

Cllr Cadogan Enright

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Date 20 November 2013

Dear Cllr Enright

Environmental Information Regulations 2004

I am writing to confirm that the Department has now completed its search for details about Ballyhornan and Minerstown Beaches including regulation of sewage discharge in Ballyhornan, which you requested in your two separate emails of 05 November 2013, one sent to Department's Marine Division and the other to the Department's Northern Ireland Environment Agency - Water Management Unit.

I am responding following as closely to your notation as possible.

1. You refer to Ballyhornan and Minerstown Beaches and wish to know why they are no longer bathing beaches and if they were identified as such under the EU, can it be confirmed that NI Water would be unlikely to have low standards of treatment in Ballyhornan and elsewhere. I can confirm that Ballyhornan and Minerstown were considered as candidate bathing waters for the 2011 Review of Identified Bathing Waters. Usage surveys carried out in the 2009 and 2010 bathing water seasons to inform the 2011 Review revealed that neither bathing water achieved the required usage targets. As such, neither of these candidate bathing waters were formally identified as bathing waters in the 2011 Review. The sewage treatment standards for Waste Water Treatment Works (WWTW) are set against a complex mix of legal requirements involving several EU Directives, including the Urban Waste Water Treatment, the Water Framework, Bathing Water and the Shellfish Water Directives. If bathing waters were designated then the WWTW would need to be modelled to show compliance with the bathing water standards as set out in the revised Bathing Water Directive. Depending on the outcome of the modelling additional treatment may be required.
2. The reason why well known and much used beaches are not included is because the Department wrote to local councils and environmental stakeholder groups in 2009 to advise them of the forthcoming 2011 Review and to seek nominations for candidate bathing waters. The sites mentioned in your email, Kilclief, Killard and Killough were not nominated for consideration in the 2011 Review.



3. I can confirm that Tyrella and Murlogh Bay are Identified Bathing Waters on the Lecale Coast.
4. The Department will give consideration to all site nominations for formal identification as a bathing water in the next review which is due in 2017 provided the required supporting criteria listed below is submitted:
 - (a) Evidence of usage – including photographic evidence to demonstrate 45 bathers on 1 occasion or 100 beach users on 2 occasions;
 - (b) Confirmation that bathing is not prohibited or inadvisable for reasons of safety;
 - (c) Details of facilities at the site, i.e., site access, toilet facilities, car parks, , specification of proposed signage and information provisions;
 - (d) Details of public/customer expectations of level of facilities at candidate site and plans to meet those requirements;
 - (e) Confirmation of bathing water operator support.
5. You have asked for confirmation that the low standard of treatment in your area would not create a blockage to being bathing waters as NI Water would have to improve its treatment if the 2 year investigation showed that water pollution was a problem. I can confirm that the Department will give consideration to all site nominations for formal identification as a bathing water provided the required supporting criteria is submitted.

You have also commented that given that your Council's population is similar to that of Ards and North Down, and that you have a huge influx of summer visitors there are no arguments that your population is less than those 2 other councils that could be stood up. I would refer you to our previous answers with regards to the process of bathing water designation in order to set the context. Whilst population numbers are important in setting the treatment levels for WWTW, the standards are set against a complex mix of legal requirements involving several EU Directives, as previously listed at 1 above. The process is designed to provide effective protection of our rivers and coastal waters.

To simplify, the differences in treatment requirements for an individual WWTW are based on the number of people served by works, not the number of people who live in an area and, the quality standards required for the receiving river or coastal water as set by the legal requirements. As an example, if a coastal water is designated as bathing water then more stringent treatment standards may be set on the WWTW which discharges in its vicinity depending on the results of modelling.

The Department is unaware of any court cases against NI Water regarding treatment levels at Newcastle WWTW. Newcastle beach failed to meet the requirements of the EC Bathing Water Directive in 2001, 2005, 2007 and 2010. As a result of the non compliance with the Bathing Water Directive, the bathing water was designated as sensitive under Annex II Ac of the Urban Waste Water

Treatment Directive. This designation requires that further treatment, in the form of bacterial reduction, be provided.

Under the terms of this legislation you have the right to seek a review by the Department in the first instance, within two calendar months of the date of this letter. If you wish to do so, please e-mail us at foi@doeni.gov.uk or write to

Departmental Information Manager
Room 6.20
Department of the Environment
Clarence Court
10 -18 Adelaide Street
Town Parks
Belfast BT2 8GB

who will arrange for an internal review of your case.

If you are still unhappy with the response, you have the right to appeal to the Information Commissioner who will undertake an independent review.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications about this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Livingstone', with a horizontal line extending from the end of the signature.

MARK LIVINGSTONE
Water Management Unit