

Interim response to Bathing Waters Consultation

The following document outlines an interim response from [Paddle UK] to the government's bathing waters consultation. It is intended as a guide to assist with responding to the consultation.

[Paddle UK] and the Clean Water Sports Alliance will be submitting a fuller response to the consultation in the coming weeks. This response will be made available once it has been submitted.

The consultation is open until the 23 December.

A link to the consultation can be found [here](#). Submissions should be made online via the portal. A [response template](#) can be downloaded to help respondents draft their response before inputting to the portal.

Why is [Paddle UK] responding to this consultation?

Designated bathing waters in England are specific coastal and inland water sites identified for recreational use, such as swimming. These sites are regularly monitored during the bathing season (currently May to September) to ensure water quality meets safety standards, protecting public health and promoting environmental stewardship.

Current bathing waters guidelines do not consider use of the water by other recreational users such as [paddlers]. This consultation is considering whether the guidelines should be expanded to include other recreational user types, such as [paddlers], rowers and sailors.

The designation of more bathing water sites is one way that water quality standards can be improved for recreational users. They can also help improve safety and accessibility, as well as bring stakeholders together to tackle sources of pollution.

While the number and geographic spread of designated sites is still small, they are a means to create a healthier, more sustainable environment for all water-based activities.

[Paddle UK] and the Clean Water Sports Alliance will be working together with other campaigning organisations to align our response.

Surfers Against Sewage will be holding a webinar on **Tuesday 3 December at 6pm** where they will be discussing how to respond to the consultation. You can join via [Zoom](#).

(Questions 9/10): 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?

- **Strongly Agree.**
- **Rationale:** [Paddle UK] agrees with the proposed removal of the automatic de-designation after 5 years from the Bathing Waters Regulations 2013. The current automatic de-designation process can:
 - hinder efforts to protect public health
 - act as a barrier to long term improvement by removing regulatory focus
 - be damaging for local communities and economies
- Removing automatic de-designation could help ensure a fairer, more balanced approach to water quality management. It maintains accountability, protects public health, supports communities, and aligns with environmental goals, while providing the flexibility needed to address site-specific challenges effectively.
- Removal of automatic de-designation should however, be replaced with a realistic and time bound plan that stakeholders can be held accountable to.

(Questions 11&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?

- **Agree.**
- **Rationale:** [Paddle UK] believes that it is reasonable for information related to safety, environmental considerations and the feasibility to reach a certain standard to be taken into account when assessing a new application, however we would need more detail on how these factors would be scored or balanced when making a decision whether to designate or not.
- Any decision would require:
 - Any feasibility study should inform site management but not deter efforts to improve water quality for public health.
 - [Paddle UK] would be concerned that complex feasibility processes will undoubtedly hinder voluntary community groups who have limited resources.
 - [Paddle UK] would be concerned about decisions being taken related to safety, without the consultation with expert agencies, such as [Paddle UK], or other national governing bodies. Any guidance should be user friendly.
 - If sites are not designated due to poor water quality, polluters should be held responsible for solutions rather than deterring public use through signage.
 - [Paddle UK] would advocate for an appeal process for designation decisions, allowing new evidence to be considered, instead of relying solely on reapplication.

(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?

- On site signage
 - Notification on swimfo
 - Notification on GOV.UK
 - Notification on EA/NRW
- There needs to be all efforts taken and transparency on why it is not feasible to improve water quality to 'sufficient' standard. Efforts should also be focussed on providing real-time information for users.
 - [Paddle UK] recognises it is important for the public to have relevant information to them available across relevant platforms to them.

(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?

- **Strongly Agree.**
- **Rationale:** Watersports participation is a year round activity and therefore [Paddle UK] agrees with the proposed increase in flexibility of bathing season dates, currently prescribed in the bathing waters regulations and would welcome all year round testing to reflect the year round nature of participation of our sports.
- Monitoring water quality during the current bathing season doesn't give a full picture on what is happening year-round at bathing sites. Meaning those entering a bathing water classified as 'good' or 'excellent' out of season may be entering water that may not actually be that standard anymore.
- The bathing water classification is calculated during the driest time of the year when CSO's generally discharge less frequently. Heavier rainfall during winter months means that untreated sewage is discharged more often via Combined Storm Overflows (CSO's).
- In line with an extension to the testing regime, Pollution Risk Forecasts (PRF's) which only operate during the bathing season, should also be extended to operate all year.

(Q 27&28): 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 widening the definition of 'bathers'?

- **Strongly Agree.**
- **Rationale:** [Paddle UK] strongly agrees that the government should pursue reform of the Bathing Water Regulations 2013 to widen the definition of 'bathers' to include

other water sports such as paddling. Expanding the definition of 'bathers' to include water sports such as [paddlesports] is a logical and necessary step to protect public health, reflect modern water use, [encourage healthy living/ water is amazing for people's health] and support broader environmental, social, and economic goals.

- Many [paddlers, including canoeists, kayakers, paddleboarders], and others, have direct contact with the water. Expanding the definition of 'bathers' acknowledges the health risks they potentially face from poor water quality, such as exposure to harmful bacteria and pollutants.
- Including [paddlers] ensures they are protected by the same monitoring and improvement efforts as traditional swimmers, enhancing safety for all water users.

(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?

- **Agree.**
- **Rationale:** [Paddle UK] would welcome the sampling at multiple monitoring points, to provide wider representation and greater transparency of the entire bathing water. In particular, additional monitoring points where there is a known source of pollution entering the bathing water, would be welcomed as these may pose a higher threat to public health.
- Due to the nature of the sampling regime, where 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.

(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.

Requirement for 100 bathers:

- Paddle UK believes Defra should look to base its identification of bathing waters on a properly representative assessment of current use and necessary protection of human health rather than fixed numbers of bathers or infrastructure.
- We would also encourage Defra to reconsider the current exclusion of higher levels of use of waters during organised events.

Limits to Public Rights of Way & Bylaws:

With the increased popularity of 'wild swimming' and other open water recreational activities across rivers in England, the number of applications for bathing waters at inland locations has increased. In 2024 alone, twelve new river bathing water sites were designated in England. An important point for Defra and the EA to consider will be how current rights of way and bylaws in England pose a barrier to potential bathing water sites across England.

- The majority of inland waterways in England do not have clear rights of public access. This severely limits opportunities for the public to use these areas for recreational activities like swimming or paddling, which are prerequisites for bathing water designation.
- Designating a bathing water site requires agreement and cooperation from landowners, local authorities, and other stakeholders who may enforce restrictive bylaws. This can complicate and delay the designation process.
- Landowners may oppose designation due to perceived liabilities, increased public access, or potential restrictions on their use of the land.
- Some bylaws restrict swimming or other recreational water activities in specific areas for reasons such as safety or environmental protection. These restrictions may prevent the public from using these sites frequently enough to meet the criteria for bathing water designation.
- To overcome these challenges, the government should look to expand public rights of way and review bylaws to balance safety and environmental concerns with recreational use.