



Department
for Environment
Food & Rural Affairs

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

March 2017

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Introduction

The Bathing Water Regulations 2013 (S.I.2013/1675) protect public health against faecal pollution at popular bathing areas by setting limits for intestinal enterococci and *E.coli* in the water. Beaches and inland waters that are used by large numbers of bathers are designated as bathing waters and monitored by the Environment Agency for compliance with the required standards during the bathing season, which in England runs from 15 May to 30 September. Water quality is assessed at the end of each bathing season by calculating an annual classification of Excellent, Good, Sufficient or Poor, based on the monitoring data for that year and the three preceding seasons. Each year the classification must be displayed on a public information sign at all bathing waters.

If the classification is Poor, the notice must advise against bathing and include information about the pollution sources that have affected the water quality. This advice must be permanent if the classification remains Poor for five consecutive years (Bathing Water Regulations 2013, Reg. 13.2.a). The site would be removed from the list of bathing waters, sampling would be discontinued and there would be no further improvement work to meet the bathing water standards. Public health will continue to be protected through the information relating to the de-designation and the pollution sources that led to the decision being available on signs at the beach and online.

The Environment Agency's aim is for all bathing waters to reach at least Sufficient classification. At sites where this has not yet been achieved, the Environment Agency is working closely with water companies and other local partners. Although a low number of bathers is usually the main reason to de-designate a bathing water, if the Environment Agency considers that it is infeasible or disproportionately expensive for a bathing water to reach the Sufficient standard, it must notify the local authority responsible for the bathing water and advise the appropriate Minister that permanent advice against bathing should be introduced (Bathing Water Regulations 2013, Reg 13.2.b).

De-designating a bathing water would not have an impact on fisheries or wildlife at that site. The shellfish waters in the Taw-Torridge estuary are Shellfish Water Protected Areas.

Bathing water quality at Instow

Between 1988 and 2014 Instow met the minimum standards that were then in force in only seven years. Since tighter standards were introduced in 2015, it has been classified as Poor in both 2015 and 2016. The Environment Agency has used monitoring data retrospectively to 1995 to calculate what the classifications would have been under the new standards and Instow would have been Poor in 21 out of 22 years. Based on data from 2014, 2015 and 2016, and despite any improvements that may be made to the water quality in 2017, Instow will be classified as Poor again this year.

The Environment Agency has assessed that it will be infeasible to deliver the measures that are required to improve the bathing water quality at this site to meet the Sufficient classification and that it will therefore continue to receive a Poor classification. In light of this the Environment Agency has advised that permanent advice against bathing should be introduced at an earlier stage, and before the 2018 bathing season begins. The alternative is to retain Instow on the list of bathing waters and renew the advice against bathing annually with each Poor classification until 2020. When it has been classified as Poor for five consecutive years, permanent advice against bathing would have to be issued.

The bathing water profile, which includes a location map and detailed information about the catchment and pollution sources, can be found at:

<http://environment.data.gov.uk/bwq/explorer/info.html?search=instow&site=ukk4304-34000>

Improving water quality at Instow

Instow is situated within the Taw-Torridge estuary in north Devon. The water quality is affected by faecal pollution from a combination of agricultural and urban sources, including from sewage discharges. The Environment Agency's investigations and modelling have confirmed that the typical proportion of pollution sources is 65% from agriculture and 35% from sewage and other sources. Due to its estuarine location the bathing water receives less dilution from the sea than a coastal bathing water.

There has been extensive work to improve bathing water quality. Since the late 1980s South West Water has invested £75 million in capital improvements to its infrastructure across the catchment, mainly targeted at bathing and shellfish waters. Major improvements have been made to the sewerage system, including the installation of secondary treatment and ultraviolet disinfection at the sewage treatment works, and a successful campaign to correct misconnections to the surface water system. Improvements to 14 Combined Sewer Overflows have also been included in the National Environment Plan for water company Asset Management Plan 6, which runs until 2020.

Since 2013 the Devon Agricultural Pollution Project has been working with the Catchment Sensitive Farming partnership to deliver advice and grants to farmers throughout much of the catchment, concentrating on faecal contamination and livestock management. A total of £1.4 million has been spent on agricultural improvements, drawn from a combination of Environment Agency Grant in Aid, Catchment Sensitive Farming (CSF) and farmers' own contributions.

The Environment Agency has carried out catchment modelling to assess the reduction in faecal pollution that could be achieved by water company improvements in combination

with a range of CSF measures to reduce pollution from agriculture. Three possible scenarios have been assessed in Table 1.

Table 1

	Details of work	Maximum modelled reduction in faecal pollution
Scenario 1	Water company improvements to 14 Combined Sewer Overflows.	3.5%
Scenario 2	This scenario applies the 10 most effective CSF measures to each farm in the catchment and assumes that farmers would implement 50-60% of the recommended measures.	18%
Scenario 3	This scenario applies all CSF measures to all farms in the catchment and assumes that farmers would implement 95% of the recommended measures, i.e. up to 50 measures per pollutant, including reducing stock by 20%. An additional regulatory mechanism, such as a Water Protection Zone (WPZ) could be implemented. This would require detailed investigations, monitoring and evidence gathering of the causes of pollution and the appropriate measures to address them. Any WPZ would require measures to be taken by those carrying out polluting activities in the area. From the Environment Agency's assessment, any such measures would likely go beyond Scenario 3, requiring catchment scale landscape change - they are therefore not being considered further by the Environment Agency at this time.	45%

However, none of these measures would produce the scale of reduction of pollution that would be needed for the water quality at Instow to be classified as Sufficient.

Usage for bathing

Although Instow is a popular and well-used beach, few people bathe there. The Environment Agency carried out a detailed survey of beach usage in 2014 to assess anecdotal evidence that it was little used for bathing. Counts were taken on 30 days between 26 May and 25 September and the average numbers per count are shown in Table 2.

Table 2

	Bathers, including children paddling	Adults paddling	Water sport participants	Other beach users
Total	22	32	23	2059
Daily average	<1	>1	<1	69

The Environment Agency samplers take headcounts of bathers during their sampling visits. In 2015 they observed a total of 21 bathers and 230 beach users during 20 visits between 6 May and 17 September.

Responding to this consultation

We would welcome your views on which of the following options should be taken forward:
Option 1: Retain Instow on the list of bathing waters and issue advice against bathing annually until 2020 (dependent on the annual classification remaining Poor), at which point it is expected that permanent advice against bathing would be issued;

- Option 2: Remove Instow from the list of bathing waters and issue permanent advice against bathing before the 2017 bathing season.

Please respond by 9 May 2017 via Citizenspace, by email to bathingwater@defra.gsi.gov.uk or by post to:

Bathing Water Team
Department for Environment, Food and Rural Affairs
Area 3D Nobel House
17 Smith Square
London
SW1P 3JR

Annex A - list of consultees

Barnstaple and District Chamber of Commerce
British Destinations and UK Beach Management Forum
British Long Distance Swimming Association
Christie Devon Estates
Consumer Council for Water
Country Land and Business Association
Department for Culture, Media and Sport
Instow Parish Council
Keep Britain Tidy
Local Government Association Coastal Special Interest Group
Marine Conservation Society
National Farmers Union
North Devon Council
Outdoor Swimming Society
River and Lake Swimming Association
South West Water
Surfers Against Sewage
Torridge District Council
Visit England
Water UK



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