

**REPORT TO:** Cabinet Member - Environmental  
Cabinet Member – Leisure and Tourism

**DATE:** 6 May 2009  
20 May 2009

**SUBJECT:** **SEFTON'S BATHING WATERS — REPORT 2008**

**WARDS AFFECTED:** Cambridge, Dukes, Ainsdale, Harrington, Ravenmeols, Manor, Blundellsands, Church

**REPORT OF:** Environmental Protection Director  
Leisure Services Director

**CONTACT OFFICER:** J A Crosbie, Senior Technical Officer, Environmental Protection  
0151 934 2704

D McAleavy, Head of Coast & Countryside, Leisure Services  
0151 934 2961

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To advise Cabinet Member – Environmental and Cabinet Member - Leisure and Tourism of the results of bathing water monitoring in 2008

**REASON WHY DECISION REQUIRED:**

Bathing water quality is an important factor in the promotion of the area as a tourist destination and the quality of bathing water has become even more critical in the award schemes and the promotion of the beaches and resorts. It is therefore important that Cabinet Member-Environmental and Cabinet Member-Leisure and Tourism are kept up to date with the current position and future changes.

**RECOMMENDATION(S):**

The Cabinet Member- Environmental and Cabinet Member- Leisure and Tourism note the contents of this report.

That Sefton Council continue to work with ENCAMS to develop the Quality Coast Award

**KEY DECISION:** No

**FORWARD PLAN:** Not appropriate

**IMPLEMENTATION DATE:** Following the expiry of the “call-in” period for the Minutes of the meeting.

**ALTERNATIVE OPTIONS:**  
No alternatives considered

**IMPLICATIONS:**

**Budget/Policy Framework:** None this financial year

**Financial:**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** The new revised bathing water directive will place statutory duties on the Local Authority as administrator and beach operator. These will become clearer as regulations are issued from central government.

**Risk Assessment:** No implications this year

**Asset Management:** No implications this year

**Consultation Undertaken/Views**

NONE

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

DEFRA website on bathing water

<http://www.defra.gov.uk/environment/water/quality/bathing/default.htm>

Environment Agency consultation on Water Framework Directive

<http://wfdconsultation.environment-agency.gov.uk/wfdcms/en/northwest/Intro.aspx>

OFWAT website: draft business plan summary for United Utilities

[http://www.ofwat.gov.uk/legacy/aptrix/ofwat/publish.nsf/AttachmentsByTitle/sub\\_dbp\\_nwt\\_pr09.pdf/\\$FILE/sub\\_dbp\\_nwt\\_pr09.pdf](http://www.ofwat.gov.uk/legacy/aptrix/ofwat/publish.nsf/AttachmentsByTitle/sub_dbp_nwt_pr09.pdf/$FILE/sub_dbp_nwt_pr09.pdf)

Letter dated 14<sup>th</sup> February 2008 from the Planning Inspectorate re Appeals Decision by Planning Inspector concerning Combined Sewer Overflows in Preston.

## BACKGROUND:

1. The Environment Agency monitors Sefton's three bathing waters (Southport, Ainsdale and Formby) for compliance with the European Bathing Water Directive (76/160/EEC)

## RESULTS

The table below shows the overall classification for 2008

*Table 1 Classification of Sefton Bathing Waters 2008*

Bathing Water	Classification
Southport	Good
Ainsdale	Good
Formby	Good

2. The Environment Agency forward their results to Sefton's Environmental Protection Department, the results are classified and entered onto a bathing water poster for display at the bathing beaches, Tourist Information Centre, and the most recent results are available on Sefton's web-site at [www.sefton.gov.uk/bathingwater](http://www.sefton.gov.uk/bathingwater). The final poster of the season is attached as Annex 1.
3. Tables 2 & 3 show the compliance of the 2007 data with the Directive's Mandatory and Guideline standards respectively

Table 2 Mandatory Standards pass rate

Bathing water	Total Coliforms	Faecal Coliforms
Southport	<b>100%(pass)</b> <i>100%(Pass)</i>	<b>100%(Pass)</b> <i>100%(Pass)</i>
Ainsdale	<b>100%(pass)</b> <i>100%(Pass)</i>	<b>95%(pass)</b> <i>100%(Pass)</i>
Formby	<b>100%(pass)</b> <i>100%(Pass)</i>	<b>100%(pass)</b> <i>100%(Pass)</i>

