

# Guidance Bathing Waters Designation

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# Bathing Waters: Apply for designation

## Background

### How is a bathing water identified?

The Bathing Water (Scotland) Regulations 2008 state that “*Scottish Ministers must designate an area of surface water (coastal or inland) as a bathing water if they expect a large number of people to bathe there, having regard to past trends and infrastructure or facilities provided, or other measures that are taken, to promote bathing at that site.*” Ministers must also determine the period during which a large number of bathers are expected as the “bathing season”. In Scotland, the bathing season is typically determined as running from 1 June - 15 September.

### Why do we designate bathing waters?

Bathing Waters designation aims to protect human health at locations where large numbers of people bathe during the bathing season. Water quality at designated bathing water sites in Scotland is monitored by SEPA during the bathing season. At a number of sites daily water quality forecasts are issued. Annually each site is classified as excellent, good, sufficient or poor based on measurements usually taken over a four-year period. This information allows people to make informed choices about where and when to bathe.

### Criteria for designating a bathing water in Scotland

Scottish Ministers decide on the list of bathing waters to be designated, including new bathing waters, prior to each bathing season. When considering designation, Ministers will take a number of factors into account. Key considerations are the number of people bathing, past trends, infrastructure provided to support bathing, the promotion of bathing and beach management as well as other facilities and local/public views.

### Apply for designation

Local authorities usually apply for designation, but any organisation or individual can apply. All applications must have the full support of the local authority and applications for privately owned sites must be supported by the landowners. Support includes carrying out relevant functions such as beach management, installing and maintaining signage, and regular cleaning.

If you are considering applying you should inform the bathing water team at an early stage.

## Evidence needed for designation

Your application must include:

- user surveys
- information about beach management, infrastructure/facilities provided, promotion of bathing and any past usage trends at the site
- letter of support from LA
- letter of support from landowner(s) (if applicable)
- evidence of a local consultation

Once the application and supporting evidence has been received SEPA will convene a Bathing Water Panel to consider whether the criteria for designation are met.

## Timeline

**Step 1** – To be considered by the Bathing Water Panel the application form and supporting material must be returned by the **30<sup>th</sup> September**. If the submission is not fully complete, it will be returned.

**Step 2-** If the application is complete, SEPA will convene a Bathing Water Panel meeting for the **last week in October**. The Panel will review all supporting evidence, including submissions from other responsible authorities.

**Step 3-** The Bathing Water Panel, having considered all the information provided, will provide a recommendation to Scottish Ministers (by the **15<sup>th</sup> November**) who will decide whether to designate the location as a bathing water.

**Step 4-** The applicant will be informed, by Ministers, of the decision early in the following year.

The decision will be:

- to designate
- not to designate

## Application Form

Please provide your application by email to [bathingwaters@sepa.org.uk](mailto:bathingwaters@sepa.org.uk) by 30 September for consideration for designation the following year.

### Checklist

Item	Yes/No
User Survey	
Letter of Support from the Local Authority/Authorities	
Letter of support from landowner(s)	
Evidence of Local Consultation	
Information about beach management, infrastructure/ facilities provided, promotion of bathing and past trends at the site.	

### Section 1 Applicant details

Contact Name	
Organisation	

### Section 2 Location of proposed bathing water (see Note 1)

<b>Name of proposed bathing water</b>	
Address	
Local Authority Area	
National Grid reference	

### Section 3 Ownership of the proposed bathing water

<b>Are you the Owner ?</b>	Y/N
<b>Are you the Leaseholder?</b>	Y/N

### Section 4 Support for the application (Note 2)

<b>Is the application supported by the local authority?</b>	Y/N
<b>Is the application supported by the owner or leaseholder?</b>	Y/N

## Section 5 User Survey for Beaches or River Channels (see Note 3)

Please provide evidence of numbers of bathers and water users. Include people both swimming and paddling as bathers. If the application is for a stretch of river, please provide evidence of numbers of bathers in the river channel area. The river channel includes any gravel or sand banks in the channel but does not include people on the banks.

