
STATUTORY INSTRUMENTS

2017 No. 407

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

PART 3

Protected areas

Bodies of water used for the abstraction of drinking water

8.—(1) The appropriate agency must identify any body of water (a “drinking water protected area”) within each river basin district which—

- (a) is used for the abstraction of water intended for human consumption and—
 - (i) provides more than 10 cubic metres of such water per day as an average, or
 - (ii) serves more than 50 persons; or
- (b) is intended to be used for the abstraction of water intended for human consumption to the extent referred to in sub-paragraph (a)(i) or (ii).

(2) For each drinking water protected area, the programme of measures for the river basin district within which it is located must include measures with the aim of avoiding deterioration in the quality of the water in that area, in order to reduce the level of purification treatment required in the production of drinking water abstracted from it.

Designation of shellfish waters

9.—(1) The appropriate authority may designate any area of coastal or transitional water within a river basin district as a shellfish water protected area by including it in the relevant list.

(2) But an area may not be included in the relevant list unless the appropriate authority considers that to do so is necessary or desirable in order to protect or develop economically significant shellfish production.

(3) In relation to a shellfish water protected area which is wholly in England, the relevant list is the list entitled “Shellfish Waters (England) 2016” and dated 3rd March 2016.

(4) In relation to a shellfish water protected area which is wholly in Wales, the relevant list is the list entitled “Shellfish Waters (Wales) 2016” and dated 8th February 2016.

(5) The appropriate authority must periodically review and (where appropriate) revise designations made under paragraph (1).

(6) A review and any revision must be done—

- (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.

(7) The appropriate agency must ensure that the relevant list is—

- (a) published on its website, and
 - (b) made available to the public at its principal offices.
- (8) In this regulation—
- “appropriate agency” means—
- (a) in relation to a shellfish water protected area that is wholly in England, the Agency;
 - (b) in relation to a shellfish water protected area that is wholly in Wales, NRW;
- “appropriate authority” means—
- (a) in relation to a shellfish water protected area or proposed area that is wholly in England, the Secretary of State;
 - (b) in relation to a shellfish water protected area or proposed area that is wholly in Wales, the Welsh Ministers.

Register of protected areas

10.—(1) The appropriate agency must, for each river basin district, maintain, review and keep up to date a register of the protected areas lying (whether wholly or partly) within the district.

- (2) The register must include the following protected areas—
- (a) a drinking water protected area;
 - (b) an area or body of water for the time being designated or otherwise identified as requiring special protection under any EU instrument providing for the protection of surface water and groundwater or for the conservation of habitats or species directly depending on water, or any enactment implementing such an EU instrument, including, in particular—
 - (i) areas designated for the protection of economically significant aquatic species (including shellfish water protected areas);
 - (ii) bodies of water designated as recreational waters;
 - (iii) nutrient-sensitive areas;
 - (iv) areas designated for the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in the protection of the habitats or species.