**2008 results in bold, 2007 results in italic**

Table 3 Guideline Standards pass rate

Bathing water	Total Coliforms	Faecal Coliforms	Faecal Streptococci
Southport	<b>70% (Fail)</b> <i>75% (Fail)</i>	<b>55% (Fail)</b> <i>65% (Fail)</i>	<b>100% (Pass)</b> <i>85% (Fail)</i>
Ainsdale	<b>75% (Fail)</b> <i>75% (Fail)</i>	<b>60% (Fail)</b> <i>65% (Fail)</i>	<b>80% (Fail)</b> <i>95% (Pass)</i>
Formby	<b>95% (Pass)</b> <i>75% (Fail)</i>	<b>75%(Fail)</b> <i>80% (Pass)</i>	<b>100% (Pass)</b> <i>100% (Pass)</i>

**2008 results in bold, 2007 results in italic**

## COMMENT ON 2008 RESULTS

4. Summary:
  - All bathing waters reached 'Good' standard for the year

- No bathing waters reached Guideline standard
  - One Poor result at Ainsdale (its first Poor result since 2001)
  - Ainsdale failed to meet any Guideline parameter for the first time since 2000
5. Results were generally similar to 2007. All the Sefton bathing waters passed the Mandatory standard in the Directive, but failed the Guideline standard, and were therefore classified as 'Good'. Therefore, for the third year running, none of Sefton's beaches are eligible for a 'Blue Flag'.
  6. Locally, regionally, nationally and over Europe as a whole, there was deterioration in bathing water quality in 2008 compared to 2007 and previous years.  
In the northwest region there were 4 wet weather waivers in 2008, due to extreme conditions, compared to 1 in 2007.
  7. This was the first time since 2000 that Ainsdale had failed to pass guideline standards for at least one of the three bacteriological parameters. The one Poor sample result at Ainsdale was the first at this bathing water since 2001. The Environment Agency carried out DNA testing on this sample in order to find the possible source of the bacteria. DNA analysis confirmed that human, canine and avian faecal coliforms were present in significant levels in the sample. The possible origins of the bacteria could include sewage works and overflows discharging to the River Ribble, local sewage works, dog fouling of beach areas, bird roosts on beaches, road and pavement run-off, surface water drainage from Pontin's, storm water discharges and outfalls from the Sands lake (which has many roosting birds, as well as a private sewage works discharge and a surface water drain with minor cross-connections).

## **NEW BATHING WATER DIRECTIVE**

8. The new Bathing Water Directive, which replaces the current one, was adopted as UK law in March 2008. It will progressively replace the current Directive, and comes fully into force in 2015, when the current directive will be repealed. The standards in the new directive are stricter than the existing one, and if water quality remains the same, will cause a deterioration in compliance. In the new Directive four years of results are aggregated together to arrive at the classification.
9. In future bathing waters will be classified as
  - Excellent (twice as strict as the current guideline standard)
  - Good (equivalent to current guideline standard)
  - Sufficient (stricter than current mandatory standard)
  - Poor (failing to meet any of the new standards)
10. DEFRA have published tables of compliance with the new Directive, including the 2008 bathing water data, which show 217 bathing waters of 'Excellent' quality, 90 of 'Good' quality, 62 bathing waters of 'Sufficient' quality and 37 of 'Poor' water quality. Bathing waters that are consistently of Poor quality

should be permanently closed according to the Directive. However there is no mechanism in British law to close a bathing water, and so the only option is de-designation.

The category of 'Sufficient' was brought in because European governments realised that many existing bathing waters would have difficulty in reaching the 'Good' standard in the new directive. It was originally intended that the 'Sufficient' category would only exist as a transitional phase until the new directive achieved its full force in 2015. However the Sufficient category will exist until at least 2020, when it will be reviewed.

11. In the most recent DEFRA assessment (covering the years 2005-2008) Sefton's bathing waters are categorised under the new Directive as:-

TABLE 4: PROSPECTIVE COMPLIANCE WITH NEW DIRECTIVE

<b>Bathing Water</b>	<b>Category</b>
Southport	Sufficient
Ainsdale	Sufficient
Formby	Good

The above classification, does not allow for any future improvements in bathing waters, but gives an indication of the difficulty of reaching an acceptable standard under the new Directive. In the North West: 14 of the country's 37 'Poor' bathing waters would be in this region, only 5 of the country's 217 'Excellent' bathing waters would be in the North West region.

