**Email copy for clubs and fisheries to send including consultation response:**

**Subject:** Concerns Over Bathing Water Consultation and Impacts on Angling, Fish and Fisheries

Dear DEFRA & [Local MP’s Name],

I am writing to express my concerns regarding the proposed reforms to the Bathing Water Regulations under consultation by DEFRA and the Welsh Government. While the goals of improving water quality are commendable, several unintended consequences of these reforms could significantly harm fish populations, angling activities, and the environment.

[SHARE DETAILS ABOUT YOUR CLUB/ANGLING EXPERIENCES/LOCAL CONFLICT/POLLUTION ISSUES]

Key concerns with the proposed reforms include:

1. **Environmental Risks:** Redefining multiple water users as ‘bathers’ increases the risk of disturbing sensitive habitats, including legally protected fish spawning sites, and may even allow water companies to delay much-needed environment improvement investments.
2. **Legal and Ecological Oversights:** The lack of an impact assessment leaves critical issues around riparian rights, navigation, and ecological protection unaddressed. Threatened species such as Atlantic salmon and other SAC species may face increased pressures.
3. **Impact on Anglers’ Rights and Enjoyment:** Designation of multiple watercraft as ‘bathers’ without due consideration for existing navigation restrictions and fishing rights could escalate bank-side conflicts and trespass which degrades the natural environment.

We urge DEFRA to:

* Drop the proposal in Wider Reform 1 to define multiple watercrafts and others as ‘bathers’.
* Conduct a thorough impact assessment, particularly on fisheries, fish spawning grounds, and riparian rights.
* Ensure proper consultation with angling clubs and fishery owners before designations proceed.

As long-standing advocates for clean waters, the angling community has consistently led efforts to report pollution and hold polluters accountable. These reforms mustn’t undermine or inadvertently disadvantage anglers.

I strongly encourage DEFRA and policymakers to engage with stakeholders to refine these proposals and mitigate their unintended consequences.

I am sending a copy of this submission to my local MP and to the Angling Trust.

Thank you for considering these concerns.

Yours sincerely,
(Your Name)
(Your Position, if applicable)
(Your Organisation, if applicable)
(Contact Information)



**Email Answer Template**

**The Bathing Waters Reform Consultation (Nov-Dec 2024)**

Whilst we accept consultation responses via e-mail, we encourage respondents to use the Citizen Space Platform.

If you are going to send an email response, please either fill out this word document or copy and paste directly into the email to fill out before sending to us.

# ‘Information about you’ questions

**Q1.** Would you like your response to be confidential? *(required)*

*Please check one below*

[ ] Yes

[x] No

**Q2.** If you answered yes, which information would you like to keep confidential and why? *(not required)*

*Please type below*

**Q3.** Please provide your full name. If you are representing an organisation or group, you will be asked its name later.*(required)*

*Please type below*

NAME

**Q4.** Please provide your email address*(required)*

*Please type below*

EMAIL

**Q5.** In what capacity are you completing this consultation? *(required)*

*Please check one below*

[ ] As a private landowner with bathing waters or potential bathing waters on their land.

[ ] As a farmer or land manager whose land may impact local bathing water quality

[ ] As a representative of a water company

[x] As a business that may be impacted by changing bathing water regulations

[ ] As a local authority

[ ] As an NGO or other non-profit public interest group

[ ] As a member of the public with an interest in bathing waters

**Q6**. Where are you currently based yourself? If you are representing an organisation or group, you will be asked where it’s based later on. *(required)*

*Please check one below*

[x] England

[ ] Scotland

[ ] Wales

[ ] Northern Ireland

[ ] Outside the UK, within the EU

[ ] Outside the UK, outside the EU

**Additional information about landowners, farmers, land managers, water companies, businesses, LAs and NGOs. If you are a member of the public, you do not have to answer these questions.**

**Q7.** What is the name of the organisation or interested group that you are responding on behalf of? *(required)*
*Please type below*

**Q8**. Where does your business or organisation operate? *(required)*

*Please check all that apply*

[x] England

[ ] Scotland

[ ] Wales

[ ] Northern Ireland

[ ] Outside the UK, within the EU

[ ] Outside the UK, outside the EU

[ ] Not applicable

# Questions about the reforms

**Q9.** 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? *(required) Please check one below*

[ ] Strongly agree

[ ] Agree

[x] Neither agree nor disagree

[ ] Disagree

[ ] Strongly disagree

[ ] Don’t know

**Q10.** Please give reasons for your answer. *(not required)Please type below*

While I see the logic to removing the automatic de-designation under the current rules as set out by the regulation and are broadly supportive given the opportunity to, for instance, better align actions to the water industry planning and investment cycle, I believe the proposals in this consultation to replace the automatic de-designation could introduce substantial delays to the timescale over which a site has to reach at least satisfactory and could become a distraction from the wider issue of improving water quality, skewing investment towards the need to address levels of intestinal enterococci and Escherichia coli (E. coli) and away from other aspects of water quality that have greater impact on the ecology and functioning of healthy rivers and freshwater. As the proposals are set out in this consultation, there is also a risk they will contradict other policy objectives, e.g. the prioritisation of sites as set out by the storm overflow reduction plan.

