Applications for designation and de-designation of bathing waters – decision making process and evidence requirements

It is open to anyone to suggest a beach or inland site for designation as a bathing water. The formal application should normally come from the local authority for the area (usually the unitary, district, borough or city council) or should have its support, because it will have specific responsibilities to fulfil under the Bathing Water Regulations.

Bathing waters can also be recommended for dedesignation if there is evidence that the site is no longer being used for bathing.

All applications should include evidence of the criteria set out in the Annexes of this document. Applications must include evidence of consultation with bathing water users, local businesses, local environment and civic groups and local government bodies.

Applications for de-designation on water quality grounds will not be granted.

A full list of the evidence required for designation can be found in Annex A.

A full list of the evidence required for de-designation can be found in Annex B.

“Beach” is used throughout this document. If you are interested in a lake, please note that all references to “beach” should also be read as “lake”.

Process and outline timescale

1. Application and evidence received by Defra and acknowledged.

2. Defra will assess the evidence and if it meets the requirements, as set out in the Annexes, a summary will be placed on the consultations section of www.gov.uk

3. If the evidence supplied does not meet the requirements, it will be returned and the application placed on hold. Applications for de-designation where the controller appears to be taking action to deliberately reduce the numbers of bathers (excluding applications based on safety grounds), will also be returned. We will write to the applicant to explain what information still needs to be supplied.

4. A summary of the evidence will be available at: https://www.gov.uk/government/publications for a six week consultation period with national and regional stakeholders (see list in Annex C). In particular, Defra will consult the Environment Agency and the relevant water company for additional information about the beach or inland water concerned.

5. Defra will make a final decision based on consultation and the evidence supplied within four weeks of the end of the consultation.

At any point in the process Defra may ask the applicant to provide additional information. In this situation the public consultation will be restarted when the evidence is received.

Decisions can be reconsidered if more evidence is provided.

Roles and Responsibilities

Anyone can recommend that a bathing water should be designated or de-designated. Local authorities should be involved in the application process because they are responsible for meeting various requirements in the Directive.

If the beach or lake is privately owned, the landowner should be involved in the process.

The main criterion for designation and de-designation is bather numbers. No numerical figure has been set for the numbers of bathers, as all bathing waters are different and one figure may not be suitable for all sites. Defra will need evidence of numbers of swimmers, people paddling at the water's edge and people on the beach. Anybody swimming or paddling in the water is considered to be a bather.

Defra is responsible for designation and de-designation in England and will base decisions on the evidence supplied in accordance with the set criteria for designation and de-designation. Where Defra considers that a designation or de-designation is required, eg in response to a suggestion from a member of the public, it will approach the local authority, landowner or bathing water controller concerned in order to take their views into account. Defra will also write to all local authorities and other relevant organisations annually to confirm that the list of designated waters accurately reflects places used for bathing.

Defra will make the names of any organisations or groups who recommend a designation or de-designation known in the consultation process. Personal information of members of the public will be protected.

Notification of Decision

Defra will notify the applicant, relevant local authority and water company of the decision made on designation or de-designation and the reasons why. A summary of the decision and reasons why will also be put on the consultation section of www.gov.uk

If an application to designate a site is accepted, Defra will inform the Environment Agency who will develop a bathing water profile for the site and take forward the plans to monitor and protect the bathing water. Defra sends a list of all designated bathing waters to the European Commission in early May every year. To allow time to make a decision and produce the required profiles, plans and signage, applications for new designations should be made by the end of October for inclusion in the following year's list.

If an application to de-designate a site is accepted, the applicant should communicate this as widely as possible to inform users. This could be done via local newspapers, newsletters and notice boards as well as information at the bathing water.

