

The Bathing Waters Reform Consultation

To what extent do you agree or disagree with the proposed removal of automatic de-designation from the Bathing Water Regulations 2013 for England and Wales?

- **Strongly agree**
- **Agree**
- **Neither agree nor disagree**
- **Disagree**
- **Strongly disagree**
- **Don't know**

Agree.

Please give reasons for your answer.

Inland bathing water sites are put forward for a variety of reasons, firstly to recognise the importance of existing inland bathing sites, secondly, to allow users to make an informed decision about whether to use the water and finally, as a mechanism to improve the quality at these sites. If designation is going to have an effect on the water quality, then the length of the designation needs to correlate with the investment cycles of the water companies. The proposed removal of de-designation after five years is an important part of the changes needed to bring the regulations in line with the investment cycles of the water companies and would allow for bathing water sites to have the time to create the improvements to water quality that the status is in part designated for.

There is however a concern that removing the 5-year time limit could disincentivise investment, as there will be no time imperative for investing in improvements. The removal of automatic de-designation would need to come with assurances that much needed investment by agencies would not cease or stall if there are no timescales placed on designation of a site.

We recommend that an alternative approach should be considered in situations where site has returned "poor" tests for five consecutive years, which includes:

- i. After 5 years a review is conducted to determine why, and what improvements/investment are required to achieve "sufficient" standard.
- ii. The review sets a new legally mandated timescale for the implementation of improvements.

To what extent do you agree or disagree that water quality, the feasibility to improve water quality to 'sufficient' standard, physical safety and environmental protections be considered before deciding whether to designate a site as a bathing water under the Bathing Water Regulations 2013 for England and Wales?

- **Strongly agree**
- **Agree**
- **Neither agree nor disagree**

- Disagree
- Strongly disagree
- Don't know

Strongly Disagree.

Please give reasons for your answer.

Bathing Water status should act as a driver for the delivering improvements to water quality. It should be applied equally to all stretches of river that are or could become bathing water sites. If this feasibility test were applied, then it has the potential to exclude those sites which are most heavily polluted and result in a lack of much needed investment in cleaning up rivers and other waterbodies.

It is also important for river users to be informed of the water quality – even if this is poor, so that they can make informed decisions about using the river. There should be a presumption in favour of permanent designation with the aim of increasing the number of bathing sites nationally.

How should the public be notified that a site has been considered as a bathing water but not designated on the grounds that it is not feasible to improve water quality to a 'sufficient' standard?

Please check all that apply:

- ☒ On site signage
- ☒ Notification on the Swimfo website in England or Bathing Waters Explorer Website in Wales.
- ☒ Notification on GOV.UK or GOV.WALES
- ☒ Notification on the EA or NRW bathing water website
- ☐ No additional notification
- ☒ Other (please specify)

If you clicked other, please specify below

Should this reform go ahead, any decision to de-designate should be widely consulted on and the definition of feasible and deliverable made clear.

To what extent do you agree or disagree with the proposed increase in flexibility of Bathing Season dates prescribed in the Bathing Water Regulations 2013 for England and Wales?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Agree.

Please give reasons for your answer.

Allowing flexibility on the timing of the bathing season on inland river sites should ensure that testing is conducted at times of peak demand and potentially allow for an extended season, where there is use by groups such as kayakers and paddleboarders outside of the current bathing water season. Season dates should reflect local conditions and patterns of use.

Are you content with the 9 proposed technical amendments listed above?

- Yes
- No
- Don't know

No.

If no to the previous question, which of the 9 proposed technical amendments do you feel raises concerns or may have negative impacts?

Please check all that apply:

- ☐ Have a defined area for each bathing water
- ☒ Remove the requirement to take a sample to end short-term pollution (STP) events
- ☐ Remove the 7-day time limit in which a replacement sample under STP has to be taken
- ☐ Remove the requirement to take a pre-season sample
- ☐ Specify 95th percentile z-value to three decimal places, rather than the current 2 places
- ☐ Remove requirement to identify and provide contact details of any person responsible for taking action over STP' in bathing water profile
- ☐ Remove specific requirement to identify sample and paperwork using indelible ink
- ☐ Removing the requirement to replace samples during Abnormal Situations
- ☐ Amend regulation 5(1)(a) to specify a new target date by which all bathing waters should be classified as at least 'sufficient'

If no to the question about contentment with the 9 proposed technical amendments, what negative impacts do you foresee as a result of the technical amendment(s)?

Please check all that apply below:

- ☐ The amendment(s) reduces overall statutory monitoring requirements.
- ☒ The amendment(s) may reduce the information available to the public about when it is safe for them to use a bathing water.
- ☐ The amendment(s) reduces overall accountability on the EA or NRW.
- ☐ The amendment(s) may reduce the rigorousness of the monitoring methods.
- ☐ Other (please specify)

If you clicked other, please specify.

N/A.

Do you consider it likely that any of the proposed reforms will have a negative or positive economic impact on your organisation?

Please check one below:

- ☐ Overall Positive (This could include but isn't limited to gain in profit/revenue or reduced expenditure)
- ☐ Overall Negative (This could include but isn't limited to loss in profit/revenue or increased expenditure)
- ☐ A mixture of positive and negative impacts
- ☒ No change
- ☐ Don't Know

If 'Negative' to previous question, at this time, which range best describes the estimated annual

negative impacts on your business or organisation should reforms be introduced? (not required)

Please check one below:

- ☐ **Less than £10,000/year**
- ☐ **£10,001 - £50,000/year**
- ☐ **£50,001-£100,000/year**
- ☐ **£100,001-£1,000,000/year**
- ☐ **More than £1,000,000/year**
- ☐ **Don't know**
- ☐ **Prefer not to say**

N/A.

If negative to the question about the economic impact on your organisation, how would you describe the extent of the expected impact on your business or organisation?

Please check one below:

- ☐ **Minor impact**
- ☐ **Significant impact**
- ☐ **Very significant impact**
- ☐ **Don't know**

N/A.

Why do you consider it likely that the proposed reforms will have an overall negative impact? Please add anything here that you want us to consider.

N/A.

If positive to the question about the economic impact on your organisation, at this time, which range best describes the estimated annual positive impacts on your business or organisation should reforms be introduced?

Please check one below:

- ☐ **Less than £10,000/year**
- ☐ **£10,001-£50,000/year**
- ☐ **£50,001-£100,000/year**
- ☐ **£100,001-£1,000,000/year**
- ☐ **More than £1,000,000/year**
- ☐ **Don't know**
- ☐ **Prefer not to say**

N/A.

If positive to the question about the economic impact on your organisation, how would you describe the extent of the expected impact on your business revenue?

Please check one below:

- ☐ **Minor impact**
- ☐ **Significant impact**
- ☐ **Very significant impact**
- ☐ **Don't know**

N/A.

If positive to the question about the economic impact on your organisation, why do you consider it likely that the proposed reforms will have a positive impact on your business or organisation? Please add anything here that you want us to consider.

N/A.

If 'A mixture of positive and negative impacts' to the question about the economic impact on your organisation, what are the main reasons for your answer? Please add anything here that you want us to consider.

N/A.

To what extent do you agree or disagree that government should pursue wider reform of the Bathing Water Regulations 2013 for England and Wales to include widening the definition of 'bathers'?

Please check one below:

- ☒ **Strongly agree**
- ☐ **Agree**
- ☐ **Neither agree nor disagree**
- ☐ **Disagree**
- ☐ **Strongly disagree**
- ☐ **Don't know**

Please indicate a reason for your answer.

It is important that the regulations protect the interests and health of all river users not just those which fit within the current definition.

Which water users should be included within the definition of 'bather'?

Please check below:

- ☒ **Anglers (fishing)**
- ☒ **Kayakers/Canoeists**
- ☒ **Paddle Boarders**
- ☒ **Paddlers (those in the water but not fully submerged)**
- ☒ **Rowers**
- ☒ **Small boat users**
- ☒ **Surfers**
- ☒ **Swimmers**
- ☒ **Wind Surfers**
- ☒ **Other (please specify)**

If you clicked other, please specify below

Any further reforms to the regulations should specifically allow the inclusion of organised swimming events and competitions in the definition of bathers. An alternative approach would be to widen the definition to 'all those who come into contact with the water'.

To what extent do you agree or disagree that the government should pursue wider reform of the Bathing Water Regulations 2013 for England and Wales to include the use of multiple monitoring points at bathing water sites?

Please check one below:

- ☒ **Strongly agree**

- ☐ **Agree**
- ☐ **Neither agree nor disagree**
- ☐ **Disagree**
- ☐ **Strongly disagree**
- ☐ **Don't know**

Please indicate a reason for your answer

If the use of multiple monitoring points improves the information available to river users, then we would strongly support this reform.

Please provide links to any relevant evidence that you have used to inform your views for this consultation. If there's anything else you'd like us to know or consider please add it here.

As indicated in a previous answer, it is important that any wider review of the regulations is designed to benefit all users of inland bathing water sites, including those attending organised events and races.

The wider review should also consider the resourcing needed to speed up the process of investigation of bathing sites that fail to meet minimum standards and if the statutory agencies need additional powers to tackle the sources of pollution.