

<b>Title:</b> The Bathing Water Regulations 2013 (S.I. No. 1675) <b>PIR No:</b> <b>Original IA/RPC No:</b> DEFRA1223 <b>Lead department or agency:</b> Defra <b>Other departments or agencies:</b>  Contact for enquiries: <b>Tracy Westell</b>	<b>Post Implementation Review</b>
	<b>Date:</b> 01/09/2023
	<b>Type of regulation:</b> Domestic
	<b>Type of review:</b> Statutory
	<b>Date measure came into force:</b> 31/07/2013
	<b>Recommendation:</b> Keep
	<b>RPC Opinion:</b> Not Applicable

### 1. What were the policy objectives of the measure?

There were only two policy changes introduced by the Bathing Water Regulations 2013 and it is those two changes that this PIR focusses on. The first policy objective was to ensure that the required information, including symbols indicating the quality of the bathing water (a requirement of the 2006 Bathing Water Directive), was provided at all bathing waters in England, enabling bathers to make an informed decision about bathing.

The second objective was that this work would be undertaken in the most cost-effective manner (which was determined to be by local authorities). This would reduce the risk of noncompliance with the regulations due to cost and burden to small businesses/private individuals. Defra assists local authorities with the costs of producing signage under Section 31 of the Local Government Act 2003.

We have determined that these measures continue to meet their objectives in their current form.

### 2. What evidence has informed the PIR?

An annual signage audit is undertaken by Defra. Every local authority in England with a bathing water is contacted to check that the correct signage is displayed at each designated bathing water (see details in Q.3 below). Defra also undertook a telephone and email questionnaire for this PIR (14 local authorities responded by telephone and 4 by email). We contacted 13 local authorities (20.5% of the total number of local authorities with a bathing water) and 3 private bathing water owners (4% of the total), covering a total of 225 designated bathing waters. This is over half of the total number of designated bathing waters in England (53%), which in 2023 is 424. We also contacted 2 NGOs. There was a 100% response rate from those we contacted.

### 3. To what extent have the policy objectives been achieved?

Defra's signage audit for the 2022 bathing season showed that of the then 421 bathing waters designated, 369 bathing waters (88%) had signage displaying the required information and 52 sites did not. This is an improvement on the 2017 audit figures used for the 2018 PIR, which showed that of the 413 bathing waters then designated, 242 sites (59%) displayed the required signage and 171 did not. This shows that the number of sites displaying the required signage is increasing, with most sites now displaying the required signage. The telephone and email questionnaire showed that 90% of respondents thought the classification symbols are a clear way of giving information about water quality. All respondents agreed that the requirement to provide public information on water quality and pollution sources at bathing waters is positive.

Sign-off for Post Implementation Review: Ash Loakes, Grade 7 Economic Adviser and Secretary of State

***I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.***

Signed: 

Date: 29/08/2023

## **Further information sheet**

Please provide additional evidence in subsequent sheets, as required.

### **4. What were the original assumptions?**

The original assumption was that transferring responsibility for providing signage to local authorities would address the risk of non-compliance.

It was also recognised that there was a small risk that local authorities would be unwilling to take on responsibility for the provision of information at privately owned bathing waters, as well as the possibility that some private owners might be unwilling to allow local authorities to erect signs on their property.

It was also assumed the lifetime of the signs would be five years.

### **5. Were there any unintended consequences?**

For some local authorities with bathing waters covered by the Short Term Pollution system (run by the Environment Agency), additional time, and therefore cost, is involved in travelling to bathing waters to put up daily notices when pollution is predicted. Some private beach owners have also spent extra time putting up pollution warning notices, though this is not a requirement of the regulations and is something they are choosing to do.

Following this review, Defra will consider current signage arrangements and possible alternatives such as digital information.

### **6. Has the evidence identified any opportunities for reducing the burden on business?**

There is no burden on business or the voluntary sector.

**7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements?**

All EU member states must comply with Commission Implementing Decision 2011/321/EU which states that signage displayed at all bathing water sites must include current classification symbols, with the 'advice against bathing' symbol used if the bathing water quality classification is Poor. The Bathing Water Regulations 2013 introduced this change. Responsibility for signage is devolved to each member state (for England, the 2013 regulations placed this responsibility on local authorities).

