

# Public advice on the identification of new bathing waters



June 2016

## **Abstract:**

This document provides advice for the general public on submissions for the identification of new bathing waters.

**This document not intended to be a legal interpretation of the requirements of the Bathing Water Regulations ([SI No. 79 of 2008](#)) as amended ([SI No. 351 of 2011](#)).**

## **Purpose of this Document**

The purpose of this document is to provide advice to members of the public on the type and quality of information likely to be required to support submissions for new bathing waters in order that they may be considered by local authorities for inclusion in national monitoring programs.

## **Disclaimer**

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## Acknowledgements

The Agency acknowledges the input to this document of the National Bathing Water Expert Group (comprising representatives from DECLG, EPA, Local Authorities, the HSE, Irish Water, and academic research), the EPA Bathing Water team, and those external stakeholders and members of the public who assisted with providing contributions and review of this guidance.

## Background

Bathing water in Ireland has been regularly monitored since the mid 1990's and the overall quality of Irish bathing waters is generally of a very high standard. In 2008, Ireland transposed the revised Bathing Water Directive (2006/7/EC) into Irish legislation as S.I. No. 79 of 2008.

These new Regulations set considerably more stringent criteria for the bacteriological quality of bathing waters together with strong focus on the management of pollution sources with the aim of reducing the risk to public health from bathing waters.

As of June 2016, there are 140 identified bathing waters on the national monitoring program whereby bathing water quality is reported to the European Commission on an annual basis. The EPA is aware that many waters which have not been formally identified as bathing waters under the Regulations transposing the Bathing Waters Directive are also monitored by local authorities on a voluntary basis (e.g. those waters involved in the Green Coast award scheme and areas used less frequently where bathing or other aquatic activity is known to take place). The Agency considers that these waters should form part of the national monitoring programme and encourages local authorities and the public to assess these for inclusion in keeping with the criteria set out in this guidance.

The 2008 Bathing Water Regulations incorporate a requirement for Public participation in the development of national monitoring programmes however the means by which this is achieved and the type and quality of information required is not specified, nor indeed are the factors which Local Authorities should consider in their assessment of any submissions.

This document, and its supporting advice for Local Authorities, aims to provide a mechanism for all interested parties to become involved in the consultation process.

## Roles and Responsibilities

In Ireland, the Local authorities have the primary responsibility for the development and management of bathing waters together with the assessment of pollution impacts and the implementation of management measures designed to minimise pollution. These are set out in bathing water profiles for each of the identified bathing waters.

Uisce Éireann (Irish Water) is now the statutory body with responsibility for the operation of municipal wastewater treatment systems and their associated infrastructure.

A number of other national bodies such as National Parks and Wildlife Service (NPWS), Dept. of Arts, Heritage and Gaeltacht (DAHG), and the Marine Institute (MI) may also be affected by beach designations. The opinion of the National Parks and Wildlife Service (Department of Arts Heritage and Gaeltacht) must be sought where the proposed bathing water is within or adjacent to a designated area.

The EPA's role is that of regulator in respect of application of the Bathing Water Regulations and it is responsible for the assessment and reporting of bathing water data to the European Commission. The EPA's bathing water unit submits details of all local authority identified bathing waters to the European Commission in May each year.

In order to allow local authorities to prepare the required bathing water profiles and any associated management plans, any new designations made after January in any one year will generally be included in the following year's program.

Any person, or community body, can request of a local authority that any inland or coastal water used for bathing should be formally identified however; in order for it to do so, the local authority must be satisfied that it meets the relevant criteria for classification as a bathing water. Having reviewed the submission should the local authority consider that the criteria for identification as a bathing water are not met it is required to communicate this decision and the reasoning behind it to the submitter.

## What exactly is a bathing water - and just what is meant by bathing?

The principal criterion for identification as a bathing water is **bather numbers**. Article 4(2) of the Bathing Water Regulations 2008 states that: *"The bathing waters to be identified by a local authority shall be all elements of surface water where the authority expects a large number of people to bathe"*. Rather surprisingly neither the term *"bather"*, nor what constitutes a *"large number"*, is explicitly defined in the BW Directive (2006/7/EC) as this can vary significantly between e.g. Mediterranean climates and those northern European / Scandinavian countries where bathers would generally be significantly fewer in number.

The opinion of the European Commission is that term *'bathers'* should include **all beach users** whether or not they participate in any degree of water immersion however Member States have generally interpreted *'bathers'* as meaning those in contact with the water for recreational use. In submissions for the designation of any new bathing water Local Authorities will look for clear evidence of *'bathing'* as well as other uses of proposed beach and water.