With each site potentially having a different timescale over which they must reach at least satisfactory this could make is more difficult for the public to monitor progress and hold both polluters and regulators to account. It will, therefore, be necessary for the Environment Agency, once having identified the source of the pollution that results in a poor rating, to set out a clear plan, timescale, and the investment required to achieve satisfactory. This should be publicly available.

In addition, these changes and the increase in the number of inland bathing water sites they appear designed to herald, fail to address some of the serious failings in our management of water, e.g. the inadequacies of the permitting system for sewage and wastewater treatment which continues to allow water companies to legally pollute rivers and seas.

**Q11.** 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? *(required) Please check one below*

[ ] Strongly agree

[x] Agree

[ ] Neither agree nor disagree

[ ] Disagree

[ ] Strongly disagree

[ ] Don’t know

**Q12**. Please give reasons for your answer. *(not required) Please type below*

I support the need for such a feasibility study before a site is designated. While the current regulations are focused on the use of a site by a large number of water users and the need to achieve at least satisfactory levels of water quality in relation to intestinal enterococci and Escherichia coli (E. coli) I believe other consideration must be taken into account as part of any assessment as to the suitability of a site. This should include the ecological impact that could result from such intensive use of a site. The appropriateness of a site has to be based on more that just water quality and use. It must consider wider ecological considerations.

However, it will be important that any such feasibility study in advance of designation, or as part of considerations to de-designate a site, are fully transparent and open to local public consultation. While I accept, even if a site is not designated or is subject to de-designation, this may not, in itself, prevent people from using said site, I believe full transparency and public engagement will act to educate people as to the reason for not designating or de-designating (if that is the case) and therefore increase acceptance.

**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? *(required) Please check all that apply*

[x] On site signage

[x] Notification on the Swimfo website in England or Bathing Waters Explorer Website in Wales.

[x] Notification on GOV.UK or GOV.WALES

[x] Notification on the EA or NRW bathing water website

[ ] No additional notification

[ ] Other (please specify)

*If you clicked other, please specify below*

Use should be made of all local communications channels and should not exclude local media and communications to residents from the local authority.

**Q14.** 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? *(required) Please check one below*

[ ] Strongly agree

[x] Agree

[ ] Neither agree nor disagree

[ ] Disagree

[ ] Strongly disagree

[ ] Don’t know

**Q15.** Please give reasons for your answer. *(not required) Please type below*

Swimming is increasingly taking place outside of the current bathing season during which time water quality monitoring takes place, with the growth in “cold water swimming”. Therefore, there is a need to introduce more flexibility around the season timings and length to reflect these changes and facilitate continued use while protecting public health.

Given that this may result in different bathing water sites having different seasons during which monitoring is taking place there will be a need to ensure there is good communications and information made available to the public as to when a site is being monitored and when it is not. See Q13.

In addition, and in support of responses in Q11 and Q12, changes to the period over which monitoring takes place, and in effect the “approved season” for swimming at any site must also consider wider issues, not least the need to restrict activities at key times of the year to allow for things such as fish spawning and the bird nesting season (see further comments in Q32), if it is considered that during those times the continued use of a site will have a detrimental impact. Changes to the length of the bathing season must not override or contradict other statutory and legal duties, such as those set out in the Salmon and Freshwater Fisheries Act 1975. Principles around restricting times when people can take part of recreational activities in order to protect species and the environment have been established, e.g. the imposition of a closed season for angling.

