2003 No. 3242

WATER RESOURCES, ENGLAND AND WALES

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

Made - - - - -	*10th December 2003*
Laid before Parliament	*11th December 2003*
Coming into force - -	*2nd January 2004*

The Secretary of State and the National Assembly for Wales, acting respectively in relation to river basin districts that are wholly in England and river basin districts that are wholly in Wales(**a**), and jointly in relation to river basin districts that are partly in England and partly in Wales, being designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to matters relating to water resources, in exercise of the powers conferred upon them by that section, hereby make the following Regulations:

Title, commencement, extent and application

1. These Regulations—

(a) may be cited as the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 and shall come into force on 2nd January 2004;

(b) extend to England and Wales; and

(c) apply only in relation to river basins districts identified by regulation 4(1)(**d**).

Interpretation

2.—(1) In these Regulations—

"the Agency" means the Environment Agency;

"the appropriate authority" means—

(a) in relation to a river basin district that is wholly in England, the Secretary of State;

(b) in relation to a river basin district that is wholly in Wales, the Assembly; and

(c) in relation to a river basin district that is partly in England and partly in Wales, the Secretary of State and the Assembly acting jointly;

"the Assembly" means the National Assembly for Wales;

"body of water" means a body of groundwater or a body of surface water;

(**a**) The terms "river basin district", "England" and "Wales" have the same meaning for this purpose as in the Regulations, and are defined in regulation 2(1).
(**b**) S.I. 2003/2901.
(**c**) 1972 c. 68.
(**d**) The river basin districts identified by regulation 4(1) do not include any that are partly in England and partly in Scotland.

"the Directive" means Directive 2000/60/EC of the European Parliament and of the Council of 23rd October 2000 establishing a framework for Community action in the field of water policy, as amended(**a**);

"England" includes the territorial sea adjacent to England not forming any part of Wales;

"environmental objectives", in relation to a river basin district, means the objectives required to comply with Article 4 of the Directive (environmental objectives) including any objectives required to comply with Article 7(2) and (3) of the Directive (waters used for the abstraction of drinking water);

"programme of measures", in relation to a river basin district, means the programme of measures required to comply with Article 11(2) to (6) of the Directive (programme of measures);

"public body" does not include a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975(**b**) or the Assembly, but it does include—

(a) a person otherwise holding an office—

(i) under the Crown;

(ii) created or continued in existence by public general Act of Parliament; or

(iii) the remuneration in respect of which is paid out of money provided by Parliament; and

(b) a statutory undertaker (being a person who by virtue of section 262 of the Town and Country Planning Act 1990(**c**) is, or is deemed to be, a statutory undertaker for any purpose);

"river basin district" means an area identified by regulation 4(1), being the main unit for the management of river basins for the purposes of the Directive and being made up of a river basin or neighbouring river basins, together with associated groundwater, transitional waters and coastal water; and

"Wales" has the meaning given by section 155 of the Government of Wales Act 1998(**d**).

(2) Any expression used in both these Regulations and the Directive and not otherwise defined in these Regulations has the same meaning for the purposes of these Regulations as it has for the purposes of the Directive, and the definitions contained in the Directive of expressions used in these Regulations are set out in Schedule 1 (references in those definitions to an Annex or an Article being to an Annex to, or an Article of, the Directive).

The general duties

3.—(1) The Secretary of State, the Assembly and the Agency must exercise their relevant functions so as to secure compliance with the requirements of the Directive.

(2) The Secretary of State and the Assembly must exercise their relevant functions in relation to each river basin district so as best to secure that the requirements of the Directive for the achievement of its environmental objectives, and in particular programmes of measures, are coordinated for the whole of that district.

(3) In this regulation, "relevant functions" means functions under these Regulations and, so far as material, the enactments listed in Parts 1 and 2 of Schedule 2 (which relate to statutes and subordinate instruments respectively).

River basin districts

4.—(1) The areas shown on the deposited map are identified as river basin districts for the purposes of these Regulations.

(2) The Secretary of State, the Assembly and the Agency must ensure that the deposited map is made available to the public through their respective websites and at the relevant places.

