



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government

Draft River Basin Planning Guidance

May 2014



© Crown copyright 2014

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.2. To view this licence visit www.nationalarchives.gov.uk/doc/open-government-licence/version/2/ or email PSI@nationalarchives.gsi.gov.uk

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at:
waterforum@defra.gsi.gov.uk

PB 14162

Abbreviations used in this guidance

BHD	Birds and Habitats Directives
CEFAS	Centre for Environment, Fisheries & Aquaculture Science
EA	Environment Agency
EQS	Environmental Quality Standards
FCS	Favourable Conservation Status
FRMP	Flood risk management plan
MMO	Marine Management Organisation
MPS	Marine Policy Statement
MSFD	Marine Strategy Framework Directive
NEP	National Environment Programme
NPPF	National Planning Policy Framework
NRW	Natural Resources of Wales
NWEBS	National Water Environment Benefits Survey
OFWAT	The Water Services Regulation Authority
PoM	Programme of measures
RBMP	River Basin Management Plan
RDP	Rural development plan
SEA	Strategic Environmental Assessment
SSSIs	Sites of Special Scientific Interest
SWD	Shellfish Waters Directive
TANs	Technical Advice Notes
UKTAG	UK Water Framework Directive Technical Advisory Group
WFD	Water Framework Directive

Chapter	Contents	Page
Use of hyperlinks: click Control+left mouse button to go to linked text. To return click Alt+left arrow		
1	Introduction	7
2	Role and status of this guidance	9
3	The principles of river basin planning	11
4	Working in partnership	13
	Working with partners at the catchment level	14
	Disputes about implementing the programme of measures	14
5	Key stages of river basin planning	16
	River basin planning timeline	16
	Responsibilities and requirements at key stages	18
6	Statement of steps and consultation measures	21
7	The summary of significant water management issues	23
8	The River Basin Management Plan (RBMP)	24
	Purposes of the RBMP	24
	Status, coverage and timescale	25
	Content of RBMP– requirements of regulations 11 and 15	25
	Consultation on updating the RBMP	27
	Revising the draft River Basin Management Plan	27
9	Environmental standards	29
10	Environmental objectives	30
	Water body objectives	30
	Preventing deterioration	30
11	Alternative objectives and defences	35
12	Justifications for applying alternative objectives	37
13	Economic analysis	41
	General principles	41
	Assessing the cost effectiveness of measures	41
	Disproportionate cost assessment	42
14	The programme of measures	45
	Scope of the programme of measures: WFD objectives only	45
	Consideration of impact of other policies and activities on baseline status	45
	Consideration of the impacts of climate change	46
	Choosing appropriate measures and mechanisms	46
	The proposals for environmental objectives and programme of measures which should be submitted to the Secretary of State and/or the Assembly for approval	47
	Making the programme of measures operational	49
	Interim report on implementation of the programme of measures	49
15	Relationship with other public bodies and their plans and strategies	50
	Table of relationships with other public bodies and their plans and strategies	52
16	Approval, amendment and review	57
	Approval of updated river basin management plans	57
	Changes within the 6-year planning cycle	58

17	Annex	58
1	Map of river basin districts in England and Wales	58

Figure and Tables		
Fig.	Overview of WFD planning cycle and other processes of relevance to river basin planning	17
1	Responsibilities and requirements at key stages	18
2	Information specified in regulation 11 that will need to be included in the updated river basin management plans	26
3	Relationship with other public bodies and their plans and strategies	52
4	Submission of updated river basin management plans to Secretary of State and/or the Welsh Government	57
5	Secretary of State and Welsh Government approval criteria	58

1. Introduction to the draft guidance

- 1) This draft guidance on river basin planning from Defra and Welsh Ministers to the Environment Agency and Natural Resources Wales respectively will, once finalised, replace [Volume 1](#) of guidance published in 2006 and [Volume 2](#) published in 2008. These will remain available for reference.
- 2) The new guidance incorporates and updates the parts of the existing guidance that remain relevant to the second and subsequent planning cycles. It has been revised to focus on main principles and most of the general information that was previously provided on the Water Framework Directive (WFD) and related legislation has been deleted, except where it directly informs the river basin planning process. However, this document provides hyperlinks, including to the WFD, so that the information is still accessible if needed.
- 3) Some of those links are to European guidance on WFD implementation. It is important for the Agencies to have regard to this Common Implementation Strategy Guidance ([CIS](#)¹), where relevant, as it provides valuable assistance in interpreting the requirements of the WFD.
- 4) In addition to removing unnecessary detail and duplication, the main changes to the guidance are:
 - It takes account of the establishment of Natural Resources Wales.
 - It contains changes to reflect that the Agencies will be updating existing plans in the next and subsequent planning periods (mainly to Chapter 8).
 - The text on working with partners has been updated to take account of catchment-based approaches in England and Wales.
 - Detail on working with river basin liaison panels has been removed, as this is fully embedded in agency practice, although the requirement remains.
 - Additional text has been included on taking account of climate change in river basin planning processes.
 - Guidance on environmental standards and water-body classification, which was covered in Volume 2 of the original guidance, has been removed, as it is now in published Directions. But a short chapter ([9](#)) has been added to cover the transition to new/revised standards.
 - Additional detail has been included on objectives and alternative objectives, including reference to arrangements following the repeal of the Shellfish Waters Directive and the Freshwater Fish Directive.
 - A new section has been included on integrating requirements relating to protected areas in river basin planning ([Chapter 10.19](#)).
 - The new guidance provides for measures that will secure improvements to relevant SSSIs to be assigned greater benefit value in

¹ All CIS documents can be accessed via the EU Circa home page:
<https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp>

Chapter one: Introduction.

cost-benefit analysis and allows for beneficiaries to pay for ecosystem services under certain circumstances.

- Extensive references in Volume 2 of the original guidance to preparatory work on economics have been removed, but the principles of the approach have been retained and updated ([Chapter 13](#)).
 - The new guidance requires co-ordination between the implementation of WFD and the Floods Directive, reflecting new legal requirements.
- 5) This guidance is aimed at the Agencies but is also intended to provide a point of reference for other regulators, bodies and individuals affected by or contributing to the river basin planning process. We welcome comment on any aspect of the draft.
- 6) Please send any comments to waterforum@defra.gsi.gov.uk or water@wales.gsi.gov.uk. If you have any questions, please contact Mark.Rosenberg@defra.gsi.gov.uk or james.dowling@wales.gsi.gov.uk.

2. The role and status of this guidance

2.1 This guidance from the Secretary of State and the Welsh Ministers (the Appropriate Authorities) to the Environment Agency and Natural Resources Wales (the “Agencies” or “the relevant Agency” as applicable) applies to river basin management planning in all river basin districts in England and Wales and the Northumbria river basin district (a very small area of which is in Scotland).

2.2 Defra and the Scottish Government issued guidance to the Environment Agency and the Scottish Environmental Protection Agency on joint river basin management planning in the Solway Tweed river basin district in October 2007. Where there is no special Solway Tweed arrangement in place or required, the Environment Agency should have regard to this guidance. This guidance does not apply to the Scotland river basin district, river basin districts in Northern Ireland, or the Gibraltar river basin district.

2.3 This is statutory guidance on the practical implementation of the Water Framework Directive ([WFD](#)) to:

- the Environment Agency in so far as it relates to river basin districts that are wholly in England and the Northumbria River Basin District
- Natural Resources Wales in so far as it relates to river basin districts that are wholly in Wales
- the Environment Agency and Natural Resources Wales acting jointly in so far as it relates to river basin districts that are partly in England and partly in Wales

The guidance is issued under regulation 20(3) of the [Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2003](#)² (the transposing regulations); and that provision as applied by regulation 5 of the [Water Environment \(Water Framework Directive\) \(Northumbria River Basin District\) Regulations 2003](#)³ (the Northumbria regulations). The references in this guidance to the transposing regulations should be read as including references to the transposing regulations as applied by the Northumbria regulations (with statutory modifications where appropriate⁴).

2.4 The guidance is made by the ‘Appropriate Authority’, that is by:

- the Secretary of State in so far as it relates to river basin districts that are wholly in England and the Northumbria river basin district
- the Welsh Ministers in so far as it relates to river basin districts that are wholly in Wales
- the Secretary of State and the Welsh Ministers acting jointly in so far as it relates to river basin districts that are partly in England and partly in Wales

² SI 2003/3242 as amended by SI 2013/755

³ SI 2003/3245

⁴ See Regulation 5(2) to (5) of the Northumbria regulations for the modifications.

Chapter Two: Role and status of this Guidance.

2.5 This document also includes at paragraph 16.3 a [Direction](#) to the relevant Agency to submit its river basin management plan for each river basin district to the Appropriate Authority for approval. This Direction is made under regulations 10(1) and 11(1) of the transposing regulations.

2.6 This guidance replaces Volumes 1 and 2 of river basin planning guidance issued in 2006 and 2008 respectively. By issuing this guidance the Secretary of State and the Welsh Government intend to assist the Agencies in carrying out their river basin planning functions for the second planning period 2015 to 2021 and, in particular, to help them to develop the updated River Basin Management Plans (RBMPs) which they will submit to Ministers for approval. The guidance sets out ministerial expectations for the main steps and principles of the river basin planning process and the content of the documents they must produce, namely the:

- statements of steps and consultation measures
- summaries of significant water management issues
- consultation on updating the river basin management plans
- river basin management plans, including objectives and the summary of the programme of measures, which are submitted to Ministers for approval (and accompanying information about the results of public participation).

2.7 This guidance represents the views of the Secretary of State and the Welsh Ministers at the time of issue. It may be necessary to issue further guidance documents in future to reflect developments, further European guidance or changes in our understanding.

3. The Principles of River Basin Management Planning

3.1 This guidance does not set out the details of the river basin planning process. The detail of the process is for the Environment Agency and Natural Resources Wales to determine. However, there are some important principles, set out below, which the Secretary of State and the Welsh Government consider the Agencies should take into account when carrying out their river basin planning responsibilities.

PRINCIPLES OF RIVER BASIN MANAGEMENT PLANNING	
i	Encourage active involvement of a broad cross-section of stakeholders and enable the exchange of knowledge (including information and data) between regulators, planners, stakeholders and the research community (Chapter 4)
ii	Set out and communicate a clear, transparent and accessible process of analysis and decision making (Chapter 6)
iii	Focus at the river basin district level
iv	Work in partnership with other public bodies (Chapter 16)
v	Integrate and streamline plans and processes (Chapters 4 and 16)
vi	Make use of the alternative objectives to bring about sustainable development (Chapter 11)
vii	Use Better Regulation principles and consider the cost-effectiveness of the full range of possible measures and mechanisms (Chapter 12)
viii	Seek to be even handed across different sectors of society and sectors of industry (Chapter 14).
ix	Seek to be even handed and transparent in the management of uncertainty (Chapter 14).
x	Develop methodologies and refine analyses as more information becomes available

3.2 Stakeholder engagement and involvement in water management is one of the main themes of the WFD. Ensuring and enabling this participation and influence should be an integral part of the river basin planning process.

3.3 The Agencies must ensure that the relevant plans and processes for which they are responsible are integrated and must review existing plans and measures, amending them where necessary, to meet WFD objectives. This includes, in particular, flood risk management plans and the national flood and coastal erosion risk management strategy.

