and of use class 3 for outdoor use, according to EN 335:2013 and CEN/TS 1099.

4.2.4 Plywood panel

For structural use and climatic resistance, the requirements for plywood panels according to EN 636 shall be met. The longitudinal modulus of elasticity and shear stress (mean value in each direction) and bending, compressive and shear strength (characteristic value in each direction) shall be specified .

These are most probably Marine Ply, please refer to A! Skate Ramps for comment on suitability and supply.

- **4. Access/egress for the Half Pipe.**

Stairs or ladders are not allowed as they encourage less able riders and others to access the top of the platform. I have inspected high and difficult to access units and have found that if it was possible to get onto the top of the unit, then getting down was definitely easier. The height of the platform will discourage users that are not ready to reach it from trying to access it until they have developed and honed their wheeled skills.

- **Viewing Points.**

From our report, I am unable to see the seat or litter bin. There should be a 2-metre safety zone around skate ramps. I agree and recommend for safety that any seating for viewers and litter bins are a minimum 3 metres from the ramps.

Glynn Hughes

Technical Advisor, RoSPA Play Safety

Letter from John Watson, original sent to Norton Town Council on his professional letterhead

John Watson is a health and safety professional who has a holiday lodge at Scampston, and became aware of the debate over the half pipe because of this connection. He approached the team, and wished to make his views known to Norton Town Council. The letter he submitted was as follows:

27 July 2021

To whom it may concern

Norton Town Council

BY EMAIL

Dear Sir/Madam

LETTER OF SUPPORT REF NORTON SKATEPARK

I am writing to you as a concerned person who has property interest in the locality. Following the recent refusal to allow phase 2 of the revitalisation of the Norton Skatepark to go ahead, I felt I had to put pen to paper in support of the group that are trying to get this off the ground, and as a safety professional, to challenge the conclusions you have arrived at.

It is of particular interest I note that one of the councils' conclusions is that a permanent presence would be required at the site whilst it was open, to ensure safety & to prevent litigation against the council. This is frankly nonsense. Litigation, prosecution, and potentially a prison sentence is of course factually correct. Whilst factually correct it is also factually correct for any council run play facility. I note the King George's Playing Field Play Area has swings, a climbing frame & so on.

Does this area have a permanent presence?

I have had sight of the RoSPA report on the Skatepark area which is excellent. Nowhere in the report does it state a permanent presence is required. Stats from RoSPAs own website note that equipment involved in playground accidents are as follows: Swings 40%, Climbers 23%, Slides 21% yet I note no Council clamour to close King George's Playing Field Play Area, a facility full of the items described. Indeed quite contrary, it features in the Play Areas page on your website, and as short a time ago as 2018 you were investing in new equipment. I fail to appreciate this contrary view being taken with the Norton Skatepark, which is just another "play" facility at the end of the day. RoSPAs own stats for skateboarding (USA based) note that 90% of deaths were from collisions with vehicles, yet your current decision by not allowing the park to be

redeveloped will encourage children to practise their skills on the roads, putting them at much greater danger!

To reduce the risk of prosecution the council need to ensure it has taken reasonable care to ensure its playgrounds are safe. Not shut it down and pretend it does not exist, but “take reasonable care”. In my experience HSE very rarely prosecute individuals, and then in only very serious cases, where there has been flagrant and wilful breaches of what is required by law, not for merely allowing access to a recreational facility.

Like many public corporate bodies Councils can often have a “can don’t” attitude as opposed to a “can do” attitude. And respectfully I feel that this is what you have done here. As residents we are always moaning that kids are roaming the streets being anti-social, yet when an absolutely gold plated option comes along to help mitigate that you turn it down!

I strongly urge you to reconsider your planning & work with the supporters of it to come to a workable conclusion.