(**a**) O.J. No. L327, 22.12.2000, p. 1; amended by Decision 2455/2001/EC of the European Parliament and of the Council of 20th November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (O.J. No. L331, 15.12.2001, p. 1).

(**b**) 1975 c. 26.

(**c**) 1990 c. 8; section 262 was amended by the Gas Act 1995 (c. 45), section 16(1) and Schedule 4, paragraph 18(2), S.I. 1996/593 and the Transport Act 2000 (c. 38), section 37 and Schedule 5, paragraph 6.

(**d**) 1998 c. 38. By virtue of article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the boundary between those parts of the sea within the Severn and Dee estuaries which are to be treated as adjacent to Wales and those which are not is the line connecting the coordinates set out in Schedule 3 to that Order.

(3) The relevant places are—

(a) in the case of the Secretary of State, the principal library of the Department for Environment, Food and Rural Affairs;

(b) in the case of the Assembly, the library of the Assembly in Cardiff; and

(c) in the case of the Agency, its principal office and its principal regional offices.

(4) In this regulation, "the deposited map" means the map and related information recorded on the CD-ROM which is—

(a) entitled "River Basin Districts (England and Wales) 2003"; and

(b) deposited in the principal library of the Department for Environment, Food and Rural Affairs.

Characterisation of river basin districts

5.—(1) The Agency must in accordance with Annex II to the Directive (characterisation, etc of waters) by 22nd December 2004—

(a) carry out an analysis of the characteristics of each river basin district; and

(b) conduct a review of the impact of human activity on the status of surface water and groundwater in each river basin district.

(2) The results of the work required by paragraph (1) must be periodically reviewed and updated by the Agency, initially by 22nd December 2013 and thereafter by each sixth anniversary of that date.

Economic analysis of water use in river basin districts

6.—(1) The appropriate authority must ensure that an economic analysis of water use in each river basin district is carried out by 22nd December 2004 in accordance with Annex III to the Directive (economic analysis).

(2) The appropriate authority must ensure that the analysis required by paragraph (1) is periodically reviewed and updated, initially by 22nd December 2013 and thereafter by each sixth anniversary of that date.

Bodies of water used for the abstraction of drinking water

7.—(1) The Agency must identify any bodies of water within each river basin district which—

(a) are used for the abstraction of water intended for human consumption and either—

(i) provide more than 10 cubic metres of such water per day as an average; or

(ii) serve more than 50 persons; or

(b) are 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) In this regulation, "water intended for human consumption" has the same meaning as in Council Directive 80/778/EC of 15th July 1980 relating to the quality of water intended for human consumption, as amended(**a**).

Register of protected areas

8.—(1) The Agency must for each river basin district—

(a) by 22nd December 2004 prepare, and

(b) thereafter keep under review and up to date,

a register of the protected areas lying (whether wholly or partly) within the district.

(2) In this regulation, "protected area" means—

(a) a body of water which has been identified under regulation 7; and

(b) the areas and bodies of water for the time being designated or otherwise identified as requiring special protection under any Community instrument providing for the

(**a**) O.J. No. L229, 30.8.80, p. 11; amended by Council Directive 98/83/EC of 3rd November 1998 on the quality of water intended for human consumption (O.J. No. L330, 5.12.98, p. 32).

protection of surface water and groundwater or for the conservation of habitats or species directly depending on water, or any enactment implementing such a Community instrument, including, in particular—

(i) areas designated for the protection of economically significant aquatic species;

(ii) bodies of water designated as recreational waters;

(iii) nutrient-sensitive areas; and

(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.

Monitoring

9.—(1) The Agency must—

(a) establish programmes for monitoring water status in order to establish a coherent and comprehensive overview of water status within each river basin district; and

(b) take such other action as is necessary to give effect to the relevant monitoring provisions of the Directive.

(2) The monitoring programmes must cover—

(a) in relation to surface water—

(i) the volume and level or rate of flow to the extent relevant to ecological and chemical status and ecological potential; and

(ii) ecological and chemical status and ecological potential; and

(b) in relation to groundwater, chemical and quantitative status.

