



## Information Resilience and Transparency

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Date: 25 June 2018

Dear Sir or Madam

### Freedom of Information Act 2000

Thank you for your request for information made under the Freedom of Information Act (FOIA) 2000, relating to lead pellets. I am pleased to provide the response below:

***i) Are you aware that toxic lead pellets were have been found (and continue to be found) on the public footpath through Dengrove wood in Sturry?***

Yes . The County Council Public Rights of Way and Access Service was made aware of this issue on the 19 February 2018. The public footpath was inspected on the 7th March 2018. Some of the shot was removed at that time. However as the shot is clearly being washed onto the footpath from the surrounding land Canterbury City Council Environmental Health were notified as it is considered that they have more appropriate powers to resolve the matter. We understand that the Environment Agency are also involved given the potential for the lead shot to enter drainage systems linking with the River Stour. We understand that the landowner has been contacted in respect of resolving this matter.

***ii) Are you aware that ingesting lead can have potentially fatal consequences to a child?***

We are aware that lead is toxic. We are not aware that it has been confirmed that the shot found on the path is lead, or is toxic although this is assumed to be the case. Closure of the footpath was considered as an immediate measure to safeguard the public. However it was concluded that closure would be unlikely to actually prevent access by the public, nor would it actually address the issue.

***iii) Whom has a responsible duty of care to safeguard users of the footpath?***

In this instance our view is that responsibility rests with the landowner, who owes a duty of care to the public under the Occupiers Liability Acts as it is the activity on the land that is leading to accumulation of shot within the woodlands and on the path.

If you are unhappy with this response, and believe KCC has not complied with legislation, please ask for a review by following our complaints process; details can be found at this link <http://www.kent.gov.uk/about-the-council/contact-us/complaints-and-feedback> on our website. Please quote reference 2208733.

If you still remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with the Freedom of Information Act 2000. Details of what you need to do, should you wish to pursue this course of action, are available from the Information Commissioner's website <http://www.ico.org.uk/concerns>.

Yours sincerely

Kirsty-Leigh Robertson  
Information Access Officer