

# Transport and Environment Committee

10.00am, Thursday, 22 April 2021

## Wardie Bay and Beach – Response to Motion

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### 1. Recommendations

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- 1.1 It is recommended that the Transport and Environment Committee:
  - 1.1.1 Notes the contents of the report;
  - 1.1.2 Agrees that officers should engage with the community, local ward Councillors, and landowners to set up a management agreement, lease, or similar agreement enabling the Council to take on responsibility for the management and development required to support the bathing designation of Wardie Bay. The outcome of these discussions should be reported back to Committee; and
  - 1.1.3 Discharges the approved motion by Councillor Bird to the Council on 10 December 2020.

#### **Paul Lawrence**

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## Wardie Bay and Beach – Response to Motion

### 2. Executive Summary

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- 2.1 This report responds to a motion by Councillor Bird, approved by the Council on [10 December 2020](#), which requested a report outlining specific measures that the Council could consider to match the investment of the local community and support their calls for a cleaner, safer beach for the people and wildlife that benefit from it.

### 3. Background

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- 3.1 Wardie Bay is a small beach area that lies to the north of Lower Granton Road and is situated between Granton and Newhaven harbours, adjacently east of Granton Harbour, in Forth ward in North Edinburgh.
- 3.2 Wardie Bay is popular among the local community and for many years they have regarded the beach as a public and community asset. In recent times, it has become a popular spot for wild swimming with approximately 150 per day using the area during the bathing season.
- 3.3 Despite its modest size, Wardie Bay is privately owned by three landowners: Buccleuch Estates, Granton West Harbour Ltd., and Crown Estates. Each party will have their own views on the use and management of Wardie Bay, any subsequent designation of the beach and on its suitability for recreation, water sports, and swimming. Currently, the Council does not own any of the land and has no responsibility for the beach.
- 3.4 With growing community use and interest, the Wild Ones (wild swimmers) and Wardie Bay Beachwatch applied to the Scottish Environment Protection Agency (SEPA) in 2019, for consideration by the Bathing Water Review Panel, who advises the Scottish Government, for designated Bathing Water status. However, the panel were unable to agree on a recommendation to Scottish Ministers and Wardie Bay was not designated as a Bathing Water in 2020. The panel had mixed views about recommending designation of Wardie Bay, due to public safety issues and a lack of facilities in the vicinity of the beach. A second application was submitted for Wardie Bay in 2020 and a public petition has garnered support in excess of 1,400 people for the location to be designated.

- 3.5 The community are keen for the Council to take a more active role in the management and development of Wardie Bay. The Council does support the local community with clean-ups and disposing of collected items from volunteering efforts but does not currently have any legal duty towards cleaning, maintaining, or managing Wardie Bay.
- 3.6 Wardie Bay Beachwatch are actively working on improvements but are not able to take on management responsibilities. The group are considering becoming constituted, which would help with grants, funding applications, etc. They are also part of the Coastal Communities Network (CCN), a collaboration of locally focused community groups, guided by the belief that coastal communities are well placed to harness long-term solutions to ensure healthy, well-managed seas.
- 3.7 Wardie Bay forms part of important biodiversity protections under the Firth of Forth Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar international wetland status.

## 4. Main report

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- 4.1 There are several areas that would be necessary to address to meet the aspirations of the community and to support any future application for bathing water designation. These are explored further within the report, and include
  - 4.1.1 Understanding and formalising beach management roles and responsibilities;
  - 4.1.2 Improving beach safety, cleanliness, pollution control, waste removal, etc.;
  - 4.1.3 Dealing with conflicting land and water uses; and
  - 4.1.4 Dealing with incidents that require beach closure.

### **Understanding and formalising beach management roles and responsibilities**

- 4.2 It would simplify matters if there was only one party or management group overseeing the management and maintenance of Wardie Bay.
- 4.3 At present, the three existing landowners have duties to ensure the health and safety of the public using their land under occupier's liability, public liability, etc. Due to the beach being the responsibility of several owners, formalising an agreement that places additional burden upon any one party is unlikely to be successful.
- 4.4 The Council does not have any duty to undertake any beach or water management roles or responsibilities until such times as the area is designated (or where the land is already within its ownership). However, the designation is likely to be dependent on agreement on the extent to which the Council wishes to get involved in the management of Wardie Bay.
- 4.5 Any proposal to increase Council responsibilities on private land would require agreement of the landowners, working in partnership, subject to a management agreement, lease, or other agreement, and subject to approval of the Council to expend public monies on private property albeit in the public interest. The parties may not agree to this approach, and furthermore, the legal aspects of such an

agreement may take considerable time to negotiate and would most likely come at a cost to the Council. However, formulating such an agreement would help to clearly define roles and responsibilities and does not relinquish any benefits derived by the parties of having the current land ownership.

- 4.6 An alternative would be for the Council to consider leasing or purchasing parts of the beach from the parties. Bearing in mind this brings with it associated costs and long-term financial implications and liabilities to the Council, the terms of such an agreement would require legal involvement. However, in the current financial climate, land purchase may be an unrealistic expectation, but some other legal agreement, such as a lease, may make future land management decisions much easier to deal with, and terms could be negotiated for an agreed period.
- 4.7 The community may also wish to consider entering into a lease or other legal agreement with the landowners, but they may not wish to take on this responsibility.

### **Improving beach safety and cleanliness**

- 4.8 Understandably the desire to have Wardie Bay designated as a bathing water requires standards of cleanliness to be achieved and maintained, and measures put in place to do so, and to deal with incidents and occasions where such standards cannot be achieved or are affected by pollution, etc.
- 4.9 The community have regularly been involved in clean-ups supported by the Council over many years. However, this has been on an ad-hoc basis. This, in part, was due to the Council not owning the land but wanting to support and assist the community and landowners in keeping the beach area clean and safe.
- 4.10 In supporting the designation of Wardie Bay, there would have to be a dedicated cleaning and monitoring regime in place to cover cleaning litter and debris, removing human-derived marine debris, plastics, sanitary products, syringes, needles, and other waste washed ashore, fly-tipping and dumping removal, and tyres, etc. To support the area's biodiversity, seaweed, driftwood, and natural items would not be removed (except for dead animal carcasses that would be removed).
- 4.11 Litter and debris left behind by visitors would also increase with use and create additional hazards to beach users. Due to the size of the beach it is unlikely that the sand can be mechanically cleaned, which should be discouraged as it could also potentially harm the biodiversity. Regular maintenance visits would be required and adjusted for seasonal peaks in use. Regular maintenance to the required standards would cost in the region of £10,400 per annum, based on beach cleaning by hand weekly, collecting waste, etc., and all associated disposal and landfill costs.
- 4.12 Additional costs in the region of £10,000 would be required to erect signage to display public safety messages connected with swimming, life-saving equipment, water quality checks, etc.
- 4.13 Regular monitoring visits will need to be undertaken to ensure that the beach and water area is safe for use. SEPA would carry out water quality tests of the

seawater. Past monitoring has suggested concerns over bacteria in the water, especially after heavy rainfall, which may impact on bathing quality.

- 4.14 A further consideration is the proximity of changing and toilet facilities. The lack of facilities may not affect the decision for designation of Wardie Bay for bathing; however, following designation there will be most likely be an expectation for facilities. There are no such facilities on or at the site. The nearest public toilets at Granton Square have been closed since 2015 with an expectation that they will be sold; therefore, there are no accessible facilities for the public.
- 4.15 While visitors to Wardie Bay should be encouraged to use public transport, there is no additional space available to accommodate any increase in parking or ability to obtain parking revenue that could be used to invest in improvements to the beach and surrounding area.
- 4.16 Some infrastructure also needs repaired/upgrading, for example, the access steps. Such work could be undertaken by volunteers, but this requires funding. Signs, bins, would also be added. There will also need to be agreement from the landowner(s).

