

FEEDBACK REQUIRED TO SUGGESTED CHANGES TO BATHING WATER REGULATIONS AND DEFRA APPLICATION PROCESS/CRITERIA

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BACKGROUND

[Surfers Against Sewage](#) (SAS) is a national marine conservation and campaigning charity that inspires, unites and empowers communities to act to protect oceans, beaches, waves and wildlife. Since 2022, SAS have been supporting communities to apply for bathing water designation across the UK. In 2023 we supported 15 groups to apply for bathing water designation, 13 of which were successfully designated.

Due to the important role bathing water designation plays in protecting water users from the associated impacts of poor water quality, SAS are calling for 200 inland bathing waters by 2030. However, the current regulations and process are not fit for purpose for coastal, river, lake or loch locations. The Regulations also do not recognise how inland sites are used differently to coastal locations which makes it disproportionately difficult to gain designation. Whilst there are also serious flaws in the Regulations which do not reflect how people use waterways and does not consider all pollutants that water users come into contact with.

To improve these issues with the bathing water regulations, process, and criteria, SAS have developed our recommendations for improvement which could be implemented in the upcoming review of the bathing water regulations.

KEY CHANGES NEEDED

We see five key areas of the Bathing Water Regulations that need to be reformed:

- 1) Extend bathing water season to cover the full year.
- 2) Overhaul testing regime to include other pollutants and real-time testing.
- 3) Include all water users when designating a bathing site.
- 4) Overhaul approach to de-designation.
- 5) End disregarding samples and Short-Term Pollution (STP) provisions.

We have also outlined our suggested changes to the existing bathing water designation process and criteria with the aim of making bathing water designation applications more transparent, reflective of the site in use and to tackle existing blockers those applying for bathing water designation have experienced.

1. Extend bathing water season

Currently the bathing season is limited to a 20-week period in England and Wales and 15 week-period in Northern Ireland and Scotland. The duration of the bathing season is dictated at a devolved level.

- England and Wales operate between 15 May to 30 September
- Northern Ireland and Scotland operate between 1 June to 15 September

The bathing season is used to monitor the water quality by the regulator which is then calculated as a classification of 'Excellent', 'Good', 'Sufficient' or 'Poor' at the end of the bathing season. We know water users at coastal and inland locations use the water all year round, so are calling for the official bathing season to be extended to year-round in order to reflect this.

Heavier rainfall which is more likely in the winter months means that untreated sewage is discharged more often via Combined Storm Overflows (CSO's). The bathing water classification is calculated during the driest time of the year when CSO's generally discharge less frequently. Monitoring water quality during the current bathing season doesn't give a full picture on what is happening year-round at our loved bathing sites. Meaning those entering a bathing water classified as 'good' or 'excellent' out of season are entering water that may not actually be that standard.

In line with an extension to the testing regime, Pollution Risk Forecasts (PRF's) which only operate during the bathing season should operate all year.

2. Overhaul testing regime to include other pollutants and real-time testing

E. coli and Enterococci are currently the only pollutants which are tested for at bathing waters.

We propose the testing regime should extend to: nutrients (phosphates, nitrates), antimicrobial resistance, micro-plastics, PFAS, caffeine, hormones and ammonia.

We also propose the need to increase the number of monitoring points where the regulator collects samples, to provide wider representation of the entire bathing water. In particular, additional monitoring points where there is a known source of pollution entering the bathing water.

Due to the nature of the sampling regime, whereby bacterial pollutants are measured through traditional lab-based microbiology culturing methods, monitoring relies on discrete spot-sampling at single locations on a weekly basis, at most. This does not provide an accurate representation of the dynamic nature of water bodies such as rivers and coastlines, which are subject to multiple pollution inputs alongside other environmental variables which influence water quality

Monitoring a range of environmental parameters, as outlined above, at frequent time intervals using in-situ, real-time monitoring technology will enable an in-depth understanding of pollution at these water bodies, and the immediate risks to water users.

Monitoring water quality relies on the regulators spot sampling in time/date limited window. We are calling for real-time testing to give an accurate continuous picture of water quality for water users.

3. Include all water users when designating a bathing site to change bathing waters to recreational waters

Currently the legislation only considers bathers to decide if a site is popular enough to be designated as a bathing site. However, surfers, kayakers, paddlers, canoeists, stand-up paddle boarders, and toe dippers are all at risk of getting sick when coming into contact with poor water quality. Therefore, during the application process, all water users should be included and counted when evidencing that a bathing site is used.

This alteration could allow us to change terminology from bathing waters to recreational waters to represent the extension of scope to all those in or on the water.