3.4 For plans and strategies that are the responsibility of other organisations, the Agencies should:

- work with other public bodies to develop good links between river basin planning and other relevant planning processes and strategies, especially for those plans which have a statutory basis (for example

Chapter Three: The principles of river basin planning

development plans⁵ and the flood risk management plans developed by lead local flood authorities⁶)

- work with interested parties, the public, other plan makers and regulators at the water body, catchment and river basin level to help identify the most effective and economically efficient means of delivering the environmental objectives of the WFD and identify synergies between flood risk management and nature conservation objectives
- involve a broad cross section of stakeholders to help raise public awareness of the central role that fulfilment of the aims and objectives of the WFD will play in securing sustainable development

3.5 While the river basin management plan is a strategic, river basin district level document, the Agencies should co-ordinate activities (analysis, planning, stakeholder engagement and implementation) across a hierarchy of geographical scales. The Agencies should set out clearly how activities at different geographical scales interact.

3.6 The following chapters set out how the Secretary of State and the Welsh Ministers expect the Agencies to work in partnership with stakeholders and other public bodies to implement an integrated planning process that secures cost effective implementation of the WFD in a way that is transparent, evidence based, equitable and inclusive.

⁵ See [Section 38\(2\), \(3\) and \(4\)](#) Planning and Compulsory Purchase Act 2004 (as amended by s 82 LDEDC Act 2009)

⁶ Sections 9 and 10 of the [Flood and Water Management Act 2010](#)

4. Working in partnership

4.1 The WFD provides an overarching framework to protect and improve the aquatic environment through greater integration between water and land management, and to balance this with other environmental, economic and social priorities when setting environmental objectives. To do this the Agencies will need to work closely with all the public, private and civil society organisations whose activities and interests may inform or be affected by the RBMPs.

4.2 The requirements in the WFD and transposing regulations for public consultation at key stages set out the minimum requirements for engagement. There is a list of statutory consultees in Regulation 12(4) of the [transposing regulations](#).

4.3 Public consultation alone is unlikely to be sufficient. Engagement means public involvement in a clear planning process with opportunities for interested parties to access, contribute and exchange information and to contribute to analysis and processes that lead to choices over trade-offs and decisions being made. This more thorough engagement is unlikely to be feasible on the scale of river basins alone. Instead, engagement at local and catchment levels should support and feed into the development of the updated RBMPs and programmes of measures. Each Agency should arrange to facilitate the flow of information between themselves, other regulators and stakeholders at the different geographical scales so that catchment management can be co-ordinated with effective river basin planning.

4.4 The Agencies should also ensure that RBMPs reflect the plans and strategies of other organisations where reasonable and appropriate in terms of scale. Similarly, those other organisations' plans and strategies should reference and respond to the RBMPs so that the overall picture for those responsible for, or affected by, implementation of the RBMPs is clear and integrated.

4.5 Local authorities, including national park authorities and flood and coastal erosion risk management authorities play a significant role (particularly in relation to their planning, land management and flood risk management functions) in ensuring that the important interactions between spatial planning and water management planning are properly reflected in RBMPs and in development and local plans. Where a catchment crosses administrative boundaries, the Agencies will need to work with more than one local authority to ensure effective integration.⁷

4.6 In England, the Environment Agency should work closely with inshore fisheries and conservation authorities and the Marine Management

⁷ In England, Local Authorities have a duty to cooperate on strategic issues (such as water supply and environmental protection). See the [National Planning Policy Framework](#) paragraphs 156 and 178 and following.

Organisation to ensure effective management across the land–sea interface, including the integration of plans and policies. It should also work with Natural England to take account of the contribution that greater integration between water and land management can make to the delivery of multiple environmental outcomes (see [Chapter 16](#)). In Wales, the marine licensing, statutory conservation advisor and competent monitoring authority roles are all held by Natural Resources Wales.

4.7 The Agencies should continue to work with river basin district liaison panels to develop RBMPs and ensure the strategic management of resources across catchments.

Working with partners at the catchment level

4.8 Catchment partnerships are gradually being developed in England and Wales and can support river basin planning and delivery. They provide the more localised focus for engagement that is needed to support river basin planning. They provide an important opportunity to:

- understand the views of stakeholders, their priorities and the local evidence they can provide
- make links between plans at the river basin district scale and projects to deliver improvements at a sub-catchment scale

The Agencies should set out how catchment partnerships can contribute to river basin planning processes and should support their activities with evidence, expertise, advice and guidance.

4.9 In England, the policy framework has been developed to encourage the wider adoption of an integrated [Catchment Based Approach](#) to improving the quality of our water environment and securing synergies with other environmental objectives, such as halting biodiversity loss. The framework will establish catchment partnerships to work collaboratively with local stakeholders across all of England's 87 catchments (plus 6 cross-border catchments with Wales). The Environment Agency should not require a catchment partnership to produce a catchment management plan for it to have input into river basin planning.

4.10 In Wales, catchment management is at the heart of our integrated approach to improving water quality. This approach means that local circumstances are taken into account and the connection between land and water is recognised and both are managed together.

4.11 When involving stakeholders in setting priorities, the Agencies should ensure that a balance is maintained between different interest groups and that compliance with statutory requirements is not compromised.

Disputes about implementing the programme of measures

4.12 If those responsible for delivering measures disagree with decisions taken by the relevant regulator in relation to the implementation of WFD measures, the disagreement should be resolved using the usual dispute

resolution arrangements which apply to the relevant regulatory decision. These differ between mechanisms but usually involve a process of discussion and/or mediation and then legal proceedings if those are unsuccessful. For example, disagreements about a decision by the relevant Agency to modify an environmental permit for the purposes of achieving environmental objectives can be resolved through the procedure for appealing environmental permit decisions. Disagreements about decisions to refuse planning permission can be resolved through the procedure for appealing planning decisions.

4.13 In some cases, there are no formal dispute resolution arrangements – for example in the case of many voluntary and good practice measures. Including a voluntary measure in a programme of measures will not make it into a statutory one. Measures are only statutory if the individual measure is underpinned by a legal requirement.

4.14 If there are disputes about the implementation of voluntary measures, the Agencies should seek to resolve them. But if agreement is not possible, the Agencies should consider using statutory measures and/or alternative voluntary or delivery mechanisms to achieve the environmental objective.

5. Key Stages in river basin planning

River basin planning timeline

5.1 The WFD introduced a 6-yearly cycle of river basin planning. It requires the river basin management plan (RBMP) for each river basin district produced in 2009 to be reviewed and updated in 2015, 2021 and so on. Amongst other things, the plans must list the environmental objectives for each district, justify how and where [alternative objectives](#) have been used and summarise the programme of measures.

5.2 Iteration is built into the river basin planning process. It is necessary to:

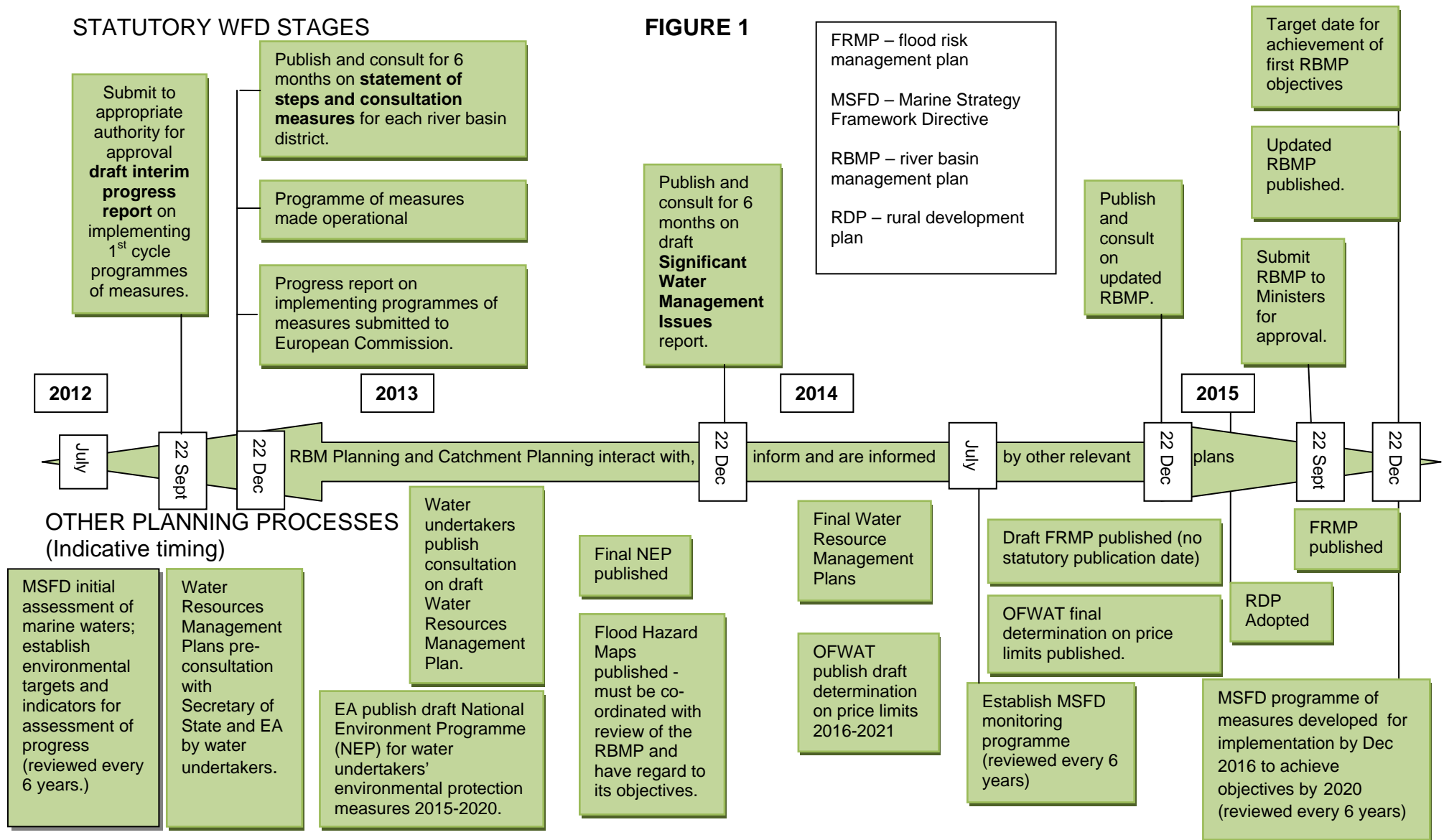
- identify objectives for water bodies and protected areas
- consider possible measures to meet those objectives
- consider the technical feasibility, costs and benefits of implementing those measures
- in the light of this, to reassess the objectives and consider the use of the alternative objectives to determine the measures that will be implemented in the period covered by the plan

5.3 The key stages and their statutory deadlines are shown in [Table 1](#) and in the timeline below (Figure 1) alongside other planning processes that are relevant to development of the RBMP. Some of the dates in the timeline and table will have passed by the time this guidance is published but have been retained to illustrate the planning cycle and how it relates to other relevant planning processes. The sequence is repeated every 6 years.

5.4 The non-statutory catchment planning process is a continuing process with no fixed timetable. To ensure that it is able to make a proper contribution to river basin planning, the Agencies should set out and communicate to catchment partnerships by which dates it needs inputs specific to the river basin planning process.

Chapter five: Key stages in river basin planning.