(3) The monitoring programmes must be made operational by 22nd December 2006.

(4) The relevant monitoring provisions of the Directive referred to in paragraph (1) are set out in the following provisions of Annex V to the Directive—

(a) points 1.3 to 1.3.6 (monitoring of ecological status, chemical status and ecological potential for surface waters);

(b) points 1.4 to 1.4.3 (classification and presentation of ecological status, chemical status and ecological potential);

(c) points 2.2 to 2.2.4 (monitoring of groundwater quantitative status);

(d) points 2.4 to 2.4.4 (monitoring of groundwater chemical status); and

(e) points 2.4.5 and 2.5 (interpretation and presentation of groundwater status).

Environmental objectives and programmes of measures

10.—(1) For the purposes of the river basin management plan for a river basin district which is required by regulation 11, the Agency must by such date as the appropriate authority may direct prepare and submit to the authority proposals for—

(a) environmental objectives for the district; and

(b) a programme of measures to be applied in order to achieve those objectives.

(2) In preparing proposals under paragraph (1), the Agency must—

(a) take account of the characterisation of, and economic analysis of water use in, the relevant river basin district (and any review of the same) carried out under regulations 5 and 6; and

(b) take such steps as it thinks fit, or the appropriate authority may direct, to—

(i) provide opportunities for the general public and those persons likely to be interested in or affected by its proposals to participate in discussion and the exchange of information or views in relation to the preparation of those proposals;

(ii) publicise its draft proposals to those persons; and

(iii) consult those persons in respect of those proposals.

(3) The appropriate authority may, having considered any proposals for environmental objectives or for a programme of measures submitted to it and any representations received by the authority in relation to those proposals—

(a) approve them, or any of them, in the form submitted;

(b) approve them, or any of them, either with modifications or subject to such modifications as the authority may direct the Agency to make; or

(c) reject them, or any of them;

and, in any case falling within sub-paragraph (b) or (c), must state its reasons for doing so.

(4) Where the appropriate authority rejects any proposals, it must direct the Agency to resubmit proposals, 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 Agency considers appropriate.

(5) The appropriate authority must ensure that—

(a) for each river basin district a programme of measures is—

(i) established by 22nd December 2009;

(ii) made operational by 22nd December 2012; and

(iii) periodically reviewed and where appropriate updated, initially by 22nd December 2015 and thereafter by each sixth anniversary of that date; and

(b) in relation to a programme of measures that is updated under sub-paragraph (a)(iii), any new or revised measures are made operational within three years of that updating.

River basin management plans

11.—(1) The Agency must by such date as the appropriate authority may direct prepare and submit to the appropriate authority a river basin management plan for each river basin district.

(2) A river basin management plan must—

(a) relate to such period as the appropriate authority directs; and

(b) include the information specified in the relevant provisions of the Directive.

(3) The relevant provisions of the Directive for the purposes of this regulation are—

(a) Article 9(2) and (4) (recovery of the costs of water services);

(b) Annex II, point 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); and

(iii) points 2.4.5 and 2.5 (presentation of monitoring results for groundwater); and

(d) Annex VII, Part A (elements to be covered in river basin management plans).

(4) The appropriate authority must ensure that each river basin management plan is—

(a) published by 22nd December 2009; and

(b) periodically reviewed and where appropriate updated, initially by 22nd December 2015 and thereafter by each sixth anniversary of that date.

River basin management plans: public participation

12.—(1) The Agency must in respect of the production of a river basin management plan—

(a) not less than three years before the beginning of the plan period, publish a statement of—

(i) the steps and consultation measures it is to take in connection with the preparation of the plan; and

(ii) the dates by which those steps and measures are to be taken;

(b) not less than two years before the beginning of the plan period, publish a summary of the significant water management matters which it considers arise for consideration in relation to the river basin district; and

(c) not less than one year before the beginning of the plan period, publish a draft plan.

