



Department of the
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PLANNING AND ENVIRONMENTAL POLICY GROUP

PLANNING AND NATURAL RESOURCES DIVISION

**The Draft Quality of Bathing Water (Northern Ireland)
Regulations 2008**

Consultation Document

Should you require a copy of this document in a more accessible form, the following formats are available on request: large print, disc, Braille and audiocassette. The document may be available on request in minority ethnic languages to those who are not proficient in English. The Department will translate executive summaries of key publications into Irish or Ulster-Scots upon request. Information and additional copies of the document can be requested by textphone 028 90 540642.

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Section 1

Introduction

- 1.1 This consultation document seeks comments on the draft Quality of Bathing Water (Northern Ireland) Regulations 2008 (annex A).
- 1.2 The Regulations are necessary to transpose into national legislation the revised Bathing Water Directive (2006/7/EC) (rBWD), which came into force on 24 March 2006.
- 1.3 The Regulations will apply to Northern Ireland only, its provisions dealing with transferred matters, which are within the competence of the Northern Ireland Assembly.
- 1.4 The costs and benefits of these Regulations are addressed in the partial Regulatory Impact Assessment that forms part of this consultation document (annex B).

Consultation Arrangements

- 1.5 Your response to the consultation document should be sent to:

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13th Floor
River House
48 High Street
Belfast
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Alternatively, it can be sent to:

E-mail: david.steele@doeni.gov.uk
Fax number: 028 9025 7300
Text phone: 028 9054 0642

Your response should arrive not later than 9th May 2008.

- 1.6 Additional copies of the consultation document are available either on written request or by telephoning 028 9054 7695. It can also be accessed on the internet at <http://www.doeni.gov.uk/index/information/consultations>

Freedom of Information Act 2000 – Confidentiality of Consultation Responses

- 1.7 The Department of the Environment may wish to publish responses to the consultation document. It will certainly publish a summary of responses following completion of the consultation exercise.
- 1.8 In addition, your response may be disclosed on request.
- 1.9 The Department of the Environment is only able to refuse disclosure in very particular circumstances. Therefore, you are advised to read the information at annex C before sending a response to this consultation document. It provides guidance on the legal position of any information given by you.
- 1.10 Should you require further information about the confidentiality of responses, please contact the:

Information Commissioner's Office – Northern Ireland
Room 101
Regus House
33 Claredon Dock
Laganside
Belfast
BT1 3BG

Telephone number: 028 9051 1270

Alternatively, your request can be sent electronically to ni@ico.gsi.gov.uk.

Information can also be accessed on the internet at http://www.ico.gov.uk/Global/contact_us.aspx

Section 2

Background

- 2.1 The quality of bathing water in Northern Ireland has improved significantly since transposition of the earlier Bathing Water Directive (76/160/EC). However, the legislation itself is now some 30 years old and in need of revision.
- 2.2 Therefore, while the overall objectives remain the same – to preserve, protect and improve the environment and to protect public health – the rBWD has been able to take account of:
- the lessons learned over that time;
 - developments in science;
 - improved awareness of the risks associated with public bathing; and
 - the environmental protection offered by more recent European water legislation.
- 2.3 In summary, the rBWD requires the:
- monitoring, assessment and classification of bathing water quality at inland waters, and coastal and transitional waters;
 - development of a system of bathing water profiles as a means of understanding the risks, which can then to be used as a basis for the management of bathing waters;
 - undertaking of management measures in the event of specified pollution incidents; and
 - provision of appropriate, timely and standardised information to the public on bathing water quality.
- 2.4 It applies to:
- any surface water where the competent authority - which will be the Department of the Environment in Northern Ireland - expects a large number of people to bathe, and where the competent authority has neither imposed a permanent bathing prohibition nor issued advice against bathing. In Northern Ireland, a “large number” is considered to be greater than 100 beach users (as a guide), which equates to 45 bathers (see paragraph 3.7 for details of an earlier consultation paper that determined this figure).

2.5 It does not apply to:

- swimming pools and spa pools;
- confined waters subject to treatment or used for therapeutic purposes; or
- artificially created confined waters separated from surface water and groundwater (as defined by the Directive).

2.6 A copy of the rBWD can be accessed at

<http://www.doeni.gov.uk/index/information/consultations>

Section 3

Meeting the Administrative Challenges

Transposition into Northern Ireland legislation

- 3.1 It is anticipated that transposition of this Directive into national legislation will follow the Directive's requirements closely, there being limited scope for Member States to exercise flexibility.
- 3.2 Notwithstanding this, and in preparation for the legislation's introduction, the Department of the Environment has been working closely with other Government departments and agencies in the UK, as part of a bathing waters lead policy group, to ensure consistent application where appropriate.

Transition to the revised Bathing Water Directive

- 3.3 The earlier Bathing Water Directive (76/160/EEC), and its relevant national transposing legislation, will remain applicable to Northern Ireland until such time as all measures to comply with the rBWD are in place – for example, the parameters monitored under the earlier Directive will continue to apply until such time as monitoring under the rBWD is in place.
- 3.4 Also, while the rBWD is to be transposed by 24 March 2008, it does provide for a phased introduction of certain of its provisions, and it is proposed that these would be reflected in the draft Regulations.
- 3.5 In practice, this means those provisions in relation to the:
 - identification of bathing waters, length of the bathing season, monitoring calendar, general duties of the Department of the Environment and public participation will come into operation before the start of the bathing season in 2008;
 - establishment of bathing water profiles will come into operation on 24 March 2011;
 - monitoring of bathing waters, public information, management measures and preparation of bathing water quality data will come into operation on 24 March 2012; and
 - assessment and classification of bathing waters will come into operation on 24 March 2015.

Identification of bathing waters

- 3.6 Member States will be required under the rBWD to identify all bathing waters annually, to be completed for the first time before the start of the first bathing season after 24 March 2008.
- 3.7 In this context, it should be recalled that the Department of the Environment undertook a consultation exercise in 2006 entitled “Review of Identification of Northern Ireland Bathing Waters 2006” (http://www.doeni.gov.uk/index/protect_the_environment/water/bathing_water.htm), with one of the associated aims being the development of an objective and sustainable bathing waters identification policy that would meet the rBWD’s requirements.
- 3.8 As a result, the Department of the Environment is well placed to meet those requirements, it now having criteria in place that can be applied for the purpose of identifying bathing waters.
- 3.9 In addition, and worth noting here, is that the consultation exercise in 2006 addressed the question about how frequently the list of identified bathing waters should be reviewed, this not being specified in the rBWD. It is the Department of the Environment’s intention, given that bathing water usage is unlikely to change significantly from one year to the next, to conduct a full review in 2011 and every four years thereafter.
- 3.10 This, of course, does not preclude others from nominating a site at any other time, but is subject to the nomination meeting the criteria outlined in the “Review of Identification of Northern Ireland Bathing Waters 2006”. Furthermore, while nominations can be submitted at any time, it is not possible to add a site to the list of identified bathing waters during a bathing season and until such time as the Department of the Environment has verified the information received. The same mechanism applies in circumstances where consideration is given to removing an identified bathing water from the list.
- 3.11 The final decision about the list of identified bathing waters will be made by the Department of the Environment’s Planning and Environmental Policy Group.

Defining the length of the bathing season

- 3.12 The rBWD requires that the length of the bathing season is defined annually, to be completed for the first time before the start of the first bathing season after 24 March 2008. At present Northern Ireland’s bathing water season runs from 1st June until 15th September each year to coincide with the summer weather conditions and school

holidays. The Department of the Environment does not propose to change this arrangement.

- 3.13 It is therefore proposed that the draft Regulations transposing this obligation simply place a responsibility on the Department of the Environment to determine the length of the bathing season.

Establishing a monitoring calendar

- 3.14 The rBWD requires a monitoring calendar to be established for identified bathing waters before the start of each bathing season. However, in terms of when this calendar needs first to be established, there is an inconsistency in the rBWD in that either the start of the 2008 or 2012 bathing seasons are possibilities. This has been acknowledged by the European Commission. Nevertheless, it is proposed that the requirement to establish a monitoring calendar should be introduced at the start of the 2008 bathing season.
- 3.15 The competent authority for monitoring these bathing waters in Northern Ireland is the Department of the Environment, through its Environment and Heritage Service, and it is proposed that this responsibility should be reflected in the draft Regulations.
- 3.16 Monitoring is one of the few areas in the rBWD where a degree of flexibility exists, with provision being allowed for monitoring to take place up to four days after the date specified in the monitoring calendar. It is proposed that the Department of the Environment will make use of this flexibility where appropriate – for example, in circumstances where adverse weather conditions have increased the risk of pollution, and at a time when it is unlikely that anyone will be bathing. In this way, sampling would ultimately reflect the quality of the waters experienced by bathers.
- 3.17 The rBWD also provides for suspension of the monitoring calendar during an abnormal situation, which is defined as “an event or combination of events impacting on bathing water quality at the location concerned and not expected to occur on average more than once every four years”. It is proposed that the draft Regulations would provide the Department of the Environment with this authority (exercised through its Environment and Heritage Service) to suspend the monitoring calendar in accordance with the rBWD’s terms.

It is further proposed that the Environment and Heritage Service would publish any suspension of the monitoring calendar on its website. Any suspensions, together with reasons, would also be reported to the European Commission, as required by the Directive.

Monitoring and analysis

- 3.18 The rBWD places an obligation on Member States to ensure that monitoring of Intestinal enterococci and Escherichia coli (as indicators of the water quality) takes place at each of the identified bathing waters in accordance with defined procedures, and this will be prescribed in the draft Regulations.
- 3.19 While the draft Regulations transpose the Directive's requirement that at least 4 samples must be taken and analysed from every identified bathing water during every bathing season, it is the Department's intention that no fewer than 16 samples will be taken from every identified bathing water during every bathing season.
- 3.20 It is proposed that monitoring in Northern Ireland under the rBWD should commence at the start of the 2012 bathing season, with the first classifications required by the rBWD being completed by the end of the 2015 bathing season. In doing so, this timetable would complement that of the Water Framework Directive, where a programme of measures (for the river basin district and the part of each international river basin district falling within Northern Ireland) is to be operational by 22 December 2012.