FIGURE 1



5.5 The WFD timetable allows :

- only 6 months between the end of consultations on the summaries of significant water management issues and publication of the draft updated RBMPs
- only 6 months between the close of consultations on the draft updated RBMPs and final approval of the plans by the Secretary of State and/or the Welsh Ministers

5.6 To make the best use of the available time, the Agencies should aim to publish and consult on the summaries of significant water management issues and the draft updated RBMPs earlier than the WFD deadline. They should use the two 6-month consultation periods on the summaries of significant water management issues and the draft updated RBMPs not only to gather views, as in a traditional written consultation, but also to engage stakeholders in resolving any conflicting views and issues raised and in the development of the next document (ie the draft RBMP or the RBMP for submission to the Secretary of State and/or the Welsh Government).

Responsibilities and requirements at key stages

5.7 Table 1, below, summarises important steps in the second and subsequent river basin planning cycles, the responsibilities of the relevant authorities for carrying out the planning requirements and the source of each obligation. The actions are repeated every 6 years. The table is intended to be a helpful summary in relation to river basin planning but is not comprehensive and must not be used instead of the WFD, [transposing regulations](#) and this guidance.

Table 1			
What	When	Who	Required by
Statement of steps and consultation measures that the Agencies are going to take in connection with updating the RBMP (including a timetable and work programme for the consultation measures)	Published by 22 December 2012 for a 6 month consultation period and every 6 years thereafter.	Environment Agency; Natural Resources Wales Secretary of State and the Welsh Government are amongst the statutory consultees and may offer views on the way forward.	WFD Article 14; Regulation 12; Ministerial Guidance: Chapter 6 .

Chapter five: Key stages in river basin planning.

Programme of measures for the first cycle made operational	By 22 December 2012	All regulators and deliverers (including the Environment Agency, Natural Resources Wales, Secretary of State and the Welsh Government) make measures operational.	WFD Article 11; Regulation 10.
Summary of the significant water management issues for each river basin district	Published by 22 December 2013 for 6 month consultation period.	The Agencies draft an overview and publish it for consultation. Secretary of State and the Welsh Government are amongst the statutory consultees and may offer views on the way forward.	WFD Article 14; Regulation 12; Ministerial Guidance: Chapter 7 .

What	When	Who	Required by
Draft update of river basin management plans (RBMPs) including programmes of measures	Published by 22 December 2014 for 6 month consultation.	The Agencies draft and publish for consultation. Secretary of State and the Welsh Ministers are amongst the statutory consultees, and may offer views on the way forward.	WFD Article 13; WFD Annex VII; WFD Article 14; Regulations 10, 11 & 12 Ministerial Guidance, Chapter 8
Revised updated RBMPs submitted to the Secretary of State and/or the Welsh Government for approval	By 22 September 2015	The Agencies submit revised RBMPs to Secretary of State and/or the Welsh Ministers	Direction in paragraph 16.3 of this guidance under Regulations 10 and 11. Regulation 13. Ministerial Guidance Chapter 8
Second RBMPs approved and published	By 22 December 2015	Secretary of State and/or the Welsh Ministers approves and the Agencies publish the plans.	WFD Article 13. Regulations 10, 11 and 14 (approval arrangements)

Chapter five: Key stages in river basin planning.

UK RBMPs submitted to European Commission	By 22 March 2016	Secretary of State submits to European Commission.	WFD Article 15.
Progress report on implementation of programme of measures for the second planning cycle.	To Secretary of State/ the Welsh Government by 22 September 2018. To Commission by 22 December 2018.	The Agencies submit to Secretary of State and/or the Welsh Government. Secretary of State submits to European Commission.	Ministerial Guidance Chapter 14 WFD Article 15:

6. Statement of steps and consultation measures

6.1 At least 3 years before the updated RBMP is published (not later than 22 December 2018 for the draft updated RBMPs and every 6 years thereafter) the Agencies must publish for consultation a statement of the steps and consultation measures that they are going to take in connection with preparing the RBMP, and a timetable for these steps and consultation measures.⁸

6.2 This should be a clear public statement so that those who are likely to be affected are made aware of what the river basin planning process will be in the river basin district and how and when they will be involved in it.

6.3 The statement should summarise:

- the timetable and key milestones in the process of updating the RBMP
- how and when the Agencies intend to undertake public consultation on the draft updated RBMP
- the main public and private sector organisations whose activities and interests are likely to be affected by the updated RBMP, and how the Agencies will engage them in updating the RBMP
- how the process of preparing the RBMP will relate to work drafting or revising other relevant strategies and plans in that river basin district, including flood risk management plans – especially statutory plans and those at regional or similar scale.

⁸ Regulation 12 (1) of the [transposing regulations](#)

7. The summary of significant water management issues

7.1 At least 2 years before the beginning of each river basin planning period (ie by 22 December 2013 for the second planning period 2015 to 2021), the Agencies must publish, for each river basin district, a summary of the significant water management issues which it considers relevant in that district⁹. The summary must be published for consultation for a period of 6 months.

7.2 The summary of significant water management issues will provide an important early overview of the actions that are likely to be required, and by whom, to secure the necessary environmental improvements. As the name suggests, the summary should be strategic, concise and focused on the significant matters. It should set out, for the river basin district:

- the main pressures and impacts which will need to be addressed in the RBMP, taking account of the latest climate change projections (currently UKCP09)
- the scale of the changes likely to be required to meet WFD objectives
- the sectors and groups that are likely to be involved in delivery of or be affected by programmes of measures
- a general indication of some possible scenarios for achieving those changes in that river basin district and an idea of the pros and cons of those possible scenarios

7.3 In addition to highlighting the significant issues, the Agencies should use the summary to engage those who may benefit from or be affected by river basin planning.

7.4 During the 6-month consultation on the summary of significant water management issues, the Agencies should also actively engage with stakeholders in the resolution of any conflicting views and issues raised and in how to take the summary forward into the draft RBMP.

7.5 The Agencies should ensure that this process takes account of the obligation under Article 5.4 of the Strategic Environmental Assessment Directive (to consult bodies specified in the SEA Directive¹⁰ implementing Regulations for [England](#) and [Wales](#)) before drafting the environmental report required under that Directive.

⁹ Regulation 12 (1) (b) of the transposing regulations

¹⁰ SI2004/1633: The Environmental Assessment of Plans and Programmes Regulations 2004; and SI2004/1656(W/170): The Environmental Assessment of Plans and Programmes Regulations (Wales) 2004.)

8. The River Basin Management Plan (RBMP)

Purposes of the river basin management plan

8.1 An RBMP should be a strategic plan which gives everyone concerned with the river basin district a measure of certainty about the future of water management in that district. It will include objectives for each water body and a summary of the programme of measures necessary to reach those objectives. The RBMP should also be a gateway, providing easy access to relevant supporting information.

8.2 The river basin planning process should be a mechanism for:

- co-ordination and integration between water management plans and policies
- co-ordination and integration of water management plans and policies with other relevant plans and strategies (see Chapter [16](#))
- enabling other public bodies and stakeholders who have an interest (including those likely to be involved in implementing the RBMPs) to influence the approach to future water management in the river basin district by contributing to RBMPs.

8.3 The 3 main purposes of the RBMP document are to:

- record outcomes from this integrated, participative, planning process
- set the policy framework within which future regulatory decisions affecting the water environment in that river basin district will be made
- report to the public and the European Commission on the implementation of the WFD

8.4 Each RBMP should set out, in broad terms, policies and strategies which will underpin the management of the water environment in the river basin district. These strategic policies and strategies should be developed from, and supported by, information from a range of sources including, where available:

- information from catchment partnerships
- other relevant strategies, plans and programmes such as flood risk management plans, Biodiversity 2020, water company business plans and water resource management plans
- information gathered from public participation and consultation, including consultations on the summary of significant water management issues and draft RBMP
- impact assessment information - from relevant Impact Assessments, cost-effectiveness analysis and disproportionate cost assessments for that river basin district
- the Environmental Report required under the Strategic Environmental Assessment Directive
- the policies and proposals for adjoining river basin districts and, where

Chapter Eight: The River Basin Management Plan

relevant, the Marine Policy Statement, Marine Strategies¹¹ and marine plans where they have been developed.

- 8.5 The RBMP should explain how [climate change adaptation](#) has been taken into account in the planning process. Climate change mitigation should also be considered by, for example, taking account of impacts on carbon emissions when considering alternative ways of achieving an objective.

Status, coverage and timescale

- 8.6 RBMPs are plans and cannot, of themselves, require actions to be taken. Whether or not individuals or organisations can be required to take actions depends on the regulators' powers and how they are exercised.
- 8.7 Each RBMP must apply to 1 river basin district. For a map of the river basin districts, see [Annex 1](#).
- 8.8 The WFD introduced a 6-year planning cycle. In cases where the provision for extending the 2015 deadline¹² has been applied, Article 4(4) should be followed and the updated RBMP published in 2015 should list objectives to be achieved in that water body by 2021 or 2027. It should include in the summary of programmes of measures the measures which the Agencies envisage being necessary over the following 12 years to achieve that objective (although the focus should be on measures to be taken in the current planning cycle).

Content - requirements of regulations 11 and 15

- 8.9 The RBMP must include the information specified in regulations 11 and 15 of the transposing regulations and annex VII of the WFD. European guidance¹³ includes guidance on reporting RBMPs to the European Commission.
- 8.10 Table 2 summarises the information specified in regulations 11 and 15 that will need to be included in the RBMPs.

¹¹ Developed for the purpose of implementing the [Marine Strategy Framework Directive](#); see also <https://www.gov.uk/government/publications/marine-strategy-part-one-uk-initial-assessment-and-good-environmental-status>

¹² See [Chapter 11](#) "Alternative objectives and defences".

¹³ [Common implementation strategy guidance 21](#)¹⁴ The River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2010

Chapter Eight: The River Basin Management Plan

Table 2: Information specified in regulation 11 that will need to be included in updated River Basin Management Plans

WFD Reference	Information required (abbreviated)
Article 4(3)	Reasons for designation of a surface water body as artificial or heavily modified and changes following review of designations
WFD Reference	Information required (abbreviated)
Article 9(2) and (4)	Steps towards implementing recovery of costs for water services. (This is part of the information covered by paragraph 7.2 of Annex VII part A) of the WFD
Annex II 1.3(vi)	Exclusion of elements from assessment of ecological status (This is part of the information covered by paragraph 1 of Annex VII part A)
Annex V	
1.3 and 1.3.4	Confidence and precision in monitoring surface water
2.4.1	Confidence and precision in monitoring groundwater
2.4.5 and 2.5	Presentation of monitoring results for groundwater
Annex VII part A	
1	General description of characteristics of the river basin district
2	Summary of significant pressures including the inventory of emissions, discharges and losses of substances required by A5 of the Environmental Quality Standards Directive
3	Maps of protected areas
4	Map of monitoring network
5	List of environmental objectives
6	Summary of economic analysis of water use
7	Summary of the programme of measures
8	Register of more detailed programmes and management plans
9	Summary of public information and consultation measures taken
10	List of competent authorities
11	Contact details for obtaining background documentation and information

Chapter Eight: The River Basin Management Plan

Table 2 continued

Annex VII part B		
WFD Reference	Information required (abbreviated)	
1	Summary of changes and updates since the first RBMP including reviews required under these provisions,	
2	Assessment of progress including explanation of any objectives not reached and maps of monitoring networks.	
3	Summary of and explanation for measures from earlier plans that have not been undertaken	
4	Summary of interim measures adopted under Article 11(5)	

Consultation on updating the river basin management plan

8.11 The main purpose of the consultation is to bring about transparency and facilitate public engagement in the river basin planning process. To help achieve this the consultation should include workings and explanations of the reasons for the proposed second and third cycle objectives in the river basin district, including the considerations which have informed proposals for the use of the alternative objectives. This should help those likely to be affected to understand the reasoning behind the proposed changes.

