



Author:	Lynda Powell
Committee:	Full Council
Status	Public
Agenda Item	FAS/24-25/83 Consultation on Reform on the Bathing Water Quality Regulation 2013
Date:	22nd November 2024

1 **Purpose.** To consider proposed reforms.

2 **Decision Required.** Councillors are asked to consider how best to respond to this consultation. Options are outlined at 6.

3 **Background**

3.1 Defra announced a consultation on changes to bathing water regulations on the 24th November 2024. Individuals, community groups, businesses and local authorities are invited to complete the questionnaire by the 23rd December 2024.

3.2 Looe Town Council has no responsibility for the beaches in Looe but water quality is very important to our community and local businesses.

4 **Proposed Changes**

4.1 Defra are proposing changes that they consider will benefit cold water swimmers and water sports enthusiasts. The full report is available at appendix A. There are three key reforms that Defra are consulting on. The text below is taken directly from the Defra consultation document.

4.2 **“Reform 1 Remove the automatic de-designation provision from the Regulations**

This reform would:

- Remove the automatic de-designation provision from the Regulations (reg 13(2)(a)).
- Implement a new provision requiring the Environment Agency (EA) or Natural Resources Wales (NRW) to review whether it is feasible and proportionate (on

cost and deliverability grounds) to improve the water quality to 'sufficient' standard at any designated bathing water that has been classified as 'poor' for five consecutive years.

- Require the EA or NRW to make a recommendation to Defra or the Welsh Government when a site is classified as 'poor' for five consecutive years on whether the site should be given longer to improve or instead should be de-designated, with the final decision taken by Defra or Welsh Government ministers.
- Set out how the review process will work and what evidence will be considered. Using non-statutory Defra or Welsh Government guidance on de-designation published and made available to the public on GOV.UK or GOV.WALES once the Regulations are amended

4.3 **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.**

This reform would:

- Amend the Regulations so that the feasibility of improving a site to bathing water to at least 'sufficient' standard (on cost and deliverability grounds) becomes a criterion that can be taken into account where necessary before a decision is made whether to fully designate the site as a new bathing water.
- Allow physical safety and environmental protections to be considered before final designation.
- Set out how this assessment of feasibility will work and what evidence will be considered in non-statutory Defra and Welsh Government guidance on the bathing water designation process published and made available to the public on GOV.UK and GOV.WALES once the Regulations are amended.

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

This reform would:

- Remove the current fixed dates of the monitored bathing season from the regulations (reg 4)
- The dates of the monitoring season would instead be set in non-statutory Defra and Welsh Government guidance on bathing waters to be published and made available to the public on GOV.UK and GOV.WALES once the Regulations are amended.

5 **On Line Questionnaire.** The online questionnaire asks for views on these 3 reforms.

- 5.1 **Reform 1** - 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

- 5.2 **Reform 2** 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

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?

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)

5.3 **Reform 3** 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

6. Options

Councillors are asked to indicate how they wish to respond to these questions and instruct the Clerk to complete the questionnaire.

Or

Councillors may wish to consult with East Looe Town Trust or the Bathing Water Quality group and instruct the Clerk to complete the questionnaire based upon feedback from these discussions.