12. In 2008 DEFRA consulted local authorities on implementation of the revised Directive, and Sefton Council responded, following a report to Cabinet Member - Environmental on 31 January 2008 and Cabinet Member-Leisure on 13 February 2008.
13. The main part of the consultation related to three scenarios envisaged by DEFRA:-
  - Scenario 1A — aim to meet the minimum requirements of the rBWD
  - Scenario 1B — aim to meet the minimum requirements of the rBWD with the use of prediction/discounting at a small number of bathing waters
  - Scenario 2 — explore the costs and benefits of going beyond the requirements of the rBWD in the short term by focusing on maintaining and increasing the potential number of Blue Flag Awards

DEFRA's response, following the consultation, is that they wish to follow Scenario 1B. This determines the improvement programme for bathing waters between now and 2015

14. The first part of the new Directive that will come into force is that relating to signage, information provision and local assessments. The new Directive will require the adoption of a standardised signage system by 2012 and all bathing beaches should be using the new system by that summer. The Head of Coast and Countryside is involved in discussions to develop the new

approach to providing information, as a member of the DEFRA rBWD Signage Working Group. The proposals for signage and relevant wording will be presented to the EU in June 2009. The consequence of the final agreement on signage is that beach operators will be required to produce new signage for all their bathing beaches, this will be the subject of a further report to Cabinet members, once the implications are known.

15. The working group is identifying the cost of implementing the beach signage requirements of the rBWD. Although there is some indication that there may be support to part fund the first year, it is important that Local Authorities identify and include costs in their capital programmes for the 2011 financial year.

## **UNITED UTILITIES APPEAL**

16. The report to Cabinet Members on Bathing Waters in 2006 (to Cabinet Member - Environmental on 14 February 2007 and Cabinet Member-Leisure and Tourism on 28 February 2007) referred to an appeal, by United Utilities. This related to notices served by the Environment Agency to improve several combined sewer overflows (CSOs) in the Preston area (which the Environment Agency considered contributed to poorer quality shellfish and bathing waters, including the bathing water at Southport).
17. Sefton Council made a written representation to the Appeal Enquiry (incorporated into the Environment Agency submission). The Appeal Public Enquiry took place in Southport in December 2007. The decision by the Planning Inspector on behalf of the Secretary of State was released in February 2008.
18. United Utilities had originally submitted that all the bathing waters affected were now achieving mandatory standard on a reliable basis. However they requested the Water Research Centre to carry out further investigation and modelling as part of evidence to the Public Enquiry. The WRC study showed that, although both St Anne's Pier and Southport complied with the mandatory standard in the Directive in every year between 2002-2006, there were sufficient exceedence samples collected to indicate a significant risk of non-compliance.
19. The modelling showed that the discharges from the Preston CSOs were not, in themselves, sufficient to cause failures at any bathing water. This emphasises the complicated nature of the Ribble estuary where many cumulative inputs result in the effective water quality at the local bathing beaches.
20. The decision of the Inspector was that "...the appeal is unsuccessful in terms of its aim, but is allowed because of the need to change details of the consent. ..." In other words, the requirement from the Environment Agency that United Utilities improve the discharges is upheld, but the terms of the discharge consents have been modified by the Inspector to ones he considers acceptable.

21. The consequence is that United Utilities recently announced that work on the improvement scheme for the Preston CSOs will commence in April 2009. The main feature of the scheme is for 2.8 mile (4.5km) of tunnel and 3.2 miles (5.1km) of pipework between Preston town centre and the Preston Waste water Treatment Works at Clifton Marsh. This will dramatically reduce the number of incidences of storm overflows, treat the contaminated water, and effectively screen the discharges. The scheme will cost £95 million and should be completed by May 2011.

## **WATER FRAMEWORK DIRECTIVE**

22. The Water Framework Directive (2000/60/EEC) (WFD) was adopted in 2000, and was transposed into UK law in 2003. The Directive requires that all inland and coastal water bodies achieve a 'Good' ecological and chemical status by 2015. It also aims for sustainable use of water, from source to sea, and to control pollution of the most significant 'priority' substances. The timetable can be extended if costs or difficulties prove prohibitive, with reviews at six yearly intervals thereafter.
23. Both the revised Bathing Water Directive and the WFD now have co-incident target dates of 2015, The European Commission has suggested that the Bathing Water Directive will become a 'daughter' Directive of the WFD once the current regulatory cycles have run their course.
24. The WFD's objective is to achieve improvements based on catchment areas, using strategies called 'River Basin Management Plans'. The improvements in each catchment area are to be achieved through 'Programmes of Measures' (POMs). One requirement for POMs is to prevent deterioration of bathing waters, because bathing waters are 'protected areas' under the WFD, in a similar way to Special Areas of Conservation (SACs)
25. Sefton falls into the 'North West River Basin District', which is essentially the same area covered by the North West region of the Environment Agency. The Catchment Management Plan and associated Programme of Measures are now available in draft form from the Environment Agency.  
<http://wfdconsultation.environment-agency.gov.uk/wfdcms/en/northwest/Intro.aspx>
26. The draft river basin management plans are part of a consultation by the Environment Agency on implementing the Water Framework Directive. The above weblink leads into a series of documents covering the full scope of the consultation. They are keen to receive local input and have stated that they would appreciate suggestions in developing the plan such as:-
  - *Bring local knowledge to bear to identify particular target areas for priority or concerted action;*
  - *Deliver more improvements as co-deliverers of the plans;*
  - *Help identify alternative measures where addressing a particular issue appears to be disproportionately costly;*