8.12 The consultation should propose long-term environmental objectives for each water body in the river basin district and a programme of measures to achieve those objectives. The consultation should also provide an estimate of the scale of actions and improvements that might be delivered by the end of the second cycle (2021) and the third cycle (2027). This estimate should be based on an assumed level of available national funding (looking up to 2021) related to the most directly relevant programmes and an assumed level of additional voluntary action through local efforts.

8.13 The consultation on the draft updates to the plans should include:

- the information required by the SEA Directive
- an assessment of the costs and benefits of the proposed programme of measures

Revising the river basin management plan

8.14 During the 6-month consultation period, the Agencies should engage

Chapter Eight: The River Basin Management Plan

with stakeholders over any conflicting views and issues raised and how to take account of them in the RBMP which is submitted to the Secretary of State/ the Welsh Ministers for approval.

- 8.15 The updated RBMPs which are submitted for approval should list the objectives and include justification of any alternative objectives that have been applied or recommended.

9. Environmental standards

Use of standards in river basin planning

- 9.1 The Agencies should continue to apply the standards and other criteria defining water body status, set out in the statutory [Directions](#)¹⁴ on standards for the relevant processes, until the end of the first planning cycle to 2015.
- 9.2 The processes referred to in paragraph 9.1 above are classification updates and implement any remaining regulatory decisions for the first cycle.
- 9.3 The Appropriate Authorities will issue revised Directions to take account of the [UK Water Framework Directive Technical Advisory Group](#) review of standards, as well as new and revised standards for priority substances set out in Directive [2013/39/EU](#), subject to the European Commission issuing guidance by December 2014¹⁵. The Agencies should use these standards for the relevant second cycle river basin management planning processes in England and Wales.
- 9.4 The processes referred to in paragraph 9.3 above are:
- determining the classification baseline for the second planning cycle
 - setting objectives
 - identifying the nature and extent of measures required to achieve objectives for the second cycle
 - analysing the cost effectiveness of measures
- 9.5 The Agencies should provide a parallel baseline classification to illustrate the effect of the revised standards on classification. This report should be produced within 3 years of the introduction of the revised standards.
- 9.6 Once the new or updated standards have been formally adopted, the Agencies should incorporate the new and revised standards and criteria into existing regulatory processes in a timely way to achieve WFD objectives.

¹⁴ The River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2010

¹⁵ If the Commission guidance is not forthcoming, the revised standards will have effect in 2018 in parallel with the list of new priority substances.

10. Environmental objectives

Water body objectives

10.1 Article 4 of the WFD establishes several types of objective for the water environment, all of which must be met unless one or more of the exemptions set out in Articles 4.4, 4.5, 4.6 or 4.7 of the WFD are applicable ([see Chapter 11](#)).

10.2 For surface waters the Agencies will need to set objectives for each water body in relation to:

- preventing deterioration
- achieving a particular status class (as defined in accordance with the criteria for classification set out in the [Directions on Classification](#))
- protected area objectives, where relevant

10.3 For groundwater, the Agencies will need to set objectives for each water body in relation to:

- preventing deterioration
- achieving a particular status class (as defined in accordance with the criteria for classification set out in the [Directions on Classification](#))
- prevention or limitation of input of pollutants
- reversing significant trends in pollutants in accordance with the requirements of the [Groundwater Directive](#)
- protected areas objectives, where relevant

10.4 The default objectives for the second river basin planning cycle are to prevent deterioration in status (or ecological potential for heavily modified or artificial water bodies) and aiming to achieve ‘good’ status (or ‘potential’) for all water bodies by 2021. The default objectives and the water bodies to which they apply are summarised in [Annex 3](#)

10.5 The Agencies will be more certain of meeting some WFD objectives than others because of variations in the level of confidence that applies to the classification of a given water body and certainty about the effectiveness of proposed measures.

10.6 Absolute certainty is not necessary for the setting of objectives. The Agencies should bear in mind that the WFD makes provision for the programme of measures to be reviewed and for changes to be made if it appears that the objectives that have been set will not be met. Provided that Agencies can demonstrate that reasonable efforts have been made to achieve the objectives, this will satisfy the requirement of “aiming to achieve” those objectives.

Preventing deterioration

10.7 Preventing deterioration (ie deterioration from one status class to a lower one) is a key WFD objective with few and limited exceptions.

10.8 The Agencies should apply the “no deterioration requirements”

independently to each of the elements that come together to form the overall water body classification, subject to paragraph 10.9.

- 10.9 For a water body classified as being at 'good' status, where any of the quality elements are consistent with a 'high' status classification, those quality elements may be allowed to deteriorate to 'good' status. This does not apply to morphological conditions which must not deteriorate from 'high'. Hydrological conditions must remain consistent with at least a 'good' status classification and meet any requirements of a protected area that relate to hydrological conditions.
- 10.10 For groundwater, measures must be taken to reverse any environmentally significant deteriorating trend, whether or not it affects status.
- 10.11 The baseline for the assessment of deterioration is the current reported status class. For the period 2009 to 2015, this is the 2009 classification reported in the current river basin management plans. For the period 2015 to 2021, it will be the status reported in 2015 in the updated RBMPs, and so on.
- 10.12 The Agencies may only undertake or authorise activities that would be likely to cause a deterioration in water body status if the provisions of Article 4.7 of the WFD are applicable.
- 10.13 The Agencies may advise other public bodies who undertake or authorise activities which would be likely to cause a deterioration in status as to the acceptability of their proposed activity. However, the other public body is responsible for the final decision. For example, the Environment Agency is a statutory consultee on development plans in England and should advise a local authority where its proposals may cause deterioration in status of one or more water bodies or prevent water-body objectives being achieved. However, it is the responsibility of the local authority to ensure, as required by the National Planning Policy Framework (NPPF)¹⁶, that, if it receives such advice, the criteria for applying an exemption under Article 4.7 are met.
- 10.14 Each use of Article 4.7 to justify water body deterioration must be reported in the next update of the RBMP. A change in the classification of a water body resulting from the introduction of a revised standard should be reported as a revised classification, not as a deterioration.

Protected area objectives

- 10.15 In addition to setting environmental objectives for water bodies, the WFD incorporates the objectives and requirements of some other water-related Directives so that they also become WFD objectives and requirements. In some cases, the pre-existing Directive is repealed. In

¹⁶ [NPPF](#): paragraph 2 "Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements."

other cases, the pre-existing Directive remains and there is a dual requirement to implement both Directives (eg the Bathing Waters Directive). Areas which are subject to the requirements of pre-existing legislation and the WFD are known as 'protected areas'.

Objectives arising from Directives repealed by the WFD

- 10.16 The Freshwater Fish Directive and the Shellfish Waters Directive (SWD) were both repealed in 2013. The WFD provides that equivalent levels of protection must be maintained. In the case of the 'Freshwater Fish Directive', preventing deterioration and achieving 'good' status will provide that equivalence (and some additional elements of protection), since fish are an indicator of ecological status. It is therefore no longer necessary to identify protected areas for freshwater fish.
- 10.17 In order to secure the same level of protection afforded by the SWD, it will be necessary to retain on the register of protected areas, and keep under review, those areas designated for the protection of shellfish. This is because the microbial standard for shellfish established for the protection of human health under the SWD is not relevant to the assessment of ecological status in WFD water bodies and therefore must be separately maintained for shellfish waters.
- 10.18 The microbial standard, which will only be applied to designated shellfish waters, will be set out in Directions to the Agencies. The Agencies should endeavour to achieve the standard provided that it is feasible and not disproportionately expensive to do so.

Natura 2000 (N2K) protected areas¹⁷

- 10.19 This section refers to areas designated under the Birds and Habitats Directives (BHD) for the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in their protection. In this section, "the relevant conservation advisor" refers to Natural England in England and to Natural Resources Wales in Wales.
- 10.20 The BHD and the WFD aim at ensuring healthy aquatic ecosystems while at the same time ensuring a balance between water/nature protection and the sustainable use of natural resources. For the BHD, this is expressed in terms of "favourable conservation status" (FCS). FCS does not necessarily apply at the site level¹⁸. Objectives for individual protected areas may vary according to the contribution they are required to make to FCS at a national scale. The Agencies should use the river basin planning process to consider in a co-ordinated and transparent way the appropriate objectives and environmental conditions to be achieved for individual water bodies, other water dependent Natura 2000 sites recorded on the protected

¹⁷ Areas designated under the Birds and Habitats Directives (BHD) for the protection of habitats or species where the maintenance or improvement of water is an important factor in their protection.

¹⁸ See European Commission paper 'Links between the Water Framework Directive (WFD 2000/60/EC) and Nature Directives (Birds Directive 79/409/EEC and Habitats Directive 92/43/EEC)'[3.4]

areas register and river basins so that they fulfil the requirements of the BHD and the WFD.

- 10.21 Good ecological status (GES) or good ecological potential (GEP) will contribute to FCS. Some habitat types or species may require more stringent standards to secure FCS, such as high ecological status for one or more quality elements. It is possible, but less likely, that WFD will require more stringent conditions than BHD. In either case, the Agencies should apply the most stringent standard to the water body or part of water body that is a protected area.
- 10.22 For both WFD and BHD, a key requirement is to prevent deterioration from current status. No plan or project that might affect an N2K site should be approved unless the relevant Agency is satisfied that it will not have an adverse effect upon the integrity of the site. It does not automatically follow that any negative change in a single monitoring parameter in any part of a site must always be avoided. Any such change should be considered in the context of the integrity of the site overall.
- 10.23 Where an integrated site assessment of the N2K interest features and/or supporting habitat indicates that restoration measures are required, the Agencies should establish, in consultation with the relevant conservation advisor, appropriate restoration targets for the relevant water status quality elements in the second planning cycle.
- 10.24 The process referred to in paragraph 10.23 above should take account of site conservation objectives established by the relevant conservation advisor in the context of the achievement of FCS at the national scale and make use of the cyclical nature of river basin planning to take account of new evidence and evolving science.
- 10.25 Compliance with targets for the relevant supporting quality elements should normally be achieved by December 2015. It is recognised that targets for some elements on some sites will not be achieved by this date and so the aim should be to achieve these as soon as is practicable in the second cycle period or apply extended deadlines, as described in 10.26 below. The alternative objectives described in [Chapter 11](#) may be used provided that the Agencies ensure that the use of any alternative objectives complies with the requirements of the BHD.
- 10.26 The use of extended deadlines under Article 4.4 of the WFD in the second cycle may be particularly relevant in cases where:
- measures were established in or before the first RBMPs but have not yet achieved the expected results because of natural conditions or for technical reasons
 - where there is scientific uncertainty about the need for or scale of further action due to ambiguous or contradictory data or other information (eg where the relevant biological feature or features appear to be in a favourable condition but an applicable environmental quality standard is not achieved), this may indicate an interim objective such

as 'good' status pending further investigation

- new evidence of risks or impacts to a site has emerged that shows that one or more of the original quality element targets for the site should be reviewed

10.27 Where the relevant conservation advisors propose new or revised targets for any quality element to underpin the conservation objective for a protected area water body, the Agencies should present their proposals for consultation in the draft river basin management plan, including any relevant interim objectives and timescales for delivery. This should cross-refer to the site evidence provided by the conservation specialists.