(2) The Agency must publish any matter required by paragraph (1) to be published in such manner as the Agency considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it and must—

(a) make copies of the statement, summary or draft plan accessible to the public free of charge through its website and at its principal office and each of its principal regional offices;

(b) publish a notice—

(i) stating the fact of publication;

(ii) specifying the arrangements made for making copies of the statement, summary or draft plan available for public inspection; and

(iii) stating that any person may make representations to the Agency in relation to the statement, summary or draft plan;

(c) consult the persons referred to in paragraph (4);

(d) take such steps as it 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 plan; and

(e) invite the public and the persons referred to in paragraph (4) to make representations in relation to the draft 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 plan relates.

(4) The persons to be consulted are—

(a) the appropriate authority;

(b) the Director General of Water Services;

(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) the harbour authority for each harbour in the river basin district;

(h) every navigation authority having functions in relation to any part of the river basin district;

(i) every water undertaker or sewerage undertaker any part of whose area is within the river basin district;

(j) any local fisheries committee for a sea fisheries district any part of which lies within the river basin district;

(k) such persons as appear to the 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; and

(l) such other persons as—

(i) the Agency thinks fit; or

(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, English Nature;

(ii) in relation to a river basin district that is wholly in Wales, the Countryside Council for Wales; and

(iii) in relation to a river basin district that is partly in England and partly in Wales, English Nature and the Countryside Council for Wales;

(b) "harbour" and "harbour authority" have the meanings given by section 57 of the Harbours Act 1964(**a**);

(c) "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;

(d) "local fisheries committee" and "sea fisheries district" mean a local fisheries committee constituted, and a sea fisheries committee created, by an order under section 1 of the Sea Fisheries Regulation Act 1966(**b**);

(e) "local planning authority" has the meaning given by section 1 of the Town and Country Planning Act 1990(**c**);

(f) "navigation authority" has the meaning given by section 221(1) of the Water Resources Act 1991(**d**); and

(g) "the plan period", in relation to a plan, means the period to which a direction under regulation 11(2)(a) requires it to relate.

(6) The Agency must take into account any representations relating to a statement, summary or draft plan published in accordance with paragraph (1) which are received by the 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

13.—(1) As soon as a river basin management plan is submitted to the appropriate authority, the Agency must—

(a) make copies of the plan accessible to the public free of charge through its website and at its principal office and each of its principal regional offices; 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) The Agency must ensure that a plan submitted to the appropriate authority is accompanied by—

(a) a statement of the steps taken by the Agency to comply with regulation 12(1) and (so far as relating to the draft plan) regulation 12(2) to (4); and

(b) a summary of the representations referred to in regulation 12(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 Agency under regulation 12(2) to (4), the appropriate authority may direct the Agency—

(a) to take such further steps under those provisions as the appropriate authority may specify in the direction; and

(b) to resubmit the 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 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 12(2) to (4), there is substituted a reference to this regulation.

(**a**) 1964 c. 40.
(**b**) 1966 c. 38.
(**c**) 1990 c. 8; section 1 was amended by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 187(1) and Schedule 24, the Local Government (Wales) Act 1994 (c. 19), section 18 and Schedule 18, and the Environment Act 1995 (c. 25), sections 78 and 120 and Schedules 10 and 24.
(**d**) 1991 c. 57.

River basin management plans: approval

14.—(1) The appropriate authority may, having considered a 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 Agency to make; or

(c) reject it;

and, in any case falling within sub-paragraph (b) or (c), must state its reasons for doing so.

(2) Where the appropriate authority rejects a plan, it must direct the 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 Agency considers appropriate.

(3) Where the appropriate authority approves a plan, the Agency must publish the approved plan in such manner as the 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 each of its principal regional offices; 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.

River basin management plans: review

15.—(1) The Agency must review and update each river basin management plan (including a revised river basin management plan)—

(a) by no later than six years from the date on which it was approved under regulation 14; or

(b) by such earlier date as the appropriate authority may direct.

(2) Following such a review, the Agency must prepare and submit to the appropriate authority a revised river basin management plan by such date as the appropriate authority may direct.

(3) Regulations 11(2) and (3) and 12 to 14 apply in relation to the preparation, submission and approval of a revised river basin management plan.

(4) The revised plan must include the information specified in Part B of Annex VII to the Directive (additional information for inclusion in updated river basin management plans) in addition to the matters required to be included by regulation 11(2)(b) and (3).

