

# GUIDANCE: CONSULTATION TO REFORM THE BATHING WATER REGULATIONS 2013

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December 2024

## INTRODUCTION

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### **What is the Consultation about?**

The Bathing Water Regulations are a key tool to protect water users and improve water quality for the good of people and the environment. Popular swim spots can be designated as a 'bathing water'. Once designated, the regulators monitor the water quality, and a legal duty is put on polluters to improve water quality.

Over the last 30 years, hundreds of coastal sites – including many of our favourite beaches – have been designated. This has led to huge improvements to the water quality in the places where we swim, surf and paddle. That's why [we support communities who want bathing water designation where they live, whether that's on the coast or inland, to protect their local spot](#). It's a vital mechanism that can drive real, lasting change by holding regulators and polluters to account to investigate and invest in ending pollution.

But the regulations are no longer fit for purpose.

### **Why does it matter?**

Over 30 years have passed since the legislation was originally introduced and the way we use our waterways recreationally has changed. It's time to radically update these regulations to make sure they protect all water users however and whenever they use the water.

Responding to this consultation is an opportunity to directly influence policy change to improve the health of our waterways.

### **Who can respond?**

Anyone can respond to this consultation no matter where you live. But the consultation is focussed on the regulations in England and Wales

Your response can be from you as an individual, but the governments have said they are super interested in responses from business, landowners, local authorities and clubs. So, if you represent any of these make that clear in your answers so you can show the positive impact these updated regulations can have for your organisation or business.

## How to respond?

To respond online to the consultation visit.

<https://consult.defra.gov.uk/water/bathing-water-reforms-consultation/>

The deadline to respond is **23 December 2024**.

Once you get through the admin questions about your name and address etc. The consultation follows a pattern of multiple-choice questions. And then a space to add detail to explain why you think this way.

You must answer all the multiple-choice questions, but you don't have to answer all the further information questions.

## How to use the guidance to respond?

This guidance breaks down the consultation question by question. We have provided a suggested answer to each multiple-choice question and a few bullet points setting out our reasoning behind those answers.

You can use this information to help start your response. We would also urge you to add more personal stories or local evidence you might have to your response to show the variety of reasons and local examples of why the regulations need to be amended. We have added some prompts about the kind of things you could add.

Questions 19 – 26 are aimed **at businesses, farmers, landowners, local authorities, and organisations. So, if this is you, please do answer these questions to show the positive economic updated the regulations could have for you. But if you are responding as a member of the public the online application will automatically skip these questions for you.**

Your response can be as long as short as you like. Don't worry about writing an essay and feel free to just bullet point your key messages.

## REFORM 1: REMOVING AUTOMATIC DE-DESIGNATION

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### Question 9

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?  
*(required)*

Agree

### Question 10

Please give reasons for your answer. *(not required)*

- Removing automatic de-designation is needed to ensure polluters and the regulators don't wash their hands of our well-used waterways if improvements to the water quality haven't been made in 5 years.
- When a site is de-designated no monitoring of the water quality takes place and the legal requirement on regulators and polluters to clean up pollution is removed. Thus, ruling out the potential for further improvements to water quality.
- Water users will still be using bathing waters once they have been de-designated as these are established and well-loved locations, but now they will have no monitoring of water quality and no legal mechanism to push for improvement.
- The threat of de-designation is a powerful tool in forcing polluters to take action to improve water quality. But, the 5-year automatic de-designation process does not reflect the amount of time that may be required for water quality to improve, especially in rivers.

#### **Concerns:**

- The regulators must not use the removal of automatic de-designation to kick the can down the road and delay action. 5 years is plenty of time to assess where pollution is coming from, create a plan of action and begin to deliver investments, it is just the outcome may take longer than 5 years to come to fruition.
- We do not agree that the regulators should decide on whether it is feasible to improve the site to a 'sufficient' classification before recommending that a site is de-designated. There is no detail about how this decision will be made and who will be consulted when making that decision. There is therefore a risk that regulators and the minister will deem these sites too polluted or too expensive to improve even if people continue to use the site in high numbers.

### What more could you add?

- Is your local bathing site at risk of de-designation?
- What would it mean to your community if your local bathing site is de-designated?
- Has your local bathing site got a plan for improvement? When do you expect to see the impact of your plan?

## REFORM 2: FEASIBILITY OF IMPROVING A SITE'S WATER QUALITY TO AT LEAST 'SUFFICIENT' WHEN DESIGNATING

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### Question 11

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? *(required)*

Strongly disagree

### Question 12

Please give reasons for your answer. *(not required)*

- Bathing designation should be based on where people use the water not based on an undefined feasibility study.
- The purpose of the bathing water regulations is to protect the health of water users and the decision to designate bathing waters should be motivated by where people swim, surf and paddle.
- If a bathing water site has the required number of recreational water users to be designated, it must be designated.
- Choosing not to designate would put the water users who will continue to use these sites at a health risk. This goes against the purpose of the bathing regulations in the first place.
- There is very little information about what 'feasible' means. This leaves open the opportunity for regulators to ignore a bathing site if they deem it too difficult to clean up.
- Many existing bathing waters may never have been designated if reform 2 was adopted. If adopted this reform could mean fewer sites could be designated in the future.

### What more could you add?

- Do you know what the water quality of your local waterway is currently like? Or are you reliant on the regulators to test in order to keep you informed
- Would your local spot be ranked as poor?
- Is there another way other than through bathing water status that you think water quality could be improved?