<b>Name and organisation of people who undertook survey</b>						
<b>Survey</b>	<b>Date</b>	<b>Start and end time</b>	<b>Bathers (paddling or swimming)</b>	<b>Other water users</b>	<b>Beach users (not required for rivers)</b>	<b>Weather</b>
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

## Section 6 Facilities at the bathing area (see Note 4)

<b>Facilities present at the site that support and promote bathing</b>	<b>Assessment</b>	<b>Detail</b>
Public toilets	Y/N	
Changing facilities	Y/N	
Parking provision	Y/N	<b>e.g. number of spaces, paid or free</b>
Regular public transport links to the beach	Y/N	
Lifeguards	Y/N	
First aid service	Y/N	
Cafes/shops/kiosks	Y/N	
Regular beach cleaning	Y/N	
Markers indicating bathing areas	Y/N	
Bathing promotional material (leaflets/signs/website)	Y/N	
Beach or seaside award	Y/N	
Other (not listed above)		

## Section 7 Evidence of local consultation (see Note 5)

<b>How have local views been taken into account in relation to the proposed designation?</b>

## Section 8

<b>Detail any strong evidence of past trends on use of the site for bathing</b>

## Notes

### Note 1

Include a map showing the extent of the proposed bathing water, marking facilities specifically appropriate for bathers. The proposed bathing water should be the area used by a large number of bathers.

### Note 2

Include written support from local authorities and the site's owner, if you are not the site owner. Written support from the local authority must be at an appropriate level of seniority, for example the CEO and it must state that they accept the responsibilities as detailed below:

1. are required to display publicly-accessible signage at bathing waters showing information from SEPA on<sup>i</sup>;
  - a. the water quality classification
  - b. a general description of the bathing water, and
  - c. information indicating if the bathing water is likely to be subject to short term pollution.
2. are responsible for keeping amenity beaches - those areas of beach adjoining an identified bathing water - free from litter under the Environmental Protection Act 1990<sup>ii</sup>
3. when required by SEPA perform beach management duties as outlined in Regulations such as;
  - a. posting temporary signage in the case of a pollution event or blue-green algae presence
  - b. removing materials on beach which are risks to health
4. must consider the provision of appropriate infrastructure (such as public transport provision, parking and toilets).

<sup>i</sup> The Bathing Waters (Scotland) Regulations 2008, Regulation 8 Public Information. The local authority must ensure that information about a bathing water, as specified in the Regulations and provided by SEPA, is available during the bathing season on a publicly accessible sign, for which the local authority is responsible for erection, maintenance, and update.

<sup>ii</sup> The Bathing Waters (Scotland) Regulations 2008, Regulation 16 Management measures at bathing waters affected by other pollution. When pollution takes the form of tarry residues, glass, plastic, rubber or any waste, the local authority must take such action as is necessary in order to remedy or mitigate the effect of the pollution within 7 days of becoming aware of it.

### Note 3

You need to provide spot surveys of users which have been carried out:

- a) for a minimum of 10 days.
- b) at regular intervals throughout the typical bathing season (1<sup>st</sup> June to 15<sup>th</sup> September)

- c) at peak use times (such as weekends, bank holidays and school holidays).
- d) At the time of day when the highest numbers of users would be expected (e.g. warmest part of the day, 11am-3pm).

You should not undertake spot surveys on days where atypical, organised events, such as beach festivals are planned.

User counts should be well-evidenced by aerial photography/drone footage, demonstrating large numbers of bathers. One or two photos, labelled with date and location, should be submitted per day of the survey.

Riverbank users are not required to be recorded, only those in the water.

#### **Note 4**

Please note who undertakes the beach cleaning and life guarding. Details should include a general description of the facility (e.g. frequency of services, operating hours, number of car parking spaces)

Reasonable judgement should be made and a person thought to have the intent to swim/paddle or in transition should be counted as a bather. Those who are unlikely to access the water to bathe (i.e. dog walkers or those picnicking) should not be counted). Other users in the water should include those kayaking, boating, etc. The count should be of unique bathers only; those re-entering the water should only be counted once.

#### **Note 5**

Please submit summary of the local consultation including;

- a) how the consultation was conducted,
- b) who has been consulted,
- c) how many responses were received,
- d) the range of responses,
- e) how you ensured a cross-section of opinions were captured.

Please compile into one document all of the written responses/comments and provide a copy. Interested groups might be:

- Bathers
- Other water users
- Owners and operators of nearby waterside businesses e.g. cafes/shops
- Community council
- Local tourist offices
- Local residents
- Local environmental groups
- Experts in safety for outdoor swimming