Co-operation on transboundary waters

- 3.21 The rBWD requires that Member States co-operate where there are transboundary impacts on bathing water quality, meaning the exchange of information and joint action to control those impacts. As Northern Ireland is the only part of the UK to have a land border with another Member State, it is proposed to reflect this in the draft Regulations, although it should be noted that none of Northern Ireland's currently identified bathing waters would be affected by this provision.

Section 4

Meeting the Water Quality Challenges

Improvements to bathing water quality

- 4.1 The rBWD significantly increases the water quality standards that must be met at Northern Ireland's identified bathing waters.
- 4.2 It places an obligation on Member States to monitor indicator levels of Intestinal enterococci and Escherichia coli, and classifies four standards of water quality:
 - excellent – which is approximately twice as stringent as the existing guideline standard;
 - good – which is similar to the existing guideline standard;
 - sufficient – which is more stringent than the existing mandatory standard; and
 - poor – which equates to what is normally considered to be non-compliant waters.
- 4.3 It is a requirement that all identified bathing waters achieve “sufficient” classification by the end of 2015, although there is provision for bathing waters to be temporarily classified as “poor” by the end of 2015 and still be considered compliant, subject to certain prescribed conditions being observed.
- 4.4 In preparation for the introduction of these more stringent water quality standards, the Department of the Environment has completed a study using bathing water data from 2004 to 2007 to predict the classifications of identified bathing waters in Northern Ireland. These are set out at Table 1 in the attached partial Regulatory Impact Assessment, and show that of the 23 currently identified bathing waters in Northern Ireland: 8 (35%) are predicted to be classified as “excellent”, 7 (30%) as “good”, 5 (22%) as “sufficient” and 3 (13%) as “poor” (although by the time of the first classifications in 2015, the three “poor” bathing waters are expected to achieve at least a classification of “sufficient”, as a result of upgrading sewerage facilities impacting on those bathing waters).
- 4.5 This work is the Department of the Environment's first step towards identifying those bathing waters where further measures may be necessary to improve the water quality at identified bathing waters, as Member States are also required “to take such realistic and proportionate measures as they consider appropriate” to increase the number of bathing waters classified as either “excellent” or “good”.

Management of identified bathing waters

- **Identified bathing waters subject to incidents of pollution**
- 4.6 The rBWD requires the introduction of management measures at identified bathing waters that are subject to incidents of pollution.
- 4.7 As the Department of the Environment considers that these management measures would be most appropriately undertaken by the bathing water operator with control of the land immediately adjacent to the identified bathing water which is used to access that identified bathing water, it is proposed that the draft Regulations should prescribe the procedure for managing incidents of pollution and identify the respective responsibilities.
- 4.8 In Northern Ireland, the bathing water operator could be either the Department of the Environment, a district council, or a private owner. The reference to “management measures” therefore means the actions to be taken by the relevant bathing water operator in order to adequately protect bathers’ health and where it considers there may be a risk to bathing water quality.
- **Identified bathing waters likely to be subject to short-term pollution**
- 4.9 The rBWD requires the establishment of bathing water profiles (see paragraph 5.9) for each identified bathing water. Furthermore, where a bathing water profile shows there to be a risk of short-term pollution, it is a requirement of the rBWD that certain prescribed information is provided on that profile – this includes the management measures taken in the event of short-term pollution incidents.
- 4.10 Again, it is considered that these “management measures”, which form part of the “relevant procedures” for short-term pollution, would be most appropriately undertaken by the relevant bathing water operator, and it is proposed to prescribe a general duty to do so. In order to comply with the rBWD, these measures must include the provision of information to the public.
- 4.11 For the purposes of meeting the requirements of the rBWD, “relevant procedures” are where:
- adequate management measures are being taken, including surveillance, early warning systems and monitoring, with a view to preventing bathers’ exposure by means of a warning or, where necessary, a bathing prohibition;

- adequate management measures are being taken to prevent, reduce or eliminate the cause of pollution; and
 - the number of samples disregarded in accordance with the rBWD because of short-term pollution during the previous assessment period is within the limits laid down by the rBWD (see paragraph 4.18).
- 4.12 The Department of the Environment anticipates that these proposed provisions could complement existing arrangements at local level, but are subject in part to its being in a position to predict incidents of short-term pollution.
- **Identified bathing waters classified as “poor”**
- 4.13 As mentioned earlier in paragraph 4.4, the Department of the Environment anticipates that by the end of 2015 - the time by which all identified bathing waters must achieve at least a classification of “sufficient” – no currently identified bathing waters in Northern Ireland should be classified as “poor”.
- 4.14 However, in order to transpose the rBWD fully, it will, nevertheless, still be necessary to prescribe the procedure that would be followed in that eventuality.
- 4.15 The Department of the Environment therefore proposes that during the bathing season following a “poor” classification, it would, as the competent authority, identify the reasons for that particular classification; and take, or cause to be taken, management measures that prevent bathers’ exposure to pollution. Likewise, it is proposed that a duty should be placed on other bathing water operators to introduce management measures where relevant. The rBWD also requires that the public be informed of the causes of the pollution and the measures being taken, and it is proposed that this too should be reflected in the draft Regulations.
- 4.16 Although it is anticipated that there should be no requirement for these provisions to be exercised in Northern Ireland, it is worth noting again that so long as the conditions identified in paragraph 4.15 are being met, the rBWD does allow an identified bathing water to be temporarily classified as “poor” yet remain compliant in rBWD terms.
- 4.17 However, were the Department of the Environment, as the competent authority, to classify an identified bathing water as “poor” for five consecutive years, the rBWD requires it either to introduce a permanent bathing prohibition or permanent advice against bathing. The rBWD also allows the introduction of a permanent bathing prohibition or permanent advice against bathing earlier than the five-year period, where it is considered “that the achievement of ‘sufficient’ quality would be infeasible or disproportionately expensive”. It is

proposed that the draft Regulations should provide the Department of the Environment with a duty to introduce permanent advice against bathing in either of the circumstances described.

- **Developing prediction models for identified bathing waters subject to short-term pollution**
- 4.18 The rBWD provides Member States with the flexibility to disregard up to 15% of the samples taken at an identified bathing water during short-term pollution incidents, so long as they are replaced by samples taken in accordance with the procedure laid down in the Directive.
- 4.19 The rationale behind this provision is that it would provide bathers with an additional level of protection beyond any action to prevent pollution, and should also provide a more accurate reflection of the water quality over the complete assessment period at those identified bathing waters subject to short-term pollution incidents.
- 4.20 However, as this discounting of samples is linked in the rBWD to short-term pollution incidents specifically, it would, in accordance with the Directive, only be applicable where:
- the short-term pollution incident has a clearly identifiable cause;
 - the short-term pollution incident is not normally expected to affect bathing water quality for more than 72 hours after the bathing water is first affected; and
 - the competent authority (the Department of the Environment) has established procedures to predict and to manage the incident in accordance with conditions laid down in the rBWD.
- 4.21 While it is proposed that the flexibility provided by discounting should be given legislative effect in the draft Regulations, it is this final requirement – to be able to predict incidents of short-term pollution – that will ultimately determine in practical terms whether the Department of the Environment is able to apply discounting at Northern Ireland’s identified bathing waters.
- 4.22 Also, it is in this area of “prediction” that the Department of the Environment continues to liaise with the Department for Environment, Food and Rural Affairs and the Scottish Government Environmental Quality Directorate on the accuracy of prediction modelling and, at the time of writing, the early indications are promising. It is expected that the ability to predict water quality at identified bathing waters will continue to improve as a consequence of increased data on bathing water quality, an improved understanding of prediction/discounting, and the availability of new technology such as rain radar data.

Enforcement

- 4.23 It is proposed that the draft Regulations should include enforcement provisions exercisable by the Department of the Environment in the event that a bathing water operator fails to comply with its obligations under the draft Regulations. The Department of the Environment believes a notice-making provision to be proportionate in the circumstance, and has provided for this in the draft Regulations.
- 4.24 Furthermore, it proposes the inclusion of a right of appeal against any such notice served by the Department of the Environment, and an associated compensation provision payable (in prescribed circumstances) to a bathing water operator which either suffers loss or incurs expenditure in complying with a notice. It also proposes that provision should be made for arbitration in the event of any dispute concerning compensation.
- 4.25 The Department of the Environment proposes that the powers contained in Article 72 of the Waste and Contaminated Land (NI) Order 1997 – for example, powers of entry, power to take samples, and power to make such examination and investigation as considered necessary – should apply to the exercise by the Department of the Environment of its functions under these draft Regulations, and that it should also have a power to obtain information.

Section 5

Meeting the Information Provision and Public Participation Challenges

- 5.1 The rBWD emphasises the provision of information to the public, and seeks to standardise the information currently provided to bathers. It also takes account of advances in media and technology that were not available when the earlier BWD was adopted – for example, the emergence of the internet - and expects these to be used to circulate information to the public about identified bathing waters.

Public information

- 5.2 The rBWD requires that certain information is disseminated and made available to the public in the near vicinity of identified bathing waters, and that it should be accessible. It is therefore proposed to prescribe the information required in the draft Regulations, and to place a duty on the relevant bathing water operator to display it.
- 5.3 This requirement to display certain information extends to those bathing waters that have been de-identified, and it is also proposed, in accordance with the rBWD's requirements, to place a duty on the relevant bathing water operator to display information where permanent advice against bathing has been introduced.
- 5.4 Furthermore, the rBWD emphasises the need to ensure that this information is presented in a clear and coherent manner, with particular consideration given to the use of signs and symbols. Again, it is proposed to reflect this in the draft Regulations, and to place a duty on the relevant bathing water operator to comply with any standard signs or symbols that the Department of the Environment, as the competent authority, may, by notice, require.
- 5.5 In this context, and for the information of consultees, a UK Signage Working Group is currently taking forward the development of these standard signs and symbols, in liaison with other Member States. In fact, the European Commission hopes to trial some signage during the bathing season in 2008.