10.28 Where improvement measures set out in the first RBMP have not achieved conservation objectives by the expected date, the second cycle RBMP should set out a realistic plan for their achievement over the next planning cycle or a longer timeframe if an alternative objective is applicable. This may be by reference to existing improvement plans.

10.29 Where the target date for the achievement of an objective for a protected area identified in accordance with the BHD is beyond the end of the third planning period (2027) for technical reasons such as natural recovery time or the need to carry out a complex sequence of restoration work, a less stringent interim objective can be set in accordance with WFD Article 4.5 provided this does not compromise compliance with the BHD.

Drinking water protected areas

10.30 In addition to achieving the water body objectives, for drinking water protected areas, in order to help reduce the level of treatment required to achieve drinking water quality standards, the Agencies should propose measures aimed at preventing any significant, sustained deterioration of the parameters set out in the EC Drinking Water Directive (98/83/EC). The Agencies may distinguish between their approach to drinking water protected areas for surface water bodies and for ground water bodies.

Bathing waters

10.31 The Bathing Waters Directive ([2006/7/EC](#)) requires Member States to achieve at least 'sufficient' at all bathing waters by 2015 and, from 2015, to take realistic and proportionate measures to increase the number of bathing waters meeting the 'good' or 'excellent' classifications. The Directive also sets new, more stringent standards which will apply from 2015.

11. Alternative objectives and defences

11.1 Objectives which are set using the exemptions referred to in paragraph [10.1](#) above are also referred to in this guidance and some European guidance¹⁹ as alternative objectives.

11.2 Use of the alternative objectives is the mechanism which the WFD provides for:

- considering, amongst other things, environmental, social and economic priorities alongside water management priorities
- prioritising action over successive river basin management planning cycles

11.3 The types of alternative objective are:

- an extended deadline (WFD Article 4.4)
- a less stringent objective; (WFD Article 4.5)
- different objectives for heavily modified²⁰ or artificial water bodies; (WFD Article 4.3)
- different objectives where there are new modifications and new sustainable development activities (WFD Article 4.7)

11.4 In addition, the provisions in Article 4.6 may be used as a defence to justify cases where an objective in a RBMP has not been met as a result of a temporary deterioration in status due to natural causes or *force majeure* and all the conditions set out in Article 4.6 are met.

11.5 The provisions in Article 4.7 can also be used as a defence where:

- a failure to achieve a status objective or to prevent deterioration is due to new modifications to the physical characteristics of a water body; or
- deterioration from high status to good status is the result of new sustainable development activities; and
- all the conditions set out in Article 4.7 are met.

11.6 The WFD alternative objectives and defences can only be used in relation to the standards and objectives arising from the mechanisms of the WFD itself, not in relation to standards or objectives arising from other Community legislation.

11.7 Each use of an alternative objective, including the application of Article 4.7, made necessary by a decision of either of the Agencies or any other public body, must be reported in the RBMP or updates of the plan as applicable.

11.8 If a less stringent objective is set, the objective and justification for it

¹⁹ [Common implementation strategy Guidance 20](#)

²⁰ Heavily modified and artificial water bodies are a separate category of water bodies which are expected to achieve the same standards as the nearest equivalent natural water body except where this is prevented by the direct effects of the heavily modified or artificial characteristics of the water body as set out in paragraph 4, Part 2 of [Directions to the Environment Agency](#) on classification of water bodies.

must be reviewed for each update of the river basin management plan.

- 11.9 When drawing up proposals for objectives and programmes of measures for consideration by the Secretary of State and the Welsh Government, the Agencies should recommend application of alternative objectives where appropriate and consistent with the overall aims of the WFD. They are an integral part of the WFD objectives²¹ and their use should be an integral part of river basin planning.
- 11.10 However, alternative objectives are the only considerations which may be used to justify a course of action which will not lead to meeting the default objectives.

Extending deadlines rather than setting less stringent objectives

- 11.11 Where the conditions of both Article 4.4 (extended deadline) and Article 4.5 (less stringent objective) are met and the relevant Agency is faced with a choice between the two alternative objectives, its preference should be to propose an objective of reaching good status by an extended deadline, rather than a less stringent objective (ie use Article 4.4 rather than Article 4.5 of the WFD).
- 11.12 The option to apply a less stringent objective remains available. A less stringent objective should be considered if it becomes clear that it will be infeasible or disproportionately expensive to achieve good status by 2027. Each less stringent objective and the reasons for it must be reviewed every 6 years and explained in subsequent updates of the RBMP.

Changes to objectives in second and subsequent planning cycles ²²

- 11.13 It may be necessary and appropriate in some cases to apply a new exemption under Article 4.4 or 4.5 on updates of the river basin management plan. For example, if a water body will not achieve the objective set for it because the measures implemented are proving less effective than expected. If bringing the achievement of the objective back on track would be infeasible or disproportionately expensive, an extended deadline up to 2027 or a less stringent objective may be applied, as appropriate, in accordance with the restrictions on their use set out in the WFD.
- 11.14 Equally, it may be necessary and appropriate to modify or replace a less stringent objective or extended deadline based on new information and understanding about a water body. This may allow, for example, the default objective of good status to be set in an update of the river basin management plan, in place of a current less stringent objective.

²¹ Common Implementation Strategy Guidance 20 paragraph 3.1

²² See Common Implementation Strategy guidance 20 paragraph 3.3.4

12. Justifications for applying alternative objectives

12.1 Natural conditions, technical infeasibility, infeasibility and disproportionate costs are key criteria for justifying the use of alternative objectives.

12.2 The concepts are inter-related and to some extent it is necessary to consider them in parallel. However, it is important that the Agencies are clear about the meaning and use of these terms when justifying alternative objectives.

12.3 There is a logical sequence of considering these factors:

- natural conditions, technical and other feasibility of achieving the objective (can the objective be reached?)
- disproportionate costs (is it proportionate, ie both efficient and equitable, to reach the objective by taking the most cost effective actions)

The concepts are therefore considered in that order in the following paragraphs.

Natural conditions

12.4 The WFD includes references to “natural conditions” in

- Article 4.4(a)(iii): one of the justifications for extending a deadline is that "natural conditions do not allow timely improvement in the status of the body of water"; and
- Article 4.5: one of the justifications for setting a less stringent objective is that the "natural condition [of a water body] is such that achievement of [the default] objectives would be infeasible or disproportionately expensive”.

12.5 Natural conditions may be a justification for setting an alternative objective including where:

- it takes time, after a damaging or polluting activity has ceased, for the conditions necessary to support GES to be restored and for the plants and animals to recolonise and become established;
- due to varying natural hydrogeological conditions, groundwater bodies may take time to reach good chemical status; or
- background levels of a substance in the environment are such that the level in water body cannot be reduced sufficiently to meet the WFD standard.

Technical feasibility

12.6 The WFD includes references to technical feasibility in:

- Article 4.3 (b) in relation to designation of Heavily Modified and Artificial Water Bodies
- Article 4.4 (a)(i) in relation to the justification required for extension of deadlines

- Article 4.7(d) in relation to justification for new modifications and new sustainable human development activities

12.7 The Agencies should consider it technically infeasible to achieve an objective only where:

- no technical solution is available, or
- there is insufficient information on the cause of the problem to allow a solution to be identified, or
- there are practical constraints of a technical nature (eg if the commissioning new plant prevents implementation of measures by an earlier deadline).

12.8 In principle, the technical feasibility of achieving an objective relates only to issues of a technical nature, and not to cost issues. In practice, the greater the effort expended in trying to overcome issues of a technical nature, the more likely it is that ways of making the improvements will be found. Where the benefits resulting from achieving an objective would be substantial, a much higher degree of effort to find a technically feasible option is likely to be appropriate than where the benefits of an improvement are expected to be low.

If no technical solution is available

12.9 There may be various reasons why the Agencies might suggest that “no technical solution is available” to reach an objective, in particular:

- **If standards are below the limits of detection or monitoring**

Meeting the environmental quality standards (EQS) which have been set for some specific pollutants and priority substances might be technically infeasible if the levels were below current limits of detection and monitoring. If an EQS is below analytical limits of quantification, the Agencies should use the best available techniques not entailing excessive costs (BATNEEC) in accordance with Directive [2009/90/EC](#), which lays down technical specifications for chemical analysis and monitoring of water status²³.

“Technical infeasibility” should not be proposed as the basis for an exemption if:

- it is possible and appropriate to make use of analytical methods in matrices other than water, such as biota or sediment according to the criteria set out in directives [2008/105/EC](#), [2009/90/EC](#) and [2013/39/EU](#); or
- in cases where levels of contamination are sufficiently high that concentrations can be robustly measured, even if concentrations at the EQS are below the limit of quantification.

In both these types of cases, measures to tackle the pollution should be considered.

²³ See Directive [2013/39/EC](#) amending the WFD and the 2008 Directive on priority substances

- **If no measure is available to deal with the problem**

While a very wide range of actions could be taken to help achieve WFD objectives, there may be some problems for which there is no measure which can be deployed in practice. For example, it may be impossible to remove a population of an alien species once it has become well established within a given habitat (eg the North American signal crayfish is established throughout the Thames catchment). Or there may be a new technique for dealing with a problem, which has been proven to work under controlled conditions in a laboratory but has not yet been sufficiently developed to be effective in practice

- **If there are failures of priority substance standards due to an unknown, legacy and/or diffuse sources**

This is most common with ubiquitous, persistent, bioaccumulative and toxic substances (uPBT). Measures taken at national or international level, such as source control through REACH, may be implemented but there can be a significant time lag between implementation and improvement in the receiving environment. Local measures are often not practicable due to either the lack of an identified sources or the scale and potential impact of the intervention required (eg dredging of contaminated river sediment).

If there is insufficient information on the cause of the problem; hence a solution cannot be identified

12.10 This may arise because there are gaps in scientific information about the effects on ecological status of some types of pressures from, for example, morphological changes, abstraction, alien species or sediment.

12.11 Where there is scientific uncertainty, the Agencies should take account of the government's [Guiding Principles for Sustainable Development](#) and take a precautionary approach to preventing deterioration when setting objectives and alternative objectives. The appropriate level of precaution is a matter for judgement after the duration and severity of the consequences of a wrong decision have been considered.

Feasibility

12.12 Article 4.5, which relates to setting less stringent objectives, uses the term "infeasible" rather than "technical infeasibility".

12.13 The Agencies should interpret the meaning of the term "infeasible" as being wider than the term "technical infeasibility", in that "infeasible" also includes situations where addressing a problem is out of the control of a Member State (see CIS Guidance 20, section 3.2.4).

Disproportionate cost

12.14 The WFD includes references to "disproportionate cost" or "disproportionate expense" in:

- Article 4.3(b) in relation to the designation of Heavily Modified and

Chapter Twelve: Justifications for applying alternative objectives

Artificial Water Bodies

- Article 4.4(a)(ii) in relation to the justification required for the extension of deadlines
- Article 4.5 in relation to the justification required for less stringent objectives
- Article 4.7(d) in relation to the justification for new modifications and new sustainable human development activities

12.15 The WFD refers to “disproportionate costs” and to improvements and objectives being “disproportionately expensive”. The Secretary of State and Welsh Ministers consider that there is no material difference between the terms. References to “disproportionate costs” in this guidance should be read as including both terms.

12.16 Alternative objectives proposed for reasons of disproportionate cost should be based on the most cost effective combination of measures (see [Chapter 13](#): Economic analysis) taking account of the ‘polluter pays’ principle.

12.17 The Agencies should consider the full range of available mechanisms, including the use of regulatory measures, voluntary agreements and economic instruments such as paid ecosystem services, before proposing an alternative objective for reasons of disproportionate cost.