Supplementary plans

16.—(1) The Agency may prepare supplementary plans 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; or

(d) a particular description of user of water resources.

(3) The Agency must, in relation to the preparation of a supplementary plan, consult such of the persons referred to in regulation 12(4) and such other persons likely to be interested in or affected by that plan as it thinks fit, and must take into account any views expressed by those consulted.

Duty to have regard to river basin management plans and supplementary plans

17. The Secretary of State, the Assembly, the Agency 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 14; and

(b) any supplementary plan prepared under regulation 16.

Publication of information

18.—(1) The Agency must make accessible to the public at its principal office—

(a) the results of the work required by regulation 5 (characterisation of river basin districts);

(b) maps showing bodies of water identified under regulation 7 (bodies of water used for the abstraction of drinking water);

(c) the registers prepared under regulation 8 (register of protected areas);

(d) the results of the programmes established under regulation 9 (monitoring);

(e) the environmental objectives and programmes of measures proposed or approved under regulation 10 (environmental objectives and programmes of measures); and

(f) any supplementary plan prepared under regulation 16 (supplementary plans).

(2) Where the appropriate authority approves (with or without modifications) proposals made by the Agency under regulation 10(1), the Agency must publish a notice—

(a) stating that the proposals have been approved; and

(b) specifying the arrangements made for making the approved objectives and programme of measures accessible to the public.

(3) The appropriate authority must make accessible to the public through its website and at its principal office the results of the analysis conducted under regulation 6 (economic analysis of water use in river basin districts).

Provision of information and assistance

19.—(1) A public body must, on being requested to do so by the Agency, provide the Agency with such information in its possession or under its control and such assistance as the Agency may reasonably seek in connection with the exercise of any of the Agency's functions under these Regulations.

(2) Section 202 of the Water Resources Act 1991 (information and assistance in connection with the control of pollution) shall have effect as if functions under these Regulations were functions under the water pollution provisions of that Act.

Directions and guidance to public bodies

20.—(1) Section 40 of the Environment Act 1995(**a**) (directions to the new Agencies) shall have effect as if the power in subsection (2) to give directions included a power for the appropriate authority to give directions to any public body for the purposes of giving effect to the Directive.

(2) Section 122 of the Environment Act 1995 (directions) shall apply in relation to any direction given by virtue of paragraph (1).

(3) The appropriate authority may give guidance to the Agency or to any other public body with respect to the practical implementation of the Directive, and the body to whom guidance is issued shall have regard to it.

Signed on behalf of the National Assembly for Wales

Dafydd Elis-Thomas
10th December 2003 — The Presiding Officer of the National Assembly

Elliot Morley
Minister of State,
8th December 2003 — Department for Environment, Food and Rural Affairs

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(**a**) 1995 c. 25.

SCHEDULE 1

Regulation 2(2)

DIRECTIVE DEFINITIONS

"Aquifer" means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater.

"Body of groundwater" means a distinct volume of groundwater within an aquifer or aquifers.

"Body of surface water" means a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water.

"Coastal water" means surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured(**a**), extending where appropriate up to the outer limit of transitional waters.

"Ecological status" is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with Annex V.

"Groundwater" means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

"Groundwater status" is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and its chemical status.

"Inland water" means all standing and flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of the territorial sea is measured.

"Lake" means a body of standing inland surface water.

"Quantitative status" is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions.

"River" means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course.

"River basin" means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta.

"Surface water" means inland waters, except groundwater; transitional waters and coastal waters except in respect of chemical status for which it shall also include territorial waters.

"Transitional waters" are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows.

"Water services" means all services which provide, for households, public institutions or any economic activity:

(a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater,

(b) waste-water collection and treatment facilities which subsequently discharge into surface water.

"Water use" means water services together with any other activity identified under Article 5 and Annex II having a significant impact on the status of water.

(**a**) The relevant baseline, for the purposes of this definition and the definition of "inland water", is that from which the breadth of the territorial sea is measured and is established by section 1 of the Territorial Sea Act 1987 (c. 49) and the Territorial Waters Order in Council (1965 III, p. 6452A).