In addition, the European Commission is expected to produce standard signs and symbols for bathing water classifications, and for situations where advice against bathing has been introduced. This will be undertaken in consultation with stakeholders, and should be available

to Member States by March 2010, so that it can be available for inclusion on signage at the start of the 2012 bathing season.

- 5.6 The rBWD also requires that certain information, over and above that which is to be made available to the public at identified bathing waters, should be disseminated actively and promptly and by using appropriate media and technology. As the information required – for example, a list of identified bathing waters and bathing water classifications – is determined by the Department of the Environment in the first place, it is proposed that a duty be placed on the Department to meet those requirements.

Public participation

- 5.7 It is a requirement of the rBWD that public participation in its implementation is to be encouraged, and opportunities for the public to find out how to participate, and to present suggestions or complaints, are to be provided. It is proposed to give legislative effect to this requirement in the draft Regulations.
- 5.8 This requirement to encourage public participation is particularly pertinent to the establishment, review and updating of the list of identified bathing waters. In this regard, the Department of the Environment has established relevant opportunities, as outlined earlier in paragraphs 3.7 – 3.11).

Bathing water profiles

- 5.9 The rBWD requires the establishment of bathing water profiles, the first set to be completed by 24 March 2011. Again, there is no flexibility in terms of the information it should contain, and it is proposed simply to reflect that information in the draft Regulations, each profile to include:
- a description of the bathing water's characteristics (physical, geographical and hydrological), and of other surface waters in the bathing water's catchment area, that could be a source of pollution;
 - an identification and assessment of the causes of pollution that might affect that bathing water and impair bathers' health;
 - assessments of the potential for cyanobacteria proliferation and macro-algae and/or phytoplankton proliferation;
 - the anticipated nature, frequency and duration of any expected short-term pollution; details of any remaining causes of pollution, including an indication of when they would be eliminated; and the management measures taken, together with the contact details of bodies responsible for taking the action; and

- the location of the monitoring point.

Section 6

Mandatory Consultation Requirements

Equality Impact Assessment

- 6.1 A preliminary screening exercise has been undertaken, and there is no evidence that the proposed draft Regulations would have an impact on equality issues. Therefore, the Department of the Environment considers that completion of a full Equality Impact Assessment is not necessary.
- 6.2 The documentation relating to the preliminary screening exercise is included at annex D.

Human Rights Act 1998

- 6.3 The Department of the Environment considers this consultation document to be compatible with the Human Rights Act 1998.

Rural Proofing

- 6.4 Rural proofing is the process whereby all significant, new policies (and policies being reviewed) are examined to determine whether or not they have a different impact on rural areas from that elsewhere, given the particular characteristics of rural areas. The objective is to reflect rural needs, and, in particular, to ensure that as far as possible public services are accessible on a fair basis to the rural community.
- 6.5 The Department of the Environment has undertaken a rural proofing exercise in relation to the policies given effect to by the proposed draft Regulations, the results of which are included at annex E.

List of Consultees

- 6.6 A list of consultees can be found at annex F.

2008 No.

ENVIRONMENTAL PROTECTION

**The Quality of Bathing Water (Northern Ireland)
Regulations 2008**

Made - - - -

2008

*Coming into operation in accordance with
regulation 1*

The Department of the Environment, being a department designated (a) for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to measures relating to water resources, acting in exercise of the powers conferred upon it by that section, makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Quality of Bathing Water (Northern Ireland) Regulations 2008 and come into operation in accordance with paragraphs (2) to (5).

(2) Regulations 1 – 6, regulation 19, paragraph 2 (1) (a) of Schedule 3 and regulation 8 insofar as it relates to that paragraph, come into operation on [].

(3) Regulation 7 comes into operation on 24th March 2011.

(4) Regulations 8 – 10, 11(1) (a) and (5), 13, 16, 17 and 18 come into operation on 24th March 2012.

(5) The remainder of these Regulations come into operation on 24th March 2015.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

(a) S.I. 2003/2901
(b) 1972 c.68
(c) 1954 c.33 (N.I.)

“abnormal situation” means an event or combination of events impacting on bathing water quality which the Department would not expect to occur, on average, more than once every four years;

“bathing season” means the period determined by the Department under regulation 4;

“bathing water” means a surface water specified in Schedule 1;

“Bathing Water Directive” means Directive 2006/7/EC (a) of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC (b);

“bathing water operator” means any person who controls the land immediately adjacent to a bathing water which is normally used to access the bathing water from the landward side and where the bathing water is tidal, the person who controls such land above the high water mark;

“bathing water profile” means the profile established under regulation 7;

“bathing water quality assessment” means the assessment carried out by the Department under regulation 11;

“cyanobacterial proliferation” means the accumulation of cyanobacteria in the form of a bloom, mat or scum;

“Departmental management measures” means measures taken by the Department –

(a) under regulation 5 to reduce the risk of pollution; or

(b) under regulations 7 to 12;

“management measures” means Departmental management measures or operator management measures;

“operator management measures” means measures taken by a bathing water operator –

(a) to give information to the public under regulation 9; or

(b) to prevent bathers’ exposure to pollution by means of public information under regulation 9;

“permanent advice against bathing” means advice issued, in relation to at least one whole bathing season, under regulation 12(2);

“relevant procedures for short-term pollution” means the following procedures for identifying the causes of, predicting and dealing with short-term pollution –

(a) management measures;

(b) surveillance and early warning systems with a view to preventing bathers’ exposure to the short-term pollution by means of public information under regulations 9 and 10;

(c) measures in relation to a bathing water taken by the Department under regulation 5 to prevent, reduce or eliminate the causes of short-term pollution;

“set of bathing water quality data” means data obtained from results of samples taken under Part 1 of Schedule 3;

“short-term pollution” means contamination by Intestinal enterococci or Escherichia coli where the Department -

(a) has identified its causes; and

(b) does not normally expect the contamination to affect bathing water quality for more than approximately 72 hours after the bathing water is first affected;

“surface water”, “groundwater”, “inland water”, “coastal water” and “transitional waters” have the same meaning as in the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003 (c);

(a) OJ No L64, 4.3.2006,p.37

(b) OJ No L31, 5.2.76, p.1

(c) S.R. 2003/544

“the Department” means the Department of the Environment; and

“vicinity of the bathing water” means a position near to the bathing water, at a place likely to be noticed by persons as they make use of or enter onto the bathing water and, where the bathing water is tidal, higher than the High Spring Tide mark.

(3) In the following regulations, namely –

- (a) regulation 5(4),
- (b) regulation 10(2)(b),
- (c) regulation 12(2),
- (d) regulation 13(1) and (2),
- (e) regulation 14(a),
- (f) regulation 16; and
- (g) paragraph 9(2) of Part 3 of Schedule 3,

references to a bathing water operator do not include the Department in its capacity as such.

(4) Expressions used in these Regulations and not otherwise defined shall have the same meaning in these Regulations as they have in the Bathing Water Directive.

PART 2

GENERAL

Identification of bathing waters

3. The surface waters specified in Schedule 1 are bathing waters for the purposes of these Regulations.

Length of the bathing season

4. For the purposes of these Regulations, the bathing season begins on the 1st June and ends at the end of the day on 15th September in each year.

General duties

5.—(1) The Department shall exercise its relevant functions so as to secure compliance with the requirements of the Bathing Water Directive.

(2) In this regulation “relevant functions” means functions under these Regulations and so far as relevant the enactments specified in Schedule 2 to the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003.

(3) In the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003, in Schedule 2 (relevant functions), in Part 2, after paragraph 26 insert -

“27. *The Quality of Bathing Water (Northern Ireland) Regulations 2008.*”.

(4) The Department shall promptly provide a bathing water operator with such information as the Department considers the operator requires for the purpose of the operator’s functions under these Regulations.

Public participation

6.—(1) The Department shall -

- (a) encourage public participation in the exercise of its functions under these Regulations; and
- (b) ensure that the public has an opportunity –
 - (i) to find out how to participate; and
 - (ii) to submit comments or complaints.

(2) The Department shall take due account of any information it has obtained from the public when exercising its functions under these Regulations.

Bathing water profiles

7.—(1) The Department shall establish and keep under review a bathing water profile for every bathing water in accordance with Schedule 2.

(2) The Department may combine the bathing water profiles of contiguous bathing waters.

(3) When complying with paragraph (1), the Department shall take into account the data which it has obtained or analysed under—

- (a) the Quality of Bathing Water Regulations (Northern Ireland) 1993(a); and
- (b) the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003.

PART 3

MONITORING OF BATHING WATERS

Monitoring

8.—(1) The Department shall monitor and carry out investigations at bathing waters in accordance with this regulation.

(2) Monitoring for—

- (a) Intestinal enterococci and Escherichia coli shall be in accordance with Part 1 of Schedule 3;
- (b) cyanobacteria shall be in accordance with Part 2 of Schedule 3;
- (c) other pollution, which takes the form of tarry residues, glass, plastic, rubber or any other waste, shall be carried out in accordance with Part 3 of Schedule 3.

(3) Investigation of macro-algae and marine phytoplankton proliferation shall be carried out in accordance with Part 4 of Schedule 3.

(4) The bathing water operator shall also monitor in accordance with Part 3 of Schedule 3.

Public information: duties of bathing water operator

9. Every bathing water operator shall ensure that the following information about its bathing water is available during the bathing season in an easily accessible place in the vicinity of the bathing water—

- (a) the bathing water's current classification pursuant to regulation 12;
- (b) whether any advice against bathing has been introduced there ;
- (c) a general description of the bathing water, in non-technical language, based on its bathing water profile;
- (d) where its bathing water profile indicates that the bathing water is likely to be affected by incidents of short-term pollution —
 - (i) a statement to that effect;
 - (ii) an indication of the number of days for which advice against bathing was introduced there during the immediately preceding bathing season because of short-term pollution;
 - (iii) a warning whenever short-term pollution is predicted or present;
- (e) information on the nature and expected duration of abnormal situations there; and

(a) S.R. 1993 No.205

- (f) an indication of the sources of more complete information published in accordance with regulation 10.

