EXPLANATORY MEMORANDUM TO

THE BATHING WATER (AMENDMENT) (ENGLAND) REGULATIONS 2014

2014 No. 2363

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before the House of Commons by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument substitutes amends Part 1 of Schedule 2 to the Bathing Water Regulations 2013 ("the Regulations") to reflect changes to the list of designated bathing waters in England.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The Bathing Water Regulations 2013 help protect public health and the environment from faecal pollution at bathing waters. In order to give effect to this protection, waters that are used by a large number of bathers are designated under these Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The new Part 1 updates the list of waters which have been identified by the Secretary of State as bathing waters in England. Allonby and Ainsdale are not newly identified, but were accidently excluded from the previous amendment.

There are two newly identified waters since the last amendment to the Regulations and two have been removed from the list.

The new bathing waters are – Henleaze Lake; Shoreham Beach

The bathing waters removed from the list are – Askam-in-Furness; Roan Head

Each change has been consulted on individually and the corrected list for each year published on the Defra website in accordance with Regulation 3 of these Regulations. Guidance on how these decisions are made is available on the Gov.uk website.

The names of three bathing waters have been changed and have been amended in the new Part 1.

The names of Crinnis Golf Links and Crinnis Leisure Centre have been amended to Shorthorn and Crinnis respectively at the request of the private owner.

The name of Southsea has been amended to Southsea East at the request of the local authority.

8. Consultation outcome

8.1 Individual consultations were carried out on each of the proposed designations and dedesignations of bathing waters locally and nationally. The national consultations were available online and the full outcome of each consultation can be found on the Gov.uk website.

We did not receive any responses to the consultation on the designation of Henleaze Lake. For the designation of Shoreham Beach, we received one response in support of the proposal and one that did not express a preference.

The consultations on the dedesignation of Askam-in-Furness and Roan Head each received eight responses, most of which commented on both beaches. For each site, six responses opposed dedesignation: four from members of the public, one from Askam and Ireleth Parish Council and one from the Marine Conservation Society. The National Farmers Union responded in its capacity as a member of the Turning Tides partnership to confirm that the partnership supports dedesignation. A response from United Utilities, which is also a member of Turning Tides, recommended taking the local authority's concerns about safety into account in making a decision.

We have proceeded with dedesignation because the local authority does not promote bathing at Askam-in-Furness and Roan Head due to the dangerous nature of the Duddon Estuary on which they are situated, with high tidal range, deep channels, and quick moving sands. Signs at both beaches warn of swift currents and gullies. The application was made on the basis of safety concerns as well as low usage for bathing and for these reasons we have proceeded with dedesignation. The decision was announced on the Gov.uk website.

9. Guidance

Guidance on bathing water issues is available on the www.gov.uk website.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is low as the public information requirement on local councils is funded by Defra.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The amendment does not apply to small business.

12. Monitoring & review

12.1 The list of designated bathing waters is reviewed annually and the Bathing Water Regulations are due to be reviewed by July 2018.

13. Contact

Elaine Connolly at the Department for Environment, Food and Rural Affairs Tel: 020 7238 4451 or email: bathingwater@defra.gsi.gov.uk can answer any queries regarding the instrument.