

Department for Environment, Food and Rural Affairs

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

August 2015

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Background

Bathing waters are designated in England under the Bathing Water Directive (2006/7/EC) to protect beaches and inland waters used by large numbers of bathers from faecal pollution. In addition, the safety of the location and the presence of infrastructure to support and promote bathing are taken into account.

Therefore, the main requirements for a site to be designated as a bathing water are that bathing is permitted and that it is used by a large number of bathers.

Closure of West Beach, Newhaven

The Environment Agency's bathing water profile of Newhaven contains detailed information about the catchment and a location map:

<http://environment.data.gov.uk/bwq/explorer/info.html?search=Newhaven&site=ukj2203-14700>

The designated bathing water, known as West Beach, is within the harbour wall and is owned by the harbour company, Newhaven Port and Properties. The beach was closed to the public in 2006 on the grounds that the wall was in a dangerous condition. It re-opened in 2007 but closed again in 2008, when a fence and barriers were erected to prevent access and a harbour bye-law was invoked to prohibit bathing. The Environment Agency has provided photographs of the warning signage and barrier. The beach has now been closed to the public for eight consecutive years. No information about water quality is available because the Environment Agency has not been able to collect samples during that time.





West Beach has been the subject of an application by Newhaven Town Council to be registered as a village green. In February 2015 the Supreme Court found in favour of Newhaven Port and Properties and the application was rejected. The judgment can be seen on the Supreme Court's website:

<https://www.supremecourt.uk/cases/docs/uksc-2013-0102-judgment.pdf>

West Beach has ceased meet the definition of a bathing water because the owner has prohibited bathing and it is inaccessible to the public and to Environment Agency samplers. We therefore propose to remove Newhaven from the list of bathing waters. If the beach reopens in the future and attracts a large number of bathers, we will reconsider designation as a bathing water.

Responding to this consultation

We would welcome your views on the proposal to remove Newhaven from the list of designated bathing waters. Please respond by 30 September 2015 to

bathingwater@defra.gsi.gov.uk or to:

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

In your response please state:

- your view on the proposal;
- your reasons or evidence to support your view.

Annex A – list of consultees

British Destinations
British Long Distance Swimming Association
Consumer Council for Water
Country Land and Business Association
Department for Culture, Media and Sport
East Sussex County Council
Keep Britain Tidy
Lewes District Council
Local Government Association Coastal Special Interest Group
Marine Conservation Society
National Farmers Union
Newhaven Chamber of Commerce
Newhaven Port and Properties
Newhaven Town Council
Outdoor Swimming Society
River and Lake Swimming Association
Southern Water
Surfers Against Sewage
UK Beach Management Forum
Visit England
Water UK



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Any enquiries regarding this publication should be sent to us at

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