

Explanatory Memorandum to The Bathing Water (Amendment) (England and Wales) Regulations 2025.

This Explanatory Memorandum has been prepared by the Climate Change and Environmental Sustainability Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact The Bathing Water (Amendment) (England and Wales) Regulations 2025. I am satisfied that the benefits justify the likely costs.

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

28 October 2025

PART 1 – EXPLANATORY MEMORANDUM

1. Description

- 1.1 The Bathing Water Regulations 2013 aimed to improve water quality and therefore protect bathers health. They place duties on the appropriate agencies—Natural Resources Wales (NRW) in Wales—as well as local authorities, sewerage undertakers, and others to address pollution and poor water quality (as defined by the Regulations) at designated bathing waters and support collaborative remedial action where needed.
- 1.2 These Regulations are unique among environmental water quality monitoring frameworks because their main purpose is to protect human health, rather than to safeguard the broader environmental quality of water. The Minister is required to identify popular bathing waters, monitor their water quality, keep bathers well informed about water quality standards and endeavour over time to achieve good water quality at all identified bathing waters.
- 1.3 The 2025 amendments to the Bathing Water Regulations are considered necessary to further strengthen public health protection, enhance environmental safeguards, and ensure resources are used effectively, reflecting Wales-specific priorities while working closely with Defra to maintain alignment where possible.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 The 2013 Regulations already apply to both England and Wales, though the Welsh Government manages its bathing water programme independently through NRW. While no designated bathing waters themselves straddle the border, the rivers and catchments that feed many inland and coastal sites do, making coordinated cross-border action essential for improving water quality. A composite SI covering both nations provides a consistent legislative framework that supports this coordination. It avoids the duplication of near-identical regimes, reduces administrative complexity, and gives clarity for regulators, water companies, and local authorities operating across catchments. Most importantly, it ensures collective effort remains focused on improving water quality rather than managing separate legal frameworks.
- 2.2 The 2025 amendments being made are to the 2013 Regulations which is an English language statutory instrument covering England and Wales.
- 2.3 As the 2025 Regulations will be laid in the UK Parliament the same time as the Senedd, the Regulations are not made bilingually.

3. Legislative background

- 3.1 The Bathing Water (Amendment) (England and Wales) Regulations 2025 will amend the Bathing Water Regulations 2013 (S.I. 2013/1675) which were made using the powers in section 2(2) of the European Communities Act 1972.
- 3.2 The Bathing Water Regulations 2013 were made on a composite basis for England and Wales and transposed the 2006 EU bathing Water Directive (2006/7/EC) replacing the original 1976 Directive(76/160/EEC).
- 3.3 The amending Regulations are also made on a composite basis and are made in exercise of the powers conferred by section 2 of the Pollution Prevention Control Act 1999 (“the 1999 Act”). Section 2(1) of the 1999 Act states that the Welsh Ministers may by regulations make provision for any of the purposes listed in Part I of Schedule 1 of the 1999 Act.
- 3.4 Functions of the Secretary of State under the 1999 Act were transferred to the National Assembly for Wales, by virtue of article 3(1) of the National Assembly for Wales (Transfer of Functions) Order 2005. Functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- 3.5 Paragraph 20 of schedule 1, part 1 provides the WMs with the power to make provision which, (subject to any modifications that the Secretary of State considers appropriate), “corresponds or is similar to” any provision that might be made by an Act of Parliament “in connection with” the “relevant directives” listed in paragraph 20(2). The Bathing Water [Directive 2006/7/EC](#) which was transposed into domestic law by the Bathing Water Regulations 2013 is listed as a “relevant directive”.
- 3.6 The Welsh Ministers have powers to make representations about any matter affecting Wales in section 62 of the Government of Wales Act 2006 and this power, together with the executive ministerial functions in section 58A, enable the Welsh Ministers to take the recommended action.
- 3.7 The Bathing Water (Amendment) (England and Wales) Regulations 2025 are subject to the Senedd’s negative procedure because none of the exceptions in section 2(8) of the 1999 Act apply. The Regulations do not create an offence or increase a penalty for an existing offence or amend or repeal any provision of an Act.