# Questions about the Technical Amendments

**Q16**. Are you content with the 9 proposed technical amendments listed above? *(required) Please check one below*

[x] Yes

[ ] No

[ ] Don’t Know

**Q17.** [If ‘No’ to Q16] Which of the 9 proposed technical amendments do you feel raises concerns or may have negative impacts? *(required) Please check all that apply below*

[ ] Have a defined area for each bathing water

[ ] Remove the requirement to take a sample to end short-term pollution (STP) events

[ ] Remove the 7-day time limit in which a replacement sample under STP has to be taken

[ ] Remove the requirement to take a pre-season sample

[ ] Specify 95th percentile z-value to three decimal places, rather than the current 2 places

[ ] Remove requirement to identify and provide contact details of any person responsible for taking action over STP’ in bathing water profile

[ ] Remove specific requirement to identify sample and paperwork using indelible ink

[ ] Removing the requirement to replace samples during Abnormal Situations

[ ] Amend regulation 5(1)(a) to specify a new target date by which all bathing waters should be classified as at least ‘sufficient’

**Q18.** [If ‘No’ to Q16] What negative impacts do you foresee as a result of the technical amendment(s)? *(required) Please check all that apply below*

[ ] The amendment(s) reduces overall statutory monitoring requirements.

[ ] The amendment(s) may reduce the information available to the public about when it is safe for them to use a bathing water.

[ ] The amendment(s) reduces overall accountability on the EA or NRW.

[ ] The amendment(s) may reduce the rigorousness of the monitoring methods.

[x] Other (please specify)

*If you clicked other, please specify below*

We think the changes to the first technical amendment concerning the defined area for bathing is welcome. However, we seek clarity in terms of the need to “update the Regulations to match this reality”, which we read is in relation to the current use of site in “roughly defined areas”. This appears an attempt to bring the regulations into line with the current use of a site and its boundaries as set by that use. This does not adequately account for the potential inappropriateness of those “self-defined” boundaries and whether they pose a risk to public safety or to the use having an unacceptable ecological impact. We, therefore, propose that this technical change is an opportunity to remove certain areas, e.g. SSSIs and sites that support endangered species (e.g. areas where salmon redds are present) from ever being in the defined area for bathing waters.

# Impact Assessment Questions

**This section is aimed at businesses, farmers, landowners, local authorities, NGOs and water companies. If you’re a member of the general public, you don’t need to answer these questions.**

**Q19.** Do you consider it likely that any of the proposed reforms will have a negative or positive economic impact on your organisation? *(required) Please check one below*

[ ] Overall Positive (This could include but isn’t limited to gain in profit/revenue or reduced expenditure)

[x] Overall Negative (This could include but isn’t limited to loss in profit/revenue or increased expenditure)

[ ] A mixture of positive and negative impacts

[ ] No change

[ ] Don’t Know

**Q20.** [If ‘Negative’ to Q19] At this time, which range best describes the estimated annual negative impacts on your business or organisation should reforms be introduced? *(not required) Please check one below*

[ ] Less than £10,000/year

[ ] £10,001 - £50,000/year

[ ] £50,001-£100,000/year

[ ] £100,001-£1,000,000/year

[ ] More than £1,000,000/year

[x] Don’t know

[ ] Prefer not to say

**Q21.** [If ‘Negative’ to Q19] How would you describe the extent of the expected impact on your business or organisation? *(not required) Please check one below*

[ ] Minor impact

[x] Significant impact

[ ] Very significant impact

[ ] Don’t know

**Q22.** [If ‘Negative’ to Q19] Why do you consider it likely that the proposed reforms will have an overall negative impact? Please add anything here that you want us to consider.

When it comes to inland bathing water sites, this consultation appears designed to allow for an increase in not only the length of the bathing water season, but in the number of sites designated as being suitable for bathing. These will be interpreted as being “approved” areas you can bathe regardless of impact on other water users. It will be viewed as allowing water users free access to bathing in rivers and lakes when it comes to inland bathing.

This “free access” could have a detrimental impact on anglers’ ability to enjoy a peaceful recreational activity which allows an intimate connection with nature and all the social and health benefits that brings. This could result in a reduction in the number of people angling, and therefore and a potentially major economic impact too resulting in substantial job losses for those who support angling.

Anglers do not have free access to our rivers and lakes to pursue their sport and recreation. Anglers are required to purchase a rod licence (in effect a tax – see comment below), and in addition must pay, either through member fees, day tickets, or other payments to clubs, syndicates, riparian owners and commercial fisheries, for their fishing. A reduction in angling due to conflict with other water users will result in a substantial reduction in income, including to the government.

According to the latest report from the Environment Agency, rod licence income (a tax on fishing) generated over £22.5m in income that was invested back into our rivers and lakes. This resulted in 406km of rivers enhanced and 219km protected, plus 392ha of still waters improved. And it supported 43,244 people to take up fishing. In addition, according to Defra’s own figures, angling contribute £4.2bn to the economy. Without careful consideration before making any changes, including a full assessment of the unintended consequences, all this income and the benefits it delivers are put at risk.