Public information: duties of the Department

10.—(1) The Department shall publish on its website the information specified in regulation 9 together with the following additional information, namely -

- (a) a list of all bathing waters;
- (b) before the start of every bathing season, the classification in accordance with regulation 12 of every bathing water for the preceding three years;
- (c) the bathing water profile of every bathing water;
- (d) as soon as possible after completion of the analyses under Schedule 3, the results of the monitoring carried out in accordance with regulation 8 since the beginning of the current bathing season;
- (e) where its bathing water profile indicates that the bathing water is likely to be affected by incidents of short-term pollution —
 - (i) the conditions likely to lead to short-term pollution there;
 - (ii) the likelihood of short-term pollution there and its likely duration;
 - (iii) the causes of short-term pollution; and
 - (iv) the relevant procedures for short-term pollution; and
- (f) where a bathing water is classified as “poor” under regulation 12-
 - (i) the causes of pollution there; and
 - (ii) the management measures being taken there under regulation 14.

(2) The Department shall -

- (a) prepare a general description of every bathing water for use under regulation 9(c) ; and
- (b) make the information available to all bathing water operators.

(3) Information under this regulation –

- (a) and regulation 9 shall -
 - (i) wherever possible, be provided using a geographic information system;
 - (ii) be presented in a clear and coherent manner; and
- (b) be in such languages, in addition to English, as are appropriate having regard to the location of the bathing water and the ease of public understanding.

PART 4

BATHING WATER ASSESSMENT AND CLASSIFICATION

Assessment

11.—(1) At the end of every bathing season, for every bathing water, the Department shall—

- (a) prepare a set of bathing water quality data for that season; and
- (b) carry out a bathing water quality assessment using the set of bathing water quality data compiled in relation to that season and the relevant assessment period.

(2) In this regulation, the “relevant assessment period” is—

- (a) the immediately preceding three bathing seasons;
- (b) the immediately preceding two seasons, where the Department so decides in accordance with paragraph (3); or

- (c) the number of immediately preceding bathing seasons, being less than three, that the Department so decides in accordance with paragraph (4).
- (3) The Department may make a decision under paragraph (2)(b) where -
 - (a) it is at least five years since the last change in the relevant assessment period; and
 - (b) the set of bathing water quality data is based on at least 16 samples.
- (4) The Department may make a decision under paragraph (2)(c) where -
 - (a) it considers that any factors identified in the bathing water profile as likely to affect the classification of the bathing water under regulation 12 have changed, and the set of bathing water quality data used is based only on samples taken since those factors have changed; and
 - (b) the set of bathing water quality data is based on at least 16 samples.
- (5) The Department may -
 - (a) subdivide existing bathing waters in the light of the bathing water quality assessments carried out under this regulation; or
 - (b) group together existing bathing waters in light of those assessments where those bathing waters—
 - (i) are contiguous;
 - (ii) have received similar assessments for the preceding four years; and
 - (iii) have bathing water profiles which identify common pollution risk factors or the absence thereof.

Classification

12.—(1) At the end of every bathing season, on the basis of the assessment made under regulation 11 the Department shall classify every bathing water as “poor”, “sufficient”, “good” or “excellent” in accordance with Schedule 4.

(2) The Department shall issue permanent advice against bathing at a bathing water (which advice shall also be directly communicated to the bathing water operator) if-

- (a) the bathing water is classified as “poor” for five consecutive years; or
- (b) after consultation with such other persons as it thinks fit it considers that the achievement of a “sufficient” quality classification at that bathing water would be infeasible or disproportionately expensive.

(3) The Department shall exercise its relevant functions so as to achieve by the end of 2015 a classification of at least “sufficient” for every bathing water.

(4) In this regulation “relevant functions” has the same meaning as in regulation 5(2).

PART 5

MANAGEMENT OF BATHING WATERS

Management measures at bathing waters subject to pollution incidents

13.—(1) This regulation applies where the Department or a bathing water operator is aware of—

- (a) a cyanobacterial proliferation which it considers may pose a risk to bathers’ health;
- (b) a proliferation of macro-algae or marine phytoplankton which it considers is unacceptable or may pose a risk to bathers’ health;
- (c) the presence of waste, including tarry residues, glass, plastic, or rubber; or
- (d) any other incident, other than an incident of short-term pollution to which regulation 15 applies, that it considers may pose a risk to bathing water quality and bathers’ health.

- (2) The Department shall, when it is so aware, promptly—
 - (a) consult the bathing water operator; and
 - (b) take, or cause to be taken, such Departmental management measures there as the Department considers adequate to protect bathers' health.
- (3) Where a bathing water operator is so aware it shall promptly—
 - (a) consult the Department;
 - (b) take such operator management measures there as it considers adequate to protect bathers' health; and
 - (c) where necessary, remove the waste.

Additional management measures at “poor” bathing waters

- 14.** Where the Department classifies a bathing water as “poor” under regulation 12 —
- (a) the Department shall, during the bathing season following this classification—
 - (i) take, or cause to be taken, such Departmental management measures at the bathing water as it considers adequate with a view to preventing bathers' exposure to pollution;
 - (ii) notify the bathing water operator; and
 - (iii) identify the reasons why the bathing water failed to achieve a classification of “sufficient”;
 - (b) the bathing water operator shall -
 - (i) take such operator management measures there as it considers adequate with a view to preventing bathers' exposure to pollution; and
 - (ii) introduce advice against bathing there and make it available in accordance with regulation 9.

Additional management measures at bathing waters likely to be subject to incidents of short-term pollution

- 15.** Where the bathing water profile indicates that there is short-term pollution at a bathing water —
- (a) the Department shall operate, or cause to be operated, the relevant procedures for short-term pollution for which it is responsible; and
 - (b) the bathing water operator shall take the operator management measures which form part of the relevant procedures for short-term pollution there.

PART 6

GENERAL PROVISIONS

Notice requiring bathing water operator to comply with the Regulations

- 16.—**(1) If the Department becomes aware that a bathing water operator has failed in its duties under these Regulations, the Department may—
- (a) by notice given to the bathing water operator specify—
 - (i) the measures which shall be taken by it to comply with these Regulations; and
 - (ii) the time within which those measures shall be taken.
- (2) Before serving a notice under paragraph (1) on a bathing water operator, the Department shall reasonably endeavour to consult that operator concerning the measures which are to be specified in the notice.

(3) A notice under paragraph (1) shall not be regarded as invalid or invalidly served by reason only of a failure to comply with paragraph (2).

(4) A bathing water operator upon whom a notice under paragraph (1) is served, may, within the period of 21 days beginning with the day on which the notice is served, appeal against the notice to the Water Appeals Commission.

(5) Where –

- (a) a notice under paragraph (1) is varied or quashed on appeal; and
- (b) the bathing water operator has complied with the notice,

the Department shall pay to the bathing water operator an amount equal to the loss suffered, or expenditure incurred, by that operator in complying with the notice.

(6) Any dispute under regulation (5) as to the loss suffered or expenditure incurred shall be determined by the Lands Tribunal.

Consequences of not complying with a notice under regulation 16

17. If a bathing water operator upon whom a notice is served under regulation 16 fails to comply with any of the requirements of the notice, the Department may –

- (a) do what the bathing water operator was required to do and may recover from the bathing water operator any costs or expenses reasonably incurred by the Department in doing it; or
- (b) take proceedings in the High Court requiring the bathing water operator to comply with the notice.

Enforcement powers

18. Article 72 of the Waste and Contaminated Land (NI) Order 1997 (a) applies to the exercise by the Department of its functions under these Regulations as it applies to the exercise of its functions under the pollution control statutory provisions referred to in that Article.

Power to obtain information

19.—(1) The Department may serve on any person a notice requiring that person to furnish it, within a period of time specified in the notice and in a form and manner so specified, with such information as is reasonably required by the Department for the purpose of carrying out any of its functions under these Regulations.

(2) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Co-operation on transboundary waters

20.—(1) Where a river basin gives rise to transboundary impacts on bathing water quality, the Department shall notify the competent authorities in the Republic of Ireland of the relevant facts.

(2) The Department, in consultation with the competent authorities in the Republic of Ireland, shall organise the concertation necessary to identify the sources in question and the measures to be taken to protect the waters that are affected.

Transitional provision

21. Until the Department classifies a bathing water under regulation 12, the Department shall, for the purposes of regulation 9, classify the bathing water by reference to whether it meets the

(a) S.I.1997 No.2778 (N.I. 19)

standards in column I or G in the Annex to Council Directive 76/160/EEC concerning the quality of bathing water.

PART 7
REVOCATION

Revocation

22. The Quality of Bathing Water Regulations (Northern Ireland) 1993 are hereby revoked.

Sealed with the Official Seal of the *** on ***

L.S.

Address
Date

Name
A senior officer of the
Department of the Environment

SCHEDULE 1

Regulation 3.

BATHING WATERS

1. Ballycastle
2. Ballygally
3. Ballyholme
4. Ballywalter
5. Benone (Magillian)
6. Brown's Bay
7. Carnlough
8. Castlerock
9. Cranfield (Cranfield Bay)
10. Cranfield (Nicholson's Strand)
11. Crawfordsburn
12. Downhill
13. Groomsport
14. Helen's Bay
15. Millisle
16. Murlough Bay
17. Newcastle
18. Portballintrae (Salmon Rock)
19. Portrush (Curran Strand)
20. Portrush (Mill Strand)
21. Portstewart

22. Tyrella

23. Waterfoot

24. Whiterocks

SCHEDULE 2

Regulation 7.