4. Purpose and intended effect of the legislation

- 4.1 The Bathing Water Regulations 2013 (the 2013 Regulations) specify the statutory requirements for the management of identified bathing waters in Wales. While the Welsh Government (WG) manages the Welsh bathing water programme independently from the UK Government (UKG), the Regulations are shared between Wales and England.
- 4.2 The Regulations require Welsh Ministers to identify popular bathing sites for designation. Under the 2013 Regulations the sole criterion for bathing water designation is that there is evidence of a 'large number of bathers' being expected at the site.
- 4.3 The purpose of the 2013 Regulations is to ensure the protection of public health through the use of monitoring and bathing water quality classifications. However, there have been changes in how and where people used bathing waters since the 2013 Regulations were introduced.
- 4.4 The 2025 amendments to the Bathing Water Regulations are considered necessary to further strengthen public health protection, enhance environmental safeguards, and ensure resources are used effectively, reflecting Wales-specific priorities while continuing to work closely with Defra to maintain alignment where possible.
- 4.5 The 2013 Regulations take a 'one-size-fits-all' approach to bathing water designations, water quality monitoring and the de-designation process. The 2025 amendments allow for a more nuanced consideration of site-specific factors to ensure a site is genuinely suitable for bathing.
- 4.6 The key reforms, as consulted on, include removing the automatic de-designation of bathing waters following five consecutive years of 'poor' classification, introducing feasibility tests to ensure sites can achieve at least 'sufficient' water quality alongside physical safety and environmental protection considerations, removing fixed dates for the monitored bathing season to allow adaptive local management, and technical amendments to modernise regulatory practices.
- 4.7 Core Reform 1: Under the 2013 Regulations, a bathing water is automatically de-designated following 5 consecutive years of 'poor' classification. However, this period is often too short to allow for meaningful investigation and improvement, especially where solutions depend on long-term investment cycles. Removal of bathing water status can lead to wasted effort and missed opportunities to improve water quality. Core Reform 1 requires NRW after consulting the relevant local authority to advise the Minister on whether achieving at least a 'sufficient' classification within an additional five years is feasible and not disproportionately expensive. This change allows for more time for improvements while recognising that some sites may not be suitable for

designation due to persistent unresolvable pollution. The overarching policy intention remains to protect health by improving water quality wherever possible.

- 4.8 The Welsh Government's intention is to ensure that the bathing water programme is focused on sites that can be safely used for bathing, maximising protection of public health while avoiding the inefficient use of public and private resources at locations where water quality improvements are unlikely to achieve safe conditions.
- 4.9 Core Reform 2 introduces physical safety and environmental protection as integral criteria for bathing water designation, alongside a cost benefit feasibility assessment being developed jointly with Defra, the EA and NRW. This assessment is designed to prevent sites with high pollution levels, which cannot realistically be remediated, from being designated in a way that could give a misleading impression to the public that it is a suitable location for bathing. By introducing feasibility, we ensure resources are concentrated on sites where interventions can deliver meaningful health and environmental benefits, rather than pursuing blanket improvements that may be impractical.
- 4.10 In implementation, the Welsh Government prioritises protecting public health, particularly at sites where there is clear evidence of usage by bathers. This reflects the Welsh Government's policy intent to ensure regulatory reforms translate into tangible health benefits for the public while remaining consistent with the joint statutory instrument.
- 4.11 Core Reform 3 introduces flexibility to the season dates for bathing water sites so that there is no longer a requirement for all sites to be subject to a bathing season of 15th May – 30th September each year.
- 4.12 Whilst the amending regulations still refer to the above dates as effectively the default season date, Welsh Ministers may now determine either (i) a different season date for the whole of Wales or (ii) different season dates for a particular bathing site. Therefore the intended impact of the reform is achieved, enabling sites to be recognised as having an annual bathing season while maintaining the discretion needed to respond to local conditions and preserve the reliability of water quality classification.
- 4.13 Finally, the technical amendments largely reflect the consultation proposals, modernising practice and improving efficiency, with a single exception regarding the definition of bathing water areas, which was revised to prevent unintended consequences.

5. Consultation

Formal consultation

- 5.1 A bilingual consultation on the draft proposed statutory instrument ran for six weeks on Defra's Citizen Space consultation platform from 12 November 2024 to 23 December 2024. This was a joint consultation carried out by the UK and Welsh Governments. In addition to submitting responses on the platform, respondents were also able to reply by email to Defra and/or Welsh Government.
- 5.2 The consultation requested views on the 3 core reforms as well as 9 technical amendments to improve the use of EA and NRW resources and bring the Regulations in line with modern sampling practices.
- 5.3 Views were also sought on two wider reforms that may form part of future phases of regulatory reform.
- 5.4 The consultation received 1,526 responses (102 responses from people or organisations based within Wales). 81 per cent of respondents were members of the public with an interest in bathing waters. Other respondents included NGOs and public interest groups (10 per cent), local authorities (4 per cent), businesses affected by regulatory changes (2 per cent), private landowners with bathing waters (2 per cent), water company representatives (1 per cent), and farmers or land managers (1 per cent). Of these responses a total of 207 organisations and businesses participated in the consultation.
- 5.5 Feedback from respondents in both England and Wales was broadly consistent across the consultation questions. Welsh Government officials considered both the quantitative and qualitative analysis and were satisfied that the results reflect the position in Wales.
- 5.6 The primary findings emerging from the quantitative and qualitative analysis highlighted the public's concern for bacteriologically safe bathing waters.
- 5.7 Respondents expressed a strong desire for reforms that would enhance the monitoring and classification of bathing waters, ensuring public health, public safety and environmental standards are upheld. The feedback indicated a general agreement with the proposed reforms, emphasising the importance of adapting regulations to better address site-specific factors and improve overall water quality.
- 5.8 Overall, the consultation results demonstrated a public mandate for the proposed changes, with respondents broadly supporting the core reforms and technical amendments aimed at improving the flexibility and effectiveness of the Bathing Water Regulations.