**Note:** Water sports such as kayaking, surfing, windsurfing etc. are not covered by the Bathing Water Directive and locations where these are practised would not be considered as *'bathing'* water unless there is also evidence of bathing. Local authorities could consider these locations for inclusion in monitoring programmes from a public health perspective.

Within an Irish context it is very difficult to set a specific figure on the numbers of bathers (or beach users) as all bathing waters differ in both popularity and accessibility and one figure will not be suitable for all sites.

For the currently identified bathing waters estimates of the maximum numbers of bathers per day can range from as few as 5 up to 500 or more depending on both its location – and of course the weather!

As a general rule of thumb it is suggested that any waters being proposed for formal identification as bathing waters under the 2008 Bathing Water Regulations should, over the course of any day at peak periods during the course of the bathing season, have **at least 50 beach users / at least 10 -15 bathers** for smaller / more remote bathing areas and **at least 100 beach users / at least 20 -30 bathers** per day for larger / more accessible areas. These numbers are considered minimum requirements and local authorities may choose to apply larger thresholds if considered appropriate.

Submissions should give an indication of the proportion / number of beach users actually engaged in any form of contact immersion, be it simply paddling or whole body immersion, as well as those engaged in other water sports and using the landward area of the proposed bathing water.

## Applications for designation of bathing waters

Local Authorities are required to submit to the EPA details of any identified bathing waters they propose to monitor in that year by 24<sup>th</sup> March each year. This information is subsequently conveyed to the European Commission. While such identification does not require a defined process it is recommended that they consider the criteria set out in this Guidance.

Applications can come from within the local authority, other public bodies, community groups, or other third parties requesting the designation of new bathing waters. Public submissions on new bathing waters should be able to be submitted to the local authority at any time however it is generally impractical for local authorities to add new bathing areas after their selection has been made to the EPA and thus the public are encouraged to submit any proposals during the summer period for inclusion in the following seasons monitoring program.

To allow a reasonable period for the assessment of any potential bathing areas public participation in the proposal of new bathing waters is generally sought during the previous bathing season by means of notifications on local authority websites and / or national / local press. This window for submissions generally runs between the start of June and the end of July but this can vary from one authority to another and local authorities are encouraged to be somewhat more flexible in this regard.

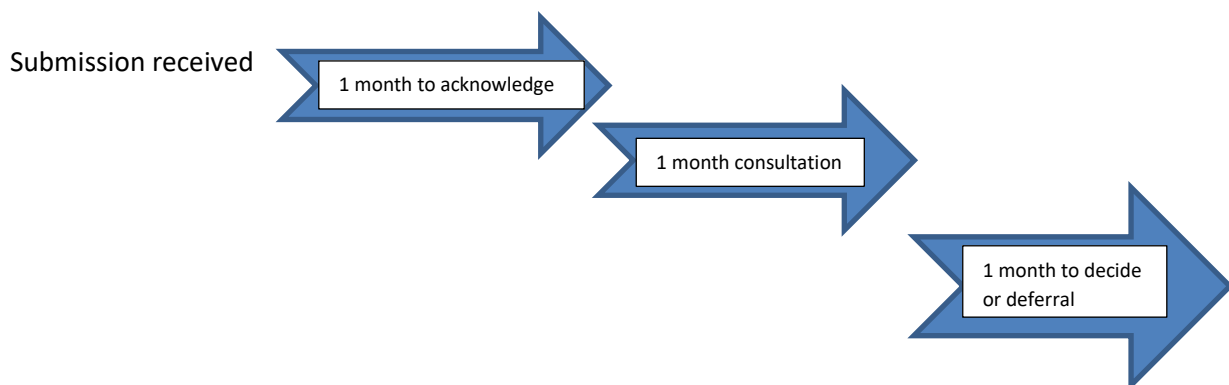
All public applications should include evidence of the criteria set out in the Annexes of this document. These should include evidence of consultation with bathing water users, local businesses, environmental, and civic groups (where relevant).