BATHING WATER PROFILES

Contents

1.—(1) Every bathing water profile shall—

- (a) contain a description of the physical, geographical and hydrological characteristics of—
 - (i) the bathing water; and
 - (ii) any other surface water in the catchment area of the bathing water where the surface water could be a source of pollution for the bathing water;
- (b) identify and assess the causes of pollution that might affect bathing water quality and pose a risk to bathers' health;
- (c) assess the potential for cyanobacterial proliferation;
- (d) assess the potential for the proliferation of macro-algae or phytoplankton;
- (e) identify the location of the monitoring point;
- (f) if the assessment under sub-paragraph (b) shows that there is a risk of short-term pollution contain —
 - (i) information as to the anticipated nature, frequency and duration of short-term pollution;
 - (ii) details of the expected causes of short-term pollution;
 - (iii) details of the management measures taken and the time schedule for the elimination of the causes;
 - (iv) details of the management measures taken during a short-term pollution incident; and
 - (v) the identity and contact details of any person responsible for taking the management measures during the incident.

(2) The information in sub-paragraph (1)(a) and (b) shall be detailed on a map whenever practicable.

Review

2.—(1) Where a bathing water is classified as “poor”, “sufficient” or “good” under regulation 12, the Department shall review the bathing water profile—

- (a) at the following minimum frequency—
 - (i) for a “poor” classification, every two years;
 - (ii) for a “sufficient” classification, every three years; and
 - (iii) for a “good” classification, every four years; and
- (b) taking into account the nature and severity of the pollution which affects the bathing water.

(2) Where there are significant construction works or infrastructure changes in or around a bathing water, the Department shall review the bathing water profile before the start of the next bathing season.

SCHEDULE 3

Regulation 8.

MONITORING

PART 1

INTESTINAL ENTEROCOCCI AND ESCHERICHIA COLI

Location of monitoring point

1.—(1) Where the Department take samples in compliance with this Part it shall do so from the monitoring point situated at each bathing water.

(2) The Department shall —

- (a) locate the monitoring point at every bathing water where—
 - (i) most bathers are expected; or
 - (ii) the bathing water profile indicates that the greatest risk of pollution is expected; and
- (b) where possible, take samples 30 centimetres below the water's surface and in water that is at least one metre deep.

Monitoring calendar

2.—(1) The Department shall —

- (a) establish a calendar which specifies dates for sampling for every bathing water before the start of every bathing season ('a monitoring calendar'); and
- (b) take samples at every bathing water no later than four days after the date specified in the monitoring calendar.

(2) In relation to abnormal situations—

- (a) during the situation, the Department may suspend the monitoring calendar for the duration of such; and
- (b) as soon as possible after the end of the situation, the Department shall —
 - (i) take one additional sample in order to verify that the incident has ended;
 - (ii) take sufficient additional samples to ensure that it has the minimum number required for the bathing water for the bathing season.

(3) The Department shall not include the sample taken under sub-paragraph (2)(b)(i) in the set of bathing water quality data for a bathing water.

Frequency of monitoring

3. The Department shall —

- (a) take and analyse at least four samples from every bathing water during every bathing season;
- (b) take the first such sample for every bathing season shortly before the start of that season; and

- (c) take samples from every bathing water throughout the bathing season at regular intervals not exceeding one month.

Sampling equipment

- 4.—(1) The Department shall only use sampling bottles which –
- (a) have been –
 - (i) sterilised in an autoclave for at least 15 minutes at 121 degrees Celsius;
 - (ii) dry sterilised at no lower than 160 degrees Celsius and no higher than 170 degrees Celsius for at least one hour; or
 - (iii) irradiated by their manufacturer and not used previously;
 - (b) are of a size which allows sufficient water to be taken and analysed for the presence of Intestinal enterococci and Escherichia coli; and
 - (c) are made of transparent and colourless material.
- (2) The Department shall –
- (a) use aseptic techniques to maintain the sterility of the sample bottles; and
 - (b) clearly identify every sample taken by marking in indelible ink the sample bottle and associated paperwork.

Storage and transport of samples before analysis

- 5.—(1) The Department shall –
- (a) at all times, protect every sample taken from exposure to light, and in particular, direct sunlight; and
 - (b) conserve every sample at a temperature of around 4 degrees Celsius between sampling and laboratory analysis.
- (2) In relation to any sample, if the interval between sampling and laboratory analysis is likely to exceed four hours, the Department shall conserve the sample in a refrigerator.
- (3) The Department shall ensure that the time between sampling and laboratory analysis does not exceed 24 hours and must use its best endeavours to keep this time as short as possible.

Reference methods of analysis

- 6.—(1) Subject to sub-paragraph (2), the Department shall use the following reference methods of analysis—
- (a) for Intestinal enterococci, ISO 7899-1 or ISO 7899-2; and
 - (b) for Escherichia coli, ISO 9308-3 or ISO 9308-1.
- (2) The Department may use such other reference methods of analysis as it considers are substantively equivalent to those specified in sub-paragraph (1).

Short-term pollution

- 7.—(1) This paragraph applies where relevant procedures for short-term pollution are in place.
- (2) The Department shall not include samples taken during a short-term pollution incident in the set of bathing water quality data for a bathing water.
- (3) As soon as possible after the end of the short-term pollution incident, the Department shall take one additional sample in order to verify that the incident has ended.
- (4) The Department shall not include the sample taken under sub-paragraph (3) in the set of bathing water quality data for a bathing water.

(5) Seven days after the end of the short-term pollution incident, the Department shall, if necessary, take an additional sample to ensure that it has the minimum number required for the bathing water for the bathing season.

(6) The number of samples disregarded under subparagraph (2) by the Department shall represent no more than the greater of either—

- (a) 15 percent of the total number of samples provided for in the monitoring calendars established under paragraph 2 of Schedule 3 for the same period; or
- (b) one sample per bathing season.

PART 2

CYANOBACTERIA

8. Where any bathing water profile indicates a potential for cyanobacterial proliferation, the Department shall monitor that bathing water at the frequency necessary to allow adequate management measures to be put in place in accordance with regulation 13.

PART 3

OTHER POLLUTION

9.—(1) The Department shall establish a visual monitoring programme at every bathing water at the frequency necessary to allow adequate management measures to be put in place in accordance with regulation 13.

(2) Every bathing water operator shall establish a visual monitoring programme at its bathing water at the frequency necessary to allow adequate management measures to be put in place in accordance with regulation 13

PART 4

MACRO-ALGAE AND MARINE PHYTOPLANKTON

10. Where any bathing water profile indicates a tendency for proliferation of macro-algae or marine phytoplankton, the Department shall carry out such investigations at that bathing water as are necessary to determine whether such proliferation constitutes a health risk to bathers.

SCHEDULE 4

Regulation 12.

STANDARDS

1. The Department shall use the following standards for classification—

Standards for inland waters

Parameter	“Excellent”	“Good”	“Sufficient”
Intestinal enterococci ⁽¹⁾	200 ⁽²⁾	400 ⁽²⁾	330 ⁽³⁾
Escherichia coli ⁽¹⁾	500 ⁽²⁾	1,000 ⁽²⁾	900 ⁽³⁾

Standards for coastal and transitional waters

Parameter	“Excellent”	“Good”	“Sufficient”
Intestinal enterococci ⁽¹⁾	100 ⁽²⁾	200 ⁽²⁾	185 ⁽³⁾
Escherichia coli ⁽¹⁾	250 ⁽²⁾	500 ⁽²⁾	500 ⁽³⁾

⁽¹⁾ Colony forming units per 100 millilitres (“cfu/100 ml”).

⁽²⁾ Based upon a 95-percentile evaluation

⁽³⁾ Based upon a 90-percentile evaluation

Methodology

2. In this Schedule the Department shall base the “percentile values” and calculate same in compliance with the provisions set out in Annex II of the Directive.

Classification

3.—(1) At the end of every bathing season, the Department shall classify a bathing water as “poor” if, in the set of bathing water quality data used, the percentile values for microbiological enumerations are higher than the “sufficient” standards set out in paragraph 1.

(2) At the end of every bathing season, the Department shall classify a bathing water as “sufficient” if—

- (a) in the set of bathing water quality data, the percentile values for microbiological enumerations are equal to or lower than the “sufficient” standards set out in paragraph 1; and
- (b) the bathing water is not classifiable as “good” or “excellent”.

(3) At the end of every bathing season, the Department shall classify a bathing water as “good” if—

- (a) in the set of bathing water quality data, the percentile values for microbiological enumerations are equal to or lower than the “good” standards set out in paragraph 1; and
- (b) the bathing water is not classifiable as “excellent”.

(4) At the end of every bathing season, the Department shall classify a bathing water as “excellent” if, in the set of bathing water quality data used, the percentile values for microbiological enumerations are equal to or lower than the “excellent” standards set out in paragraph 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the purpose of implementing in Northern Ireland Directive 2006/7/EC (“the Bathing Water Directive”) of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC.

Regulations 3 and 4 make provision in relation to identifying bathing waters and the length of the bathing season.

Regulations 5 and 6 set out general duties imposed on the Department in order to secure compliance with the Bathing Water Directive, including in relation to public participation.

Regulation 7 requires the Department to establish a bathing water profile for every bathing water.

Regulation 8 requires the Department to establish a suitable monitoring programme.

Regulation 9 requires bathing water operators to make certain information available in the vicinity of its bathing water. Regulation 10 requires the Department to make certain information available on its website and to the bathing water operator.

Regulations 11 and 12 require the Department to assess the bathing water quality data gathered under its monitoring programme and to classify each bathing water either as “poor”, “sufficient”, “good” or “excellent”.

Regulations 13 to 15 require the Department and bathing water operators to take certain management measures at bathing waters which are subject to pollution. Additional measures shall be taken where a bathing water is classified as “poor” or where a bathing water profile indicates there is short-term pollution.

Regulations 16 to 19 contain general provisions in relation to enforcement.

Regulation 20 places an obligation on the Department to co-operate with the competent authorities in the Republic of Ireland in relation to transboundary waters.

Regulation 21 places an obligation on the Department to classify identified bathing waters, for the purpose of public information, using the standards contained in Council Directive 76/160/EEC until such time as they are classified under the Bathing Water Directive.

