

**Consultation on the draft Quality of Bathing Water Regulations  
(Northern Ireland) 2008**

**Synopsis of Responses**

<b>CONSULTEE</b>	<b>SUMMARY OF RESPONSES</b>
NI Assembly Environment Committee	No concerns were raised in relation to the policy proposals.
Department of Enterprise, Trade and Investment	Nil return.
Department of Culture, Arts and Leisure	Nil return.
Northern Ireland Court Service	Restricted its comments to the enforcement provisions, which it considers are proportionate.
North Down Borough Council	Members are generally very supportive of the revised Bathing Water Directive (rBWD), and welcome the likely health and environmental benefits.
World Wildlife Fund	<p>Supports the proposals as presented in the main, but believe that some aspects could be explored to ensure that the focus is on bathers' protection as opposed to compliance with EU Directives. In summary:</p> <ul style="list-style-type: none"> <li>• any deviation from the monitoring calendar should be notified and justified in the public domain;</li> <li>• reasons for suspensions to the monitoring calendar should be published on DOE's website;</li> <li>• the number of samples taken should be reviewed over time, and reduced where there is no evidence of substantive benefit;</li> </ul>

	<ul style="list-style-type: none"> <li>• there is a need to ensure that the RPA process doesn't lead to gaps, overlap and confusion in terms of ownership and responsibility for the identified bathing waters;</li> <li>• recognises the internet's value in disseminating the bulk of public information, but urges particular use of the local press and the availability of information at the identified bathing waters; and</li> <li>• welcomes recognition of the need to link the rBWD to the Water Framework Directive (WFD).</li> </ul>
<p>The Lough Neagh and Lower Bann Advisory Committees</p>	<p>The continued lack of vision and leadership from central government in respect of identifying freshwater bathing sites in NI is very disappointing, and continues to be a major concern. DOE should go beyond the Directive's minimum requirements and bring "contact water sport users" within the Regulations' scope.</p> <p>Comments on the consultation paper are summarised as follows:</p> <ul style="list-style-type: none"> <li>• updates to local legislation which allow for more effective implementation of the Bathing Water Directive are welcomed;</li> <li>• DOE should review the length of the bathing season before 2012, given recent years' good weather;</li> <li>• the proposals on monitoring and transboundary cooperation are acceptable;</li> <li>• any early warning system needs to be robust;</li> <li>• the proposal to introduce a "permanent bathing prohibition or permanent advice against bathing" is welcomed, but there should be a repeals mechanism;</li> <li>• the proposed enforcement powers are welcomed;</li> <li>• it may be difficult to enforce the requirement to display water quality results should the operator change – for example, due to local government reorganisation; and</li> <li>• there should be greater scope for public participation.</li> </ul>

<p>Department for Regional Development (Water Policy Division)</p>	<p>Comments largely restricted to the partial Regulatory Impact Assessment (RIA), and DOE's preferred option 3 - to increase the number of identified bathing waters achieving a classification of either "good" or "excellent".</p> <p>Asks that DOE either:</p> <ul style="list-style-type: none"> <li>• implements option 2 of the partial RIA – all identified bathing waters to meet the minimum requirement of achieving at least a "sufficient" classification by the end of the bathing season in 2015; or</li> <li>• delays the introduction of the Regulations so that the decision on option 2 or 3 can be informed by DRD Ministerial (social and environmental) Guidance, due in early 2009.</li> </ul>
<p>The Consumer Council</p>	<p>Comments concentrate on the public participation and public information provisions. In summary:</p> <ul style="list-style-type: none"> <li>• recognises the developments that have been made since transposition of the current Bathing Water Directive and welcomes the rBWD's objectives;</li> <li>• seeks clarification on how the rBWD regulations will be synchronised with the monitoring arrangements of water bodies not classified as bathing waters;</li> <li>• welcomes the decision to review the list of identified bathing waters every four years, alongside the normal nomination process;</li> <li>• welcomes the proposal to begin monitoring in 2008, together with establishment of a monitoring calendar;</li> <li>• welcomes the fact that monitoring and investigations will be DOE's responsibility. Recommends that this be done in a transparent manner, and that results are published and made available in an easily understood format;</li> <li>• seeks clarification as to whether the regulations will include provisions for independent monitoring of bathing waters;</li> <li>• suggests that DOE should use methods, other</li> </ul>