SCHEDULE 2

Regulation 3(3)

ENACTMENTS IN RELATION TO WHICH DUTIES IN REGULATION 3 APPLY

PART 1

STATUTES

1. Section 2(2) of the European Communities Act 1972(**a**).

2. The Salmon and Freshwater Fisheries Act 1975(**b**).

3. Part 2 of the Food and Environment Protection Act 1985(**c**) (deposits in the sea).

4. Parts 1, 2 and 2A of the Environmental Protection Act 1990(**d**) (integrated pollution control and air pollution control by local authorities; waste on land; contaminated land).

5. Part 4 of the Water Industry Act 1991(**e**) (sewerage services).

6. Parts 2 to 5 and 7 to 9 of the Water Resources Act 1991(**f**) (water resources management; control of pollution of water resources; flood defence; general control of fisheries; land and works powers; information provisions; miscellaneous and supplemental).

7. The Environment Act 1995.

PART 2

SUBORDINATE INSTRUMENTS

8. The Sludge (Use in Agriculture) Regulations 1989(**g**).

9. The Surface Waters (Dangerous Substances) (Classification) Regulations 1989(**h**).

10. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991(**i**).

11. The Bathing Waters (Classification) Regulations 1991(**j**) and the National Rivers Authority (Bathing Waters) Directions 1992(**k**).

12. The Surface Waters (Dangerous Substances) (Classification) Regulations 1992(**l**).

13. The Waste Management Licensing Regulations 1994(**m**).

14. The Urban Waste Water Treatment (England and Wales) Regulations 1994(**n**).

15. The Protection of Water Against Agricultural Nitrate Pollution (England and Wales) Regulations 1996(**o**).

16. Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996(**p**) and the Surface Waters (Abstraction for Drinking Water) Directions 1996(**q**).

(**a**) 1972 c. 68.
(**b**) 1975 c. 51.
(**c**) 1985 c. 48.
(**d**) 1990 c. 43.
(**e**) 1991 c. 56.
(**f**) 1991 c. 57.
(**g**) S.I. 1989/1263, amended by S.I. 1990/1880, 1996/593 and 2000/656.
(**h**) S.I. 1989/2286.
(**i**) S.I. 1991/324, amended by S.I. 1997/547.
(**j**) S.I. 1991/1597, amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 233 and, in relation to England, S.I. 2003/1238.
(**k**) Copies are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.
(**l**) S.I. 1992/337.
(**m**) S.I. 1994/1056, amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 233; relevant amending instruments are S.I. 1994/1137, 1995/288, 1950, 1996/593, 634, 972, 1279, 1998/606, 2746, 2000/1973, 2002/674, 1087 (W.114), 1559, 2980, 2003/595 and 780 (W.91).
(**n**) S.I. 1994/2841, amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 233 and S.I. 2003/1788.
(**o**) S.I. 1996/888, amended by S.I. 1998/1202, 2002/2297 (W.226) and 2614.
(**p**) S.I. 1996/3001, amended, in relation to England, by S.I. 2000/3184 and, in relation to Wales, by S.I. 2001/3911.
(**q**) Copies are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.

17. The Surface Waters (Fishlife) (Classification) Regulations 1997(**a**) and the Surface Waters (Fishlife) Directions 1997(**b**).

18. The Surface Waters (Shellfish) (Classification) Regulations 1997(**c**) and the Surface Waters (Shellfish) Directions 1997(**d**).

19. The Surface Waters (Dangerous Substances) (Classification) Regulations 1997(**e**).

20. The Surface Waters (Dangerous Substances) (Classification) Regulations 1998(**f**).

21. Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998(**g**).

