
STATUTORY INSTRUMENTS

2017 No. 407

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

PART 6

River basin management plans

Application of this Part

26. This Part applies in relation to —
- (a) the most recent version of each river basin management plan prepared and updated under the 2003 Regulations, and
 - (b) any subsequent version of such a plan updated under this Part.

River basin management plans: content

- 27.—(1) A river basin management plan must—
- (a) relate to such period as the appropriate authority may direct;
 - (b) include the information required by the relevant provisions of the WFD, the GWD and the EQSD specified in paragraphs (2) to (4);
 - (c) in relation to any shellfish water protected area, include the information required by paragraph (2)(d) in relation to protected areas.
- (2) The relevant provisions of the WFD are—
- (a) Article 9(2) and (4) (recovery of the costs of water services);
 - (b) Annex II, section 1.3(vi) (exclusion of elements from the assessment of ecological status);
 - (c) the following provisions of Annex V—
 - (i) points 1.3 and 1.3.4 (confidence and precision in monitoring surface water);
 - (ii) point 2.4.1 (confidence and precision in monitoring groundwater);
 - (iii) points 2.4.5 and 2.5 (presentation of monitoring results for groundwater);
 - (d) Annex VII, Parts A and B (elements to be covered in river basin management plans).
- (3) The relevant provisions of the GWD are—
- (a) Article 3(5) and (6) (the threshold values and revisions to them);
 - (b) Article 4(4) (summary of assessment of groundwater chemical status);
 - (c) Article 5(4) and (5) (trend assessment and starting points);
 - (d) Annex II Part C (how groundwater threshold values have been set);
 - (e) Annex III, point 5 (maps showing exceedances).
- (4) The relevant provisions of the EQSD are—

- (a) Article 3(5) (information about monitoring and analysis, including alternative matrices);
- (b) Article 4(2) (information relating to mixing zones);
- (c) Article 5(4) (updated inventories).

Review of river basin management plans

28. The appropriate agency must, by such date as the appropriate authority directs—

- (a) review and update each river basin management plan, and
- (b) submit each updated plan to the appropriate authority.

River basin management plans: public participation

29.—(1) The appropriate agency must—

- (a) not less than three years before the relevant date, publish a statement of—
 - (i) the steps and consultation measures the appropriate agency is to take in connection with the preparation of the updated plan, and
 - (ii) the dates by which those steps and measures are to be taken;
- (b) not less than two years before the relevant date, publish a summary of the significant water management matters which the appropriate agency considers arise for consideration in relation to the river basin district;
- (c) not less than one year before the relevant date, publish a draft of the updated plan.

(2) The appropriate agency must carry out the publication required by paragraph (1) in such manner as the appropriate agency considers appropriate for the purpose of bringing it to the attention of persons likely to be affected, and must—

- (a) make copies of the statement, summary or draft updated plan accessible to the public free of charge through its website and at its principal office;
 - (b) publish a notice—
 - (i) stating the fact of publication,
 - (ii) specifying the arrangements made for making copies of the statement, summary or draft updated plan available for public inspection, and
 - (iii) stating that any person may make representations to the appropriate agency in relation to the statement, summary or draft updated plan;
 - (c) consult the persons referred to in paragraph (4);
 - (d) take such steps as the appropriate agency thinks fit, or the appropriate authority may direct, to provide opportunities for the general public and the persons referred to in paragraph (4) to participate in discussion and the exchange of information or views in relation to the preparation of the draft updated plan;
 - (e) invite the public and the persons referred to in paragraph (4) to make representations in relation to the draft updated plan.
- (3) A notice required by paragraph (2)(b) must be published—
- (a) in the London Gazette, and
 - (b) at least once in each of two successive weeks, in one or more newspapers circulating in the river basin district to which the updated plan relates.
- (4) The persons to be consulted are—
- (a) the appropriate authority;

- (b) the Water Services Regulation Authority;
 - (c) the appropriate nature conservation bodies;
 - (d) every local authority any part of whose area is within the river basin district;
 - (e) every local planning authority any part of whose area 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) where any part of the river basin district contains a shellfish water protected area, the Food Standards Agency;
 - (h) the harbour authority for each harbour in the river basin district;
 - (i) every navigation authority having functions in relation to any part of the river basin district;
 - (j) every water undertaker or sewerage undertaker any part of whose area is within the river basin district;
 - (k) any inshore fisheries and conservation authority for an inshore fisheries and conservation district any part of which lies within the river basin district;
 - (l) such persons as appear to the appropriate agency, in relation to the river basin district—
 - (i) to be representative of the interests of those carrying on any business which relies upon the water environment,
 - (ii) to have an interest in the protection of the water environment, or
 - (iii) to have an interest in the promotion of flood management;
 - (m) such other persons as—
 - (i) the appropriate agency thinks fit;
 - (ii) the appropriate authority may direct.
- (5) In this regulation—
- (a) “appropriate nature conservation bodies” means the Joint Nature Conservation Committee, and—
 - (i) in relation to a river basin district that is wholly in England, Natural England;
 - (ii) in relation to a river basin district that is partly in England and partly in Wales, Natural England in relation to the part in England;
 - (b) “harbour” and “harbour authority” have the meanings given by section 57 of the Harbours Act 1964⁽¹⁾;
 - (c) “inshore fisheries and conservation authority” means the inshore fisheries and conservation authority for an inshore fisheries and conservation district;
 - (d) “inshore fisheries and conservation district” means an inshore fisheries and conservation district established by an order under section 149(1) of the Marine and Coastal Access Act 2009⁽²⁾;
 - (e) “local authority” means the council of any county, county borough, district or London borough, the Common Council of the City of London or the Greater London Authority;
 - (f) “local planning authority” has the meaning given by section 1 of the Town and Country Planning Act 1990⁽³⁾;

(1) 1964 c. 40; section 57 was amended by paragraph 33 of Schedule 12 to the Merchant Shipping Act 1995 (c. 21); there are other amendments not relevant to these Regulations.

