



# Department for Environment Food & Rural Affairs

Rebecca Pow MP  
Minister for Environmental Quality and Resilience

2 Marsham Street  
London  
SW1P 4DF

T: +44 (0) 3459 335577  
E: [correspondence.section@defra.gov.uk](mailto:correspondence.section@defra.gov.uk)  
W: [gov.uk/defra](http://gov.uk/defra)

Selaine Saxby MP  
House of Commons  
London  
SW1A 0AA  
[selaine.saxby.mp@parliament.uk](mailto:selaine.saxby.mp@parliament.uk)

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Dear Selaine,

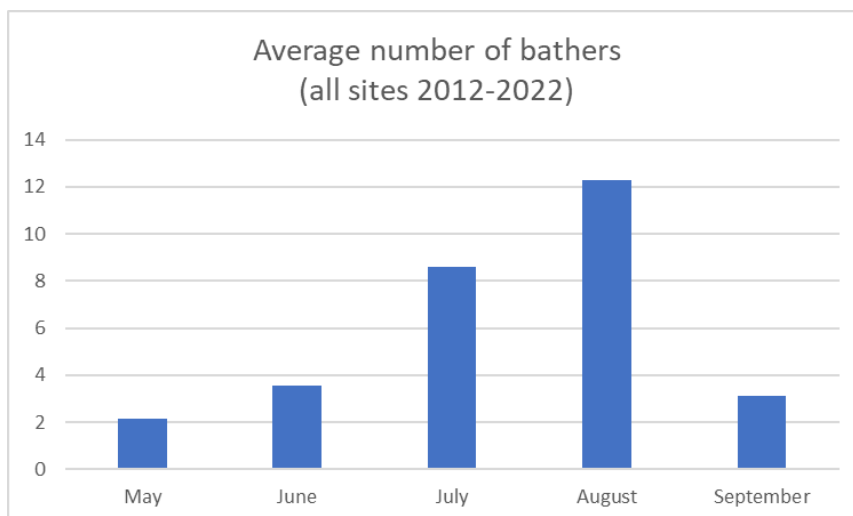
Thank you for your letter of 7 March to the Secretary of State about improving our bathing waters. I am replying as the Minister responsible for this policy area and I apologise for the delay in doing so.

As you know, this Government is absolutely committed to protecting and enhancing water quality, including in our bathing waters, and I am grateful to you for taking the time to write to me with your reflections. In many places bathing waters in England are in their best state ever – 93% of bathing waters met the highest standards of ‘good’ or ‘excellent’ last year, up from just 76% in 2010. Indeed, in 2022 there were 121 bathing waters classified as ‘excellent’ in the South West Water region, which I know includes your constituency, and 27 bathing waters classified as ‘good’ in this region.

However, there is always more we can do, and your letter raises a number of important points, which I have responded to in turn.

## Length of the bathing season

The bathing water season is set by the Bathing Water Regulations 2013, and as you will know runs from 15 May to 30 September. This is therefore what the Environment Agency (EA) is required and funded to sample and assess. The justification behind this approach is demonstrated by the data, as bathers are counted by the EA on each sampling occasion. This data shows that most bathing occurs in August, with significantly decreased numbers towards the start and end of the season; Croyde also follows this trend.



Source: EA data.

## **Bathing water monitoring data**

You mention the need for a standardisation of monitoring data. EA officials have confirmed that the time the sea takes to self-clean is highly site-specific and dependent on multiple factors including turbidity (the measure of the cloudiness or haziness of water), season, temperature, wind, sunlight, and tide. Coastal models used for bathing water purposes suggest a wide variety of times for the decay and dispersion of storm overflows under different conditions, or locations. For example, an overflow in calm conditions at night or turbid water will impact for longer than a spill during high winds, or bright sunlight and clear water. Permit conditions are set for storm overflow discharges that have the potential to affect a bathing water that only allow very occasional discharges, typically only two or three occasions in a season on average. This means that most bathers are very unlikely to come into contact with a discharge from a storm overflow.

Both Surfers against Sewage and South West Water determine when to lift warnings in their systems using a rule of thumb based on tidal cycles. This is a sensible approach, but the variance between the figures of one or two tidal cycles represents the uncertainty of this calculation and other values could equally be used. It may be that it is not appropriate to use one standard figure unless this is highly conservative and therefore over-precautionary, meaning it would limit access on days with little risk.

To give bathers timely information to make decisions whether to bathe, Pollution Risk Forecasts are made available via the EA's Swimfo website as well as via warning signs at bathing waters displayed by local authorities when appropriate. Pollution Risk Forecasting uses an analysis of sample results to assess when bathing water risk is increased compared to background conditions at suitable sites as well as information on pollution incidents wherever these occur. Pollution Risk Forecasting uses multiple factors to assess risk, including rainfall, wind, tide, and sunlight. Each day of the bathing season the conditions known to affect bathing water quality are assessed and a forecast of quality resultant from these is made. This forecast goes some way to address when high risk conditions after rain or a storm are likely to have reduced water quality and to provide this information to bathers without extra testing or the delay of waiting for results to become available.