Regulation 22 revokes legislation transposing Council Directive 76/160/EEC concerning the quality of bathing water (OJ L31, 5.2.1976, p.1) which is repealed by the Bathing Water Directive.

A partial regulatory impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the Department of the Environment, River House, 48 High Street, Belfast BT1 2AW.

PARTIAL REGULATORY IMPACT ASSESSMENT

The Quality of Bathing Water (Northern Ireland) Regulations 2008

This is the partial Regulatory Impact Assessment (RIA) for the draft Quality of Bathing Water (Northern Ireland) Regulations 2008. Your views on the potential costs and benefits of this proposed legislation would be welcome, and will help shape the final RIA, to be completed after this consultation.

1. Background & Rationale for Government Intervention

The existing Bathing Water Directive (76/160/EC) was among the early environmental Directives introduced by the European Commission and has, as its objectives, the protection of the environment and of bathers' health from pollution. However, it is some 30 years old now, and this, together with a background of improved compliance and a greater scientific understanding about the risks of public bathing, has led to its revision by the European Commission.

The revised Bathing Water Directive (2006/7/EC) (rBWD) accordingly came into force on 24 March 2006, with Member States legally bound to transpose the law, regulations and administrative provisions necessary to comply with that Directive by 24 March 2008.

The United Kingdom shall meet its legal obligation to transpose this Directive in Northern Ireland by the making and bringing into operation of The Quality of Bathing Water (Northern Ireland) Regulations 2008, their provisions dealing with transferred matters, which are within the competence of the Northern Ireland Assembly.

2. Objectives

While the overall objectives of the rBWD remain the same as the existing Directive, it does provide greater protection for public bathers through the application of stricter water quality standards and for the introduction of standardised information to the public on the quality of identified bathing waters, thereby enabling public bathers to make an informed choice about whether to use a particular bathing water.

The environment and public health will be additionally protected in that the rBWD requires management measures to be undertaken where there is pollution of identified bathing waters, including pollution from cyanobacteria, marine phytoplankton, macro algae, litter and other waste.

However, it is important to emphasise that while the proposed Regulations transposing the Directive require compliance with the bacteriological standards by 2015, the Regulations themselves will not set the measures by which that shall be achieved. These are set by other existing Regulations – for example, The Urban Waste Water Treatment Regulations (Northern Ireland) 2007 (as amended) and The Nitrates Action Programme Regulations (Northern Ireland) 2006. It follows, therefore, that this partial RIA makes no reference to the costs associated with the application of those other regulatory measures.

Instead, the potential contribution of this other legislation towards achieving compliance with the rBWD's requirements will be examined separately in the context of a partial impact assessment of the Water Framework Directive's (2000/60/EC) draft river basin management plans. Identified bathing waters will be an integral part of these draft river basin management plans, which are scheduled for publication in December 2008.

Explanatory Note:

- The objectives of The Urban Waste Water Treatment Regulations (Northern Ireland) 2007 (as amended) and The Nitrates Action Programme Regulations (Northern Ireland) 2006 are complementary, aiming to reduce nutrient inputs to water bodies from the urban and agricultural sectors respectively.

The Urban Waste Water Treatment Regulations (Northern Ireland) 2007 (as amended) transpose the Urban Waste Water Treatment Directive (91/271/EEC), and aim to protect the freshwater, estuarine and coastal environments from the adverse effects of domestic sewage, industrial waste and surface water run-off.

The Nitrates Action Programme Regulations (Northern Ireland) 2006 transpose the Nitrates Directive (91/676/EEC), and aim to prevent and reduce water pollution by nitrates from agricultural sources.

- The objective of The Water Framework Directive (WFD), as transposed by The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003, is to co-ordinate the application of measures such as those identified above, so that ultimately all inland and coastal waters achieve “good status” by 2015. This will be done by establishing a river basin management structure within which demanding environmental objectives will be set.

Further information on the WFD can be accessed at either:

http://ec.europa.eu/environment/water/water-framework/index_en.html

or

<http://www.ehsni.gov.uk/water/wfd.htm>

3. Consultation

The consultation paper entitled "Review of Identification of Northern Ireland Bathing Waters 2006" provided consultees with early information on the rBWD's requirements.

In addition, the Department of the Environment (DOE) has consulted with those that have a policy interest in the subject - for example, bathing water operators, Tidy NI and the Northern Ireland Tourist Board.

This partial RIA is published alongside the draft Regulations for full public consultation.

4. Options

The rBWD requires that assessments of bathing water quality are undertaken, thus allowing for each identified bathing water to be classified as either "excellent", "good", "sufficient" or "poor" by the end of the bathing season in 2015. Member States are required to ensure that by the end of that bathing season all identified bathing waters achieve at least a classification of "sufficient".

Beyond that, Member States are to take such realistic and proportionate measures as they consider appropriate with a view to increasing the number of identified bathing waters achieving a classification of either "good" or "excellent".

This has led to the consideration of three options:

- Option 1 – no Regulations (the "business as usual" approach);
- Option 2 – all identified bathing waters to meet the rBWD's minimum requirement of achieving at least a classification of "sufficient" by the end of the bathing season in 2015;
- Option 3 – to increase the number of identified bathing waters achieving a classification of either "good" or "excellent".

5. Sectors and Groups Affected

In considering the costs and benefits of each option, it is important that the various sectors and groups on which the proposed Regulations will impact are properly identified and considered. This partial RIA recognises that the following bodies and individuals may be affected by the different options:

- Bathers (as well as other water users)
- Bathing water (beach) operators (whether private, local council, or other public bodies)
- Environmental regulator (Environment and Heritage Service)
- Tourism interests
- Northern Ireland Water

Consultees are invited to identify any other sectors and organisations not listed in the bullet points above who they believe might be affected by the proposed Regulations and the reason(s) for doing so.

5.1 Bathers

There are important benefits for bathers in implementing the rBWD, particularly in relation to better public health protection - for instance, it could decrease the risk of bathers falling ill from gastroenteritis caused by bathing in waters contaminated by faecal pollution.

Also, research carried out as part of the earlier “Review of Identification of Northern Ireland Bathing Waters 2006” showed that the most important reason for not visiting a bathing water and beach is their lack of cleanliness.

5.2 Bathing Water Operators

The bathing water operators will be responsible for signage informing bathers about the quality of the bathing water, and for removing litter and other waste within the identified area. Operators will generally have a vested interest in ensuring the bathing water is suitable for bathing, particularly if they have facilities nearby which depend on the beach. They will also be aware of the best location to site any signage in order that it can be read by the maximum number of bathers.

It is worth taking the opportunity to note here that the exact format of this signage is still being considered by the European Commission in conjunction with other Member States.

5.3 Environmental Regulator – Environment & Heritage Service (EHS)

The rBWD requires EHS to monitor, assess and classify bathing waters under new parameters, applying a more up-to-date, scientific understanding of the risks to bathers from microbiological pollution. In addition, EHS is required to compile a profile of each identified bathing water, which will inform the public about any potential risks to health.

EHS currently monitors the identified bathing waters in Northern Ireland in accordance with the requirements of the existing Bathing Water Directive, and will continue to undertake bathing water monitoring, laboratory analysis and dissemination of results in accordance with the requirements of the rBWD.

5.4 Tourism Interests

An improvement in water quality at identified bathing waters may have a positive impact on tourism in Northern Ireland, with a knock-on effect on economic growth at coastal resorts specifically, and across Northern Ireland generally.

5.5 Northern Ireland Water

Northern Ireland Water is responsible for ensuring that adequate sewerage infrastructure and sewage treatment is in place, which, as referred to earlier, will play a key role in ultimately ensuring compliance with the rBWD. Its ongoing capital works programme, necessary to meet the UK's obligations under other European legislation – for example, the Urban Waste Water Treatment Directive - will contribute to the delivery of this objective.

6. Costs

6.1 Option 1 – no Regulations (the “business as usual” approach)

This option would not be acceptable, given that a failure to transpose the rBWD into national legislation would result in the initiation of formal infraction proceedings by the European Commission against the United Kingdom, with potential infraction fines being met from the Northern Ireland Block.

6.2 Option 2 - all identified bathing waters to meet the rBWD's minimum requirement of achieving at least a classification of "sufficient" by the end of the bathing season in 2015

The potential costs for option 2 are as follows:-

6.2.1 Water Quality Improvements

EHS has predicted the classifications under the rBWD of the twenty-three currently identified bathing waters in Northern Ireland by assessing microbial water quality data for the 2004-2007 bathing seasons (see Table 1 to this partial RIA for further details). This predictive work has identified that eight would achieve a classification of "excellent", seven would achieve a classification of "good", five would achieve a classification of "sufficient" and three would achieve a classification of "poor".

However, it is the case that at two of the three bathing waters – Ballyholme and Newcastle - predicted to achieve a classification of "poor" (using 2004-2007 data), there are currently capital schemes under way at the waste water treatment works impacting on those bathing waters. This means that by the end of the bathing season in 2015, the bathing waters in question should achieve at least a classification of "sufficient", which is the rBWD's minimum requirement – in fact, these two bathing waters should achieve at least a classification of "good". It follows, also, that these schemes are cost neutral for the purposes of the rBWD and this partial RIA.

The third bathing water – Ballygally - predicted to achieve a classification of "poor" (using 2004-2007 data) is impacted on by a sewerage facility. However, any upgrade would be undertaken in order to meet obligations associated with the existing BWD, and so would be cost neutral for the purposes of the rBWD and this partial RIA.

It is also relevant to mention that a candidate bathing water – Portballintrae (Salmon Rock) - has been accepted recently for formal identification in 2008, which will bring the number of identified bathing waters in Northern Ireland to twenty-four. It is worth making two points here – first, this bathing water was assessed as having good water quality during the bathing season in 2007; and secondly, the waste water treatment works impacting on this bathing water will be replaced, but not in order to meet obligations under the rBWD i.e. this too would be cost neutral for the purposes of the rBWD and this partial RIA.