- 5.9 Broadly, businesses and organisations were in favour of the reforms, albeit at a slightly lower rate than all respondents (between 4 per cent and 6 per cent lower).
- 5.10 In Wales Local Authorities and primary stakeholders, including Afonydd Cymru and Water Safety Wales in Wales were in favour of the reforms.
- 5.11 A bilingual summary of consultation responses and Government response has been published by both Defra and the Welsh Government. The Welsh Government Response: [Summary of Consultation: Reforms to the Bathing Water Regulations 2013](#)

Duty to consult

- 5.12 Section 2(4) of the 1999 Act requires Ministers to consult the Environment Agency, Natural Resources Wales, such bodies or persons appearing to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and such other bodies or persons as they consider appropriate, before making regulations under Section 2(1).
- 5.13 In addition to the Formal Consultation the Environment Agency and Natural Resources Wales have been consulted throughout the regulatory review process, particularly on the technical aspects of the Amendments.

PART 2 – REGULATORY IMPACT ASSESSMENT

Regulatory Impact Assessment (RIA) summary

A Regulatory Impact Assessment has been completed for the secondary legislation, and it follows below.

6. Options

Automatic de-designation (Core Reform 1)

- 6.1 Option 0 – Do nothing – maintain 2013 Regulations. Under the 2013 Regulations, bathing waters are automatically de-designated after five years of ‘poor’ classification.
- 6.2 Option 1 – Remove the automatic de-designation provision from the regulations (preferred option). The 2025 amendment to the Regulations would contain a provision requiring the ‘Appropriate Agency’ (NRW in Wales) after consulting the relevant local authority to advise the Minister on whether achieving at least a ‘sufficient’ classification within an additional five years is feasible and not disproportionately expensive. This option allows local contexts to be considered and bathing water designations to better line up to asset management plan period (AMP)/Price Review (PR) cycles. The final decision on whether a site should be permitted an additional period to improve water quality will be taken by the Minister. This change allows for more time for improvements while recognising that some sites may not be suitable for designation due to persistent unresolvable pollution. The overarching policy intention remains to protect health by improving water quality wherever possible.
- 6.3 Considering water quality, physical safety and environmental protections prior to designation (Core Reform 2)
- 6.4 Option 0 – Do Nothing. This maintains the 2013 Regulations. When identifying new bathing waters the 2013 Regulations allow Welsh Government only to use the narrow criteria of the expected number of bathers.
- 6.5 Option 1 – Amend the 2013 Regulations to allow additional considerations when identifying bathing waters (preferred option). This proposal introduces physical safety and environmental protection as integral criteria for bathing water designation, alongside a cost benefit feasibility assessment of ensuring sufficient water quality. This assessment is designed to prevent sites with high pollution levels, which cannot realistically be remediated, from being designated in a way that could mislead the public. By introducing feasibility, it ensures resources are concentrated on sites where interventions can deliver meaningful

health and environmental benefits, rather than pursuing blanket improvements that may be impractical. Non-statutory guidance will explain how this assessment will work and what evidence will be considered. NRW would lead feasibility assessments in Wales and make recommendations to Welsh Government.

6.6 Dates of monitored bathing season (Core Reform 3)

6.7 Option 0 – Do nothing. Maintain 2013 Regulations. Main The dates of the monitored bathing season are currently set in the Regulations as 15 May to 30 September.

6.8 Option 1 – The bathing season dates remain in the amended Regulations but with additional flexibility (preferred option). The dates of the bathing water season remain in the amended regulations. Additional drafting allows Ministerial flexibility to adjust the season for all bathing waters in Wales and for individual bathing waters. This enables sites to be recognised as having a bespoke bathing season while maintaining the discretion needed to respond to local conditions and bather numbers while preserving the reliability of water quality classification dataset.