## Designation process outline and timescale for public submissions

- a) Applications should preferably be made using the format provided in the Annex to this document and submitted to the relevant local authority environment section. Submissions received by local authorities should be acknowledged within **1 month of the date of receipt**.
- b) If the information supplied does not meet the requirements the local authority may request from the submitter any additional information it considers necessary and the application will be placed "on hold" until such information is received or the request for identification is withdrawn by the applicant.
- c) The local authority should provide notification that a submission has been received and provide an opportunity for this to be viewed by any interested parties **for a period of 1 month** following receipt. Ideally this should be by electronic means (e.g. on their website)

but this may not always be practicable and consideration needs to be given to the confidentiality of any information provided. Comments from interested parties should be submitted to the relevant local authority environment department (or as otherwise advised by the local authority). These are also likely to be made available for review.

- d) The local authority may choose to consult with Irish Water in relation to any proposed waters where a proposed identification as bathing water could impact on the quality of water used for abstraction for drinking water supplies, and also in relation to any proposed inland or coastal waters which may be impacted either by wastewater discharges from treatment plants or sewer networks. In its response Irish Water should advise as to whether the water / waste water infrastructure is fit for purpose, where improvements are required, and the timeline for such improvements.
- e) Following the consultation period, and taking account of any correspondence or comments received, the local authority will make their decision on accepting or rejecting the submission based on the criteria set out in the EPA document "*A framework to assist Local Authorities in the assessment of submissions for the identification of new bathing waters*" or other criteria which may be determined by the local authority. This should be done **within 1 month** of the close of the consultation period.
- f) Where a local authority defers its final decision pending monitoring and evaluation of water quality or formal risk assessment (e.g. by Irish Water Safety) this should be conveyed to the submitter and the decision making process continued when such information becomes available.
- g) Where the submission meets the necessary requirements for acceptance as a new identified bathing water this should be conveyed to both the submitter, to Irish Water (if relevant), and to EPA Bathing water unit ([bathingwater@epa.ie](mailto:bathingwater@epa.ie)) at the earliest opportunity. The EPA will liaise with the local authority in respect of the provision of GIS data and the preparation of bathing water profiles as necessary.
- h) Where the submission does not meet the necessary requirements for acceptance as a new identified bathing water consideration should be given by the local authority to its inclusion as an 'other monitored water' to ensure public health of any bathers.
- i) Where an application to identify either as a bathing water (under the BW Regulations) or as an 'other monitored water' is accepted the local authority should communicate this as widely as possible to inform potential users. This may be done via website notices local newspapers, newsletters, as well as on information boards at the bathing water itself.
- l) Where an application for identification is rejected by the local authority all factors relating to the grounds for the rejection should be clearly set out and communicated to both the submitter, Irish Water (if relevant), and the EPA Bathing Water unit at the earliest opportunity.

**Timeline:****Information which should be supplied for to support the identification of new bathing waters:****Evidence of usage for bathing**

- It is desirable that at least **2** user surveys should be conducted on separate days at times during the bathing season (1<sup>st</sup> June – 15<sup>th</sup> September) when peak usage would be expected (e.g. in good weather, at weekends or Bank holidays, half term, school holiday period etc.)
- These surveys should preferably be carried out over the time period when greatest numbers of users would be expected e.g. 11am to 3pm, or as close to peak times as tidal or other local conditions allow.
- Surveys should ideally provide both a breakdown of numbers of actual bathers (swimmers, paddlers) and also general beach users.
- Evidence should be provided (if possible) to support historic trends for usage of the area.

**Information about the location**

Information should be supplied in written or visual format(s) providing information on:

- Physical & Environmental:
  - Details of the proposed location e.g. Ordinance Survey maps or similar charting of the proposed area.
  - Details of the physical characteristics of the proposed bathing area e.g. sandy, stony, steeply shelving etc.
  - Environmental designations (NHA, SAC, Natura 2000 etc.)
  - Commercial activities (Harbour, Ports, Fisheries, Shell Fisheries)
- Access
  - Is the location accessible by road?
  - Is there any existing signage identifying the beach?
  - Are there suitable footpaths to the beach for public access?
  - If there are sand dunes are these likely to be susceptible to erosion or have they e.g. been planted with grasses to aid their stabilisation?

- Car Parking
  - Is there adequate car parking for the expected number of users at peak periods?
  - Is parking likely to interfere with other road users?
  - If roadside parking is in use does this impact on grassed areas?
  - Are there suitable facilities for safe storage of bicycles?
- Toilets and Changing facilities
  - Are there accessible Public toilets and / or Changing facilities in the vicinity?
- Facilities / Litter / Recycling bins
  - Are there picnic tables or similar facilities at the location?
  - Are there an adequate number of litter / waste bins?
- Lifeguards / First Aid facilities (information may be available from the local authority)
- Kiosks and shops
  - Are there any commercial facilities in the area of the designated beach?
- Details of any signage advising of any limitations of the location for bathing purposes. These may include signage advising of e.g. rip-tides, unstable sand dunes, or similar dangers.

