

# **CONSULTATION**

## **2022 REVIEW OF BATHING WATERS IN NORTHERN IRELAND**

**MARINE & FISHERIES DIVISION**

**February 2022**

## Equality Statement

You can obtain a copy of this consultation document in other formats by contacting:

Department of Agriculture, Environment and Rural Affairs

Marine & Fisheries Division

2022 Bathing Water Review

Marine Strategy Branch

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Klondyke Building

Cromac Avenue

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Belfast

BT7 2JA

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# 2022 REVIEW OF BATHING WATERS IN NORTHERN IRELAND

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## **1 PURPOSE**

This consultation paper seeks your comments on the 2022 Review of Bathing Waters in Northern Ireland being taken forward by the Department of Agriculture, Environment and Rural Affairs (the Department).

## **2 HOW TO RESPOND**

Please forward your comments on the review to:

2022 Bathing Water Review  
Marine & Fisheries Division  
Marine Strategy Branch  
1<sup>st</sup> Floor, Klondyke Building  
Cromac Avenue  
Belfast  
BT7 2JA

Email: [bwr2022@daera-ni.gov.uk](mailto:bwr2022@daera-ni.gov.uk)

Responses should reach us by 8 April 2022.

A summary of the responses received will be issued after the consultation has closed. We will not respond individually to the points you raise nor will we acknowledge receipt of individual responses unless requested.

Additional copies of this consultation paper are available on written request to the address or email above or by telephoning 028 9056 9683.

It is also available at:

<https://www.daera-ni.gov.uk/consultations/bathing-waters-consultation>

You can also respond to the consultation via Citizen Space which can be accessed at:

<https://consultations.nidirect.gov.uk/>

### **3 CONFIDENTIALITY OF CONSULTATIONS**

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can refuse to disclose information only in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority (the Department in this case). This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation.

However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

The Department 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 the Department's functions and it would not otherwise be provided.
- the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office

Tel: (028) 9027 8757

Email: [ni@ico.org.uk](mailto:ni@ico.org.uk)

Website: <https://ico.org.uk/>

## **4 REVIEW OF BATHING WATERS**

### **4.1 INTRODUCTION**

4.1.1. Bathing waters are an important asset for everyone in Northern Ireland. They are invaluable for both swimming and tourism, given the international renown of our coastline.

4.1.2 Our bathing waters are protected by The Quality of Bathing Water Regulations (Northern Ireland) 2008 (the Regulations)<sup>1</sup>. Monitoring of bathing water quality is important not only for bathers' public health, but also gives an indication of the overall health of our waters.

4.1.3 The Regulations aim to preserve, protect and improve the quality of the environment and to protect human health. Originally based on the EU Bathing Water Directive and systems, the Regulations apply where the Department expects a large number of people to bathe, and where bathing is not permanently prohibited or where permanent advice against bathing has not been issued. Although the UK has now left the European Union, the Department will continue to use these criteria in this review to inform the identification of new sites. The Department is required to test water quality at all identified bathing waters and to assess the results against stringent microbiological standards in order to inform those who choose to bathe there. The Regulations also define the length of the bathing season, which again is linked to usage of the site, and sets the requirements for the provision of bathing water information to the public.

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<sup>1</sup> [https://www.legislation.gov.uk/nisr/2008/231/pdfs/nisr\\_20080231\\_en.pdf](https://www.legislation.gov.uk/nisr/2008/231/pdfs/nisr_20080231_en.pdf)

4.1.4 A bathing water can be any area of sea, lake, or river. The definition does not apply to swimming pools and spa pools; confined waters subject to treatment or used for therapeutic purposes; or to artificially created confined waters separated from surface water and groundwater.

4.1.5 The Department is required to undertake a review of Bathing Waters every 6 years, with the next review due in 2022/23. The Department is aware of the marked increase in interest in open water swimming over the past few years. This review seeks nominations for new sites where large numbers of people are bathing, and is also examining the length of the bathing season, given the growing trend in year-round bathing. The Department is anticipating increased interest in this review, given the growth in open-water swimming in recent years. There are likely to be resource constraints on the total number of new sites. Any proposed increase in the number of sites will be reviewed against available resources and budgetary constraints. The Department will endeavour to identify the most popular sites meeting the criteria, and to ensure a distribution of sites across Northern Ireland.

