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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the purpose of implementing for the Solway Tweed River Basin District 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 Solway Tweed River Basin District (“the district”; identified in regulation 3(1)) is partly in England and partly in Scotland. These Regulations give effect to the Directive’s requirements in respect of the district as a whole, and do so in part by applying with modifications provisions of the Water Environment and [Water Services \(Scotland\) Act 2003 \(2003 asp 3](#); “the Scottish Act”). The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (S.I. [2003/3242](#)) make provision in relation to river basin districts that are wholly in England, wholly in Wales, or partly in England and partly in Wales; the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 (S.I. [2003/3245](#)) do the same for the Northumbria River Basin District (which includes a small area of Scotland); and the Scottish Act otherwise applies in relation to river basin districts that are wholly in Scotland.

These Regulations require a new strategic planning process to be established for the purposes of managing, protecting and improving the quality of water resources in the whole district. That process mirrors the process set out in the principal Regulations and in the Scottish Act, with adaptations to accommodate the district’s cross-border character.

General responsibility for ensuring that the Directive is given effect in relation to the district is placed on “the Ministers” (regulation 2(1) and Schedule 1): the Secretary of State and the Scottish Ministers, acting jointly. Related general duties are imposed by regulation 4 and section 2 of the Scottish Act (applied by regulation 5) on the Secretary of State, the Scottish Ministers and “the Agencies” (the Environment Agency and the Scottish Environment Protection Agency).

The Agencies are required to carry out detailed monitoring and analysis in relation to each river basin district (Schedule 1, paragraphs 1 and 5), and the Ministers must ensure that appropriate economic analysis is also carried out (paragraph 2). Certain waters used for the abstraction of drinking water must be identified (paragraph 3) and a register must be established of those waters and certain other protected areas (paragraph 4).

This analytical and preparatory work must then inform the preparation by the Agencies of proposals for environmental objectives and a programme of measures in relation to the district (Schedule 1, paragraph 6). Those objectives will translate the generic environmental objectives set out in the Directive to the particular situation in the district as a whole. The preparation of such proposals must include public involvement and consultation. Proposals themselves are subject to approval by the Ministers.

The results of the Agencies’ technical work, the environmental objectives and proposals for a programme of measures must be brought together in the preparation of a river basin management plan for the district (Schedule 1, paragraphs 7 to 11). The Agencies are to prepare a draft plan, after public involvement and consultation (paragraphs 7 and 8). That plan must contain details of the results of the technical and planning work that will have been done, along with the environmental objectives and programme of measures proposed for the district. The plan is subject to approval by the Ministers and must be reviewed periodically (paragraphs 9 to 11). The Agencies may also prepare supplementary plans, which are not subject to approval by the Ministers (paragraph 12).

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

The Secretary of State, the Environment Agency, the Scottish Ministers, the Scottish Environment Protection Agency and certain other bodies are required to have regard to the river basin management plan for the district, and to any supplementary plans, in exercising their functions in relation to the district (Schedule 1, paragraph 13; section 16 of the Scottish Act, applied by regulation 5 as modified by Schedule 4, paragraph 3).

The Regulations also make supplementary provision in respect of the publication of information, the provision of information and assistance, the giving of guidance or directions for the purpose of giving effect to the Directive (Schedule 1, paragraphs 14 to 16; section 18 of the Scottish Act, applied by regulation 5 as modified by Schedule 4, paragraph 4), and in relation to the further application of Part 1 of the Scottish Act (regulation 5, Schedule 4).

A Regulatory Impact Assessment has been prepared in connection with the implementation of the Directive in England and Wales, and a Transposition Note in relation to these Regulations has also been prepared. A copy of each has been placed in the library of each House of Parliament and 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, or by using the weblink <http://defra.gov.uk/environment/water/wfd/index.htm>. The map of the district is also accessible through that link, and at the principal library of the Department for Environment, Food and Rural Affairs at Nobel House, 17 Smith Square, London SW1 3JR.