6.9 Technical Amendments

6.10 Option 0 – Do nothing. Maintaining the 2013 Regulations.

6.11 Option 1 – Implement technical amendments (preferred option). As recommended by the EA and NRW the amended Regulations are updated to reflect modern practice and improving efficiency. These changes do not impact upon the main policy changes in the Core Reforms outlined above.

7. Costs and benefits

Costs

7.1 Automatic de-designation (Core Reform 1)

7.2 Option 0 (do nothing) and maintain 2013 Bathing Water Regulations.

7.3 Under the 2013 Regulations, a bathing water is automatically de-designated following 5 consecutive years of 'poor' classification.

7.4 This period is often too short for NRW and the water company to fully investigate pollution sources and deliver improvements particularly at complex sites.

7.5 Where improvements depend on long-term water company investment their funding cycles for example the 5 yearly water company Price

Review/Asset Management Period (AMP) cycle often no not align with consecutive years of poor bathing water classification.

- 7.6 Automatic removal of bathing water status risks sunk costs and poor value for money if some improvement work has started but the site cannot be improved to 'sufficient' classification within the required timeframe. Removal of bathing water status can lead to wasted effort and missed opportunities to improve water quality.
- 7.7 Natural Resources Wales receives a fixed funding allocation through the government's annual budget process to support its regulatory duties including bathing waters work. This funding is set for a defined period, which may limit the NRW's ability to respond to changing demands, particularly as the number of designated bathing waters increase from one Spending Review to another. Similarly, the amount of investment companies undertake is determined by OFWAT during the Price Review process. Over the next five years the Dŵr Cymru Welsh Water will invest £1.1 billion to tackle storm overflows reducing pollution incidents by 30%.
- 7.8 Under this option there will be no change to operational costs for either the water company or NRW.
- 7.9 Option 1 Amend the Regulations (preferred option)
- 7.10 In this scenario, automatic de-designation after five years of 'poor' classification would not apply. It is not possible to predict how many sites will fall into this category in the future. Bathing water quality depends on many factors, including which water bodies are designated as bathing waters, rainfall patterns, and the sources of pollution—whether they are from specific points or more widespread (diffuse) sources. The size of the catchment area and how easily the cause of poor water quality can be identified and addressed also play a role in consecutive poor classification.
- 7.11 Currently, in Wales, there is one bathing water that has been classified as 'poor' for two consecutive years and is likely to receive a 'poor' classification for a third year.
- 7.12 Under the 2025 amendment to the Regulations, NRW— consulting the relevant local authority—would advise the Minister on whether achieving at least a 'sufficient' classification within an additional period of up to five years is feasible and not disproportionately costly. The Minister will then decide whether to allow an additional period of up to five years to improve water quality, or, whether the site should no longer be identified as a bathing water (de-designated). Under the 2013 Regulations, if a bathing water is classified as 'poor' at the end of a bathing season, advice against bathing must be issued for the following bathing season. This will continue to apply under the 2025 amendment, even if the bathing water is within an additional (extended) period. This is to protect health of bathers while allowing additional time to improve water quality.

- 7.13 This amendment will introduce an additional resource requirement for NRW. NRW would need to undertake the feasibility assessment. Costs would be primarily staff costs. While the scope of a feasibility study is not yet known and depends on a tool being developed. The tool is being funded by Defra and developed by consultants in conjunction with NRW. As part of the contract awarded by Defra there will be some ongoing technical support for NRW staff using the tool. However, feasibility study will be a desk-based assessment using existing datasets as well as the tool in development. As this process has yet to be finalised, costs are estimated. However, provided 1 to 2 sites require feasibility assessment each year NRW predict this will cost 0.5FTE of a specialist advisor totalling £39,000 (including NRW on-costs) per annum, however, it is noted this dependant NRW having sufficient staff for this activity.
- 7.14 If an additional period was used, the location would remain a bathing water during the additional period, NRW and the local authority would also need to continue their usual bathing water regulatory duties. However, these would be the usual costs associated with regulation of a bathing water and would not change because of this proposal. NRW does not currently have a cost estimate, as no bathing water in Wales has previously been at risk of de-designation. However, NRW has indicated that the Vale of Glamorgan Bathing Waters Project provides a useful benchmark, with investigation costs averaging £200,000 per year. Current work at Ogmore-By-Sea is expected to cost £299,000 in the 2025–26 financial year.
- 7.15 Water company funding and bathing water designation both operate on five-year cycles, but these rarely align. This misalignment makes it difficult for companies to invest in improvements within the required timeframe (before automatic de-designation). Investment is primarily allocated through the National Environment Program (NEP) and OFWAT Price Reviews 5 yearly reviews. If water quality improvement is deemed feasible, companies will need to extend planned projects into the additional period. While overall improvement costs are not expected to change, this amendment allows better alignment with funding cycles, avoiding premature de-designation and supporting more effective water quality improvements. Thus improving water quality and protecting health of bathers.
- 7.16 However, the feasibility study will prevent costs being sunk into sites where it is not feasible to improve water quality. This will prevent ineffective spending.
- 7.17 The costs from NEP are generally allocated for investigations followed by improvements. These can cover a variety of scales, example, an investigation could cover a catchment with more than one bathing water, and some bathing waters may be more complex requiring multiple phased investigations and improvements actions.