## **4.2 IDENTIFIED BATHING WATERS**

4.2.1 Northern Ireland currently has 26 identified bathing waters (see map at Annex B). An identified bathing water is one which is listed in a Schedule to the Regulations, requiring the Department to comply with the provisions of the Regulations in relation to those bathing waters. The Department has decided not to review the existing 26 bathing waters, as these are well-established, frequently used and have recognised bathing water operators in place. The Regulations currently defines the bathing water season in Northern Ireland as 1 June to 15 September.

4.2.2 It should be noted that the Regulations are focussed on bathing only. The microbiological standards set in the Regulations are based on those recommended by the World Health Organisation<sup>2</sup>. These recommendations are associated with the possible health outcomes arising from recreational water activities, where whole-body contact takes

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<sup>2</sup> World Health Organisation – Guidelines for Safe Recreational Water Environments. Vol I Coastal and Fresh Waters

place, (i.e. those in which there is a meaningful risk of swallowing water). However, the information provided at Bathing Waters will be useful to all water users.

4.2.3 An INTERREG VA- funded SWIM project was completed in December 2020 by a collaboration between University College Dublin (UCD) (Lead Partner), Agri Food and Biosciences Institute (AFBI) and Keep Northern Ireland Beautiful (KNIB). The project's objective was to develop computer models to predict poor water quality events and to provide warning to the public via electronic signage at six bathing waters in Northern Ireland and three in the Republic of Ireland.

4.2.4 Since completion of the SWIM project, DAERA has been working on a legacy project to ensure the prediction work can continue at the six existing sites (Castlerock, Portrush Curran, Waterfoot, Ballyholme, Ballywalter and Newcastle) in Northern Ireland and could potentially be extended to include other identified bathing waters.

4.2.5 This method of alerting the public to predicted poor water quality is how the UK as a whole is moving forward with managing bathing waters, and how it intends to keep the public informed and protect bather's health.

### **4.3 CRITERIA FOR IDENTIFYING BATHING WATERS**

4.3.1 The criteria for identification of a bathing water are as follows.

**1) There is an appropriate body willing to take on the formal responsibility of bathing water operator for the site.**

It is essential that an organisation undertakes the responsibilities of Bathing Water Operator. Bathing Water Operators in Northern Ireland currently include councils, the National Trust (as landowners at Portstewart and Murlough, Co.Down) and the NIEA (Crawfordsburn and Helen's Bay as the Country Park Manager). A summary of the responsibilities of Bathing Water Operators is attached at Annex A. These are statutory responsibilities under the Regulations and so sites cannot go forward for identification without the support of a Bathing Water Operator.



## **2) Bathing is not prohibited or inadvisable for reasons of safety**

The Department must be satisfied that bathing at a site is permitted, and the site is safe for bathing. The safety of a site will be determined by the Department in consultation with the prospective Bathing Water Operators and other competent bodies like the Royal National Lifeboat Institution and the Maritime and Coastguard Agency.

## **3) The site is used by a large number of bathers**

The guide value used previously in Northern Ireland to define a “large” number of bathers at a site is;

45 bathers on at least one occasion

100 beach users on at least two occasions

The Department will use available information to assess nominated sites to determine usage.

## **4.4 NOMINATIONS FOR NEW BATHING WATERS**

4.4.1 The Department would be pleased to receive nominations for candidate Bathing Waters (subject to the nomination meeting the criteria outlined above). Previous reviews have resulted in the identification of coastal water sites only, based on the criteria above. The Department has carried out a pre-consultation exercise with all councils and has received nominations of both new coastal and lake sites, where councils are prepared to act as Bathing Water Operators.

## **4.5 EXTENSION OF THE BATHING SEASON**

4.5.1 The Northern Ireland Bathing Season currently runs from 1 June to 15 September each year. The Department seeks your views on whether this is sufficient to meet bathers’ needs, or whether the season should be extended, perhaps to cover a longer season. Any extension of the season will have to be considered against available Departmental resources.