	<p>than the internet, to publicise information – for example, use of local libraries and tourist information offices, notices in local papers and displays close to the bathing water;</p> <ul style="list-style-type: none"> <li>• agrees with the emphasis placed in the Regulations on providing information in a clear and coherent manner, and that consideration is given to the use of signs and symbols, which should be clear, highly visible, easy to understand and up to date;</li> <li>• welcomes the inclusion of public participation, and seeks clarification on how this will be maximised;</li> <li>• a formal complaints procedure should be in place, its availability publicised, and adequate facilities are in place to receive and handle these contacts in whatever form they are received;</li> <li>• welcomes establishment of bathing water profiles and their content, which should be made available on request in formats other than the internet, and which should be clear, easily understood and timely; and</li> <li>• welcomes the fact that a full RIA will be completed following completion of the consultation.</li> </ul>
<p>Northern Ireland Water</p>	<ul style="list-style-type: none"> <li>• welcomes the increased flexibility in monitoring, the introduction of management measures and the establishment of bathing water profiles;</li> <li>• concerned that the designation of bathing waters can be driven by local pressure rather than the objective and sustainable policy developed by DOE;</li> <li>• NIW will take account of the rBWD's requirements when designing schemes which discharge to bathing waters;</li> <li>• there is a need to investigate and improve inputs, other than those from NIW assets, in order to improve bathing water quality;</li> <li>• information should be provided on the precise limits of a bathing water so as to avoid confusion among its users; and</li> <li>• bathing water profiles will have to contain details of combined sewer overflows (CSOs) which impact on bathing waters. Their purpose and operating principles should be</li> </ul>

	<p>explained to the public so as to avoid any deterrent effect on the use of bathing waters.</p> <p>There is also comment on the partial RIA. In summary:</p> <ul style="list-style-type: none"> <li>• it is likely that the bathing waters at Waterfoot and Carnlough will meet the requirements of the rBWD, and so NIW suggests that option 2 should be adopted (meet the minimum requirements), rather than strive for standards above those required by European legislation at a cost of £4.55 million; and</li> <li>• this would enable NIW, within a limited and defined budget, to invest in higher priority schemes to achieve compliance with other EC Directives.</li> </ul>
<p>Ulster Federation      Angling</p>	<p>The continued lack of vision and leadership from central government in respect of identifying freshwater bathing sites in NI is very disappointing, and continues to be a major concern. DOE should go beyond the Directive's minimum requirements and bring "contact water sport users" within the Regulations' scope.</p> <p>Comments on the consultation paper are summarised as follows:</p> <ul style="list-style-type: none"> <li>• NI's bathing season should start on 1 May 2007, as there are two public holidays in May and good weather has been experienced in 2007 and 2008 during that time;</li> <li>• the enforcement powers are welcome, but who will enforce against the Government. Crown Immunity will apply, which indicates the need for an independent EPA; and</li> <li>• the public participation provisions are inadequate, and should provide for more continuous comment.</li> </ul>
<p>Council for Nature Conservation and the Countryside</p>	<p>Welcomes the proposals emerging in the consultation generally. On specific points:</p> <ul style="list-style-type: none"> <li>• the RPA, and reduction in the number of district councils, should be given special attention in order to avoid any gaps or</li> </ul>

	<p>confusion arising in terms of responsibilities for bathing waters; and</p> <ul style="list-style-type: none"> <li>• recognition of the linkage between the rBWD and the WFD is welcomed.</li> </ul>
Northern Ireland Tourist Board	<ul style="list-style-type: none"> <li>• the Regulations are a welcome addition to the legislation that will assist in maintaining the appeal of the destination and enhance tourism development; and</li> <li>• trust that better management and enforcement will achieve universally high standards of water quality.</li> </ul>