- 7.18 To give an indication of investment costs, in Wales there are currently two bathing waters classified as poor and which are receiving Water Company investigation under their NEP programme. These two sites have a large range in costs. One catchment is well known, and benefiting from previous work is estimated to cost £127,000 as it is in effect an upgrade compared to the other which is in a catchment which has not previously been investigated and is a larger more complex catchment, the most recent estimate for investigation at this location is £500,000.
- 7.19 These figures relate to coastal investigation only and not improvement. NRW will also be investigating both sites as a combined project of these sites over two years the total NRW spend (grant funded by Welsh Government) is projected to be £402,000. Therefore the total combined Water Company and NRW spend for investigating two poor bathing waters is £1.029million. This is in the same order range of Defra assessment, where it was assessed that the average cost of an investigation is £1.1 million.
- 7.20 It is also noted that Wales do not currently have any inland bathing water sites classified as poor. Whereas Defra and the Environment Agency have experience of river sites which have been classified as poor for four consecutive years.
- 7.21 Following investigation, sites classified as poor will usually incur costs of improvement. This is in addition to regular monitoring and regulation associated with each designated bathing water which remain the same. Following investigation at a Welsh bathing water previously classified as poor, funding was allocated for water company improvements works, this budget is currently set at £4,971,322. This bathing water is no longer classified as poor.
- 7.22 The amendment may result in some sites still being de-designated after 5 years of consecutive poor classification. This is because, after undertaking a feasibility assessment Natural Resources Wales may make a recommendation to de-designate a bathing water, rather than it happening automatically. Although the final decision whether a site should remain designated will rest with the Minister. In this scenario, other than the feasibility assessment there will be no change in costs associated with this element.
- 7.23 In Wales there is one beach which is anticipated to be classified for a third year as poor in 2025. This beach is subject to the investigations as costed above, with improvements yet to be designed, costed and implemented. Therefore the 5-year feasibility review will quickly be reached. At this point it will be evaluated whether to allow an additional period to improve water quality, although the feasibility and costs of this are currently unknown, improvements at a nearby beach were £4,971,322. In England, on the River Wharfe costs have been as high as £85million to improve water quality at one bathing water.

- 7.24 The feasibility adds a check point to ensure that spending is appropriate, or whether this location is not in fact feasible to improve and should not be designated as a bathing site in order to protect health of bathers.
- 7.25 Improvement costs are anticipated to vary significantly between sites as different improvement measures may be required.
- 7.26 Costs are not available from England or Wales for sites where poor water quality classification is driven by non- water company sources (such as agriculture).
- 7.27 Overview:
- 7.28 The 2025 amendment removes automatic de-designation after five years of 'poor' classification. Instead, NRW, in consultation with the local authority, will assess whether improvement to 'sufficient' is feasible and cost-effective. The Minister will decide whether to allow an additional five years or de-designate the site.
- 7.29 If an extension is granted, the site remains designated, and regular regulatory duties continue while the site is further investigated and improved as necessary. Investigation and improvement costs vary widely and are presented above for Wales where available.
- 7.30 The review point after 5 years rather than automatic de-designation will help avoid ineffective spending on sites unlikely to improve leading to savings.
- 7.31 The additional time will remove misalignment between water company funding cycles and bathing water timelines which can hinder water company improvements. The amendment supports better alignment and more effective water quality improvements.
- 7.32 The conclusion of this cost benefit analysis is not about changing the spend of investigating and improving bathing waters, more about ensuring the investment only takes place where it is feasible that water quality is improved, and, ensuring that where improvement is possible that improvement works are not cut short by a bathing water being de-designated.
- 7.33 The Welsh Government's aim is to improve poor water quality at bathing waters to protect public health, and the additional period will better support this goal. However, it will prevent continued spending at sites where it is not possible to improve poor water quality enabling bathers to be informed that it is not a safe place to swim.
- 7.34 Considering water quality, physical safety and environmental protections prior to designation (Core Reform 2)

7.35 Option 0 (do nothing) and maintain 2013 Bathing Water Regulations.

7.36 Under current regulations, designation of bathing waters is based solely on the expected number of bathers, without assessing water quality or the feasibility of achieving a 'sufficient' classification. Physical safety and environmental protections are also not considered.

