

**WORSHIPFUL COMPANY OF WATER CONSERVATORS
BRIEFING ON THE RESPONSE TO THE DEFRA CONSULTATION ON
REFORM OF THE BATHING WATER REGULATIONS 2013
DECEMBER 2024**

1 The Worshipful Company of Water Conservators ('WCWC') is a City of London Livery Company focussed on the long-term health of our water resources and the broader environment. Our members include senior professionals from water, environmental and related industries and regulators, along with others who share our concern for water and the environment. Our experience and knowledge ranges from the complexities of environmental sciences, through the application of engineering to deliver the goals identified by those sciences, and the subsequent management of the assets created. The WCWC's purpose is *promoting a diverse and sustainable environment*.

2 As part of that purpose, the WCWC has been responding to relevant consultations particularly on matters relating to water conservation. These are archived on its website. It has produced several responses and think pieces relevant to the management of bathing waters, as a contribution to the evolution of national water conservation policy and practice.

<https://waterconservators.org/policies-and-practices>

This response follows those practices. It looks forward to being able to make further inputs as the opportunity arises in the future. This consultation raises some fundamental issues beyond its strict remit. In preparing this response, the WCWC provides a background explanation of those for the wider constituency of readers of its response, whilst recognising that this will not be essential in the response to Defra. So, much of this response constitutes a 'think piece' on the role of wild swimming in environmental water planning in future. The principal focus is on England, but many of the points apply equally to Wales. The full response is archived on the WCWC website.

3 The Consultation is in two parts

- the immediate specific revision of the regulations and
- the longer- term proposals for revision

4 The WCWC reiterates its concern about the piece-meal evolution of a national water strategic framework. Bathing is one of a number of legitimate uses of controlled waters.

5 It has decided to set out a comprehensive background to the subject of wild swimming (defined as swimming in controlled waters of which swimming in designated bathing waters is a subset).

6 The WCWC is concerned that there is a continuing line of causal responsibility being drawn between bathing water risks, water quality, sewage overflows, water companies, when the evidence from Defra shows that there are many sources which can increase risks for wild swimmers. Particular attention needs to be given to

agriculture and to the control of highway drainage, which is the government's direct responsibility. The review of the Farming Rules for Water by the Office for Environmental Protection (OEP) is awaited with interest.

7 The WCWC recognises that society demands the right to immerse in controlled water, be it bathing, kayaking, canoeing etc. A system satisfying that right must be based on understanding the hazards involved and the practicalities and costs of risk mitigation. There is a difference between complete immersion in swimming and occasional immersion from canoeing, for example

8 The WCWC draws an analogy with Health and Safety at Work legislation and practices and draws on all of the mechanisms, including the Bathing Water Regulations, to create the concept '**Health and Safety in Wild Swimming with Bathing Place Risk Assessment and Mitigation**'. The WCWC is not the first body to make this kind of suggestion. There is no overall integrated strategy at present.

9 There needs to be an articulation of understanding that all wild swimming and bathing comes with risk and of the circumstances and extent to which the risks can be mitigated by all parties. This is particularly relevant to inland water bathing, wherein the hazards are more diverse. There probably needs better articulation of what is common to coastal and inland swimming and what is different.

10 Given that sewage effluents can contribute to health hazards and risk mitigation of these in designated places is essential. The WCWC wishes to emphasise that disinfection of treated sewage effluents is not common practice and data on works provided with this technology are difficult to locate. The targets for which disinfection would be provided do not seem clear and the best information is provided by the Scottish Environmental Protection Agency (SEPA). If wild swimming became more commonplace, so would disinfection, and this would add significantly to costs.

11 The WCWC repeats that there is an ever more pressing need to develop an overall strategy for managing rivers, in particular, through the review of River Basin Management Plans and, hopefully, as a consequence of the ongoing review by the Independent Water Commission. Timing will be crucial in price review planning for 2030. A key part of this will be an evolution of an integrated approach to the management of health and safety risks in bathing waters. And this must have a better understanding of responsibilities of riparian owners outside of the formal responsibilities of those providing access to bathing waters proscribed under the Bathing Water Regulations.

12 Inland bathing regulations only started in 2020, so the practice is still quite new and the impact on overall river basin management needs to be better understood. Water fit for the Water Framework Directive ecological targets is not necessarily free of risks to swim in. The relationship of uses of river waters for recreational sports, in addition to swimming, needs reconciling with other uses through a system of river quality objectives, including different levels of amenity use, with appropriate standards. And the diversity of uses are not always compatible. The risks arising from occasional non-immersive exposure will be different to those arising from full immersion in swimming

13 So with these insights, on the whole, the WCWC agrees with the core reforms with some reservation about the consequences of extension of the bathing season. The WCWC is most concerned in wider reform 1 that there needs to be agreement that the extension of the definition of bathers to include other water contact / immersion uses might lead to a wider demand that all controlled waters are fit to immerse in. This will lead to substantial practical and cost consequences for water management and agriculture. If this extension is just restricted to the designated areas, so be it; bathing, per se, is usually much more restricted (using Defra's own words) while other sports, like canoeing etc, tend to be wide ranging, and the words of welcome suggest that this wider extension is what will be expected. These were highlighted by the issues round the 2024 University Boat Race (River Thames) and the problems with the River Seine in the 2024 Olympic Triathlon evince .

14 A major warning is that without an integrated approach, it is likely that even after substantial investment in sewage services, bathing waters might still fail due to the contributions of other sources.

15 The greater and wider the scope of designations, with reduced risk, the greater will be the costs to society at large. Affordable housing, cheap food and cheap water services has to be balanced with the demands for more extensive wild swimming.

16 The WCWC supports the extensive use of monitoring of all vectors. It has warned of the complexities of big data management and has advocated a new system of integrated monitoring governance within Water Companies. The Environment Agency must be properly resourced to deal with the additional monitoring and access to information. But who pays?

17 All the proposals must be tested against the Better Regulation Framework, how the contributions to bathing waters outside the control of water companies are going to be regulated and held to account, and the consequences for the water company PR24 programmes understood clearly. The WCWC does not agree with the 'de minimus' conclusion. The costs of dealing with sewage, so far, have been costed into PR24 (covering spending from 2025-30), which is already under challenge due to the extra demands of the extended housing programme which the WCWC highlighted in its response to the Planning Reforms. These proposals have the potential to add still further costs. This all needs sorting out for PR29 (2030-35 spending), the process of which will start fairly soon..

18 The WCWC has avoided an extension of its submission to include the issues around overall river quality. But there are several sets of data which need to be reconciled ... bathing water compliance, river chemical status, river ecological status,, river quality trends , sewage treatment compliance and so on .

19 Any reviews of permits must be conducted with caution. The WCWC will be responding to the consultation on the technical guidance on combined sewer overflows.