- *Help design pilot projects to improve our knowledge on the effectiveness of measures such as removing physical barriers.*

The final version of the River Basin Management plan will be published in December 2009 and the Programme of measures to action the plan will take place over 2009-2015, with some items to be achieved in the periods after 2015.

27. The draft Programme of Measures for the North West includes several actions designed to improve our local bathing waters and shellfish waters to be carried out by United Utilities:-
  - Upgrade Croston Waste water Treatment Works (WwTW), including Ultra-violet disinfection
  - Upgrade Blackburn WwTW, including ultra-violet disinfection
  - Upgrade Walton-le-Dale WwTW, including ultra-violet disinfection
  - Upgrade pumping stations and Combined Sewer Overflows (CSOs) in the Blackpool area
  - Improve 9 CSOs in the Preston and Fylde areas
  - Investigate intermittent discharges on the River Calder
28. There are other proposals in the POM relevant to bathing waters, which will be achieved by United Utilities in partnership with other organisations. These include tackling contaminated surface water outfalls in many catchments including the Alt and Mersey.
29. There are also proposals in the POM to carry out aquatic litter projects to reduce the impact of litter on local rivers, lakes and beaches. The Mersey Basin campaign or the Environment Agency are indicated as lead organisations on these projects.
30. There are other projects that are already approved, or in progress, to improve local bathing waters, most notably the Preston CSO scheme referred to in paragraph 21, and work to improve discharges from Southport WwTW was recently completed.
31. One of the concerns for many bathing waters, and a factor affecting almost all waterbodies covered by the WFD, is that of diffuse pollution from agriculture. DEFRA has decided that there will be a three part approach to tackling diffuse agricultural pollution:
  - Extending the England Catchment Sensitive Farming Delivery initiative: this now extends to 50 catchments (including the Ribble). Advice on fertiliser and manure storage and application, as well as animal stocking concentrations and water management are covered.
  - Agri-environment schemes, such as Environmental Stewardship, which makes farmers eligible for payments from the Common Agricultural Policy if they manage their farm in an environmentally sensitive way.
  - Extension of Water Protection Zones to include sensitive habitats and bathing waters. Water Protection Zones currently are designed to protect

drinking water sources from site-specific pollution. There is only one Water Protection Zone in force at the moment, which covers the River Dee (which provides the majority of Sefton's drinking water). The government intends to extend powers to cover in total:-

- Drinking water protected areas
- Recreational waters, including Bathing Waters
- Shellfish Waters and Freshwater Fish Waters
- Natura 2000 protected areas

DEFRA have recently consulted on Water Protection Zones, and their modification.

### **Price Review 09 / Asset Management Plan 5**

32. The continuous upgrading of infrastructure by United Utilities to improve both drinking water and the disposal of wastewater inevitably leads to higher water rates.
33. Water company pricing is governed by the regulator OFWAT, following direction from Ministers. This is achieved through 5-year plans, known as Asset Management Plans (AMPs). The current plan (AMP4) ends in 2010, and therefore a review of the plan for the next 5 years is taking place between the water companies and OFWAT. This review is called the Periodic Review 2009 (PR09) and is getting close to finalisation. The current draft suggests that, over the 5 years between 2010-2015 water bills will rise, on average, 2-3% per year above inflation. *United Utilities water bills for the coming year 2009-2010 are, on average, increased by 5.3% over the previous year (made up of a 2.3% rise + 3% for inflation).*
34. The main drivers of the fields covered by PR09 include the requirements to supply clean safe drinking water reliably, as well as to treat the wastewater to an adequate standard to prevent contamination of the environment. The need to meet the WFD is now the main environmental driver.

### **Award Schemes**

35. Members will be aware that Sefton entered Ainsdale and Southport for the new ENCAMS Quality Coast Award (QCA) in 2008. Sefton did not enter for this award in its inaugural year (2007) as there were concerns about its suitability.
36. It is worth noting that the QCA scheme did not have a good take-up in 2007, justifying Sefton's approach. However, the Head of Coast and Countryside, acting on behalf of Sefton Council and as Chair of the UK Beach Managers Forum, continued to work with ENCAMS to ensure that an award scheme could be delivered as an alternative to Blue Flag, and with the scope to enter QCA when a beach achieves either the Good or Excellent bathing water quality standard.