6.2.2 Environmental Regulator – Environment and Heritage Service

The estimated total cost to EHS of sample collection, analysis and reporting in accordance with the requirements of the existing BWD is approximately £81,000 per annum. EHS anticipates that it will not incur any additional monitoring costs as a consequence of the rBWD.

The only additional cost to EHS, as a consequence of the rBWD, will be the establishment of profiles for each identified bathing water. This would be a one-off total cost estimated at £14,500.

6.2.3 Public Information Requirements/ Signage

An aim of the rBWD is to provide the public with sufficient information to enable it to make informed choices about when and where to bathe. Much of that information will be contained on beach-front signage, the responsibility of which will fall to the relevant bathing water operator. While the initial cost of signage may vary between identified bathing waters, £2,000 is suggested as the potential upper amount at an identified bathing water, this being the expenditure incurred by a bathing water operator recently to supply a primary sign at the main entrance to the beach, two secondary signs at boardwalks and three “reminder” signs at other unofficial access points.

There will also be a recurring cost associated with general “wear and tear” on signage, the cost ultimately being determined by the number of signs in place, the extent of their exposure to the elements and the type of material from which they are constructed. This cost will vary across the bathing water sites.

However, it is also worth noting that while some identified bathing waters may require new signage, many bathing water operators already provide beach-front signage. Therefore, it is suggested that an opportunity exists to integrate the new requirements with the normal cycle of signage replacement and for this to be phased in ready for the start of the bathing season in 2012.

In addition, there is a specific public information requirement in the rBWD to provide information on the internet. The responsibility to do this will fall to EHS, with the cost expected to be minimal.

6.3 Option 3 - to increase the number of identified bathing waters achieving a classification of either “good” or “excellent”.

This option is included in light of Article 5(3) to the rBWD, which states that Member States shall take such realistic and proportionate measures as they consider appropriate with a view to increasing the number of bathing waters classified as either “good” or “excellent”.

Moreover, Article 14(3) advises that the Commission shall, no later than 2020, review the rBWD with particular regard to the parameters for bathing water quality, including whether it would be appropriate to phase out the “sufficient” classification or modify applicable standards.

It is considered that all the environmental and regulatory costs, and public information/signage costs associated with option 2 will apply also to option 3.

Beyond that, DOE has looked at the eight identified bathing waters – Castlerock, Portrush (Curran Strand), Waterfoot, Carnlough, Ballywalter, Ballygally, Ballyholme and Newcastle - predicted to achieve a classification of either “sufficient” or “poor” (using 2004-2007 data) under the rBWD. It considers that five – Castlerock, Portrush (Curran Strand), Ballywalter, Ballyholme and Newcastle - should improve their classification to at least “good” once already planned upgrades by Northern Ireland Water are completed at waste water treatment works impacting on those bathing waters. It follows, therefore, that these would not be considered an additional cost under the rBWD for the purposes of this partial RIA. Likewise, any improvement to the sewerage facility impacting on Ballygally bathing water would not be a cost attributable to the rBWD.

This leaves two bathing waters – Waterfoot and Carnlough - where their predicted classifications of “sufficient” (using 2004-2007 data) could be improved were Northern Ireland Water to invest in the relevant infrastructure, the discharges from which are impacting on those sites. The total cost of those two upgrades is estimated at £4.55 million (£2.55 million and £2 million respectively), based on recent experience of similar schemes.

7. Benefits

The main benefit to be derived from implementation of the rBWD is judged to be the improved public health protection, in that it should reduce the risk of bathers falling ill from gastroenteritis caused by bathing in waters contaminated by faecal pollution. This will be achieved under the rBWD through the:

- monitoring of new parameters – Intestinal enterococci and Escherichia coli – which will provide a more up-to-date scientific indication of the risks to bathers’ health from microbiological pollution;
- improved sampling flexibility, which will provide for resources to be better directed towards sampling on days when bathers are likely to be present;

- assessment and classification of bathing waters on the basis of a number of years' data, thus presenting a more accurate picture of the waters' overall quality;
- provision of public information about the identified bathing water, both on signage at bathing waters and on the internet, thereby allowing bathers to make an informed choice about whether to bathe or not; and
- requirement for the DOE (EHS as environmental regulator) and bathing water operators to undertake management measures in the event of specified pollution incidents.

The rBWD will also reflect positively on the environment and the economy, given that clean bathing waters and beaches in Northern Ireland are an important asset, providing a valuable source of recreation to many different users.

8. Determination of “Technically Infeasible” or “Disproportionately Expensive”

Article 5 of the rBWD allows Member States to introduce permanent advice against bathing in advance of the end of five years of consecutive classifications of “poor”, where the Member State considers that the achievement of a classification of “sufficient” would be either infeasible or disproportionately expensive.

Identified bathing waters are also protected areas under the WFD, and while achieving compliance is a requirement of its river basin management plans, the WFD contains a proviso that compliance is dependent on the feasibility or proportionate expense of measures. Therefore, it is proposed that the work under way as part of the WFD should be used in the context of the rBWD to define what is meant by “technically infeasible” and “disproportionately expensive”.

9. Small/Micro Firms Impact Test

Businesses most likely to be affected by the proposed Regulations are those determined to be the bathing water operator. This could include caravan park operators or others with an interest in promoting the bathing water. Bathing water operators will have to provide the necessary signage to inform bathers of the quality of bathing water. They will also have to monitor visually the bathing water for litter and other waste, implementing measures to alleviate where necessary. However, by informing the public and ensuring there is no waste to endanger health, they are protecting, what, for the majority of

operators, will be a very important local asset. Consultation on this partial RIA will help to inform the impact that these Regulations might have on this sector of the economy.

Small businesses and their representatives which might be affected by the potential implications of these Regulations are invited to respond to this consultation.

10. Enforcement/Sanctions

The proposed Regulations make provision for circumstances in which DOE (EHS as regulator) becomes aware that a bathing water operator has failed in its duties under these Regulations. The regulator will be able to give notice to the operator requiring it to take certain measures to comply with its obligations, and will specify the deadline by which those measures must be taken. It is intended to provide bathing water operators with a right of appeal against the notice, and to include compensation and cost recovery provisions.

11. Preferred Option

Option 1 is not viable for the legal reasons outlined at paragraph 6.1. This leaves either option 2 or 3.

Option 2 would meet the minimum requirements of the rBWD – that is, all identified bathing waters must achieve at least a classification of “sufficient” by the end of the bathing season in 2015 – and would deliver the environmental benefits and public health benefits to bathers without being disproportionately expensive. The costs associated with this option are identified at paragraph 6.2 and would fall to DOE (EHS as environmental regulator) and to bathing water operators.

Option 3 would cost the same as option 2, additional to which would be the cost to Northern Ireland Water of upgrading the infrastructure at two of its facilities, the discharges from which are impacting on the identified bathing waters at Waterfoot and Carnlough. The cost associated with this option is identified at paragraph 6.3.

It is fair to say that Northern Ireland is reasonably well placed to meet its obligations under the rBWD, given that all of its identified bathing waters are predicted to achieve at least a classification of “sufficient” by 2015, which is the rBWD’s minimum requirement; indeed, most are predicted to achieve either a “good” or “excellent” classification by 2015 without significant additional expenditure being required as a consequence of the rBWD. It is this advantageous position that, perhaps, makes the choice between options 2 and 3 a finely balanced one.

Nevertheless, on the grounds that Northern Ireland's identified bathing waters are an important asset, together with the fact that the Commission is committed to consider (not later than 2020) whether to phase out the classification of "sufficient", it is proposed that option 3 should be preferred. However, it is emphasised that any additional costs would be subject in the first instance to their being "realistic and proportionate", in accordance with Article 5(3) to the rBWD. In preferring option 3, there is also the advantage of allowing Northern Ireland Water to incorporate the necessary upgrades into its capital works programme well in advance of any possible legal requirements to do so.

Table 1**Predicted Classifications at Northern Ireland's Identified Bathing Waters**

Name of Identified Bathing Water	Predicted Classification (using 2004-2007 data)
Ballycastle	Good
Ballygally	Poor
Ballyholme	Poor
Ballywalter	Sufficient
Benone (Magilligan)	Excellent
Brown's Bay	Good
Carnlough	Sufficient
Castlerock	Sufficient
Cranfield (Cranfield Bay)	Excellent
Cranfield (Nicholson's Strand)	Excellent
Crawfordsburn	Good
Downhill	Good
Groomsport	Good
Helen's Bay	Good
Millisle	Good
Murlough Bay	Excellent
Newcastle	Poor
Portrush (Curran Strand)	Sufficient
Portrush (Mill Strand)	Excellent
Portstewart	Excellent
Tyrella	Excellent
Waterfoot	Sufficient
Whiterocks	Excellent

Annex C

Guidance on the Confidentiality of Consultation Responses

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority – for the purposes here, the Department of the Environment - which includes information provided in response to a consultation.

However, the Department of the Environment is responsible for deciding whether any information provided in response to a consultation should then either be made public or considered confidential – a decision which extends to information about a consultee's identity.

In practice, this means that information provided by a consultee is unlikely to be regarded as confidential other than in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act 2000 provides that:

- the Department of the Environment should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of its functions and it would not otherwise be provided.
- the Department of the Environment should not agree to hold information received from third parties "in confidence" which is not confidential in nature.
- acceptance by the Department of the Environment of confidentiality provisions must be for good reason and capable of being justified to the Information Commissioner.

Equality/Rural Proofing Screening

Screening for Equality Impact Assessment

1.0 General Details

1.1 Title of Proposed Consultation:

The Draft Quality of Bathing Water (Northern Ireland) Regulations 2008

1.2 Brief summary of the scope of the proposal:

This consultation document seeks comments on the draft Quality of Bathing Water (Northern Ireland) Regulations 2008. The Regulations are necessary to transpose into national legislation the revised Bathing Water Directive (2006/7/EC) (rBWD), which came into force on 24 March 2006. The Regulations will apply to Northern Ireland only.

