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STATUTORY INSTRUMENTS

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**2017 No. 407**

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

PART 6

River basin management plans

**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<sup>(1)</sup>;
  - (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<sup>(2)</sup>;

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(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.

- (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);
  - (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.

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(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 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.