The Bathing Water Regulations 2013
Bathing Water De Designation Proposal
Uphill

August 2014
Contents
1. Summary
2. Proposal
3. Background - The Bathing Water Directive
4. Overview of Beach Locations
5. Grounds for De Designation
6. Process of De Designation
7. Further Links
1. Summary

On 17 July 2014, North Somerset Council's executive members for tourism and environment agreed in principle that an application could be made to ‘The Department for Environment, Food and Rural Affairs’ (DEFRA) to de-designate one current bathing water (Weston-super-Mare Uphill Slipway) under the Bathing Water Regulations 2013, subject to the results of a consultation exercise. This public consultation is carried out as a requirement in line with the application to better inform the decision making process.

Consultees potentially affected by this de-designation proposal, such as parish councils, ward councillors and other interested organizations have been contacted and are invited to comment on the proposal. Although this list is not exhaustive, this consultation may be forwarded to further stakeholders that are deemed appropriate.

2. Proposal

North Somerset currently has four designated bathing waters on it’s coastline: Clevedon Beach, Weston-super-Mare Sand Bay, Weston Main and Weston-super-Mare Uphill Slipway. The Environment Agency has long provided information on water quality to local authorities and to the public, however recent changes to legislation has highlighted the fact that local authorities should consider the future of individual beaches in the wider context of amenity and use.

In the UK, applications for bathing water site de-designations are made by local authorities to DEFRA. The process for determination involves the consideration of bathing water ‘user numbers’; safety and amenity.

North Somerset Council is the responsible bathing water controller for Weston-super-Mare Uphill Slipway and an approval for de-designation of these bathing waters is sought based on user numbers and safety concerns. It is believed that de-designation is the best option.

3. Background - The Bathing Water Directive

“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 microbiological quality of bathing waters can vary as a result of pollution from agricultural and urban sources, discharges of sewage effluent, storm water overflows and river borne pathogens; all of which could have a significant impact on human health. All of which may not be easily solved, especially where estuarine environments exist. The EC Bathing Water Directive sets two standards; a mandatory and a more stringent guideline standard. The UK is currently in a transition period, as we move to a revised Directive.
After the revised Directive is fully implemented in 2015, any bathing water that receives five consecutive ‘Poor’ classifications will be removed from the list and will no longer be monitored. There will be a legal requirement for signage to be put in place warning the public that the site is no longer a bathing water.

- The bathing water classification symbol (Figure 1)
- The “advice against bathing” symbol if appropriate

*Figure 1: Bathing Water Classification Signage to be displayed at each designated bathing water.*

It is anticipated that under the revised directive, from 2015, all four current water bathing beaches in North Somerset will fall within the good or excellent categories.

4. Overview of Weston-super-Mare Uphill Slipway [lat/long: 51.32, -2.990; easting/northing: 331092, 158867]

Weston-super-Mare Uphill Slipway is on the Somerset coast overlooking the Bristol Channel on the southern end of Weston bay and was designated as a bathing water in 1988. It is a sandy beach resort approximately 1.2 kilometres wide, next to the mouth of the River Axe. The central section of the beach is used as a car park and to the northern end an area has been designated as a windsports area for the exclusive use of land-based wind-powered craft. Weston-super-Mare Uphill Slipway is a gently sloping, sandy beach with dunes behind and alongside the beach. The Bristol Channel has a large tidal range and at low water mud can become exposed.

*Figure 2: Map of Sampling Location*
5. Grounds for De-designation

Sites being considered for de-designation should be considered on grounds of low usage or for safety reasons. De-designations cannot be made on water quality grounds. The Bathing Water Regulations 2013 (2013 No. 75) Regulation 3 states that bathing waters are identified where “...the Secretary of State expects a large number of people to bathe, having regard in particular to past trends and any infrastructure or facilities provided, or other measures taken, to promote bathing at those waters”. Data collected by North Somerset Council in table 1, highlights that this coastal site has very low usage in comparison to other sites in England.

In addition, bathing is not actively promoted at the site due to the dangerous nature of the mouth of the river axe, high tidal range, deep mud, and risk of collision with wind-powered water craft. Bathers use these coastal sites very infrequently, however, these areas are used daily by dog walkers, locals and visitors to the area.

Figure 6: Danger Signage at Weston-super-Mare Uphill Slipway
The authority has previously advised the public in this area to refrain from bathing due to these risks and signage is currently in place (Figures 6 & 7).

Infrastructure to support bathing at these sites is poor with no facilities for changing and no lifeguarding in place.

The justification for removing the bathing water status for this coastal site includes:

- Low volume of bathers
- Dangerous nature of the coastline and the risk of collision with other water users
- Conflict of use with land based wind powered craft

Table 1: Bather & Beach User Numbers Collected by North Somerset Council (2012 to 2013) for Weston-super-Mare Uphill Slipway Compared to Weston Main.

<table>
<thead>
<tr>
<th>Uphill Slipway</th>
<th>Paddlers</th>
<th>Swimmers</th>
<th>Other beach users</th>
<th>Ave bathers per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Season (Jun-Aug)</td>
<td>2012</td>
<td>65</td>
<td>3</td>
<td>80</td>
</tr>
<tr>
<td>2013</td>
<td>14</td>
<td>1</td>
<td>46</td>
<td>0.16</td>
</tr>
<tr>
<td>West Main</td>
<td>2012</td>
<td>1448</td>
<td>182</td>
<td>144</td>
</tr>
<tr>
<td>2013</td>
<td>333</td>
<td>32</td>
<td>96</td>
<td>3.97</td>
</tr>
</tbody>
</table>
Designation of bathing waters should be considered on bather numbers and safety grounds. Weston-super-Mare Uphill Slipway is one of the quieter bathing locations in the South West, and is mainly used by local residents for dog walking and wind sport activities as reflected by beach ‘user’ numbers. In addition, bather numbers are low and there are warning signs about soft sand and mud, fast moving tides, risks of collision with water and land vehicles, and the dangers of crossing the mouth of the river axe. (See Figure 6) Safety on the beach is considered to be paramount and North Somerset Council have long felt that potential incidents of injury may occur between other beach users and bathers.

6. Process of De-designation

1. The Council via this consultation is seeking the views of the public and stakeholders on this proposal
2. Once the consultation is completed a formal application may be made to DEFRA to de-designate ‘Weston-super-Mare Uphill Slipway’ on safety grounds and low usage.
3. DEFRA would then hold a 6 week consultation on the application on their website.
4. DEFRA would then consider all the evidence and correspondence and make the final decision.

If the application is successful, the de-designated bathing water would no longer be sampled by the Environment Agency and signage describing the beach as a European bathing water will be removed. However, the Environment Agency, Wessex Water and DEFRA will still continue to improve water quality in these and other areas.

7. Further Links

Bathing Water Explorer (Water Quality and Beach Profile) – Weston-super-Mare Uphill Slipway

Bathing Water Classifications

The Bathing Water Regulations 2013
www.legislation.gov.uk/uksi/2013/1675/contents/made

Further details may be obtained by contacting your Local Authority at:
Environmental Protection
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
Somerset
BS23 1UJ
Tel: 01934 888 888
Email: environmental.protection@n-somerset.gov.uk

*Information provided in response to this consultation may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR))