



Department  
for Environment  
Food & Rural Affairs

# Proposal to remove Tunstall Beach from the list of designated bathing waters

March 2023



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Any enquiries regarding this publication should be sent to us at:

Bathing Water Team  
Defra  
Ground Floor  
Seacole Block  
2 Marsham Street  
London SW1P 4DF

Email: [bathingwater@defra.gov.uk](mailto:bathingwater@defra.gov.uk)

Tel: 03459 33 55 77

[www.gov.uk/defra](http://www.gov.uk/defra)

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# Background

Popular beaches and inland waters that attract a large number of bathers are designated as bathing waters under the Bathing Water Regulations 2013 (S.I.2013/1675) ('the Regulations'). During the bathing season, which in England runs from 15 May to 30 September, the Environment Agency ('the EA') monitors water quality for intestinal enterococci and *E. coli* (among other substances). Bathing waters are classified annually as 'excellent', 'good', 'sufficient' or 'poor', based on the EA assessment of the level of bacteria in the water over the preceding four years. If the site is designated, the EA will develop a bathing water profile and put plans in place to monitor and protect the bathing water, with the aim of achieving at least a 'sufficient' classification.

Bathing water monitoring measures the level of bacteria and other substances set out in the Regulations but does not imply that the area is safer than any other water body. The objective of the Regulations is to drive improvement to water quality at sites where people swim, by putting in place duties on the EA, local authorities and sewerage undertakers to investigate pollution incidents at bathing water sites so that remedial measures can be put in place.

The Regulations define a bathing water as a surface water 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*' (reg. 3(1)). Designation also takes into account any facilities that are provided to promote and support bathing (for example lifeguarding, first aid facilities, public toilets, shops and cafes) because the presence of such facilities demonstrates that the site is an established bathing area and is promoted and managed for bathing.

Under the Bathing Water Regulations 2013, the local authority must display public information about water quality and pollution sources at designated bathing waters during the bathing season (15 May to 30 September). The information displayed is provided to the local authority by the Environment Agency.

Where a site is de-designated as a bathing water, appropriate signage will be displayed at the site as set out in the Regulations. Bathing water standards are focused on human health and de-designation does not affect fisheries or wildlife. There are measures in place to protect water quality and the aquatic environment more generally: for example, the Urban Waste Water Treatment (England and Wales) Regulations 1994 (S.I. 1994/2841); the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (S.I. 2017/407) and the Marine Strategy Regulations 2010 (S.I. 2010/1627).

# Proposal for de-designation

East Riding of Yorkshire Council has applied for Tunstall Beach, East Riding of Yorkshire to be removed from the list of designated bathing waters because accessibility issues caused by cliff erosion have resulted in very low user numbers for bathing and have also made it infeasible for the EA to carry out sampling at the site.

This consultation sets out our summary of the application and seeks your views on the proposal to de-designate this site as a bathing water.

## Location

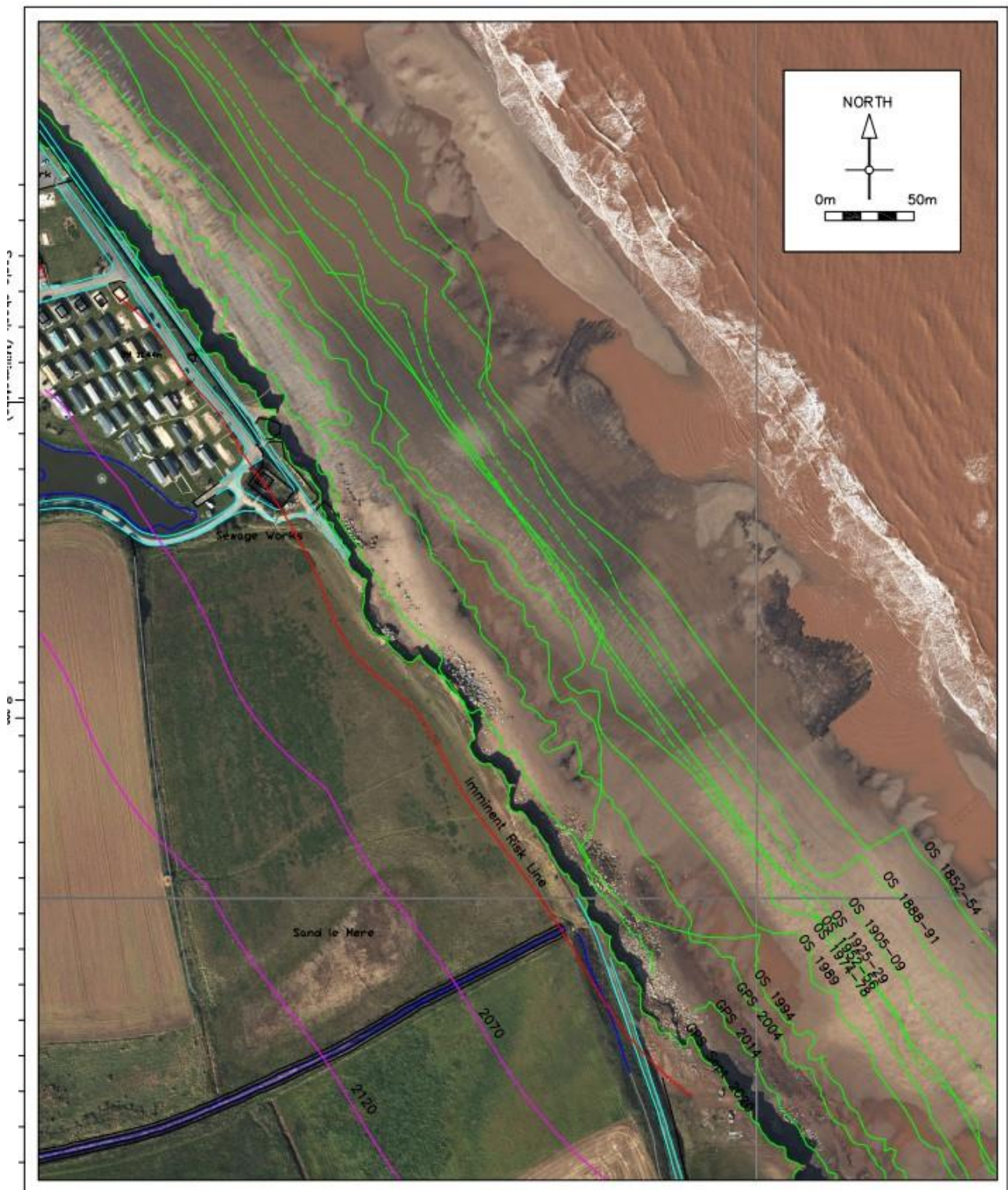
Tunstall Beach, highlighted in Image A, is located on the northeast coast. The land is owned and managed by East Riding of Yorkshire Council.

The Environment Agency's (EA) bathing water profile of Tunstall includes a location map and detailed information about the catchment:

<https://environment.data.gov.uk/bwq/profiles/profile.html?search=tunstall&site=uke1200-08800>

Image A is an aerial photo of the site which demonstrates the coastal erosion of the beach.

Image A



Key:

- Surveyed 1852 to 2020 —
- Imminent Risk Line —
- Predicted 2070 and 2120 —

## Safety concerns

The boulder clay cliffs at the site have been eroding at unprecedented levels over the past 20 years, making access to the beach difficult at times.

Since 2019, Tunstall Beach has been classified as unassessed as it has not been feasible for the Environment Agency to access the beach to collect water samples.

## Usage numbers and methodology

The Defra guidance on applying for de-designation asks for a numerical survey of beach usage covering a minimum of 20 days during the bathing season. The survey must include 10 weekend or bank holiday days and half of the survey days must be during school holiday periods. The guidance asks for the numbers of adults bathing and children bathing or paddling to be shown separately, as children are more likely than adults to become immersed and ingest water and for that reason are counted as a bather.

The applicant has provided a survey of usage taken over 20 days between 15<sup>th</sup> May and 18<sup>th</sup> September 2022.

The breakdown of numbers reported over 20 counts was:

- 104 bathers (adults swimming and children swimming or paddling)

This gives an average per count (rounded to the nearest whole number) of:

- 5 bathers

The total number of bathers for each count is shown in Table 1.

**Table 1**

Date of count	Bathers
15/05/22	0
30/05/22	0
12/06/22	0
15/06/22	3
22/06/22	7
10/07/22	20
14/07/22	4
28/07/22	0
03/08/22	30
10/08/22	4
11/08/22	0
14/08/22	2
16/08/22	0
18/08/22	0
26/08/22	25
27/08/22	0
28/08/22	4
01/09/22	4
05/09/22	0
18/09/22	1
<b>Totals</b>	<b>104</b>
<b>Daily Average</b>	<b>5</b>

Bathers comprise adults swimming and children both swimming and paddling.

## Local consultation

East Riding of Yorkshire Council held a meeting on 30<sup>th</sup> May 2022 to discuss the proposal of applying to remove Tunstall Beach from the list of designated bathing waters. The meeting had representatives attending from Yorkshire Water and Park Holidays. The outcome of the meeting was that attendees concluded de-designation is the best option for Tunstall Beach.



## Responding to this consultation

We would welcome your views on the proposal to remove Tunstall Beach from the list of designated bathing waters.

In your response please state:

- Do you agree or disagree with the proposal
- Your reasons or evidence to support your view

Please respond by **X March 2023** via Citizenspace, by email to [bathingwater@defra.gov.uk](mailto:bathingwater@defra.gov.uk) or by post to:

Bathing Water Team  
Department for Environment, Food and Rural Affairs  
2 Marsham Street  
Ground Floor  
Seacole Building  
London  
SW1P 4DF

## Annex - List of consultees

British Destinations and UK Beach Management Forum  
British Long Distance Swimming Association  
Consumer Council for Water  
Country Land and Business Association  
Department for Culture, Media and Sport  
Marine Conservation Society  
National Farmers Union  
Outdoor Swimming Society  
River and Lake Swimming Association  
Surfers Against Sewage  
Visit England  
Water UK  
Yorkshire Water