12.18 The Agencies must ensure that when disproportionate cost has been used as the basis for exemptions, the reasons for doing so are clearly set out in the RBMP including an explanation of what alternative financing mechanisms were considered and why they were not used. Where possible, any underlying data and assessments used to inform the decision must be available to the public.

13. Economic analysis

General principles

- 13.1 The level and extent of economic analysis should be appropriate for the decision it informs.
- 13.2 Involving local communities and businesses in developing programmes of measures (PoM) is an integral part of WFD implementation. These partners may be able to make a useful contribution to the economic appraisal process and should be provided with opportunities to do so.
- 13.3 Where it is not possible to provide monetary values of the full costs and benefits of a measure or PoM, the Agencies should describe and, if possible, quantify the cost or benefit and report it together with the monetised values.
- 13.4 Where possible, the Agencies should assess the carbon impact of PoMs using the latest government [carbon valuation methodology](#) when considering the cost effectiveness of measures and disproportionate cost. They should be as transparent as possible in presenting the results of these assessments to stakeholders.

Assessing the cost effectiveness of measures

- 13.5 The WFD (Annex III (b)) requires Member States to “make judgements about the most cost-effective combination of measures in respect of water uses to be included in the programme of measures.”
- 13.6 In assessing the cost effectiveness of measures, the Agencies should take into account relevant European Common Implementation Strategy (CIS) guidance and documents including CIS1: Economics and the Environment, CIS 20: Exemptions to the Environmental Objectives, and the Report to the Commission on economic valuation issues²⁴
- 13.7 In order to make judgments about the most cost-effective combination of measures to deliver WFD objectives, the Agencies should:
- consider the full range of available measures and the inter-relationships between measures
 - consider all of the pressures which a measure could help to address;
 - consider all costs including financial costs, resource costs and environmental costs
 - use the best available technical and scientific evidence to assess the effect of programmes of measures on the water environment
- 13.8 The Agencies should, where possible, use cost effectiveness analysis to determine the combination of measures that will achieve WFD objectives at the lowest cost. The Agencies may draw on cost effectiveness analyses

²⁴https://circabc.europa.eu/sd/d/5b15c61a-c905-480b-9ed4-9bda79104d4d/WFD%20Economic%20Valuation%20Final%20Report_eftec%20Septmber%202010.pdf

used in the first cycle, appropriately updated, or a new analysis.

Disproportionate cost assessment

13.9 Disproportionality “is a political judgement informed by economic information.”²⁵

13.10 In general, costs (negative consequences) can be considered disproportionate when they exceed benefits (positive consequences). However, it is not sufficient to show that the best monetised estimate of costs exceeds the best monetised estimate of benefits. This is because benefits may be more difficult to quantify and monetise than costs. The Agencies must take account of these aspects in disproportionate cost assessment, taking account of sensitivity analysis and qualitative information where relevant.

13.11 Costs of measures already required by other Directives should not be subject to assessment of whether they are disproportionate. However, it may be relevant to include such measures in the PoMs and report their impacts, including when these may affect the affordability of other costs of the PoMs.

13.12 To assess the value of benefits, the Agencies should make use of the monetary values derived from the updated analysis of the National Water Environment Benefits Survey (NWEBS) at a reliable level of disaggregation. Where catchments contain sites of special scientific interest (SSSI), the EA should, where possible, associate additional benefits with measures that will improve the status of the water body and therefore contribute to meeting the SSSI objectives.

13.13 The Agencies should, where appropriate, take account of any alternative valuations of the benefits covered in NWEBS that may be available. When appropriate, the Agencies should show with sensitivity analysis how the results of the appraisal would be affected by using an alternative valuation.

13.14 The Agencies should, where appropriate, use the best available estimates of any benefits of a measure that are not covered in NWEBS. The Agencies should assess whether any benefits not covered in NWEBS could be substantial or relevant to Ministers’ decisions and should strive to ensure that all that could be included in their appraisal of PoMs.

13.15 In most cases, there will be a degree of uncertainty in the estimate of a cost or benefit. The Agencies should reflect this by reporting a feasible range, giving high and low values for the top and bottom of the range as well as the value considered most likely.

13.16 Where it is uncertain whether a measure or PoM will achieve the intended environmental outcome, this should be identified and taken into account in consideration of costs and benefits.

²⁵ EU WFD [Common Implementation Strategy Guidance 20](#)

13.17 All costs and benefits should be expressed in present value terms by discounting as set out in the [Treasury Green Book](#).

13.18 It may be appropriate to carry out the analysis of some costs and benefits at the national level. However, the Agencies must avoid double-counting of benefits between local and national levels. In general, a suitable starting point is likely to be the consideration of any nationally identified benefits. These can then be supplemented with local information where appropriate and proportionate to decision making.

13.19 The Agencies should also take into account EU Common Implementation Strategy guidance on the use of Exemptions and Disproportionate costs²⁶

Affordability

13.20 Affordability may be a consideration in the assessment of disproportionate cost. The Agencies should report an assessment of the distributional impacts of the PoMs proposed in the draft updated RBMPs along with any alternatives. Initially, the Agencies should propose programmes of measures based on economic efficiency assessments (benefit cost ratios).

13.21 The affordability of the improvement for those who would have to pay is a factor in the assessment of disproportionate costs from a distributional perspective and might be a factor in proposing an extended deadline in accordance with Article 4.4.

13.22 In reporting information on affordability, the Agencies should also consider whether there is scope to ask beneficiaries, such as angling interests or property developers, to pay fully or in part the cost of ecosystem services provided by a measure.

13.23 Affordability needs to be seen in the context of the characteristics of a firm and the sector in which it operates. Considerations of affordability are not intended to protect companies that are performing poorly against the industry standard. Therefore, affordability analysis is normally carried out at the level of the industry or group of firms, not for individual firms. However, in the case of water and sewerage companies, the Agencies should, where possible, present information on the costs and benefits of PoMs at individual company level.

13.24 Affordability issues may be resolvable over time if costs can be spread or alternative ways of paying for the benefits can be found. This might require further work by government or by the affected sectors/groups to adapt during the time extension, so that the alternative objectives are not needed in the long term.

Reporting information on disproportionate cost

13.25 The information reported to Ministers should be sufficient to determine whether exemptions have been applied appropriately and should, where

²⁶ EU WFD [Common Implementation Strategy Guidance 20](#)

possible, include:

- the undiscounted costs in real terms of PoMs to achieve protected area objectives and avoid deterioration
- the undiscounted costs in real terms of PoMs to achieve GES/GEP by 2021 or 2027 or any alternative objective proposed in the draft RBMPs
- the undiscounted benefits in real terms of PoMs to achieve GES/GEP by 2021 or 2027 or any alternative objective proposed in the draft RBMPs
- all costs, benefits and net impacts broken down by industrial sector and by year of incidence
- where an affected sector includes water or sewerage, all costs, benefits and net impacts broken down by individual company
- information, where available, to show whether the individual, business or sector affected by each measure is the polluter (responsible for the environmental impact the measure addresses), a beneficiary, another party or some combination of these

14. The Programme of Measures (PoM)

14.1 The WFD refers to both actions and the delivery mechanisms as 'measures'. However, in this guidance the terms are used as follows:

- 'Measure' is used to mean any action which will be taken on the ground to help achieve WFD objectives.
- 'Mechanism' is used to mean the policy, legal and financial tools which are used to bring about those actions. Mechanisms include, for example: legislation, economic instruments (which can include taxes, tradable permits and payments for ecosystem services); codes of good practice; negotiated agreements; promotion of water efficiency; educational projects; research, development and demonstration projects.

14.2 The Agencies are responsible for combining the available measures together to form a programme of measures to achieve the WFD objectives in each river basin district. They must therefore consider both the measures which will be necessary and the mechanisms by which they will be delivered.

Scope of the programme of measures: WFD objectives only

14.3 A programme of measures must include all of the measures necessary to meet all the WFD objectives for that river basin district, including the WFD protected area objectives and measures in accordance with Article 16.1 and (8) with the aim of progressively reducing pollution from priority substances and ceasing or phasing out emissions, discharges and losses of priority hazardous substances.²⁷ It should not include measures which are required solely to meet other, non-WFD objectives (eg the Agencies' corporate plan targets).

14.4 Where measures contribute towards both WFD objectives and other objectives, they should be included in the programme of measures to the extent that they are required to achieve WFD objectives. This definition of the scope of a programme of measures is intended to help clarify what the Agencies should submit to the Secretary of State and the Welsh Government for approval. It is not intended to inhibit integration and streamlining between the river basin planning process and other planning processes such as plans for delivering biodiversity outcomes.

Consideration of impact of other policies and activities on baseline status

14.5 Action taken as a result of other policies may have an impact on the amount of action which needs to be taken to meet WFD objectives. Some other policies will assist with achieving WFD objectives, and others will conflict. It is important to take account of the influence of these impacts in order to identify the right baseline for decision-making and for the economic analysis.

²⁷ [Article 4.1\(a\)\(iv\) of the WFD](#)

Chapter Fourteen: The Programme of measures

Consideration of the impacts of climate change

- 14.6 Climate change is expected to lead to major changes in yearly and seasonal precipitation and water flow, flooding and coastal erosion risks, water quality, and the distribution of species and ecosystems. See the [UK Climate Change Risk Assessment](#) for further information.
- 14.7 The [Climate Change Act 2008](#), which sets out the government's response to climate change, includes binding targets for emissions reductions and a framework for responding to the impacts of climate change. The [National Adaptation Programme](#) includes the action: "The second cycle of the River basin management plans will integrate climate change risk assessment and adaptation." The [EU Adaptation Strategy](#) highlights mainstreaming of adaptation within policy as a central pillar of Europe's adaptation response, and expects to see the integration of climate change into the delivery of the WFD.
- 14.8 The Agencies should seek to integrate adaptation to climate change into the steps of the WFD river basin management planning process, in particular by setting out how climate change has been considered in monitoring, assessment of pressures and choice of measures. Preference should be given to measures that provide a high level of climate resilience or flexibility and additional measures to deal with climate risks should be encouraged where needed.
- 14.9 The Agencies should clearly set out how they are responding to climate change within the river basin management plans and associated documentation. More information to help guide this integration of climate change adaptation is available in '[CIS Guidance number 24, River basin management in a changing climate](#)'.

Choosing appropriate measures and mechanisms

- 14.10 When considering which measures to use, the Agencies should bear in mind the mechanisms by which they will be delivered, and the principles of better regulation. Better regulation is about aiming to regulate only when necessary, in a way that is proportionate to the risk being addressed, and to deregulate and simplify wherever possible.
- 14.11 Non regulatory measures that the Agencies may wish to consider include voluntary agreements (eg with one or more farmers in a catchment to adopt land management practices that exceed expected minimum good practice).
- 14.12 Non regulatory measures could also include payments for ecosystem services schemes. For example, there could be an agreement between a water company and land managers in the catchment to adopt additional techniques to reduce nutrient inputs to water courses that would otherwise have to be achieved by investment in infrastructure.
- 14.13 When considering such non regulatory measures, the Agencies should assess and factor into their decision making process whether the arrangements will deliver the required outcomes with sufficient certainty

Chapter Fourteen: The Programme of measures

and permanence. For example, arrangements between a water company and land managers would need to be capable of being monitored and subject to contractual arrangements to provide sufficient certainty of outcome.