37. To their credit ENCAMS recognised the need to review QCA, and a major overhaul of the programme did take place. The award is now attracting a higher level of entries across England.
38. There is also a new award that can be applied to non-bathing beaches like Crosby, and it is anticipated that Sefton's entry for this year will be successful, with the three beaches at Southport, Ainsdale and Crosby flying QCA flags in summer 2009.
39. Ainsdale remains the only beach to achieve Blue Flag in the North West (2004 & 2006). There may still be opportunities to enter for this award between now and 2015, subject to bathing water quality, but this is likely to be inconsistent and counter productive in terms of tourism and marketing the coast. Based on current predictions, it is unlikely that Sefton beaches will achieve Excellent bathing water quality after 2015 - certainly in the short-term and many other beaches around the country will be in a similar position. This emphasises the need to work with ENCAMS to develop the Quality Coast Award, an award whose criteria concentrates on good management and provision of information with the ability to apply for the award as long as the bathing beach does not have poor (failed) bathing water.

## **Conclusions**

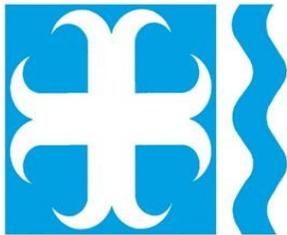
40. Poorer weather over the last two bathing seasons has caused a deterioration in bathing water quality locally and nationally. This has raised concerns about the difficulty that many bathing waters are likely to have in meeting even the minimum standards of the revised Bathing Water Directive.
41. The new Water Framework Directive will cover not just direct sources of pollution to bathing waters, but also many indirect and diffuse sources. It remains to be seen how much this wide-ranging Directive will improve our bathing waters. The costs of implementing this Directive, and also those relating to drinking water quality, mean that water rates will continue to increase at a rate above inflation.
42. Much of the work to improve bathing waters is outside the control of the local authority, however the existence of faecal bacteria from canine sources in the poor sample at Ainsdale is likely to be due to local contamination. Therefore strict enforcement of existing dog-free zones and dog-fouling bye-laws, and the possibility of enlarging dog-free zones may assist in improving local bathing water quality.

## **Recommendations**

The Cabinet Member- Environmental and Cabinet Member- Leisure and Tourism note the contents of this report.

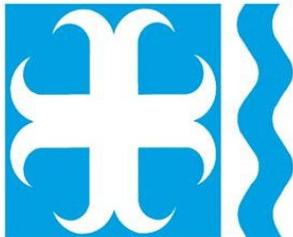
That Sefton Council continue to work with ENCAMS to develop the Quality Coast Award





**SEFTON COUNCIL**  
**ENVIRONMENTAL PROTECTION DEPARTMENT**  
**BATHING WATER QUALITY**

The beaches below are checked regularly by the Environment Agency,  
 according to standards laid down in the European Bathing Water Directive



**2008 Sampling Results**

**MOST**

BEACHES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<b>SOUTHPORT</b>	7	20	2	5	10	17	24	2	8	16	23	1	6	15	21	29	2	12	16	19
<b>AINSDALE</b>	5	5	6	6	6	6	6	7	7	7	7	8	8	8	8	8	8	9	9	9
<b>FORMBY</b>	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E

Overall Water Quality  
 in previous years

2003	2004	2005	2006	2007
G	G	G	G	G
E	G	E	G	G
E	E	E	G	G

**E** = EXCELLENT WATER QUALITY means the sample met the EC Directive's most stringent Guideline Standards  
 No more than 500 Total Coliforms per 100 ml of water  
 No more than 100 Faecal Coliforms per 100 ml of water  
 No more than 100 Faecal Streptococci per 100 ml of water

**G** = GOOD WATER QUALITY means the sample met the EC Directive's main Mandatory Standards  
 No more than 10,000 Total Coliforms per 100 ml of water  
 No more than 2,000 Faecal Coliforms per 100 ml of water

**P** = POOR WATER QUALITY means the sample failed to meet the main Mandatory Standards of the EC Bathing Water Directive

Further details may be obtained from the local authority at:-  
 Sefton Council, Environmental Protection Department,  
 Magdalen House, 30 Trinity Road, Bootle L20 3NJ  
 Tel No:- 0845 140 0845  
[www.sefton.gov.uk/bathingwater](http://www.sefton.gov.uk/bathingwater)

or  
 The Environment Agency, PO Box 12,  
 Richard Fairclough House, Knutsford Road,  
 Warrington WA4 1HG  
 Tel No: 08708 506506  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

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