Yours sincerely

John Watson Grad IOSH

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Health & Safety Executive Advice

John Watson (see above) approached his professional association for advice on the HSE's approach to risk and liability in relation to play equipment. He was pointed to a document introduced at <https://www.hse.gov.uk/entertainment/childs-play-statement.htm>, the text of which is:

1. Health and safety laws and regulations are sometimes presented as a reason why certain play and leisure activities undertaken by children and young people should be discouraged. The reasons for this misunderstanding are many and varied. They include fears of litigation or criminal prosecution because even the most trivial risk has not been removed. There can be frustration with the amounts of paperwork involved, and misunderstanding about what needs to be done to control significant risks.
2. The purpose of this statement is to give clear messages which tackle these misunderstandings. In this statement, HSE makes clear that, as a regulator, it recognises the benefits of allowing children and young people of all ages and abilities to have challenging play opportunities.
3. HSE fully supports the provision of play for all children in a variety of environments. HSE understands and accepts that this means children will often be exposed to play environments which, whilst well-managed, carry a degree of risk and sometimes potential danger.
4. HSE wants to make sure that mistaken health and safety concerns do not create sterile play environments that lack challenge and so prevent children from expanding their learning and stretching their abilities.
5. This statement provides all those with a stake in encouraging children to play with a clear picture of HSE's perspective on these issues. HSE wants to encourage a focus on the sensible and proportionate control of real risks and not on unnecessary paperwork. HSE's primary interest is in real risks arising from serious breaches of the law and our investigations are targeted at these issues.

Recognising the benefits of play

Key message: 'Play is great for children's well-being and development. When planning and providing play opportunities, the goal is not to eliminate risk, but to weigh up the risks and benefits. No child will learn about risk if they are wrapped in cotton wool'.

6. HSE fully recognises that play brings the world to life for children. It provides for an exploration and understanding of their abilities; helps them to learn and develop; and exposes them to the realities of the world in which they will live, which is a world not free from risk but rather one

where risk is ever present. The opportunity for play develops a child's risk awareness and prepares them for their future lives.

7. Striking the right balance between protecting children from the most serious risks and allowing them to reap the benefits of play is not always easy. It is not about eliminating risk. Nor is it about complicated methods of calculating risks or benefits. In essence, play is a safe and beneficial activity. Sensible adult judgements are all that is generally required to derive the best benefits to children whilst ensuring that they are not exposed to unnecessary risk. In making these judgements, industry standards such as EN 1176 offer bench marks that can help.

8. Striking the right balance does mean:

Weighing up risks and benefits when designing and providing play opportunities and activities

Focussing on and controlling the most serious risks, and those that are not beneficial to the play activity or foreseeable by the user

Recognising that the introduction of risk might form part of play opportunities and activity

Understanding that the purpose of risk control is not the elimination of all risk, and so accepting that the possibility of even serious or life-threatening injuries cannot be eliminated, though it should be managed

Ensuring that the benefits of play are experienced to the full

9. Striking the right balance does not mean:

All risks must be eliminated or continually reduced

Every aspect of play provision must be set out in copious paperwork as part of a misguided security blanket

Detailed assessments aimed at high-risk play activities are used for low-risk activities

Ignoring risks that are not beneficial or integral to the play activity, such as those introduced through poor maintenance of equipment

Mistakes and accidents will not happen

What parents and society should expect from play providers

Key message: 'Those providing play opportunities should focus on controlling the real risks, while securing or increasing the benefits - not on the paperwork'.

10. Play providers should use their own judgement and expertise as well as, where appropriate, the judgement of others, to ensure that the

assessments and controls proposed are proportionate to the risks involved.

11. They should communicate what these controls are, why they are necessary and so ensure everyone focuses on the important risks.

12. It is important that providers' arrangements ensure that:

The beneficial aspects of play - and the exposure of children to a level of risk and challenge - are not unnecessarily reduced

Assessment and judgement focuses on the real risks, not the trivial and fanciful

Controls are proportionate and so reflect the level of risk

Play providers include those managing or providing play facilities or activities in parks, green spaces, adventure playgrounds, holiday playschemes, schools, youth clubs, family entertainment centres and childcare provision.

13. To help with controlling risks sensibly and proportionately, the play sector has produced the publication *Managing Risk in Play Provision: Implementation Guide* which provides guidance on managing the risks in play. The approach in this guidance is that risks and benefits are considered alongside each other in a risk-benefit assessment. This includes an assessment of the risks which, while taking into account the benefits of the activity, ensures that any precautions are practicable and proportionate and reflect the level of risk. HSE supports this guidance, as a sensible approach to risk management.

