



# Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

## PART 1

### PROTECTION OF THE WATER ENVIRONMENT

## CHAPTER 2

### RIVER BASIN MANAGEMENT PLANNING

#### *River basin management plans*

#### **10 River basin management plans**

- (1) SEPA must, by such date as the Scottish Ministers may direct, prepare and submit to them a river basin management plan for each river basin district in respect of such period as they may direct.
- (2) A river basin management plan must include—
  - (a) the matters specified in Part 1 of schedule 1, and
  - (b) such other matters as the Scottish Ministers may by regulations specify.
- (3) A river basin management plan—
  - (a) must (without prejudice to subsection (2)(b)) contain or be accompanied by such maps, diagrams, illustrations and descriptive matter as the Scottish Ministers may direct, and
  - (b) may contain or be accompanied by such other maps, diagrams, illustrations and descriptive matter as SEPA thinks appropriate for the purpose of explaining or illustrating any matter in the plan.
- (4) Any such maps, diagrams, illustrations and descriptive matter are to be treated as forming part of the plan; and references to such a plan are to be construed accordingly.

**11 River basin management plans: publicity and consultation**

- (1) Not less than 3 years before the beginning of the period to which a river basin management plan is to relate, SEPA must publish a statement setting out—
  - (a) the steps under this section, and any other consultation measures, which it is to take in connection with the preparation of the plan, and
  - (b) the dates on or by which those steps and measures are to be taken.
- (2) Not less than 2 years before the beginning of the period to which a river basin management plan is to relate, SEPA must publish a summary of the significant water management issues which it considers arise in relation to the river basin district in question.
- (3) Not less than one year before the beginning of the period to which a river basin management plan is to relate, SEPA must publish a draft of the plan.
- (4) Publication of a statement under subsection (1), a summary under subsection (2) and a draft plan under subsection (3) is to be in such manner as SEPA thinks fit.
- (5) On publishing a statement, a summary or a draft plan SEPA must—
  - (a) publicise—
    - (i) that fact,
    - (ii) the arrangements for making copies of the statement, summary or draft plan available for public inspection in pursuance of paragraph (b), and
    - (iii) the opportunity to make representations about the statement, summary or draft plan under subsection (7),
  - (b) make copies of the statement, summary or draft plan available for public inspection free of charge for such period, which must be at least 6 months beginning with the date of its publication, as SEPA may determine,
  - (c) consult the persons specified in subsection (6),
  - (d) take such steps as it thinks fit for the purpose of encouraging those persons to participate appropriately in the preparation of the plan.
- (6) The persons referred to in subsection (5)(c) are—
  - (a) Scottish Natural Heritage,
  - (b) Scottish Water,
  - (c) every responsible authority which has functions exercisable in or in relation to the river basin district in question,
  - (d) every local authority any part of whose area is within the river basin district,
  - (e) every district salmon fishery board any part of whose salmon fishery district is within the river basin district,
  - (f) where any part of the river basin district has been designated as a National Park, the National Park authority for that National Park,
  - (g) such persons as appear to SEPA to be representative of the interests of those carrying on any business which relies upon the water environment within the river basin district,
  - (h) such persons as appear to SEPA to have an interest in the protection of the water environment within the river basin district,
  - (i) such persons as appear to SEPA to have an interest in the promotion of sustainable flood management,
  - (j) such other persons as SEPA thinks fit.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Any person who wishes to make representations to SEPA about a statement, summary or draft plan may do so within the period determined under subsection (5)(b).
- (8) In preparing the draft river basin management plan SEPA must take into account—
  - (a) any views on the statement or summary relating to the plan expressed by those consulted under subsection (5)(c), and
  - (b) any representations about the statement or summary,which are received by SEPA within the period determined under subsection (5)(b).
- (9) In preparing the river basin management plan for submission to the Scottish Ministers SEPA must take into account—
  - (a) any views on the draft plan expressed by those consulted under subsection (5)(c), and
  - (b) any representations about the draft plan,which are received by SEPA within the period determined under subsection (5)(b).
- (10) Where SEPA is required under this section or section 12 or 13 to publicise any matter in connection with a river basin management plan, it—
  - (a) must do so by means of a notice published in—
    - (i) at least one newspaper circulating throughout Scotland, and
    - (ii) such local newspapers circulating in the river basin district in question, or any part of it, as it thinks fit, and
  - (b) may further publicise the matter by such electronic or other means as it thinks fit.

## **12 River basin management plans: submission for approval**

- (1) As soon as a river basin management plan is submitted to the Scottish Ministers, SEPA must—
  - (a) publicise—
    - (i) that fact, and
    - (ii) the arrangements for making copies of the plan available for public inspection in pursuance of paragraph (b), and
  - (b) make copies of the plan available for public inspection free of charge.
- (2) A river basin management plan submitted to the Scottish Ministers by SEPA must be accompanied by a statement—
  - (a) of the action taken by SEPA to comply with subsections (3) and (so far as relating to the draft plan) (4) to (6) of section 11,
  - (b) containing a summary of the views and representations referred to in subsection (9) of that section and of any adjustments made to the plan in light of those views and representations.
- (3) If the Scottish Ministers, having considered the statement, are of the opinion that further action should be taken by SEPA in relation to the plan under subsections (3) to (6) of section 11, they may return the plan to SEPA and direct it—
  - (a) to take such further action under those subsections as they may specify, and
  - (b) to resubmit the plan with such modifications, if any, as SEPA considers appropriate by such time (if any) as the direction may specify.