It is not compulsory for all of the above facilities to be available, or to be met, but their presence provides evidence that there is infrastructure to support and promote the adoption of the water as a bathing area.

### **Community consultation**

The outcome of any consultation with local groups and organisations that may be affected by any designation should be provided where this has been undertaken e.g.

- Landowners - if access is via private lands
- Owners / Operators of on-beach facilities and beachside businesses, in particular cafes and shops that may be affected by the designation of the area as a new bathing water
- Local environmental and civic groups
- Neighbourhood and community representative groups
- Local tourist office or other local tourism body

### **Water quality data**

Details of any available water quality data showing the microbiological quality (*E.coli* and Intestinal Enterococci) should be provided (if available) together with a description of potential pollution sources and their possible impacts.

Where this information is not readily available the local authority may opt to defer their decision pending an evaluation of water quality, potential pollution sources, and /or a general risk assessment based on their knowledge of the area.

## ANNEX 1 - Application for identification of a new bathing area

Applicant / Group name :\*

Contact person: \*

Contact address: \*

Contact number: \*

Email address: (optional)

Proposed / Local bathing water name: \*

Ordnance Survey grid ref:\*

Local authority: \*

\* These fields are **mandatory**. Failing to provide the information may result in the application being rejected. **All details will be treated with confidentiality**. Any additional information about bathing water/beach management which you believe strengthens your application should be included.

### 1. Evidence of use

Give a brief description of how the beach / bathing water have been used over the last few years to support your application (if possible) highlighting any recent changes.

For smaller / more remote locations to qualify for identification it is recommended that a **minimum of 50 beach users / 10 -15 bathers** use the beach or bathing water over the course of a single day during peak times. For larger beaches / more accessible areas **at least 100 beach users / 20 -30 bathers** per day is recommended as a rule of thumb.

'Use' is defined by a person's presence on the beach and the person does not actually need to be in the water to be counted as a beach or (potential) bathing water user. Applicants should provide evidence of this level of use on at least two separate dates, which should preferably be in different months, during the bathing season 1<sup>st</sup> June to 15<sup>th</sup> September.

This information can take the form of dated photographic or video evidence of the general bathing water in use, car counts, or people counts.

Date	Survey times (Start / Finish)	Total No. of beach users	No. of actual bathers	Weather conditions at time of survey	Name, title and organisation affiliation of person undertaking counts, or description of other evidence



## 2. Beach Description and Facilities

Please submit a map / diagram to accompany this application showing the area proposed to be identified as the bathing water. Give a brief description of:

- The general location of the beach;
- Its physical characteristics (sandy / stony / gently sloping / steep etc.);
- Details of the shore side environment e.g. sand dunes, grassland, marsh, pasture etc.
- Visual aspects of the beach and bathing water in relation to the immediate area (e.g. clean / some / lots of rubbish / some seaweed / lots of seaweed etc.);
- Is the bathing water / beach actively promoted to the public? (E.g. is it sign posted from the main road, promoted by tourist information centres in leaflets, on websites, maps, or through other media?)      **YES**     **NO**   
If yes, please give further information and / or web links:
- Is there any car parking nearby? **YES**     **NO**  For approx. how many vehicles?  
If 'No' would parking be likely to impede other road users?      **YES**     **NO**
- Are there any picnic facilities provided?      **YES**     **NO**
- Are there litter / recycling bins provide adjacent to the beach?      **YES**     **NO**
- Are there any toilet / changing facilities adjacent to the bathing area?      **YES**     **NO**
- Please provide details of the ease of access to the beach / bathing water, including any footpaths and access designed to assist disabled users;
- Is there any lifeguard / other beach supervision at this site?      **YES**     **NO**
- Briefly describe the content / quality of any information boards or signage located on or near the beach and who provided the information. Images of the signs would be helpful.
- Are any specific water based activities promoted, and if so by whom? If possible, please submit copies of any available promotional material or web-links to this information.

## 3. Consultation

Were any local community or business groups consulted?    **YES**     **No**   
If 'Yes' please provide details of who and their responses

## 4. Water quality

Please provide details of any water quality data which may be available.

**NOTE: Please remember to enclose all supporting documentation with your application.**