(2) 2009 c. 23.

(3) 1990 c. 8; section 1 was amended paragraph 28 of Schedule 21 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 18 of, and paragraph 1 of Schedule 18 to, the Local Government (Wales) Act 1994 (c. 19), paragraph

- (g) “navigation authority” has the meaning given by section 221(1) of the Water Resources Act 1991(4);
- (h) “the relevant date”, in relation to a plan, means—
 - (i) if a period of time has been directed under regulation 27(1)(a), the date on which that period begins, or
 - (ii) otherwise, the date by which the appropriate authority is next required under regulation 31(5) to publish an updated plan.

(6) The appropriate agency must take into account any representations relating to a statement, summary or draft updated plan published in accordance with paragraph (1) which are received by the appropriate agency within the period of six months beginning with the date of publication or such longer period as the appropriate authority may direct.

River basin management plans: submission for approval

30.—(1) As soon as an updated river basin management plan is submitted to the appropriate authority under regulation 28, the appropriate agency must—

- (a) make copies of the plan accessible to the public free of charge through its website and at its principal office, and
- (b) publish a notice—
 - (i) stating the fact of submission, and
 - (ii) specifying the arrangements made for making copies of the plan accessible to the public.

(2) An updated plan submitted to the appropriate authority must be accompanied by—

- (a) a statement of the steps taken by the appropriate agency to comply with regulation 29(1) to (4) (public participation), and
- (b) a summary of the representations referred to in regulation 29(6) and of any changes made to the plan in light of those representations.

(3) If the appropriate authority considers in relation to a plan that further action should be taken by the appropriate agency under regulation 29(2) to (4), the appropriate authority may direct the appropriate agency—

- (a) to take such further steps under those provisions as the appropriate authority may specify in the direction, and
- (b) to resubmit the updated plan within such period, if any, as the appropriate authority may specify in the direction.

(4) Where the appropriate authority gives a direction to the appropriate agency under paragraph (3), it must state its reasons for doing so.

(5) This regulation applies in relation to a river basin management plan resubmitted to the appropriate authority in accordance with a direction under paragraph (3) as it applies to the plan as originally submitted, with the modification that, for the reference in paragraph (3) to regulation 29(2) to (4), there is substituted a reference to this regulation.

32(1) of Schedule 10 and paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25) and section 31(1) of the Greater London Authority Act 2007 (c. 24).

(4) 1991 c. 57; there are amendments to section 221(1) not relevant to these Regulations.

River basin management plans: approval

31.—(1) The appropriate authority may, having considered an updated river basin management plan submitted to it and any representations received by the authority in relation to that plan—

- (a) approve it, in whole or in part, in the form submitted,
- (b) approve it, in whole or in part, either with modifications or subject to such modifications as the appropriate authority may direct the appropriate agency to make, or
- (c) reject it.

(2) In any case falling within paragraph (1)(b) or (c), the appropriate authority must state its reasons.

(3) Where the appropriate authority rejects an updated plan, it must direct the appropriate agency to resubmit the plan, by such time, if any, as the direction may specify, with—

- (a) modifications of such nature as the direction may specify, and
- (b) any further modifications which the appropriate agency considers appropriate.

(4) Where the appropriate authority approves an updated plan, the appropriate agency must publish the approved plan in such manner as the appropriate agency thinks fit for the purpose of bringing the plan to the attention of the general public and of those persons likely to be interested in or affected by it and, in particular, must—

- (a) make copies of the approved plan accessible to the public free of charge through its website and at its principal office, and
- (b) publish a notice—
 - (i) stating that the plan has been approved, and
 - (ii) specifying the arrangements made for making copies of the plan accessible to the general public.

(5) The appropriate authority must ensure that an updated plan is published—

- (a) by 22nd December 2021, and
- (b) subsequently, by 22nd December of the sixth year following that date and of each sixth year following that.

Supplementary plans

32.—(1) The appropriate agency may prepare a supplementary plan for the purposes of supplementing the river basin management plan for a river basin district.

(2) A plan prepared under paragraph (1) may, for example, relate to—

- (a) a particular description of body of water;
- (b) a particular catchment or geographical area;
- (c) a particular matter relating to, or aspect of, the water environment;
- (d) a particular description of user of water resources.

(3) The appropriate agency must, in relation to the preparation of a supplementary plan, consult such of the persons referred to in regulation 29(4) and such other persons likely to be interested in or affected by that plan as the appropriate agency thinks fit, and must take into account any views expressed by those consulted.

River basin management plans: duties on public bodies

33. The Secretary of State, the Welsh Ministers, the Agency, NRW and each public body must, in exercising their functions so far as affecting a river basin district, have regard to—

- (a) the river basin management plan for that district as approved under regulation 31, and
- (b) any supplementary plan prepared under regulation 32.