1.3 Aims of the consultation:

To secure agreement of the proposal, thereby transposing the rBWD into national legislation. The overall aims of the rBWD are to preserve, protect and improve the environment and to protect public health. This includes a tightening of water quality standards to further protect public health whilst bathing, and the provision of standardised information to the public.

In summary, the rBWD requires the:

- monitoring, assessment and classification of bathing water quality at inland waters, and coastal and transitional waters;
- development of a system of bathing water profiles as a means of understanding the risks, which can then be used as a basis for the management of bathing waters; and
- provision of appropriate and timely information to the public on bathing water quality.

2.0 Screening Analysis

All public authorities in carrying out their functions relating to Northern Ireland are required under Section 75 of the Northern Ireland Act 1998 to identify those policies which are likely to have the greatest impact of equality of opportunity and community relations. This is assessed against the nine categories listed below:

- (1) Persons of different religious beliefs
- (2) Persons of different political opinions
- (3) Persons of different racial groups
- (4) Persons of different ages
- (5) Persons of different marital status
- (6) Persons of different sexual orientation
- (7) Men and women generally
- (8) Persons with a disability and persons without
- (9) Persons with dependants and persons without

2.1 Is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories?

NO - the overall objective of the proposed Regulations is improved water quality. All groups will be able to avail of the benefits accrued from the objectives to preserve, protect and improve the environment and to protect public health.

2.2 Is there any evidence that particular groups have different needs, experiences, issues and priorities in relation to the proposals?

NO - the proposed legislation relates to improvements in water quality. Regarding the provision of standardised information to the public, the EU Bathing Water Committee is in the process of developing signs and symbols required under Article 12(1) (a) of the rBWD to inform the public of:-

- bathing water classifications under the rBWD; &
- any prohibition or advice against bathing.

Sign/symbols will be designed to be compliant with the relevant requirements of the Disability Discrimination Act 1995.

2.3 Is there any opportunity to better promote equality of opportunity or good relations by altering the proposal or by otherwise working with others in Government or the community at large?

NO – the proposed legislation relates to improvements in water quality with benefits for all the community.

2.4 Have consultations in the past with relevant groups, organisations or individuals indicated that this proposal could create problems which are specific to them?

NO – the “Review of Identification of Bathing Waters 2006” consultation took the opportunity to provide early information to consultees on the provisions of the rBWD. This consultation process did not raise any specific issues in respect of relevant groups, organisations or individuals.

3.0 Impact Assessment Decision

3.1 A full impact assessment procedure is confined to those policies considered likely to have significant implications for equality of opportunity and community relations.

3.2 Taking account of the Screening Analysis in **section 2.0**, does this proposal need to be submitted to a full Equality Impact Assessment? - **NO**

Reason for Decision

3.3 As a result of the screening analysis in **section 2.0**, it is considered that there are no significant implications for equality of opportunity or community relations as a result of the introduction of these Regulations. The objective of the proposal is improved water quality in order to preserve, protect and improve the environment and to protect public health. All sections of the community will benefit.

Annex E

Rural proofing

Rural proofing is a process to ensure that all relevant Government policies are carefully and objectively examined to assess whether or not they have a different impact in rural areas from that elsewhere, because of the particular circumstances of rural areas; and where necessary, what policy adjustments might be made to reflect rural needs and in particular to ensure that, as far as possible, public services are accessible on a fair basis to the rural community.

This paper contains the Department's draft Regulations designed to transpose the revised Bathing Water Directive (rBWD) into national legislation. The rBWD is a European obligation with which the UK Government has a legal obligation to comply. The aims of the Directive are to preserve, protect and improve the environment and to protect public health.

As rehearsed earlier in the consultation paper, in summary, the rBWD requires the:

- monitoring, assessment and classification of bathing water quality at inland waters, and coastal and transitional waters;
- development of a system of bathing water profiles as a means of understanding the risks, which can then to be used as a basis for the management of bathing waters; and
- provision of appropriate and timely information to the public on bathing water quality.

The proposal is aimed at improvement of water quality. In addition, the rBWD aims to give the public sufficient information to enable it to make informed choices about when and where to bathe. Both of these aims may lead to increased recreational use and support for tourism, which in turn encourages the use of the coastal countryside and enhances the viability of rural businesses.

CONSULTEE LIST

Action Mental Health
Age Concern
An Munia Tober
Antrim Borough Council
Antrim Local Strategy Partnership
Ards Borough Council
Armagh City and District Council
Armagh Local Strategy Partnership
Association of Chief Executives of Voluntary Organisations
Bahal Council for NI
Ballymena Borough Council
Ballymena Local Strategy Partnership
Ballymoney Borough Council
Ballymoney Local Strategy Partnership
Banbridge District Council
Banbridge Local Strategy Partnership
Barnardos
Belfast City Council
Belfast Education and Library Board
Belfast Local Strategy Partnership
Belfast Magistrates Court
Belfast Solicitors Association
Bishop of Down and Connor
The Blind Centre
British Deaf Association NI
Brown McConnell Clark Ltd
Carafriend
Carers NI
Carrickfergus Borough Council
Carrickfergus Local Strategy Partnership
Castlereagh Borough Council
Castlereagh Local Strategy Partnership
Catholic Bishops of Northern Ireland
Causeway Coast and Glens Heritage Trust
Cedar Foundation
Child Poverty Action Group
Children's Law Centre
Chinese Welfare Association
Citizens Advice Bureau
Civic Forum (NI)
Civil Law Reform Division
Clerk of Petty Sessions Court,
Coalition on Sexual Orientation
Coiste na-iarchimi
Coleraine Borough Council
Coleraine Local Strategy Partnership

Commissioner for Children and Young People
Committee on the Administration of Justice/Equality Coalition
Community Development and Health Network NI
Community Foundation for NI
Community Relations Council
Confederation of British Industry Northern Ireland Branch
Cookstown District Council
Cookstown Local Strategy Partnership
Council for the Homeless NI
Co-operation Ireland
Council for Nature Conservation and the Countryside
Countryside Alliance
Craigavon Borough Council
Craigavon Local Strategy Partnership
Cruse Bereavement Centre (NI)
Department of Agriculture and Rural Development
DEFRA
Delamont Country Park
Department of Communications, Marine and Natural Resources,
Derry City Council
Derry Local Strategy Partnership
Derry Well Women
Disability Action
Down District Council
Down District Strategy Partnership
Down Local Strategy Partnership
Dungannon and South Tyrone District Council
Environment and Heritage Service
Employers Forum on Disability
Environment Agency
Environment Committee
Environment: Conservation and Management Division Welsh Assembly
Government
Environmental Protection Agency
Equality Commission NI
Equality Forum
Executive Council of the Inn of Court of NI
Farming and Wildlife Advisory Group
Federation of Small Business
Fermanagh District Council
Fermanagh Local Strategy Partnership
Food Standards Agency
Friends of the Earth
Gay and Lesbian Youth NI
General Consumer Council NI
Gingerbread
Green Party
Head of the School of Law QUB
Head of the School of Law, University of Ulster
Help the Aged

HM Council of County Court Judges
Inland Revenue
Institute of Directors
Institute of Professional Legal Studies- QUB
Lands Tribunal
Larne Borough Council
Law Centre (NI)
Law Reform Advisory Committee
The Law Society of NI
Larne Local Strategy Partnership
Legal Deposit Libraries
Limavady Borough Council
Limavady Local Strategy Partnership
Lisburn City Council
Lisburn Local Strategy Partnership
Local Government Staff Commission for NI
Lough Neagh and Lower Bann Advisory Committee
Magherafelt District Council
Magherafelt Local Strategy Partnership
Maritime and Coastguard Agency
MENCAP
Methodist Church in Ireland
Ministry of Defence
Moyle District Council
Moyle Local Strategy Partnership
Multi-Cultural Resource Centre
National Trust
Newry and Mourne District Council
Newry and Mourne Local Strategy Partnership
Newtownabbey Borough Council
Newtownabbey Local Strategy Partnership
NI Agricultural Producers Association
NI Anti Poverty Network
NI Association of Citizens Advice Bureau
NI Association for Mental Health
NI Chamber of Commerce and Industry
NI Chamber of Trade,
NI Committee of the Irish Congress of Trade Unions
NI Council for Ethnic Minorities
NI Council for Voluntary Action
NI Courts Service
NI Environment Link
NI Gay Rights Association
NI Human Rights Commission
NI Islamic Centre
NI Judicial Appointments Commission
NI Law Commission
NI Local Government Association
NIC/ICTU
NI Office

NI Ombudsman – Progressive House
NI Resident Magistrates Association
NI Sustainable Development Commission
NI Water
North Down Borough Council
North Down Local Strategy Partnership
North West Community Network
North West Forum of People with Disabilities
North West Group
Northern Ireland Tourist Board
Northern Ireland Water Council
NSMC
Office of Law Reform
Omagh District Council
Omagh Local Strategy Partnership
Participation & the Practice of Rights Project
POBAL
Portballintrae Residents Association
Presbyterian Church in Ireland
The Rainbow Project
RNLI
RSPB
Rural Community Network
Rural Development Council
Rural Generation Ltd
Rural Support
Save the Children
Scottish Executive
Scottish Environmental Protection Agency
Sense NI
SNIFFER
Society of Local Authority Chief Executives
South Tyrone Local Strategy Partnership
Sports Council of Northern Ireland
Strabane District Council
Strabane Local Strategy Partnership
Strangford Lough Management Committee
SWAMP
The Wildfowl and Wetlands Trust
Tidy Northern Ireland
Travellers Movement NI
Ulster Farmers Union
Ulster Scots Language Society
Ulster Wildlife Trust
Water Appeals Commission
Welsh Assembly
Women's Centre
Women's Forum NI
Women's Information Group
Women's Resource and Development Agency

Women's Support Network
WRAP
WWF (NI)
Youth Action NI Gender Equality Unit
Youth Council for Northern Ireland
Youthnet