## 4.6 OTHER COMMENTS

4.6.1 The Department also seeks your views or comments on other aspects of the current Bathing Water Monitoring. Within the existing Regulations, the Department has the flexibility to reduce sampling at sites with consistent water quality. Using this flexibility could assist in the allocation of resources to ensure more sites could be covered. The Department is interested in your views on this.

It would be helpful for the Review if respondents addressed the following questions.

- **Are there any sites you think should be considered for nomination? (Information allowing clear identification of the area would be helpful, such as grid co-ordinates.**
- **Has a Bathing Water Operator been approached to adopt this site?**
- **Is the site and the access to the site safe in your opinion?**
- **Evidence of bathing patterns at sites would be helpful in the Department's evaluation. Are there specific times this site is most popular (e.g. at high water)?**
- **What is your opinion on the current length of the bathing season (1 June to 15 September each year)?**
- **If your view is that the season should be extended, what period should be covered?**

## 4.7 NEXT STEPS

On closure of the consultation, DAERA will undertake an exercise with key stakeholders to evaluate the suitability of nominated sites according to the identification criteria, including surveys of site popularity to verify the information provided by respondents.

Those sites which are found likely to be suitable will be subject to a scheme of testing to establish a baseline for water quality. Depending on the number of nominations, the testing and evaluation process will need to be prioritised according to site popularity and available

Departmental resources. The Department will endeavour to identify as many sites as resources allow, which have been found to meet the criteria.

## **5 MANDATORY CONSULTATION ARRANGEMENTS**

### **5.1 Equality Impact Assessment**

5.1.1 The Department has completed a preliminary screening exercise on the proposals contained in this consultation paper. There is no evidence that there would be any impact on issues related to equality. Therefore, the Department does not consider it necessary to undertake a full Equality Impact Assessment.

### **5.2 Human Rights Act 1998**

5.2.1 The Human Rights Act 1998 makes it unlawful for any public authority to act in a way that is incompatible with those rights. The Department considers that the proposals contained in this consultation paper are compatible with the Human Rights Act 1998.

### **5.3 Rural Proofing**

5.3.1 Rural proofing is a process to ensure that all relevant Executive policies are examined carefully and objectively. It determines if policies have a different impact in rural areas from that elsewhere, given the particular characteristics of rural areas.

5.3.2 Consideration is given to the policy adjustments that could be made to reflect rural needs so that, as far as possible, public services are accessible on a fair basis to the rural community. The Department considers that the identification of bathing waters can be seen as making a positive contribution to rural communities. Identification should increase the profile of those areas, improve the potential for tourism and provide for increased spend in the local economy.

### **5.4 Regulatory Impact Assessment**

5.4.1 A Regulatory Impact Assessment will be undertaken once nominations for identified bathing waters are determined.

### Summary of Bathing Water Operator Responsibilities

The responsibilities placed on a Bathing Water Operator by the Quality of Bathing Water Regulations (Northern Ireland) 2008<sup>3</sup> are summarised below:

- Bathing Water Operators must ensure that signage at a bathing water includes the information set out in the guidance for Bathing Water Operators

When Bathing Water Operators become aware of pollution incidents/ abnormal situations/ exceptional weather events that could be considered a risk to human health they should:

- consult DAERA (Department of Agriculture Environment and Rural Affairs).
- inform DAERA's pollution hotline on 0800 807 060.
- take appropriate management measures to protect bathers health.
- provide information to the public.
- where necessary, remove any waste.
- and, if necessary, issue temporary advice against bathing.

Where DAERA (the Department) has issued a notice requiring Bathing Water Operators to comply with the Bathing Water Regulations:

- comply with and implement the measures which are specified in the notice;
- provide the Department with any information it requires in carrying out its functions under the Bathing Water Regulations.
- display the current classification of the bathing water provided by DAERA and where appropriate, any advice against bathing.

Where a bathing water receives a poor classification:

- in the following bathing season, signs must display the appropriate classification and the symbol advising the public against bathing. Information must also be provided about why the site is not recommended for bathing.

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<sup>3</sup> [The Quality of Bathing Water Regulations \(Northern Ireland\) 2008 SR No. 231](#)