- (4) Where the Scottish Ministers return the plan to SEPA under subsection (3), they must state their reasons for doing so.
- (5) This section applies, with the necessary modifications, in relation to a river basin management plan resubmitted to the Scottish Ministers in pursuance of subsection (3) (b) as it applies to the plan as originally submitted.

### **13 River basin management plans: approval**

- (1) After considering a river basin management plan submitted to them under section 10(1) or in pursuance of section 12(3)(b) or subsection (4) of this section, the Scottish Ministers may—
  - (a) approve it (in whole or in part and with or without modifications), or
  - (b) reject it.
- (2) Before determining whether or not to approve a plan, the Scottish Ministers may request such further information and carry out such other investigations and consultation as they think fit.
- (3) The Scottish Ministers must state their reasons for their determination under subsection (1) in relation to a plan.
- (4) Where the Scottish Ministers reject a plan, they must return the plan to SEPA and direct it to resubmit the plan with—
  - (a) such modifications (if any) as the direction may specify, and
  - (b) any further modifications which SEPA considers appropriate, by such time (if any) as the direction may specify.
- (5) Where the Scottish Ministers approve a plan, SEPA must—
  - (a) publish the approved plan in such manner as it thinks fit,
  - (b) make copies of it available for public inspection,
  - (c) make copies of it available for sale at a reasonable price, and
  - (d) publicise—
    - (i) the publication of the approved plan, and
    - (ii) the arrangements for making copies of it available for public inspection in pursuance of paragraph (b).

### **14 River basin management plans: review**

- (1) SEPA must, no later than 6 years (or such lesser period as the Scottish Ministers may direct) from the date on which a river basin management plan was approved under section 13, review and update the plan.
- (2) Following such a review SEPA must, by such date as the Scottish Ministers may direct, prepare and submit to the Scottish Ministers a revised river basin management plan for the river basin district in question in respect of such period as the Scottish Ministers may direct.
- (3) The revised plan must include (in addition to the matters required to be included by section 10) the matters specified in Part 2 of schedule 1.
- (4) Sections 10(2) to (4), 11 to 13 and 17(3) apply in relation to the preparation, submission and approval of a revised river basin management plan.

## **15 Sub-basin plans**

- (1) For the purpose of supplementing the river basin management plan for a river basin district—
  - (a) SEPA must—
    - (i) divide the district into such geographical areas as it thinks fit, and
    - (ii) prepare, for each of those areas, a plan in relation to water management within the area,
  - (b) SEPA or a responsible authority may, if it thinks fit, prepare a plan in relation to a particular aspect of water management within the district.
- (2) A plan prepared under subsection (1)(b) may, for example, relate to—
  - (a) a particular description of body of water,
  - (b) a particular catchment or geographical area (whether or not an area determined in pursuance of subsection (1)(a)),
  - (c) a particular matter relating to the water environment,
  - (d) a particular description of user of water resources.
- (3) A plan prepared under subsection (1)(a) or (b) is referred to in this Part as a “sub-basin plan”.
- (4) A sub-basin plan must not be inconsistent with anything in the river basin management plan which it supplements.
- (5) A sub-basin plan prepared under subsection (1)(b), so far as applying to an area determined in pursuance of subsection (1)(a), must not be inconsistent with the sub-basin plan prepared for that area under subsection (1)(a).
- (6) SEPA or, as the case may be, the responsible authority must consult such of the persons specified or referred to in section 11(6)(a) to (j) as it thinks fit about a proposed sub-basin plan and must take into account any views expressed by those consulted.
- (7) For the purposes of subsection (6) as it applies to a responsible authority, the references in section 11(6)(g) to (j) to SEPA are to be read as if they were references to that responsible authority.

## **16 Duty to have regard to river basin management plans and sub-basin plans**

The Scottish Ministers and every public body and office-holder must, in exercising any functions so far as affecting a river basin district, have regard to—

- (a) the river basin management plan for that district as approved under section 13,
- (b) so far as the exercise of the functions affects an area of the district determined in pursuance of section 15(1)(a), the sub-basin plan prepared for that area, and
- (c) so far as relevant, any sub-basin plan prepared under section 15(1)(b) for the purpose of supplementing the river basin management plan for the district.

## **17 River Basin District Advisory Groups**

- (1) Each river basin district is to have one or more River Basin District Advisory Groups.
- (2) The function of each Advisory Group is to advise SEPA on any matter which—
  - (a) relates to the preparation of river basin management plans for the district, and
  - (b) is within the remit of the Group.

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- (3) SEPA must, in preparing a river basin management plan, have regard to any advice given by an Advisory Group.
- (4) The number of Advisory Groups, and their remits, membership and procedure, are to be such as SEPA may determine.
- (5) SEPA may determine the remit of an Advisory Group for any river basin district by reference to one or more of the following, namely—
  - (a) a particular sub-basin plan,
  - (b) a particular geographical area,
  - (c) any other particular aspect of water management within the district.
- (6) In determining the number of Advisory Groups for any river basin district and their remits and membership, SEPA must seek to ensure appropriate representation of the interests of the persons specified or referred to in section 11(6)(a) to (h).
- (7) SEPA may pay to members of an Advisory Group such expenses and allowances as it may determine.