7.37 This can result in sites being designated despite poor water quality, triggering immediate investigation and improvement needs as detailed in Core Reform 1—often without clear cost estimates. It may also mislead the public into believing a site is safe for bathing when it is not.

7.38 Recent designations of riverine bathing sites in England show that rivers often have poor water quality. Many Welsh rivers are also SSSIs, and with Welsh Government planning to designate inland waters, the current designation criteria can pose risks to both public health and environmental protections.

7.39 Option 1 Amend the Regulations (preferred option)

7.40 Considering environmental protections, physical safety, and water quality prior to identifying a bathing water.

7.41 Environmental protection:

7.42 The Minister will be able to consider whether the level of bathing activity required for designation could significantly undermine existing environmental protection measures at the site.

7.43 This amendment is not expected to have cost implications. NRW, as the conservation regulator in Wales, already assesses recreational impacts on protected nature sites as part of its existing duties. Since bathing waters must already be popular before designation, and any activity within protected sites (like swimming) requires prior assessment and consent, this remains a business-as-usual responsibility for NRW.

7.44 However, the amendment gives the Minister discretion to refuse designation if it is found that large-scale bathing could negatively impact a protected site.

7.45 Physical Safety:

7.46 All open water swimming carries some risk. Under the amended regulations, the Minister may choose not to designate a bathing water if

they have reasonable grounds to believe it poses a physical safety risk beyond what is normally expected when bathing.

- 7.47 Local authorities, landowners, and Welsh Government already have responsibilities for assessing physical safety—this is standard practice regardless of bathing water designation. The amendment simply adds Ministerial discretion to refuse designation where significant safety risks are identified.
- 7.48 If professional safety advice is needed to support Ministerial decision making, the estimated cost is low—less than £5,000 per year.
- 7.49 Water Quality:
- 7.50 For this measure it is proposed that NRW would be the appropriate agency to advise the Minister on water quality, and, if poor water quality is anticipated whether it is feasible on cost and deliverability grounds to improve the water quality to ‘sufficient’.
- 7.51 The main cost will be for NRW to undertake these assessments and further work before designation.
- 7.52 If the number of assessments required over the next five years matches Environment Agency projections, for England, 52 assessments will be needed at a total estimated cost of £146,200—averaging £2,811 per site, though actual costs may vary significantly depending on site complexity. Wales currently has only 20% as many designated bathing waters as England. If new designations continue at the same rate, the number of bathing water assessments in Wales is likely to remain at about 20% of the number in England. However, this estimate could change depending on factors such as how many bathing waters are identified by the Minister.
- 7.53 Provided 1 to 2 sites require feasibility assessment each year NRW predict this will cost 0.5FTE of a specialist advisor totalling £39,000 (including NRW on-costs) per annum. This is caveated that the cost estimate is dependent on Defra delivering a feasibility tool. If water quality sampling is required, each sample costs £151.79. At designated bathing waters, 20 samples are typically per season at a newly designated bathing water (£3,035.80), though the number needed for feasibility assessments is currently unknown.
- 7.54 The aim of the amendment is to assess water quality before designating a site as a bathing water.

- 7.55 If a location is confidently predicted to have poor water quality and improvement is not feasible, the Minister may choose not to designate it. This protects public health and avoids unnecessary spending on sites unlikely to meet water quality standards. Although not yet realised in Wales, it is reported that expenditure on bathing water sites can be as high as £85 million (Yorkshire Water River Wharfe) and water quality can remain classed as poor. Thus choosing not to designate sites like this also could represent a cost saving.
- 7.56 If a location is expected to have poor water quality but is assessed as feasible to improve, the Minister may still choose to designate it as a bathing water. In such cases, immediate steps can be taken to investigate water quality, inform the public, and begin improvement measures. The cost of any necessary improvement measures is likely to vary from one site to the next. This approach helps minimise bathers' exposure to poor water and aims to achieve sufficient quality as quickly as possible—protecting public health.
- 7.57 Dates of monitored bathing season (Core Reform 3)
- 7.58 Option 0 (do nothing) and maintain 2013 Bathing Water Regulations.
- 7.59 Maintain the bathing season as currently defined in the 2013 Bathing Water Regulations.
- 7.60 The season runs from 15 May to 30 September, during which mandatory monitoring determines annual water quality classifications. Outside this period, no statutory sampling occurs, creating gaps in water quality data. Outside of this period there would also be different regulatory responses, for example if a pollution happened.
- 7.61 The current regulations offer no flexibility to adjust the season based on local usage, despite increasing bathing activity outside the statutory dates. In some cases, a shorter season may be more appropriate—for example, to protect sensitive species.
- 7.62 While maintaining the current season avoids additional costs, it may leave both bathers and environmental features at risk due to limited monitoring and lack of adaptability.
- 7.63 Option 1 Amend the 2013 Regulations (preferred option)
- 7.64 Extending the bathing water season in any form would result in higher costs for both NRW, water companies and to a lesser extent local authorities.

