



23<sup>rd</sup> December 2024

Sent via email to: [bathingwater@defra.gov.uk](mailto:bathingwater@defra.gov.uk)

Dear Sir/Madam,

LGA Coastal SIG response to Defra consultation on  
"Bathing Waters Regulations 2013"

The Local Governmental Association Coastal Special Interest Group (LGA Coastal SIG) has a membership of 59 English coastal Local Authorities. Together we cover over 60% of England's coastline and represent 16 million people. We exist to champion the interests of the coastal communities we serve. We are affiliated with, but independent of, the Local Government Association and this submission does not constitute an LGA policy position.

As a Group, we have a high-level objective to support the development of sustainable coastal water quality. We have concerns over the how the quality of estuarine and coastal waters are impacting nature and communities.

Whilst the LGA Coastal SIG welcome changes to the Bathing Water Regulations 2013, we would like to highlight that perhaps there is opportunity to fully review the Regulations to enable them to effectively protect the public health of communities.

The Regulations require Local Authorities to undertake management measures to in relation to a Bathing Water which it controls, they must provide information to the public and prevent exposure to pollution. Local Authorities rely on the Bathing Water assessment and classification system provided by the Environment Agency, however Local Authorities note this is often not followed or understood by the public. We also note that under the current system a few high samples can skew results and drop a classification. We want the sampling to be representative of our coastal waters and question if this is the best methodology.

Communities are confused by what the classification means and by the pollution risk forecasting system. There are many conflicting data platforms in use in England and there is opportunity to review *Swimfo* and make it the trusted source of information for the public with clear information and advice.

In addition, we would like to highlight that Local authorities receive no funding for their duties under the legislation. Local Authorities are heavily impacted after pollution events through impacts to the visitor economy through reduced tourism, potential reputational damage to the local area through negative press and such events also impact upon the

health and wellbeing of visitors and local communities. We therefore would call on Defra to review the financial package of support for Local Authorities especially those who are disproportionately affected with poor bathing classifications and regular pollution events.

We would like to invite Minster Hardy to meet directly with our Chair, Cllr Ernest Gibson (South Tyneside Council) and our Coastal Water Quality Member Champion Cllr Sandra Squire (Borough of West Norfolk and King's Lynn) to discuss our concerns in more detail at their earliest convenience.

## LGA Coastal SIG Consultation Response

The LGA Coastal SIG welcomes the opportunity to respond to your consultation on proposals to amend the Bathing Waters Regulations 2013 and the following responses have been produced in consultation with our member councils.

### ***Q1-8. Information about you***

Please note that we **do not** require our response to be confidential, **Michelle Hogg** (South Tyneside Council) who acts as the Coastal SIG Coastal Water Quality Officer Co-Lead collated the response and should be corresponded with via [lgacoastalsig@southtyneside.gov.uk](mailto:lgacoastalsig@southtyneside.gov.uk) , and for the purposes of this response we are a group representing local authorities however as this is not an option on your form please mark us **As an NGO or other non-profit public interest group**. Our full title is **Local Government Association Coastal Special Interest Group** representing Local Authorities in **England**.

### *Questions about the reforms*

#### ***Q9/10. 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?***

Our membership **Neither agree nor disagree** with this statement.

Our member councils that responded had mixed responses 50% were neutral with the remaining 50% either agreeing or strongly agreed. Some agreed that timescales were too short for getting improvements underway and that there would be more time to act. Investigations often take a few years to determine pollution sources and often improvements needed to be aligned to water company investment periods. It was raised that once a beach is de-designated that improvements will not be a priority so there would be no investment but often these beaches are still utilised by the communities and can be sometimes remain a very popular beach despite the de-designation. It was questioned that if these changes are made would beaches previously de-designated be reconsidered as bathing waters if there was a chance that they could be improved but were de-designated too early. There was also concern raised that extension of time to allow for more time for

improvement could further damage council reputation if it is not clear what the reasoning for extension would be. There must be clear definitive actions identified in the extended period to avoid reputation damage for both councils and other organisations involved. Our member councils would like to see further details if this reform is brought forward. We are interested in the communications strategy around prolonging the designation and advice to bathers around public health. Any prolonged classification will increase burden on the local authorities who currently receive no funding for partnership work associated with a poor bathing water or ensuring that relevant stakeholders are kept suitably informed.

***Q11/12. 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?***

Our membership **agree** with this statement.

Overall, our councils agreed that feasibility should be considered. However, some concerns were raised over the detail of the methodology of a feasibility of costs. It was questioned whether the introduction of a feasibility element would see beaches that could be designated not being brought forward due to the additional resource needed in the application which would be damaging for the public health of the communities. How will the feasibility be funded? There is currently no funding to support at designation application and this proposal would see more resource required by the applicants. It could see pre-sampling required and who would pay for this monitoring and analysis, and we expect it could take several years for an application to proceed? We would like to review the detail of the feasibility proposal should this reform proceed. Who will determine whether it is cost/beneficial this needs to be independent there may be vested interests from water companies/landowners to demonstrate as site would be too costly to achieve sufficient. Would the feasibility of a site to achieve sufficient be reviewed on a periodic basis as new technologies could bring costs down for a site to achieve sufficient or land use changes.

In respect of physical safety some members agreed sites particularly dangerous for bathing and monitoring might be a reason not to designate. It was also raised that environmental designations would be important to consider. There are some sensitive sites that may be damaged by bathing/water sports activity, and it is only right to discourage access.