### Question 13

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? *(required)*

- 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

## REFORM 3 - REMOVE THE FIXED DATES OF THE MONITORED BATHING SEASON

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### Question 14

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? *(required)*

- Disagree

### Question 15

Please give reasons for your answer. *(not required)*

- We want the regulators to test water quality all year round.
- This proposal to remove fixed dates could lead to an extended testing season. However, it could also allow the regulators to cut costs and reduce the testing period to even fewer weeks in the year. Providing even less information. That's why we are disagreeing with this reform and calling for testing all year round.

- Currently Bathing waters in England and Wales are only tested for 20 weeks of the year (May –September) meaning for the other 32 weeks we have no idea about the quality of water.
- People are using the water all year round and deserve to be protected whether surfing in March or dipping on boxing day.
- Sewage discharges increase during the wetter winter months putting water users at higher risk of illness. But lack of monitoring means water users are left unaware.

**What more could you add?**

- When do you use the water?
- When do you see other people in the water?
- Do you know what the water quality is like outside the summer bathing months?
- Have you got sick when using the water outside of the summer months?

## QUESTIONS ABOUT THE TECHNICAL AMENDMENTS

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### Question 16

Are you content with the 9 proposed technical amendments listed above?  
*(required)*

No

### Question 17

[If 'No' to Q16] Which of the 9 proposed technical amendments do you feel raises concerns or may have negative impacts? *(required)*

- 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
- 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'

## Question 18

[If 'No' to Q16] What negative impacts do you foresee as a result of the technical amendment(s)? *(required)*

- 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.

## IMPACT ASSESSMENT QUESTIONS

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Questions 19 – 26 are aimed at businesses, farmers, landowners, local authorities, NGOs and water companies. You will only be shown this section if you have said you represent one of these groups.

The answers to these questions will be unique to your situation so we haven't provided suggested answers but below are some questions to think about when working out your answers.

### Prompts for Economic Impact:

- Do you rely on clean water for your business? Are you in a tourist location where people come to enjoy the water?
- Are you a club that relies on water users paying membership? How could these changes support you in getting more members?
- What could the long-term impact of improved water quality have on your business or organisation?
- Year-round testing will give a better indication of water quality and could reassure water users, could this mean people come to your business more often outside of summer? Would this help the sustainability of your business in the winter months?
- Ending automatic de-designation means that legal obligations to clean up water remain in place ensuring regulators continue to have to take action to improve water quality, will this mean greater use of your services if water quality is improved in the long term?
- Would not securing bathing status because the government deem improving water quality too difficult improve reduce the use of your services?
- Have you already seen an impact on your organisation because of pollution?

- Are you part of a wider network of similar organisations that might have similar views to you? Could you encourage them to respond too.

## WIDER REFORM 1: EXPANDING DEFINITION OF BATHERS

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### Question 27

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'? *(required)*

Strongly agree

### Question 28

Please give reasons for your answer. *(not required)*

- The Bathing Water Regulations should be immediately amended to include all recreational water users when designating a site.
- Currently when applying for bathing water status only bathers/ swimmers are considered as water users.
- But people are using the water in a huge variety of ways. In 2023 alone over 11 million people took part in outdoor water sports. 7 million of these people took part in activities like surfing, paddleboarding, sailing and kayaking.
- All water user's health is at risk of getting sick from poor water quality and therefore all water users should have equal rights to information that protects human health.
- There are many stretches rivers, lakes and beaches that are not applicable for bathing water status as the governments deem that they aren't used by enough bathers. Expanding the definition of 'bather' would result in those locations that are currently used by all water users to be applicable as a bathing water.

#### Concern:

- The consultation is only considering expanding the definition of 'bather' in the future. It puts no timescale on when they will make this change. We want to see other waters users including immediately.

#### What can you add?

- How do you use the water?
- Are you part of a canoeing, surfing, angling club that uses the water together?
- Have you got sick when using the water? What where you doing, paddleboarding, splashing in the shallows, sailing?



- How do other people use your local spot?
- Have you ever counted the number of different water users?

### Question 29

Which water users should be included within the definition of 'bather'? **(required)**

- 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

- All recreational water users should be included in the definition of 'bather'.

## WIDER REFORM 2: MULTIPLE MONITORING POINTS

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### Question 30

To what extent do you agree or disagree that the governments 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? **(required)**

- Strongly agree

### Question 31

Please give reasons for your answer. **(not required)**

- Multiple monitoring points will give a clearer picture of water quality and help locate and tackle sources of pollution
- Multiple monitoring points will allow regulators to be more effective in finding and tackling the source of pollution.
- Multiple points will offer more information for water users.

- Water users don't use a specific location on a stretch of bathing water therefore multiple monitoring points will represent the diversity of how a bathing site is used.

#### **What can you add?**

- Do you notice areas at your local spots where there is pollution?
- Do you think the current testing site gives a true picture of what's happening in your location?
- Have you done your own testing which has different results to the official testing?

## **ANYTHING ELSE**

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### **Question 32**

**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.**

In addition to the reforms in this consultation Surfers Against Sewage are also calling for:

- An expansion of the testing regime to test for emerging pollutants like chemicals, microplastics and pharmaceuticals which can all impact human and environmental health.
- An end to the practice of discounting samples during pollution events.
- Real-time monitoring of bacteria levels at bathing waters.
- The inclusion of events in water user counts when submitting a new application.
- The reopening of the bathing water application process.

#### **What more can you add?**

- Are there any other issues you would like to highlight that might be impacting your local area?
- Are there barriers in the existing application process which is preventing you gaining bathing status?