**Q23.** [If ‘Positive’ to Q19] At this time, which range best describes the estimated annual positive impacts on your business or organisation should reforms be introduced? *(not required) Please check one below*

[ ] Less than £10,000/year

[ ] £10,001-£50,000/year

[ ] £50,001-£100,000/year

[ ] £100,001-£1,000,000/year

[ ] More than £1,000,000/year

[ ] Don’t know

[ ] Prefer not to say

**Q24.** [If ‘Positive’ to Q19] How would you describe the extent of the expected impact on your business revenue? *(not required) Please check one below*

[ ] Minor impact

[ ] Significant impact

[ ] Very significant impact

[ ] Don’t know

**Q25.** [If ‘Positive’ to Q19] Why do you consider it likely that the proposed reforms will have a positive impact on your business or organisation? Please add anything here that you want us to consider. *(not required) Please type below*

**Q26.** [If ‘A mixture of positive and negative impacts’ to Q19]. What are the main reasons for your answer? Please add anything here that you want us to consider. *(not required) Please type below*

# Questions on the Wider Reforms

**Q27.** To what extent do you agree or disagree that government should pursue wider reform of the Bathing Water Regulations 2013 for England and Wales to include widening the definition of ‘bathers’? *(required) Please check one below*

[ ] Strongly agree

[ ] Agree

[ ] Neither agree nor disagree

[ ] Disagree

[x] Strongly disagree

[ ] Don’t know

**Q28.** Please indicate a reason for your answer. *(not required) Please type below*

Our concern focuses on the freshwater environment, and a series of unintended consequences that have clearly not been fully considered in the drafting of this consultation (apparent by the fact that fishery owners and/or angling clubs who hold fishing rights are not expressly listed as those whose views would be specifically relevant).

Extending the definition of “bathers” to a broader group of water users will have a detrimental impact on angling. This is happening already, and such a change, should it go forward will increase the likelihood of conflict. There are multiple examples of established community angling clubs giving up leases or ceasing fishing as extensive use by other water users deems angling impossible. National Trust – Woodchester Park, Priory Angling Club has given up fishing rights on the lake due to wild swimming which the National Trust have prohibited but which still takes place to an extent where angling is simply not possible. Wye and Usk foundation stop offering angling opportunities on multiple sections of river where commercial canoe operations mean that the volume of traffic deems angling activity impossible.

We have set out our evidence in detail in Q32 below.

**Q29.** Which water users should be included within the definition of ‘bather’? *(required) Please check one below*

[ ] Anglers (fishing)

[ ] Kayakers/Canoeists

[ ] Paddle Boarders

[ ] Paddlers (those in the water but not fully submerged)

[ ] Rowers

[ ] Small boat users

[ ] Surfers

[ ] Swimmers

[ ] Wind Surfers

[ ] Other (please specify)

*If you clicked other, please specify below*

We do not believe it is appropriate to widen the definition of “bather” in this regulation, see Q32 below.

**Q30.** 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? *(required) Please check one below*

[ ] Strongly agree

[x] Agree

[ ] Neither agree nor disagree

[ ] Disagree

[ ] Strongly disagree

[ ] Don’t know

**Q31.** Please indicate a reason for your answer *(not required) Please type below*

**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. *(not required)*

We’re particularly interested in information around:

* The use of multiple monitoring points
* Widening the definition of bathers at bathing water sites.

**Further evidence**

We are using this final question to offer some further comment that the structured questions do not give me the opportunity to make. The proposal to widen the definition of ‘bather’ is ill-conceived and potentially damaging and dangerous.

Anglers have been in the forefront of campaigning for cleaning up Britain’s rivers and we believe that there is room for everyone to enjoy our rivers and streams for the purpose of recreation. This must be done in a way that protects both wildlife and other water users as some activities are simply incompatible with each other. Anglers adhere to a close season on our activities to protect fish at spawning times. We avoid doing tree work on our fisheries during the bird nesting season and we are very careful as to where wading is allowed due to environmental considerations. Anglers support efforts by wild swimmers and surfers to bring about improvements in water quality in rivers, lakes and coastal waters.  But bathing water regulations are primarily focused on public health. They are not a replacement for other actions needed for pollution control and improvements in overall waterbody health, such as the Water Environment (Water Framework Directive) Regulations or the conservation of habitats and species.