***Q13. 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?***

Our membership believe that the public should be informed via **Notification on the Swimfo website in England or Bathing Waters Explorer Website in Wales.**

Most of our member councils who responded agreed Swimfo was the preferred option. If onsite signage was required, it must be ensured that this request is supported with funding. Local authorities currently receive no funding for signage.

***Q14/15. 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?***

Our membership **agree** with the proposed increase.

Our members highlighted that sites have different usage patterns, and it would seem sensible that monitoring can be decided on a site-specific basis so that it is evidence led. This will allow resources to be focused where it is needed. Some sites are well used all year others have a short season aligning to school holidays. The consideration of the season will be more relevant is given in future if the legislation/guidance includes other users such as surfers etc.

***Questions about the Technical Amendments***

***Q16. Are you content with the 9 proposed technical amendments listed above?***

Our membership responded that they **don't know**.

***Q17. Which of the 9 proposed technical amendments do you feel raises concerns or may have negative impacts?***

Our membership selected the following as causing them concern or believe that they may have negative impacts:

- **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**

***Q18. What negative impacts do you foresee as a result of the technical amendment(s)?***

Our membership selected the following as the negative impacts resulting from the amendments:

- **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.**

An in addition, our members found it was not clear what impacts these specific technical changes would have to the monitoring regime, and we did not feel we had enough detail to comment other than it reduces the level of data publicly available. The change to having a defined bathing water boundary would appear sensible and we note regulation 5(1a) had not been achieved by the required date so a revision was sensible.

### *Impact Assessment Questions*

***Q19. Do you consider it likely that any of the proposed reforms will have a negative or positive economic impact on your organisation?***

Our membership consider that local authorities will experience **a mixture of positive and negative impacts**.

***Q20 & Q23. At this time, which range best describes the estimated annual negative impacts on your business or organisation should reforms be introduced?***

Our membership **don't know** the financial value of the impacts at this time.

***Q21 & Q24. How would you describe the extent of the expected impact on your business or organisation?***

Our membership **don't know** the extent of the impact on Local Authorities at this time.

***Q22. 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.***

Concern was raised about reducing the level monitoring and more burden on local authorities because of the changes. Local authorities currently receive no funding for their role in bathing waters. Concern about the potential for investment that could be lost if the sampling is reduced.

***Q26. [If 'A mixture of positive and negative impacts' to Q19]. What are the main reasons for your answer? Please add anything here that you want us to consider.***

The various proposed changes could have negative effects upon local businesses that may have reliance on the tourism economy. It is a positive that period for de-designation could be increased however for improvements. Changes to the process may allow better understanding of water quality over winter when beach users also enjoy water that is not currently understood.

### *Questions on the Wider Reforms*

***Q27/28. 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'?***

Our membership **strongly agree** that there should be a wider reform of the Regulations.

Our member councils that responded did agree with the changes. This is a common-sense reform as many recreational users encounter water from emersion.

However, we point out that the legislation was written for bathers we welcome the extension to other users, but this requires a review of the legislation completely to change the terminology from 'Bathers'.

***Q29. Which water users should be included within the definition of 'bather'?***

The membership selected the following users:

- **Kayakers/Canoeists**
- **Paddle Boarders**
- **Paddlers (those in the water but not fully submerged)**
- **Surfers**
- **Swimmers**
- **Wind Surfers**

In addition, the membership feel that this would require a review of terminology/legislation.

***Q30/31. 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?***

The membership **strongly agree** with this wider reform to include multiple monitoring points.

Multiple samples would be useful at the bathing water site, but it needs to be clear how data would be analysed i.e. would it be averaged etc or would one poor sample take precedence. Multiple samples should be taken from within the site, where poor classification is given consideration needs to be given to sampling outside the bathing water area to identify source pollution i.e. estuaries etc. Again, we would welcome review of the methodology.

***Q32. 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.***

A 4-year data set is not useful to the public and sometimes we are telling people advice based on historic results. Sometimes just a few pollution events over a 4-year period can skew results. An overall overhaul of Swimfo site and communications on bathing waters is needed so that we provide accurate, transparent and meaningful information to the public.

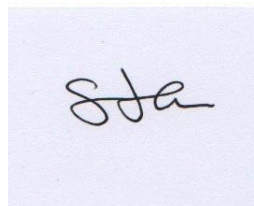
There are too many different sites where people can get information from on water quality there needs to be one clear trusted source of information. The site needs to be clear and clear branding with communications strategy to ensure public know where to turn to make informed decisions. Water companies get star ratings for performance, water company websites provide information on sewage discharges, surfers against sewage have the safer seas and rivers app. There is scope to bring data together to create a more user-friendly system. This needs to be clear trusted source of information for the public and this should be developed with local authorities and recreational user groups to ensure it is user friendly and trusted.

Thank you for the opportunity to respond, if you have any further questions or would like to receive further detail on any of the responses, please contact [lgacoastalsig@southtyneside.gov.uk](mailto:lgacoastalsig@southtyneside.gov.uk)

Yours sincerely



CLlr Ernest Gibson  
Chairman, LGA Coastal SIG  
Councillor, South Tyneside Council



CLlr Sandra Squire  
Member Champion, Coastal Water Quality  
Councillor, Borough of King's Lynn & West Norfolk