

Department for Environment, Food and Rural Affairs

Consultation on the proposal to remove Walpole Bay from the list of designated bathing waters

Summary of responses

May 2014

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Background

Beaches and inland lakes that attract a large number of bathers are designated as bathing waters under the Bathing Water Directive (76/160/EEC, revised by 2006/7/EC), and water quality is tested during the bathing season, which in England runs from 15 May to 30 September. The objective is to protect bathers' health against faecal pollution. The revised Bathing Water Directive defines a "large number" of bathers as *"...a number that the competent authority considers to be large having regard, in particular, to past trends or to any infrastructure or facilities provided, or other measures taken, to promote bathing;"*

Under the current Bathing Water Directive, which remains in force until December 2014, low usage for bathing is the only reason to remove a site from the list of bathing waters. Water quality cannot be taken into consideration in any decision on whether to dedesignate a bathing water. There is currently no requirement to display information about bathing water quality.

The revised Bathing Water Directive, which introduces tighter water quality standards, will be fully implemented in 2015. A four-year data set will be used to classify bathing water quality annually as Excellent, Good, Sufficient or Poor, and there will be a legal requirement to display the current classification (i.e. the classification made at the end of the previous year's bathing season) at each bathing water, using symbols that will be in use in all European Union countries.

There will also be a requirement to display a "no swimming" symbol to advise against bathing at sites that are classified as Poor. If a bathing water receives five consecutive Poor classifications, this advice will become permanent and a sign will be displayed stating that sampling has been discontinued and giving the reasons. This will be a significant change from the current legislation and a key factor is that the public will be told that the area in question is no longer a bathing water. Bathing will not be banned, but the information provided on the sign will help people to make an informed decision on whether to go into the water.

Application background

Thanet District Council applied in February 2014 for Walpole Bay to be removed from the list of designated bathing waters on the grounds that it attracts a low number of users and does not have facilities to support and promote bathing. Another stated reason was concern about the risk that Walpole Bay will be classified as Poor in 2015 under the revised Bathing Water Directive's standards, in which case the requirement to display a sign advising against bathing would come into effect.

On 20 March 2014 Defra launched an informal consultation by publishing the evidence for dedesignation on its website and emailing it to key stakeholders. Following a query about

the statistics for bather numbers, the consultation document was amended and the deadline was extended until 1 May 2014.

Analysis of responses

We received 53 responses to the consultation.

- 2 are in favour of dedesignation;
- 48 oppose dedesignation;
- Three responses did not express a view, including a response from Southern Water which commented on its assets in the area but did not express a view on the dedesignation proposal.

The responses indicate that Walpole Bay is used by local residents and that the tidal bathing pool is regarded as its main asset.

Issues that were raised in the consultation responses were:

- Beach cleaning and facilities at Walpole Bay have been reduced by the local authority;
- The tidal bathing pool is popular locally and attracts a large number of users, including during the evenings;
- The number of bathers and beach users was felt to be higher than was reported in the Thanet District Council and Defra consultations. However, no data were supplied to support this.

Beach Cleaning

The Bathing Water Directive does not have any requirements for beach cleaning to be carried out or for any specific facilities to be provided. Defra takes facilities and infrastructure into account when considering applications for designation or dedesignation of bathing waters because their presence provides additional evidence of whether bathing is supported and promoted by the local authority or landowner. Thanet District Council has acknowledged that it has removed some of the facilities that were previously provided. However, Walpole Bay is located in a resort area and resources have been re-focused on better used local beaches.

Tidal bathing pool

Twenty-one of the responses to the Defra consultation commented on the tidal bathing pool. It should be noted that water quality in the pool is not monitored. The location of the monitoring point was clearly indicated on the map showing the zones used in the usage survey.

Usage survey

Several of the responses referred to use of the beach and bathing pool by local residents and youth groups such as the Sea Scouts and Sea Cadets, suggesting that the overall number of users is higher than was indicated in the consultation. They also indicated that use in the evenings was not taken into account in the survey.

In assessing the number of bathers using the beach, the Environment Agency carried out an intensive survey involving 185 separate counts over 20 days, with the beach divided into zones where bathers and beach users were counted. The figures that were originally published in the Defra consultation were based on the Environment Agency's summary of the data, where a statistical approach had been taken by normalising the survey zones to 100 metres and re-calculating the results as if they had been counted for 100 metres proportionally. Following a query about the data, the figures from the raw data were reassessed by dividing the total numbers of bathers and beach users by the number of counts taken to give a figure for the beach as a whole.

Taken as an average over the 20 days of the survey, the numbers showed 181 beach users and 43 bathers per day. However, the Environment Agency's method of taking hourly surveys may have given a figure that was not consistent with the less intensive surveys that have been used in considering other designations. The frequent counts give a higher number than a survey taken over a very short period of the day and users may be double counted. When the total figure is divided by the number of counts made, the figure for beach users is 20 per sample, and five bathers per sample.

Although usage at Walpole Bay is low for the Thanet area, it attracts more bathers than the numbers for recent dedesignations in non-resort locations.

Final decision

The public consultation raised queries about how representative the survey data was. Therefore Walpole Bay will remain on the list of designated bathing waters. It will continue to be monitored for compliance with the water quality standards set by the Bathing Water Directive.

We will consider any further application for this bathing water to be dedesignated if the evidence covers usage in the evenings as well as meeting the usual criteria for consideration.

Annex A – list of respondents

Marine Conservation Society

Southern Water

51 responses from members of the public



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