

Response ID ANON-86KE-FX6D-P

Submitted to Consultation on Reform of the Bathing Water Regulations 2013
Submitted on 2024-12-03 15:14:16

Confidentiality

Would you like your response to be confidential?

No

If you answered yes, which information would you like to keep confidential and why?

Please explain here:

Information about you

Please provide your full name. If you are representing an organisation or group, you will be asked its name later.

Please provide your name here :

Afonydd Cymru

Please provide your email address

Please provide your email here:

gail@afonyddcymru.org

In what capacity are you completing this consultation?

As an NGO or other non-profit public interest group

Where are you currently based yourself? If you are representing an organisation or group, you will be asked where it's based later on.

Wales

Additional information about organisations

What is the name of the organisation or interested group that you are responding on behalf of?

Please provide your organisation name here:

Afonydd Cymru

Where does your business or organisation operate? (Select all that apply)

Wales

Impact Assessment

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

No change

Reform 1 - Remove the automatic de-designation provision from the Regulations.

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?

Agree

Please give reasons for your answer

Please explain here:

It is acceptable to allow greater than five years to improve the site, where evidence shows:

- 1) that solutions may take longer than five years if they are as a result of a more nature-based solution
- 2) where permissions and consents may take longer to obtain and therefore prevent delivery within five-years
- 3) where they are subject to water company planning cycles and therefore investment will be linked to the next Asset Management Period
- 4) where the regulatory feasibility assessment deems that the site can be improved to Good under a robust methodology (see below)

Reform 2 - Amend the Regulations to include the feasibility of improving a site's water quality to at least 'sufficient' as a criterion for final designation

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

Please give reasons for your answer

Please explain here:

We strongly support the development of a robust and transparent assessment process to determine whether a bathing water (BW) site can be improved. The current Regulations are limited to two water quality parameters only. We would expect an assessment to consider: 1) what deems water quality safe to protect public health, 2) that the BW has sufficient H&S controls to ensure no loss of life. 3) that a BW does not impact the environmental obligations of the waters, 4) that the designation does not impact the prioritisation of water company expenditure from higher priority deliverables - therefore any investment needs to be determined against other statutory obligations to be met and 5) that landowner permissions are maintained. We would also expect the assessment to consider access rights.

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?

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

Please specify other here :

We would expect the Government to be transparent on bathing water status and provide robust reports on where a bathing water site has been considered but rejected based upon its standard. If a site cannot be improved, the public should be aware of this so that they can make their own decision regarding using the site.

Wales is currently looking at a freshwater portal. We would welcome information to be held in one place. Currently, sewer overflow and bathing water data is held in multiple places and is often reported differently giving rise to confusion. Providing data in a trusted portal would enable all users to have access to the same information.

On site signage will require additional funding and resource which should be outlined by the applicant.

Reform 3 - Remove the fixed dates of the monitored bathing season from Regulations

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?

Agree

Please give reasons for your answer

Please explain here:

We agree with the change in monitoring dates as this would reflect on the recreational use of bathing waters. However, if fixed dates are to be modified, consideration needs to be given to the costs to support this, including sampling, analysis and reporting and the consequential impact to local authorities to manage communications on the sites. This may have substantial impact to organisations and consideration should be given to whether the applicants for BW designation should pay increased charges to support improvements.

Technical Amendments

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

No

Technical Amendments 2

Which of the 9 proposed technical amendments do you feel raises concerns or may have negative impacts?

2. Remove the requirement to take a sample to end short-term pollution (STP) events, 8. Removing the requirement to replace samples during Abnormal Situations

What negative impacts do you foresee as a result of the technical amendment(s)?

The amendment(s) may reduce the information available to the public about when it is safe for them to use a bathing water.

Please specify other here :

We do not disagree per se with the proposal however no clarity has been given as to how a BW would be deemed safe to use following a pollution or abnormal event. So, whilst we agree that it is not necessary to have a sample to inform the classification system, clarity must be given in the Regulations as to how a BW will be monitored and deemed safe to return to use. We would support the use of Polluter Pays Principle for regulators to reclaim costs for pollution, however, the Principle is difficult to apply to unpermitted polluters to the water environment, such as agricultural pollution events. We remain concerned that the BW Regulations do not provide sufficient focus to ensure that inland designated sites are safe to use for recreational purpose due to the narrow measure of safety.

Wider Reforms and Call for Evidence

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'?

Agree

Please indicate a reason for your answer

Please indicate a reason for your answer here:

Rivers are used for a number of different recreational purposes.

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

Anglers (fishing), Kayakers/Canoeists, Paddle Boarders, Paddlers (those in the water but not fully submerged), Rowers, Small boat users, Surfers, Swimmers, Wind Surfers

Please specify other here :

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?

Don't know

Please indicate a reason for your answer

Please indicate a reason for your answer here:

Current monitoring does not provide full analysis of water quality. We are unclear as to how sampling points could be determined to provide a robust, scientific position of water safety, particularly with respect to coastal BWs. River designation may be easier to sample due to its physical limitations, and there is greater understanding on mixing zones and dilution from discharges. But, greater focus needs to be on the range of parameters monitored as current sampling is not sufficient to protect public health. It ignores other river pollutants (metals, chemicals, pharmaceuticals, road runoff) which are not included within routine regulatory sampling needs and for which we have little understanding on extent and impact.

Any other information

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.

Please provide anything you want us to consider here: