

Designation and de-designation of bathing waters in Wales

The new Bathing Water Regulations 2013 came into effect on 31 July. Local authorities now have the same responsibilities under the Bathing Water Directive at private bathing waters as at their own beaches and lakes.

Decision making process, evidence requirements and timetable

Recommendations for designations and de-designations will be accepted at any time from anyone by the Welsh Government. However, approaching the local authority, in the first instance, is useful as they will often hold helpful information about the bathing water, and they will be responsible for meeting various requirements under Directive 2006/7/EC.

Where a request for designation of a bathing water is made to the Welsh Government it is important to include as much evidence and information as possible about bather numbers, and where possible, facilities in the area and views of the local community.

Bather numbers is the criteria which the Welsh Government will apply when considering whether it is appropriate to designate. We are looking for evidence of large numbers of bathers at sites during the period May to September. 'Large number' means, in relation to bathers, a number that the competent authority considers to be large having regard, in particular, to past trends or to any infrastructure or facilities provided, or other measures taken, to promote bathing.

Applications for de-designation on water quality grounds will not be granted.

Process and timetable

All application and evidence received by the Welsh Government will be acknowledged by letter or email.

Evidence will be assessed by the Welsh Government and if it meets the requirements of the Directive will be put on the Welsh Government's website for consultation.

If the evidence supplied does not meet the requirements, it will be returned and the application will be placed on hold. We will write to the applicant to explain what further information needs to be supplied.

Completed applications and evidence will be put on the Welsh Government's website for a 6 week consultation period. The Welsh Government will also formally write to Natural Resources Wales and the appropriate water company for information relating to the specific bathing water.

A final decision by the Welsh Government based on the evidence supplied and consultation will be made within 4 weeks of the end of the consultation.

At any point during the process the applicant may be asked by the Welsh Government to provide further information. In this situation the public consultation may need to be restarted when the evidence is received.

Roles and Responsibilities

Anyone can recommend that a bathing water be designated or de-designated; however, approaching the local authority, in the first instance, is useful as they will often hold helpful information about the bathing water, and will be responsible for meeting various requirements under the Directive.

The criterion for designation and de-designation is on bather numbers. We have not set a numerical figure on the numbers of bathers, as all bathing waters are different and one figure may not be suitable for all sites. We look for evidence of numbers of swimmers, people paddling at the water's edge and people on the beach. We consider anybody swimming or paddling in the water to be a bather.

The Welsh Government is responsible for designation and de-designation in Wales and will base decisions on the evidence supplied in accordance with the set criteria for designation and de-designation. Where the Welsh Government considers that a designation or de-designation is required, it will approach the local authority, private operator in order to take their views into account.

The Welsh Government will make the names of any organisations, or person representing an organisation or group who recommend a designation or de-designation, known in the applications process. We will protect personal information of members of the public who recommend a designation or de-designation.

Notification of Decision

The Welsh Government will notify the applicant, relevant local authority and water company of the decision made on designation or de-designation. The Welsh Government will also inform Natural Resources Wales who will develop a bathing water profile for the site and take forward the plans to monitor and protect the designated bathing water.

A summary of the decision will also be put on the Welsh Government website.

The Welsh Government will inform the Department for Environment, Food and Rural Affairs (Defra) of any new designated or de-designated bathing waters in Wales on a yearly basis. Defra send a list of all UK designated bathing waters to the European Commission in early May each year.

In order to ensure we can give full consideration to the applications received, consult and produce the required profiles and plans to monitor and protect the bathing water, applications for designation and de-designations made after 31 October will not be included in the following year's list of designated bathing waters. Designation requests received after 31 October 2015 will be considered for designation for the bathing season of 2017.