#### **Dealing with conflicting land and water uses**

- 4.17 Part of the management of Wardie Bay needs to take cognisance of the surrounding area, especially the working harbours and the water transit to and from these areas and other parts of the Firth of Forth, which may conflict with the use of the area for wild swimming and other water sports, such as kayaking or water skiing.
- 4.18 The potential for conflict would need to be considered as part of the designation of Wardie Bay in liaison with the harbour operators and Forth Ports plc.
- 4.19 The ecology and biodiversity of Wardie Bay are equally important, and that a careful balance is required in managing recreational use and maintaining the area's important wildlife, for example, harbour (or common) seals using the pontoons at Granton Harbour are regularly being disturbed by human interactions. While not intending to cause harm, people are unaware of the unintended consequences of making direct approaches and disrupting these marine mammals and other wildlife. It is therefore necessary to consider protecting and enhancing the ecology and biodiversity of the area.
- 4.20 There would also have to be discussions with the Maritime and Coastguard Agency on developing plans for managing conflict and preventing loss of life.
- 4.21 Some residents are concerned about the increased popularity of Wardie Bay and the impact more visitors will have on parking, traffic speeds, inconsiderate parking, etc.
- 4.22 Regular angling takes place along the harbour and beach areas. Fishing line, hooks, etc, are often washed up on the beach. Concerns have been raised along other parts of the coastline over the harvesting of molluscs and shellfish. There is uncertainty whether it is safe to eat fish and other items caught off the shore. Any

restrictions from a public health perspective would also need to be monitored and awareness raised.

### **Dealing with incidents that require beach closure**

- 4.23 Whatever mechanism that is developed to manage and maintain Wardie Beach for the future also must consider how to deal with any incidents that require beach closure. This should be developed whether the beach and water are designated or not to ensure public safety following a pollution incident or other risk to beach goers and swimmers.
- 4.24 At present there are no signs or mechanisms to warn of the dangers, to prevent using the beach, or ban swimming should there be a pollution or other public safety incident.
- 4.25 Regular monitoring of the seawater quality would need to be undertaken, especially connected with the sewage pipe exposures in the vicinity. This would be undertaken by SEPA and would be responsible for ensuring the standards are improved where they find any issues.
- 4.26 The Council currently has no mandate to deliver the aspirations of designation of Wardie Bay.
- 4.27 There are three options for the extent to which the Council could become involved in the management of Wardie Bay that have been considered:
- 4.27.1 Not supporting the designation of Wardie Bay as a bathing water area but continuing to support community clean-ups, etc., (the status quo - resulting in no additional cost to the Council); or
- 4.27.2 Supporting the setting up of a management agreement, lease, or similar agreement with the landowners, with the Council taking on responsibility for the management and development required to support the bathing designation of Wardie Bay (resulting in costs as outlined in the report); or
- 4.27.3 Entering negotiations with the landowners towards owning the beach as a public asset (resulting in substantial costs and long-term liability to the Council).
- 4.28 Of the three options considered, it is officers view that the option outlined in paragraph 4.27.2 should be progressed.

## **5 Next Steps**

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- 5.1 If Committee approve the recommendations, officers will engage with the community, local ward Councillors and the landowners on the development of an agreed management approach for Wardie Bay beach.

The outcome of the engagement and agreed management approach will be reported back to Committee.

## **6 Financial impact**

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- 6.1 There are no financial impacts directly arising from the recommendations of this report.
- 6.2 However, the increased popularity of Wardie Bay and the ongoing development of the city's waterfront is likely to increase demand for other facilities such as public toilets, pay and display parking, etc. at this location. This would require additional investment and ongoing revenue expenditure, which has not been quantified.
- 6.3 Entering into any lease or similar legal agreement with the landowners would incur legal costs and require involvement of the Council's Legal Services.
- 6.4 Any financial impacts associated with the implementation of an agreed management approach will be reported to Committee.

## **7 Stakeholder/Community Impact**

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- 7.1 The development of Granton waterfront is likely to place additional demand on quality green and blue spaces along North Edinburgh's coastline, including Wardie Bay at its eastern edge.
- 7.2 There is burgeoning support from the community, residents, and Wardie Bay Beachwatch to have Wardie Bay designated as a bathing water, but at some cost to the Council in doing so. This demand for designation and increased pressure on the Council to support the community effort has existed for some time and is unlikely to wane.
- 7.3 The Council recognises its opportunity to show leadership in this much loved urban blue space and ability to provide a space for enjoyment of this and future generations.

## **8 Background reading/external references**

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- 8.1 Public petition [online](#) to designate Wardie Bay.
- 8.2 Edinburgh's Coastline - update [report](#) to Transport and Environment Committee.
- 8.3 Granton Waterfront delivery strategy - [report](#).

## **9 Appendices**

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- 9.1 None.