If things go wrong

Key message: 'Accidents and mistakes happen during play - but fear of litigation and prosecution has been blown out of proportion.'

14. Play providers are expected to deal with risk responsibly, sensibly and proportionately. In practice, serious accidents of any kind are very unlikely. On the rare occasions when things go wrong, it is important to know how to respond to the incident properly and to conduct a balanced, transparent review.

15. In the case of the most serious failures of duty, prosecution rightly remains a possibility, and cannot be entirely ruled out. However, this possibility does not mean that play providers should eliminate even the most trivial of risks. Provided sensible and proportionate steps have been taken, it is highly unlikely there would be any breach of health and safety

law involved, or that it would be in the public interest to bring a prosecution.

September 2012

Appendix 5 - Funding

At the time of the Norton Town Council meeting in July, funding for the half pipe renovation had been promised by Habito, as presented to the council. This was on the assumption that the project would be allowed to proceed.

With the project currently blocked, the funding source is less certain. However, the project team is confident that funding will be available either from the original source or from other sources.

It is impossible to get firm commitments to funding until it is agreed to the project proceeding.

There is no significant risk to Norton Town Council in relation to the funding. At worst, the project would fail. In that case, the half pipe would still be left in a better condition than it was found. The project team does not expect this outcome.

Appendix 6 - Future Plans

A. Operation of the Skatepark

The project team and its supporters would, subject to the agreement of the MNAP executive, like to negotiate an agreement with Norton Town Council to provide operational management of the entire skatepark.

The team has demonstrated an ability to engage skilled volunteers in work to enhance the skatepark. If phase 2 of the project is allowed to be completed, I am confident that it will also demonstrate a high standard of completed work. It has also demonstrated an ability to secure sponsorship.

While sponsorship or other funding is an option for individual projects, it is not a feasible basis for covering general running costs, such as rent, insurance or major inspections by RoSPA or similar. There are other running costs that have in the past been quite substantial, but the team believes that it could achieve reductions.

The lease would remain with Norton Town Council, which would continue to insure the skatepark on its standard council policy. Insurance for any further work to be done on the skatepark, or funding for other costs would be a matter for negotiation.

The team believes that the involvement of the community, including the users of the skatepark, would be highly beneficial in a variety of ways and would also help Norton Town Council to obtain the best value for the costs it continued to bear.

The first item in RoSPA's list of advice for accident reduction on skateparks is to involve the users in the development and maintenance of the facility. The team is convinced it is in a good position to do this effectively to the benefit of all.

B. Activities and Events

Key to health and safety is really engaging and involving the users. The campaign in support of the project has shown the great support in the community. Councillors from different backgrounds have expressed their view that health and safety are paramount, and it would be fantastic to rally together to make events and workshops happen and see a positive vibe around that. Engagement with the users offers the best opportunity to raise skill levels and to encourage safe skating.

The following are some illustrative ideas. They would not necessarily all happen, and others might well be added. All are aimed at providing constructive activities, primarily for the teenage to young adult section of the community, who are often poorly served.

- A halfpipe opening ceremony: a community event which would bring in all generations to the skatepark and riders from across the country at the skatepark, with live local music and musicians, celebrities, stalls and food vendors for all dietary requirements (mini food event / festival) and professional display by professional riders of all actions sports on the ramp.
- Skate School: organise a professional body for tuition to come down to the Skatepark in holiday and term times perhaps at weekends to teach people of all ages how to skateboard. Project team member Ryan Swain is a fully trained skateboard instructor who used to tour skateparks across the north east doing workshops for beginners to expert levels offering help, advice and trick tips which is a great way of developing skills.
- Skate and bike competitions with prizes from local businesses and shops on all of the skatepark with a live DJ or musician to set the tone.
- A complementary event for the Malton Food Festival
- Graffiti and art workshop to encourage young artists in the area to be more creative, and to enliven the skatepark
- Involving young people in maintenance activities under the supervision of skilled workers, thus gaining skills and experience