14.14 When adopting non-regulatory measures, the Agencies should ensure that they are not used to undermine the 'polluter pays' principle, which is an important underlying principle of Water Framework Directive implementation. For example, a key principle for payments for ecosystem services is that the scheme rewards the delivery of additional services that go beyond regulatory requirements.

14.15 Although the Agencies are responsible for drawing up programmes of measures, many of the measures which could be included in the programme will be ones for which they are neither the regulator nor the deliverer. Given the scale of the actions needed, it is important to mobilise all available tools and potential funding sources. During the river basin planning process, the Agencies should work with a range of possible regulators and deliverers when deciding what objectives to include in the RBMPs which they submit for approval, the necessary measures to be included in the programme of measures and the arrangements for implementing those measures and monitoring their implementation. See [Chapter 4](#) about working in partnership.

Timescale

14.16 Different measures will operate over different timescales. The PoM should include all of the measures necessary to meet the objectives set out in the RBMP. Where the objective has an extended deadline beyond the end of the 6-year planning period, the PoM should include the measures that are envisaged as necessary to meet that objective all the way up to the extended deadline, not just the measures that will be taken during the current 6-year plan period (although the focus of the RBMP will be on the current planning cycle).

Geographical scale

14.17 Measures may be applied at a national, regional or local scale. Different scales will be appropriate for different types of measure.

14.18 Measures can be applied anywhere, not just in water bodies (eg they could include changes in land management). It may be necessary to apply measures in the catchment upstream of a water body in order to achieve the objectives set for that water body.

The proposals for environmental objectives and a programme of measures which should be submitted to the Secretary of State and/or the Welsh Ministers for approval

14.19 The complete picture of all of the measures necessary to achieve the WFD objectives in a river basin district and all of the mechanisms necessary to deliver them will be set out in a large portfolio of technical, legal and administrative documents (which cover different geographical

Chapter Fourteen: The Programme of measures

scales, contain different levels of detail, are owned by different bodies and operate over different timescales). While all of this information may be essential for the implementation of WFD measures, it does not need to be submitted to the Secretary of State and/or the Welsh Government.

14.20 The Agencies must submit the following to the Secretary of State and/or the Welsh Government for approval:

- the proposals for environmental objectives and a programme of measures mentioned in the transposing regulations²⁸
- the summary of the programme of measures which the Directive and transposing regulations require to be included in the updated RBMP²⁹

14.21 The updated RBMPs which are submitted for approval should contain sufficient information about the programme of measures to:

- explain the proposed objectives which are set out in the RBMP including justifications for the proposed use of the alternative objectives
- explain how the measures and mechanisms would be used to meet the objectives set out in that RBMP (including measures and mechanisms to meet objectives with extended deadlines)

14.22 The summary of the programme of measures which is included in the RBMP should be presented under the headings listed in paragraphs 7.1 to 7.11 inclusive of Part A of Annex VII to the WFD and should contain:

- a general description of the mechanisms which are available for delivering measures necessary to achieve WFD objectives.
 - This description should include mechanisms to deliver the “basic measures” listed in Article 11.3 of the Directive and, supplementary measures, where they are necessary in order to achieve WFD objectives (eg mechanisms of the types listed in Part B of Annex VI). This description of mechanisms is likely to be similar in every river basin district, but it should reflect differences between and within districts (eg legislative and policy differences in cross-border river basin districts)
- an explanation of the main measures, or groups of measures, which will be used to address each of the significant water management issues in that river basin district

14.23 The summary of the programme of measures should explain:

- which types of measures will be used to address these significant water management issues
- the mechanisms which will be used to deliver these measures
- the main organisation(s) responsible for the implementation and enforcement of these measures
- likely timescales for their implementation
- any other plans or strategies in which these measures are included

²⁸ Regulation 10 of the [transposing regulations](#).

²⁹ Regulation 11 of the [transposing regulations](#) and Annex VII Part A paragraph 7 of the WFD.

Chapter Fourteen: The Programme of measures

(this may form part of the register of more detailed programmes and management plans which must be included in the RBMP).

- 14.24 The RBMP submitted for approval should not include details about the application of mechanisms in each individual case (eg the environmental standards or monitoring regime which would be applied for a particular licence).

Making the programme of measures operational

- 14.25 As well as drawing up the programme of measures, the Agencies should ensure that those measures for which it is responsible (as deliverer or regulator) are applied, so that the programme is “made operational” by 22 December 2018 (Article 11.8).
- 14.26 Making the programme of measures operational includes making any amendments which the WFD requires to permits, licences etc which have already been issued. In many cases, this means that the new conditions will be in force on that date, as this will be necessary for WFD objectives to be met. In some cases, the bringing into force of conditions could be a planned, staged process - for example, it could include planned progressive tightening of emission limits if this is sufficient to meet WFD objectives.
- 14.27 For measures in the programme which will be delivered or regulated by others, the Agencies should liaise with those responsible to assist the Secretary of State and the Assembly in ensuring that these measures are made operational (see [Chapter 4](#) about Working in Partnership).

Interim report on implementation of the programme of measures

- 14.28 Every 6 years, Member States have to submit interim reports to the European Commission, describing their progress in the implementation of the planned programmes of measures. The relevant Agency or Agencies must submit a draft for each river basin district to the Secretary of State and/or the Welsh Government for approval by 22 September 2018 and every 6 years thereafter.
- 14.29 This report should describe the progress that the Agencies, and the other regulators and implementers for the measures in the RBMP, have made towards making the PoM operational. It should focus particularly on the measures which were outlined in the summary of the programme of measures contained in the RBMP, and should explain and justify any changes from the proposals set out in that summary.

15. Relationship with other public bodies and their plans and strategies

15.1 The Agencies should seek to promote and encourage:

- awareness of impacts that the activities of other public bodies can have on the water environment
- engagement of other public bodies in river basin planning, particularly local planning and National Park authorities
- the inclusion of WFD considerations in public bodies' plans, policies, guidance, appraisal systems and casework decisions

15.2 This should be a two way process. Other public bodies should be able to influence the river basin planning process, and river basin planning should also influence their plans and strategies.

15.3 The Agencies should use a variety of routes for such engagement including:

- engagement in the development of RBMPs including through representation on RBD liaison panels, and consultation on river basin planning documents
- the Agencies' responses to consultations and other requests for input into other public bodies plans and strategies (especially those plans which have a statutory basis)
- the Agencies' advice about the potential impacts on water of other public body's policies, activities (including discharges, abstractions and physical works) and casework (licences, authorisations etc)

15.4 The main outputs as a results of engagement of other public bodies in river basin planning should be:

- improved planning because a fuller picture has been considered when plans and strategies are being drafted. Highlighting and dealing with potential conflicts or synergies between plans and strategies should help maximise benefits and reduce or avoid the need for remediation or mitigation measures later on. For example, where RBMPs directly affect the use and development of land, they will be material considerations in the preparation of statutory development plans for the areas they cover
- delivery of WFD measures by other public bodies. Some WFD measures will be implemented or enforced by other public bodies. Including the relevant measures in their plans and strategies may be an important part of the mechanism for ensuring this happens. For example, where measures will need to be delivered through the statutory development planning process, the Agencies should work with relevant local planning authorities to ensure that the relevant RBMP requirements are reflected in the relevant development plans.

Chapter Fifteen: Relationship with other public bodies and their plans and strategies

Legal requirements on public bodies

15.5 The transposing regulations place two relevant requirements on public bodies:

- when exercising any functions affecting a given river basin district, public bodies must have regard to the RBMP and to any supplementary plans within the river basin district; and
- when the Agencies seek information from other public bodies in connection with WFD functions, the public bodies must provide the information (if it is in their possession or control) ³⁰

15.6 In addition, there are specific requirements for integration in the case of those plans and programmes to which the SEA Directive applies. The relevant public bodies will have to carry out an environmental assessment of their plan or programme and produce an environmental report including consideration of reasonable alternatives, and how it links to other planning processes, plans and programmes. This is a reciprocal requirement. The Agencies will have to consider how the river basin planning process links to other plans and programmes, and other public bodies will have to consider how their plans and programmes link to river basin planning.

15.7 The Agencies must also ensure that the designated 'consultation bodies' under the Environmental Assessment of Plans and Programmes Regulations 2004 and the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 are consulted on the scope and planned level of detail of the assessment. ([Chapter 8](#) explains the information required under the SEA Directive which must be compiled alongside the draft RBMP and submitted with the RBMPs to the Secretary of State and/or Welsh Government for approval.)

³⁰ regulation 17 and 19 respectively of [the transposing regulations](#).

Chapter Fifteen: Relationship with other public bodies and their plans and strategies

TABLE 3: RELATIONSHIPS WITH OTHER PUBLIC BODIES AND THEIR PLANS AND STRATEGIES

This table sets out the groups of plans where the relationship with RBMPs will be most important and gives some guidance on the nature of those relationships and the roles of the relevant public bodies.

KEY PUBLIC BODIES	MAIN PLANS
LAND USE AND SPATIAL PLANNING	
Mayor of London	The London Plan
Local planning authorities.	Local Plans (England)/ Local Development Plans (Wales)
County and County Borough Councils in Wales	Mineral and waste plans (England); Regional Technical Statements for Minerals (Wales); Regional Waste Plans (Wales) ³¹ ; Regional Transport Plans (Wales)
Relationships	
<p>Changes in land use will have impacts on ecological and chemical quality and the physical characteristics of water bodies, and hence on the achievement of WFD objectives. The land use planning system helps to ensure the delivery of sustainable development which seeks to achieve economic, social and environmental gains, including contributing to the protection and enhancement of the natural environment. In England and Wales the local plan prepared by local planning authorities is at the heart of the planning system.</p> <p>Development plans should influence RBMPs. Emerging local plans will be an important source of information on future pressures that can help the Agencies refine their understanding of the current status of water bodies, and how this might change if no action was taken.</p> <p>The Agencies should take account of development plans and their likely impacts on the water environment when drafting RBMPs. In particular, the Agencies should take advantage of the alternative objectives which are provided to allow for the continuation of sustainable human development activities (e.g. ports facilities, recreation, water storage and flood defence); see Chapter 11).</p> <p>RBMPs should influence spatial plans .The river basin planning process should produce strategic policy information and data to feed into the spatial planning processes and into development plans. Where RBMPs have a direct effect on the use and development of land they will be material considerations in the preparation of statutory development plans for the areas they cover. Planning authorities will also need to consider WFD objectives at the detailed development control stage, in particular the requirements of Article 4.7 of the WFD in relation to new physical modifications and reporting the application of in the river basin management plan.</p> <p>The Agencies should liaise with local authorities and provide them with the necessary information to enable effective consideration and reflection of RBMPs within local plans. As RBMPs and local plans will have different planning cycles, they will need to ensure that RBMP policies that affect the development and use of land are considered in the monitoring and review of local plans, where necessary working with neighbouring authorities.</p>	

³¹ To be superseded by TAN21

Chapter Fifteen: Relationship with other public bodies and their plans and strategies

In addition, some of the measures necessary to achieve WFD objectives will be delivered through development control mechanisms. For example, spatial planners can make major contributions to WFD objectives by including appropriate planning conditions and planning obligations in relevant planning permissions for new developments, or by restricting some forms of development. Delivery of these measures is more likely to take place if they are included in Local Plans.

Key WFD References in planning policy documents

England

The National Planning Policy Framework (NPPF) advises that the planning system should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution or land instability. It also advises that planning policies and decisions should be based on up-to-date information about the natural environment drawing from, for example, RBMPs. This is in the context of an overarching requirement for planning policies and decisions to reflect and, where appropriate, promote relevant EU obligations and statutory requirements.