22. The Groundwater Regulations 1998(**h**).

23. The Pollution Prevention and Control (England and Wales) Regulations 2000(**i**).

24. The Landfill (England and Wales) Regulations 2002(**j**).

25. The Nitrate Vulnerable Zones (Additional Designations) (England) (No. 2) Regulations 2002(**k**).

26. The Bathing Waters (Classification) (England) Regulations 2003(**l**).

27. The Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003(**m**).

(**a**) S.I. 1997/1331, amended by S.I. 2003/1053.
(**b**) Amended by the Surface Waters (Fishlife) (Amendment) Directions 2003. Copies of both Directions are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE and the Environment Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.
(**c**) S.I. 1997/1332.
(**d**) Copies are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.
(**e**) S.I. 1997/2560.
(**f**) S.I. 1998/389.
(**g**) S.I. 1998/1202, amended by S.I. 2002/2614 and 2003/1852 (W.202).
(**h**) S.I. 1998/2746, amended by S.I. 2000/1973.
(**i**) S.I. 2000/1973; relevant amending instruments are S.I. 2001/503, 2002/275, 1559, 1702, 2688, 2980 and 2003/1699.
(**j**) S.I. 2002/1559.
(**k**) S.I. 2002/2614.
(**l**) S.I. 2003/1238.
(**m**) S.I. 2003/1788.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the purpose of implementing in river basin districts within England and Wales Directive 2000/60/EC of the European Parliament and of the Council of 23rd October 2000 establishing a framework for Community action in the field of water policy (O.J. No. L327, 22.12.2000, p. 1), known as the Water Framework Directive ("the Directive"). The Directive is accessible by using the weblink http://europa.eu.int/eur-lex/en.

The Regulations require a new strategic planning process to be established for the purposes of managing, protecting and improving the quality of water resources. That process applies to river basin districts identified by regulation 4. These are river basin districts that are wholly in England, wholly in Wales or partly in England and partly in Wales, but not river basin districts that are partly in Scotland.

General responsibility for ensuring that the Directive is given effect in those districts is placed on the "appropriate authority". This means the Secretary of State in relation to river basin districts in England, the National Assembly for Wales in relation to such districts in Wales, and the Secretary of State and the Assembly acting jointly in relation to such districts that are partly in England and partly in Wales. Related general duties are placed on the Secretary of State and the National Assembly for Wales, and a general duty is also placed on the Environment Agency ("the Agency") (regulation 3).

The Agency is required to carry out detailed monitoring and analysis in relation to each river basin district (regulations 5 and 9), and the appropriate authority must ensure that appropriate economic analysis is also carried out (regulation 6). Certain waters used for the abstraction of drinking water must be identified (regulation 7) and a register must be established of those waters and certain other protected areas (regulation 8).

This analytical and preparatory work must then inform the preparation by the Agency of proposals for environmental objectives and programmes of measures in relation to each river basin district (regulation 10). Those objectives will translate the generic environmental objectives set out in the Directive to the particular situation in each river basin district. The preparation of such proposals must include public involvement, and proposals themselves are subject to approval by the appropriate authority.

The results of the Agency's technical work, the environmental objectives and proposals for programmes of measures must be brought together in the preparation of a river basin management plan for each river basin district (regulations 11 to 15). The Agency is to prepare draft plans, after public involvement (regulations 11 and 12). Those plans must contain details of the results of the prior technical and planning work that will have been done, along with the environmental objectives and programmes of measures proposed for each district. Plans are subject to approval by the appropriate authority and must be periodically reviewed (regulations 13 to 15). The Agency may also prepare supplementary plans, which are not subject to approval by the appropriate authority (regulation 16).

The Secretary of State, the Assembly, the Agency and other public bodies are required to have regard to river basin management plans and to any supplementary plans in exercising their functions in relation to river basin districts (regulation 17).

The Regulations also make supplementary provision in respect of the publication of information, the provision of information and assistance, and the giving of guidance or directions for the purpose of giving effect to the Directive (regulations 18 to 20).

A Regulatory Impact Assessment and a Transposition Note have been prepared in connection with these Regulations and a copy of each has been placed in the library of each House of Parliament. Copies can also be obtained from the Water Quality Division, Department for Environment, Food and Rural Affairs, Zone 3/H16, Ashdown House, 123 Victoria Street, London SW1E 6DE and the Environment Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ, or by using the weblinks http://defra.gov.uk/environment/water/wfd/index.htm or http://www.wales.gov.uk/index.

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