- 7.65 The exact cost will depend on how the season is changed, as it is directly linked to the number of additional monitoring days. Costs will vary based on the specific dates chosen for the bathing season.
- 7.66 The amended regulations retain the standard season (15 May to 30 September) but now include clauses allowing the Minister to set a different bathing season for Wales as a whole or for individual sites. This added flexibility ensures the season reflects actual bathing patterns, helping protect public health. It also allows for shorter seasons where needed—for example, to safeguard sensitive species and support biodiversity.
- 7.67 The costs to water companies will arise from requirements companies must limit spills by the bathing water seasons. Current companies are required to limit spills from storm overflows during the bathing season. If the bathing water is classified as ‘poor’ (or ‘sufficient’ but deemed at risk of deteriorating to ‘poor’), then NRW will require water companies to undertake water quality and pollution source investigations to determine whether their assets are contributing to water quality issues. If investigations show the water company’s assets are a significant enough contribution, NRW will then require infrastructure upgrades, usually by making combined sewage overflow (storm overflows) permits stricter or by asking the water company to install disinfection facilities at relevant wastewater treatment works. In some instances, this may reflect where company practice is insufficient, and NRW will undertake legal investigation.
- 7.68 The cost to NRW will vary depending on the length of the extension to the Bathing season. Laboratory costs, sampling costs, permitting changes, pollution model updates, and environment officer allocations would need to be accounted for. This makes it difficult for NRW to provide an estimate of the cost implications of increasing the bathing season. NRW has provided indicative costs for extending the bathing water season to 12 months at a small number of nearby sites. This would require an additional 0.5 FTE sampling officer (£29,000/year including on-costs) and a 0.5 FTE for extended laboratory services (£29,000/year). These conservative estimates assume site proximity. There will also be a requirement to take additional samples during the extension of the bathing season, this is estimated at £151.79 per sample. Although NRW has provided indicative costs for a year-round bathing water season, there is currently no proposal to extend the season in this way and it is for indication only. No cost estimates have been provided for environment officers, incident response, or permitting, which would also be required.
- 7.69 Bathing water pollution forecasting models are also calibrated to the 15 May to 30 September bathing season and are active during those periods only. If a bathing water benefitting from a pollution risk forecasting model received a different bathing season, the model may

need to be recalibrated and active for a longer period. However, as periodic review and updating of models is strongly recommended this could lead to an overall positive outcome. As there are a wide range of models in operation in Wales this cost could range from £10,000 to £1million depending on the type of model in place and the scope of recalibration needed.

7.70 Transition Costs across all reforms:

7.71 Water companies and NRW will need to familiarise themselves with the new guidance, largely reading any new stated policy. Such costs are difficult to estimate, and we expect the costs to be in the £1,000's for each company. The costs of further investigations are covered above in Core Reform 3. The familiarisation cost of the Water Special Measures bill for pollution incident reductions plans may be similar and as such are judged to be a reasonable level of magnitude at circa £30,000.

7.72 Benefits

7.73 For this assessment monetised benefits have not been included for a specific bathing water sites due to limited evidence considering the welfare impact of bathing water sites. Instead, a national approach has been used.

7.74 Using the Eftc (2014) Willingness to Pay study¹, Defra have estimated benefit values of Present Value of Benefits (PVB) £119K-600K over a five-year period, based on potential improvements in bathing water status that could occur if automatic de-designations were removed. Historical data was used to assess the percentage of sites improving in classification over a five-year period. Given that the proposed regulatory changes are expected to support greater retention of designation at sites where improvement is achievable over time, we consider this estimate conservative. It is likely that actual benefit values would be higher.