## **Testing**

Having reviewed available technologies the EA does not believe there are tests available that can adequately determine real-time microbiological quality to the standards required for bathing water analysis by the Regulations. Because the microbiological quality of bathing waters has been shown to vary significantly over any given day, the EA believes a single test is not an appropriate means to determine bathing water quality. This is because water quality can vary significantly over a short space of time. Further microbiological tests take hours or days to analyse, meaning the results are out of date by the time they are available. This is the reason that, where available, a daily Pollution Risk forecast gives a better daily risk assessment than sampling.

The 25-year Environment Plan includes the commitment to make sure that potential bathers are warned of any short-term pollution risks. Event Duration Monitors measure when and for how long a discharge occurs and provide information to inform and warn about whether bathing waters may be at risk. We are requiring water companies, through the 2021 Environment Act, to make the impacts of storm overflow discharges available in near real time to the public by 2025. Taking regular samples and assessing these in an annual classification in the way prescribed in the Bathing Water Regulations is not designed to assess instantaneous water quality, but instead to assess long term quality trends at a bathing water. This, along with the bathing water profile on Swimfo, allows bathers to compare sites and make their own decisions on which sites to visit.

Long term sampling also allows the EA to assess if pollution prevention measures are required to protect water quality. At Croyde, work carried out to address bathing water issues includes catchment walkovers, measures to stop livestock defecating directly into streams, advice to septic tank owners, misconnection reductions and proposed investment in the sewerage infrastructure.

With regards to beach closures, under the Bathing Water Regulations 2013, local authorities can take management measures as it considers appropriate, to prevent exposing bathers to identified or presumed health risks.

## **Farming and slurry regulations**

Although local data is not readily available, nationally 40% of water bodies are affected by rural pollution (of which the majority is agriculture), compared with 36% which are affected by wastewater. These data are clearly set out in the Environmental Improvement Plan published in January this year.

You raised how Defra and the EA are helping livestock farmers in Devon to reduce water pollution from slurries and organic manures. Tackling pollution from slurry is a priority area for Defra, and you are right that we can only do this by working with farmers and considering local circumstances. Last year we set out our vision for how we to help farmers make the best use of their slurry by offering the right mix of financial support, advice, and regulation.

You questioned how Slurry Infrastructure grants are prioritised as part of this work. As highlighted in the [Dame Glenys Stacey Review](#), around 50% of slurry storage arrangements are thought to be inadequate. With potentially thousands of holdings across England looking to upgrade their storage at once, we needed to limit how many projects we invite to submit a full application in any one round. Otherwise, we risk swamping the small slurry store manufacturer, supply, and installation market with excess demand. This would only cause unwelcome delays for farmers and/or push up prices.

During our co-design process with farmers and industry experts, we considered different options for managing uncertain levels of demand during a first round. We wanted an approach that was flexible, transparent, efficient for the Rural Payments Agency (RPA) to administer and that did not require farmers to incur additional costs. As a taxpayer funded scheme, we also wanted to maximise public benefits by securing environmental outcomes.

We decided the best way to meet these objectives was to make the grant available nationally, but where necessary prioritise applications in areas that need urgent action to reduce pollution from farming. We sought to be as upfront as possible with farmers about how we would do this, explaining where we would prioritise projects, how the areas were chosen and how the shortlisting will work.

Having now completed that exercise for round one of the Slurry Infrastructure Grant, I can confirm all farms that applied inside the published locations for water and air quality action have been invited to submit a full application. We have also been able to invite forward an additional group of projects that are outside our published area but are within high scoring locations for water and air quality. This includes projects in Devon. Prioritising these farms helps us ensure funds go first to areas that will make the biggest difference to meeting biodiversity outcomes.

I appreciate some farmers in your constituency will be disappointed with this outcome. There will be further opportunities to apply, with rounds in autumn 2023 and 2024.

The EA are working closely with Defra and the RPA to ensure regulations work with financial incentives to achieve the outcomes we all want to see.

The EA uses an advice-led regulatory approach to help farmers comply with regulations relating to slurry storage. Officers will be made aware of which farms have been invited to make full applications under the Slurry Infrastructure Grant, so that they are able to take this into account if they are already working with the farmer or they undertake an inspection during this period. Whether it is appropriate for a farmer who is unsuccessful in the first round to wait for future rounds will be situation specific. We would encourage any farmer in this situation to contact the EA in order to discuss and agree plans for achieving compliance with an EA officer.

I fully agree that the carrot of Government investment needs the stick of EA enforcement. This Government has increased the EA's overall grant in aid funding by over 40%, and capital funding by 80%, since 2010. This includes both funding for flood risk management and environmental protection. We have recently confirmed an extra £2.2 million per year in funding to the EA for water company enforcement activity.

### **Water company dividends**

Finally, you asked about water company dividends and bonuses.

On Monday 20 March 2023, Ofwat announced a new measure that will enable it to take enforcement action against water companies that do not link dividend payments to performance for both customers and the environment.

This measure was announced alongside other changes to company licences. Together these changes will improve the performance and financial health of water companies, as well as providing greater transparency for customers and stakeholders.

We support Ofwat's new measures, which were made possible by new licence modification powers that the Government gave to Ofwat via the Environment Act 2021.

Thank you once again for taking the time to contact us about this important issue.



**REBECCA POW MP**