The potential for conflict between different water users has not been considered. There is no general right to navigate non-tidal rivers in England and Wales. Governing bodies of canoeing frequently mis-state the law on navigation on rivers in England and Wales, this leads to conflict. There is well documented conflict between some canoe groups, and angling/wildlife interests, in pursuit of a 365-day universal right to paddle on all rivers. There are multiple examples over many years of deliberate acts of trespass by these groups across private land and along rivers and streams where no navigation rights exist, and which are completely inappropriate for this activity. The government has previously resisted calls to legislate for universal access which would trample over the rights of anglers and other water users. There is a proven route of negotiating voluntary access agreements to share access to the water. There is a risk these proposals will conflict with and create contradictions with existing legislation. Expanding the definition of “bathers” without clarifying how this will work in the context of common law, including navigation, and land and riparian rights could result in increased conflict and inadvertently encourage people to break the law.

Any expansion of the meaning of ‘bathers’ working together with changes to the definition of the ‘bathing season’ could lead to uncontrolled (and uncontrollable) mass use of inland waterways throughout the year and at times that are particularly sensitive for fish and any in-river and bankside wildlife.  The proposal will impact negatively on any existing activity, such as fishing or bird watching, that requires wildlife to remain undisturbed. The process for designating bathing water sites cannot ignore the current law which protects fish spawning sites. This is particularly relevant as fish often spawn in the same shallow and well-oxygenated water likely to be favoured by bathers. By broadening the definition of ‘bathers’ to include activities such as rowing, canoeing and use by other small boats (possibly jet skis) the level of disturbance for fish and wildlife will be intensified and spread over a much larger section of river.

Whilst coarse fish spawn mainly from April to June the salmonid species are winter spawners. There are no obvious safeguards being considered that would protect known fish spawning sites with particular emphasis on threatened and endangered species such as Atlantic Salmon or other SAC species such as lamprey or shad. There is a danger that in promoting year-round bathing members of the public will be at risk of prosecution under Section 2 (4) of the Salmon and Freshwater Fisheries Act in that “ ..*any person who… wilfully disturbs any spawn or spawning fish or any bed, bank or shallow on which any spawn or spawning fish may be, shall be guilty of an offence.*” Where damage is caused to designated features of a Site of Special Scientific Interest (“SSSI”) or Special Area of Conservation (“SAC”), then further offences may also have been committed. Anglers need to understand how these proposed reforms are compatible with the Environment Agency positive duty under the Environment Act (1995), to “maintain, improve and develop fisheries” and Defra needs to state how these reforms will not be detrimental to other legally binding targets such as halting species decline and increasing abundance.

When it comes to inland bathing water sites, this consultation appears designed to allow for an increase in not only the length of the bathing water season, but in the number of sites designated as being suitable for bathing.  It will allow non-angling water users, including watercraft, free access to rivers and lakes. Anglers do not have free access to rivers and lakes to enjoy our fishing.  Anglers must buy a rod licence from the Environment Agency, and in in most cases must pay, either through member fees, day tickets, or other payments to clubs, syndicates, riparian owners, and commercial fisheries, for our fishing.  A reduction in angling due to conflict with other water users will result in a substantial reduction in income, including to the government. Any reduction in the number of people angling will also impact too resulting in substantial job losses for those who support angling. According to the latest report from the Environment Agency, rod licence income (a tax on fishing) generated over £22.5m in income that was invested back into our rivers and lakes and supported 43,244 people to take up fishing. Without careful consideration before making any changes, including a full assessment of the unintended consequences, all this income and the benefits it delivers are put at risk.

There is a need for greater transparency in the decision-making process around bathing water site designation. There needs to be more emphasis in the criteria for site selection on what information is required in order to initially and continually assess the potential and actual impacts on ecology and wildlife and clearer guidance on ‘red lines’, i.e. criteria that would automatically make a site unsuitable. There does not appear to have been any impact assessment as part of this consultation.  This means that issues around access, riparian and fishing rights, navigation or ecological impact have not been properly considered. The exclusion of the regulatory bodies is also a matter of concern. These are all major flaws in the process, particularly given the resourcing implications on already over-stretched regulators and serious consequences and conflicts that could arise in respect of Wider Reform 1. There must be proper assessment of the environmental impact of both the designation process and any de-designation decision-making and the views of Natural England, the Environment Agency, Natural Resources Wales and other appropriate bodies on these proposed reforms must be sought in advance. The local community, including existing water users, such as anglers, most also be fully involved. Furthermore, the increased use of canoes and other watercraft brought in from other river systems only heightens the risk of the inadvertent transfer of invasive species. Many anglers, angling clubs and fishery owners across England and Wales could be massively and negatively impacted by these proposed changes.