Contacts

Defra

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Annex A - Evidence which must be supplied with all applications for designation

1. Evidence of usage for bathing

   - User survey at times during the bathing season (15 May – 30 September) when peak usage would be expected (weekends, bank holidays, May half term and school summer holiday period)
   - Surveys to be carried out at a time of day when high numbers of users would be expected (11am to 3pm, or as close to peak time as tidal or other local conditions allow)
   - Surveys should cover a minimum of 20 days including:
     - 10 weekend or bank holiday days
     - Half of all survey days to be in school holiday periods
   - Breakdown of numbers of swimmers, paddlers and other beach users
   - Photographs or surveys to support historic trends for high level of users, if applicable

   AND

2. Information about the facilities at the site, for example:

   - Access facilities
   - Public toilets
   - Changing facilities
   - Parking
   - Lifeguards
   - First aid service
   - Kiosks and shops

It is not compulsory for these facilities to be provided, but their presence provides evidence that there is infrastructure to support and promote bathing.

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AND

3. Evidence of the outcome of local consultation during the bathing season with local groups and organisations that may be affected by designation, for example:
   a. Bathers
   b. Other beach users
   c. Owners of beach huts or other beach facilities
   d. Owners and operators of on-beach and beachside businesses, in particular cafes and shops
   e. Residents of nearest urban area to the bathing water (closest town or village)
   f. Local environmental and civic groups
   g. Local chamber of commerce
   h. Neighbourhood and community representative groups
   i. Parish and town councils (where they are not the owner)
   j. Local tourist office or other local tourism body
   k. Local regeneration office or other local regeneration body

l. County, borough, district or unitary authority (where they are not the owner)

4. Please state whether you are the owner or leaseholder of the site and if not, please indicate who is the local authority or private landowner and whether the application has their support.

Annex B - Evidence which must be supplied with all applications for de-designation

1. Evidence of low usage /no users
    - User survey during times during the bathing season when peak usage would be expected (Weekends, Bank holidays, May half term and school summer holiday period)
    - Surveys to be carried out at a time of day when high numbers of users would be expected (11am to 3pm, or as close to peak time as tidal or other local conditions allow).
    - Surveys should cover a minimum of 20 days including;
        i. 10 weekend or bank holiday days
        ii. Half of all survey days to be in holiday periods
    - Breakdown of numbers of swimmers, paddlers and other beach users
    - Photographs or surveys to support historic trends for low level of users if applicable

AND

2. Evidence of no or recent withdrawal of facilities to support or promote bathing (such as lifeguards, beach huts, showers and changing facilities)
    - Reasons why no facilities have ever existed and any relevant supporting evidence
    - Where facilities have been recently removed, a letter setting out reasons for the withdrawal of service. (Please see point 3 of the process guidelines on page 1)

AND

3. Evidence of local consultation during the bathing season and its outcomes, including but not limited to the following groups;
    - Bathers
    - Other beach users
    - Owners of beach huts or other beach facilities
    - Owners and operators of on-beach and beachside businesses, in particular cafes and shops
    - Residents of nearest urban area to the bathing water (closest town or village)
    - Local environmental and civic groups
    - Local chamber of commerce
    - Neighbourhood and community representative groups
    - Parish and town councils (where they are not the controller)
    - Local tourist office or other local tourism body
    - Local regeneration office or other local regeneration body
    - County, borough, district or unitary authority (where they are not the controller)

Consultations must make clear that bathing water quality would no longer be monitored, the bathing water may lose existing high levels of protection and no future improvements would be made.

Defra recommends that notices of intent to de-designate the bathing water are put up at the bathing water and on other community notice boards during the bathing season with contact details for those who wish to comment. All responses should be logged and evidence should set out to show if there is local support for de-designation or not.

In the event of applications based on a local ban on bathing Defra will also require:

- Reason for ban
- Evidence of ban in local law or operating protocol
- Evidence on how ban is communicated and enforced

Annex C - National and Regional stakeholders

Surfers Against Sewage

Marine Conservation Society

Appropriate Water Company

Water UK

UK Beach Managers Forum

British Destinations

Consumer Council for Water

The Environment Agency

Department for Culture Media and Sport

Visit England

National Farmers Union

Country Land and Business Association

River and Lake Swimming Association

Outdoor Swimming Society

British Long Distance Swimming Association

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