7.75 While the Welsh Government and Natural Resources Wales (NRW) have not published a direct Present Value of Benefits (PVB) figure like Defra's £119K-£600K range, in Wales Anciaes (2021) Revealed Preference Valuation of Beach and River Quality in Wales² used real world behaviour to estimate the value of water quality improvements across Welsh beaches and Rivers. It shows that there is a preference for visiting beaches with excellent water quality followed by those with good then sufficient or poor. The estimated the value of improving a river classified as poor to satisfactory as £1.51 per existing visit, leading to a 65%

¹ Bathing Water Valuation National Survey Summary Report (2014)

² Revealed preference valuation of beach and river water quality in Wales Accepted version of paper published in Journal of Environmental Economics and Policy, <https://doi.org/10.1080/21606544.2020.1864778> (2021)

increase in visits. When considering the use value (of existing trips) and new value (from additional trips generated by better water quality) the total value presented is £23,913 per month.

- 7.76 There may also be wider benefits such as benefit to public health through less exposure to water pollution as it will be possible to consider water quality prior to identifying bathing waters.
- 7.77 There also may be wider economic benefits, through increased tourist visits or recreation trips, some evidence from Scotland³ suggests water quality is important to the tourist sector.
- 7.78 The options outlined above are expected to generate public sector cost savings in the future as the process for designation of future sites will be more efficient. This represents a key benefit as detailed in the cost savings section.
- 7.79 The regulation will also introduce higher levels of data monitoring throughout the year, which should improve decision-making.

7.80 Water Company Responses to the Consultation

- 7.81 Water company responses about the total costs are as follows:
- 7.82 Dŵr Cymru Cyfyngedig (Welsh Water): States Core Reforms 1 and 2 have the potential to have positive impacts, whilst as a counterbalance, Core Reform 3 would increase cost. Could not assess until detailed proposals of the feasibility study are shared.
- 7.83 Severn-Trent (who operate in Wales but have no bathing waters in their operational areas): Indicated that the total costs of the reforms would be over £1m pa, however the extra costs incurred by potential extended bathing season at sites would be counterbalanced by the proposed feasibility reform.

7.84 Summary

- 7.85 Option 0 –Bathing Water Regulations 2013 remain in place without amendments
- 7.86 Under the current framework, Welsh Government, NRW, Welsh Water, and local authorities continue operating under the 2013 Bathing Water

³ The value of bathing waters and the influence of bathing water quality: Final Research Report August 2018 Scottish Government.

Regulations with existing funding levels. However, this approach faces growing pressure due to an increasing number of designated sites.

- 7.87 The regulations do not require consideration of water quality, physical safety, or environmental protection before designation, which can lead to costly and ineffective investments. NRW and water companies may struggle to meet rising demands with fixed budgets, risking poorly managed sites and sunk costs if automatic de-designation occurs without reassessment.
- 7.88 Additionally, new designations may proceed without evaluating whether water quality improvements are feasible, reducing value for money. Bathers also continue to use sites outside the official monitoring season, creating information gaps and increasing health risks.
- 7.89 Option 1 – Amend the Regulations
- 7.90 The proposed amendment will result in both costs and savings for NRW, water companies, and—though to a lesser extent—local authorities. While precise figures are difficult to determine due to many unknowns, the reforms will enable more targeted spending. By introducing feasibility assessments before designation and de-designation and aligning better with water company funding cycles (AMP/PR), the amendment helps avoid sunk costs and improves the effectiveness of investment decisions.
- 7.91 Importantly, the reforms offer significant public health benefits. A consistent theme across all proposed changes is the reduction of bather exposure to poor water quality.
- 7.92 This not only protects health but also supports long-term improvements in water quality and regulatory efficiency.

8. Impact Assessments

- 8.1 An Integrated Impact Assessment including an Equalities Impact Assessment, a Welsh Language Impact Assessment, and a Biodiversity Impact Assessment has been completed. These will be available upon request.

9. Competition Assessment

The competition filter test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of firms?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

10. Post Implementation Review

- 10.1 The impact of the proposed reforms will be monitored through a combination of ongoing data collection, stakeholder engagement, and periodic review. Public bodies responsible for implementation, such as NRW and local authorities, will help track key indicators including the number of designated bathing waters, water quality results, and resource requirements. Regular feedback will be sought from stakeholders and affected communities to identify any emerging issues or unintended consequences.
- 10.2 Evaluation will take place at relevant intervals, such as after each bathing season, to assess the effectiveness of the reforms and inform any necessary adjustments. Reports, where possible, summarising outcomes and lessons learned will be shared with relevant partners and the public to ensure transparency. Where appropriate, further consultation may be undertaken to refine processes and address any gaps in delivery. This approach will help ensure the reforms remain responsive to changing needs and continue to support public health, environmental protection, and community well-being.