National Planning Policy Framework technical [guidance](#) provides advice to local authorities on planning and water.

[National Policy Statements](#) provide guidance on issues relating to water quality and resources that must be considered in the assessment of proposals for major infrastructure for energy, transport, water, waste water and waste.

Wales

- i) Planning Policy Wales ([Chapter 13](#), 10.5) outlines WFD principles.
- ii) Planning Policy Wales ([Chapter 13](#), 10.3) states that *“Where pollution considerations, which may be relevant to a pollution control authorisation or licence or result from the need to comply with any statutory environmental quality standards or objectives, affect the use and development of land they can be material planning considerations. This will include ... environmental objectives developed as part of the implementation of the European Union’s Water Framework Directive.”*
- iii) Technical Advice Note ‘Development and Flood Risk’ ([TAN15](#)) includes references to WFD in paragraph A5.9
- iv) There is specific reference to WFD requirements in the Wales Spatial Plan (adopted by the Assembly in November 2004). This specifies that *“The Water Framework Directive requires us to manage water as a whole, including all the diffuse sources of pollution – especially from agriculture with its effect on water quality. This will have significant impacts, even though our water quality is generally very good by European standards.”*

Chapter Fifteen: Relationship with other public bodies and their plans and strategies

KEY PUBLIC BODIES	MAIN PLANS
FLOOD RISK MANAGEMENT	
Lead local flood authorities (as defined in Regulation 7 of the Flood Risk Regulations 2009) and in section 6 of the Flood and Water Management Act 2010)	Flood risk management plan Local flood risk management strategy
RELATIONSHIPS	
<p>A lead local flood authority must prepare a flood risk management strategy as required by section 9 (England) and section 10 (Wales) of the Flood and Water Management Act 2010 and a flood risk management plan in relation to each relevant flood risk area (as defined in the Flood Risk Regulations 2009). Amongst other things, the strategy must show how it contributes to the achievement of wider environmental objectives.</p> <p>Under Article 9 of the Floods Directive, appropriate steps should be undertaken to coordinate the implementation of the Floods Directive with the WFD, focusing on opportunities for improving efficiency, information exchange and achieving synergies and benefits having regard to the WFD environmental objectives³². Flood risk management plans must show, where appropriate, how measures under that plan and the river basin management plan will be coordinated. Information in flood risk and flood hazard plans must be consistent with the RBMP for the district. The Environment Agency must review a flood risk management plan prepared under this regulation and may recommend modifications.</p>	
WATER and SEWERAGE	
Ofwat Water and sewerage undertakers (companies)	<p>Ofwat guidance to water companies</p> <p>Water company asset management programme for periodic review of water prices</p> <p>Water resources management plans</p> <p>Eutrophication action plans</p> <p>Water Company business plans</p>
RELATIONSHIPS	
<p>The companies fund the cost of meeting their environmental obligations (including those deriving from the WFD) through water prices. The Statement of Obligations published for each price review period describes the government's understanding of the main environmental statutory obligations that apply to water and sewerage undertakers. The specific measures which water companies will need to take to meet WFD objectives will be determined through the river basin planning process, so the links need to be made between the river basin planning process and the development of the environment programme which is part of the periodic review of water prices.</p> <p>The cost-effectiveness and other information developed for programmes of measures will be a helpful starting point for that used in the periodic review, but this economic information is likely to be higher level and less detailed than the scheme level analysis which is used for the environment programme assessed under the periodic review.</p> <p>As with other plans, there will be difficulties with planning cycles and geographical boundaries. In particular, by November 2014 Ofwat will have to set the price limits to apply from 1 April 2015 onwards, before the RBMPs are published in December 2015. One of the issues for consideration when developing the process for future price reviews is how the timetable will fit alongside the RBMP cycles. To minimise the difficulties for water resource and quality planning, the Agencies will need to work closely with the water companies and provide information on likely sustainability reductions and changes to discharge consents as it becomes available.</p>	
CONSERVATION	MAIN PLANS

³² See also [European guidance](#) on links between the WFD and the Floods Directive.

Chapter Fifteen: Relationship with other public bodies and their plans and strategies

Natural England	Biodiversity 2020 Strategy for England's wildlife and ecosystem services
Countryside Council for Wales	Environment Strategy and Action Plan for Wales
RELATIONSHIPS	
Water quality and resources are critical to many important conservation areas and, although the statutory requirements of the WFD in relation to biodiversity apply to protected areas and water bodies only, it is Defra's policy that the water environment should be managed in an integrated way. The river basin planning process should therefore take into account the objectives of the relevant nature conservation plans.	

KEY PUBLIC BODIES	MAIN PLANS
TRANSITIONAL AND COASTAL WATERS	
Defra Welsh Government Department for Transport Centre for Environment, Fisheries & Aquaculture Science (CEFAS) Maritime and Coastguard Agency Crown Estate (?) Inshore Fisheries and Conservation Authorities Harbour and conservancy authorities Association of Port Health Authorities Coast Protection Boards (erosion and encroachment protection) Natural England Marine Management Organisation (MMO) Coastal defence authorities Local planning authorities	Shoreline Management Plans Coastal habitat management plans Management Schemes for European Marine Sites Marine Plans - the completion date for having all marine plans in place for the English marine area is 2022.
RELATIONSHIPS	
<p>In transitional and coastal waters, the current planning arrangements, historical regulation and biology are different from those for the freshwater sector.</p> <p>The Marine Policy Statement (MPS) prepared under section 44 of Marine and Coastal Access Act 2009, is the framework for preparing Marine Plans and taking decisions affecting the marine environment and requires the marine plan authority to satisfy itself that any development will not cause a deterioration in status of any water to which the WFD applies.</p> <p>In England, the Environment Agency is competent authority for implementation of the WFD in the transitional and coastal waters just as in freshwaters. However, the Environment Agency does not have the same overarching regulatory responsibilities in relation to these waters, and so a much higher proportion of the measures in these areas will need to be implemented by other regulators. There needs to be close working between Environment Agency and MMO regarding overlap in the transitional zone between WFD and marine planning.</p> <p>Ensuring two-way links between RBMPs and other transitional and coastal plans will be particularly important, and may be challenging as management arrangements and responsibilities are complex in transitional and coastal waters.</p> <p>In Wales, the marine licensing, statutory conservation advisor and competent monitoring authority roles are all held by Natural Resources Wales.</p>	

16. Approval, amendment and review

Approval of updated river basin management plans

16.1 The relevant Agency must prepare the following for each river basin district:

- an updated river basin management plan (including objectives and summary of the programme of measures)
- the information about public participation required under regulation 13(2) of the transposing regulations
- the summary of opinions expressed, how they have been taken into account required under regulation 16(4) of the SEA Directive transposing regulations
- an Impact Assessment

16.2 These do not all need to be separate documents (see [Chapter 8](#)).

16.3 The relevant Agency must **by 22 September 2015 and every 6 years thereafter** submit to the Appropriate Authority in table 4 an updated RBMP for each river basin district and include in that document proposals for environmental objectives and a programme of measures to be applied in order to achieve those objectives,

Table 4: Deadline for submission of RBMPs and accompanying information to the Secretary of State and/or the Welsh Government

River basin district	Documents submitted by 22 September 2015
Anglian Humber North West South East South West Thames	Secretary of State
Northumbria	Secretary of State
Western Wales	Welsh Government
Severn Dee	Secretary of State and Welsh Government

16.4 The criteria which the Secretary of State and/or the Welsh Government will generally take into account when making decisions about approving a RBMP will include those set out in Table 5 below.

Chapter Sixteen: Approval amendment and review

Table 5: Secretary of State and Welsh Government approval criteria

	APPROVAL CRITERIA
i	The RBMP has been prepared in accordance with the WFD and the transposition regulations, and the relevant Agency has had regard to principles and advice set out in this (and any additional) guidance.
ii	The RBMP is realistic, including about the availability of resources
iii	The policies, objectives and measures within the RBMP are consistent with one another
iv	The RBMP is consistent with those for other UK river basin districts
v	The Agencies have made modifications necessary to comply with any Secretary of State or Welsh Government Direction in relation to the RBMP (unless the Direction is withdrawn)

16.5 When submitting the second and subsequent cycle RBMPs for approval, the Agencies should indicate the main changes since the preceding plans, such as the number of water bodies expected to achieve 'good' and additional measures.

16.6 If unsatisfied with an updated RBMP, the Secretary of State or the Welsh Government may reject it, modify it, or require the relevant Agency to modify and resubmit it within a set deadline. The time allowed for modifications would be set case by case, taking into account the nature and extent of the modifications required, but would normally be between 6 and 8 weeks. If an Agency is directed to take further action before the RBMP is published, the Secretary of State and/or the Welsh Government will give reasons for this. (This applies to the RBMPs originally submitted for approval and to any resubmissions.)

Changes within the 6-year planning cycle

16.7 The fundamentals of the RBMP itself should not generally be changed during the 6-year planning cycle. The purpose of the RBMP is to provide - through the strategic policy statement, objectives and summary programme of measures - a degree of certainty about management of the water environment and how regulatory decisions will be taken in that river basin district. Amending these elements of the RBMP mid-cycle would undermine this role.

16.8 However, management of the water environment is a continuous process. Although it is unlikely that the RBMP itself would need to be amended within the 6-year planning cycle, the Agencies and other public bodies and deliverers will, in carrying out their functions, be making changes to the detail (the large portfolio of technical, legal and administrative documents) of the programme of measures throughout this time.

16.9 Occasionally it may become apparent during the river basin planning cycle that the proposed programme of measures is unlikely to be sufficient to meet one or more of the objectives in the RBMP. If this is the case, the relevant Agency should determine what, if any, action to take in the current river basin planning cycle and carry out the steps set out in Article 11.5 of

Chapter Sixteen: Approval amendment and review

the WFD ensuring that:

- the causes of the possible failure are investigated
- relevant permits and authorisations are examined and reviewed as appropriate
- the monitoring programmes are reviewed and adjusted as appropriate
- additional measures necessary to achieve those objectives are established subject to Article 4(6) and (7)

16.10 When considering actions, the Agencies should take into account the presumption that there will be no deviation from the RBMP and the principles set out in [Chapter 6](#) of this guidance. For example, the Agencies should review the whole package of measures and mechanisms necessary to meet an objective, and not just a single measure. In accordance with Article 4, they should assess the costs and benefits of any new package of measures and where they will fall. They should also ensure that the public, private and voluntary sector bodies which are likely to be affected by the change are engaged in any amendments.

16.11 If the approach set out in the RBMP is not followed, this deviation from the RBMP must be explained and justified in the subsequent RBMP.

16.12 The WFD provides two specific defences which may be used to justify failure to reach WFD objectives in certain circumstances as outlined in [Chapter 11](#).

16.13 The updated RBMPs must include the information specified in Part B of Annex VII to the WFD and the transposing regulations³³ This information includes:

- a summary of any changes or updates since the publication of the previous RBMP
- an assessment of progress towards the achievement of the environmental objectives
- a summary of, and explanation for, any measures foreseen in the previous RBMP which have not been undertaken
- a summary of any additional interim mechanisms and measures adopted under Article 11.5 since the publication of the previous RBMP

³³ Regulations 11(2)(b) and 11(3) and 15(4) of the [transposing regulations](#).

17. Annex

ANNEX: MAP OF RIVER BASIN DISTRICTS IN ENGLAND AND WALES