4. Overhaul Approach to De-designation

Currently designated bathing sites are de-designated if they receive a 'Poor' classification for 5 consecutive years. Despite a requirement on the EA to identify the source of pollution at a bathing site and to take appropriate measure to prevent, reduce or eliminate the cause of pollution, as investment in sites are linked with water companies Asset Management Plans (AMP), if a site is not designated at the correct period in the responsible companies AMP, there is not enough time for water companies to resolve this issue before the bathing water is de-designated. There needs to be a de-coupling from the AMP process as bathing sites shouldn't be penalised if they are designated at a time which falls out of the AMP cycle.

We need to see a change in the Regulations to ensure bathing sites are given the best possible opportunity to improve before they are de-designated.

Additionally, more accountability is needed to monitor and inform the public of the regulators efforts to address sources of pollution and what their actions are in holding polluters to account.

Suggested solutions:

- Water companies hold a pot of funding specific to invest in bathing sites designated within any AMP period.
- Extend de-designation period to 10 years for a site classified as 'Poor'.
- Build in a grace period after the 5-year period of 'Poor' classifications to address the source of pollution and accelerate the work needed for the bathing site to receive a 'Sufficient' classification or greater.

5. Disregarding samples and Short-Term Pollution (STP) provisions

The Bathing Water testing regime in the UK allows for the discounting of up to 15% of testing results per bathing site. This provides an incomplete picture of the state of bathing waters and misleads the public on the quality of water at sites despite this being the thing the regime was set up to protect.

Furthermore, the samples which are discounted are often examples of samples taken during the worst pollution events, resulting in final classifications that are skewed towards better standards that are the case at sites.

Samples taken within the bathing season should not be discounted, and all sample data (provided it is methodologically and scientifically sound) should be included when generating final bathing water classifications for the season.

SUGGESTED BATHING WATER DESIGNATION PROCESS AND CRITERIA CHANGES

There are currently a number of inconsistencies, common blockers and issues for those following the application process. Below is a summary of suggested changes needed to the [application process and the criteria](#) currently in place to reduce the issues applicants have when applying for bathing water designation.:

- **Remove minimum of 100 bathers** - not fit for purpose for inland and smaller coastal locations. Despite a large number of popular water usage areas wishing to apply for bathing water designation, they are often relatively small areas. This is particularly the case for inland sites compared to coastal locations. The minimum requirement for sites to have 100 bathers a day therefore means they are unable to apply for designation. Prior to this requirement, a number of sites were designated with 40-45 daily users. We feel this level would be a more appropriate number of total water users for sites, particularly at inland locations which are often smaller and have a lower capacity for water users.
- **Review the existing time period (currently 2 days) when water users are counted**
At a number of sites, the current time period for counting the number of water users at a site is an inappropriate period due to variations in accessibility. Many sites are tidal estuaries for example which are only appropriate to swim in a certain period in their tidal cycle. This means that while water users are supposed to be counted over a 4hr period for each day, people will only use the site for 1-2hrs of that period. This could be rectified by requiring the count to cover 8hrs within the bathing season, not over the current two day requirement.

- **Allow non-manual methods of counting water users.**

Many groups who apply for bathing water designation are people volunteering their time to designate a site. We have heard from a number of such groups who would have used non-manual methods to count users at their site if possible by using a scannable QR code at the site which allows people to make their attendance. This would significantly improve the ease of the application process and make the process more accessible to future applicants.
- **Remove requirement of toilets 500m away.**

There are currently a large number of existing bathing waters which have no toilet facilities. This requirement is a large barrier for a number of popular water usage sites from applying for bathing water designation meaning that despite large numbers of people accessing the water, they cannot receive the benefits of a designated site. This has been a particular barrier for inland locations which are often further from all facilities, with very few being within 500m of toilet facilities.
- **Allow multiple access points on a short stretch of waterway.**

Remove the need to make multiple applications within short stretches of waterway due to different access points. For example, if there are two popular recreation locations on a river, both within short distance to each other and also come in jurisdiction of the same facilities, this should be included in one application.
- **Include regular, existing events as evidence of bathing numbers during the counting period where supporting historic evidence can be provided that the event is a regular occurrence.**

Events are one of the many ways our waters are used for recreation. Many sites host regular events which have occurred for many years. Allowing for the consideration of these events as evidence of a sites regular use is crucial as this would reflect a true representation of how sites are used. We have often found events are also a good indicator that there are high volumes of people using waterways. These events are also affected by poor water quality.
- **Clarify the guidance on average number of bathers over 2 days.**

Currently guidance contradicts itself as below:
"have at least 100 bathers a day during the bathing season"
and
"it must be used by an average of at least 100 bathers a day during the bathing season"
The official requirement must be clarified for a transparent application process.
- **Defra to increase engagement with local authorities on bathing water designation for waterways.**

This should build on existing engagement with local authorities to encourage them to apply for bathing water designation for waterways in their local area. This could include the provision of guidance to local authorities on the positives of bathing water designation and potential value available for the

local area. This should include guidance for local authorities and landowners to provide advice on the liability of local authorities following designation. This has been a common blocker for groups applying for designation from local authorities, despite liability not residing with local authorities.