Draft Order laid before Parliament under section 232(6) of the Planning Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 000

INFRASTRUCTURE PLANNING, ENGLAND
WATER RESOURCES, ENGLAND

The Infrastructure Planning (Water Resources) (England) Order 2018

Made - - - - ***

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 14(3) and (4) and 232(3) of the Planning Act 2008(**1**).

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament, in accordance with section 232(6) of that Act(**2**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Infrastructure Planning (Water Resources) (England) Order 2018 and comes into force on the day after the day on which it is made.

(2) In this Order, "the Act" means the Planning Act 2008.

Amendments to the Act

2.—(1) The Act is amended as follows.

(2) After section 14(1)(n) (nationally significant infrastructure projects: general)(**3**), insert—

"(na) the construction or alteration of a desalination plant;".

(3) In section 27 (dams and reservoirs)—

(a) for subsection (1)(c), substitute—

"(c) it is expected that—

(**1**) 2008 c. 29.
(**2**) Section 232(6) was amended by the Localism Act 2011 (c. 29), section 131(3)(b).
(**3**) Section 14(1) was amended by S.I. 2012/1645 and 2015/949.

(i) the volume of water to be held back by the dam or stored in the reservoir will exceed 30 million cubic metres, or

(ii) the deployable output of the dam or reservoir will exceed 80 million litres per day.";

(b) for subsection (2)(c), substitute—

"(c) it is expected that—

(i) the additional volume of water to be held back by the dam or stored in the reservoir as a result of the alteration will exceed 30 million cubic metres, or

(ii) the additional deployable output of the dam or reservoir as a result of the alteration will exceed 80 million litres per day.".

(4) For section 28(1)(b) (transfer of water resources), substitute—

"(b) it is expected that—

(i) the deployable output of the facility to be constructed as a result of the development will exceed 80 million litres per day, or

(ii) the additional deployable output of the facility to be altered as a result of the development will exceed 80 million litres per day,".

(5) After section 28 insert—

"**28A Desalination plants**

(1) The construction of a desalination plant is within section 14(1)(na) only if—

(a) the desalination plant (when constructed) will be in England or in waters adjacent to England up to the seaward limits of the territorial sea,

(b) the construction will be carried out by one or more water undertakers, and

(c) the deployable output of the desalination plant is expected to exceed 80 million litres per day.

(2) The alteration of a desalination plant is within section 14(1)(na) only if—

(a) the desalination plant is in England or in waters adjacent to England up to the seaward limits of the territorial sea,

(b) the alteration will be carried out by one or more water undertakers, and

(c) the additional deployable output of the desalination plant as a result of the alteration is expected to exceed 80 million litres per day.

(3) "Water undertaker" means a company appointed as a water undertaker under the Water Industry Act 1991.".

(6) In section 235(1) (interpretation)(**4**) insert in the appropriate place—

""deployable output" means, in relation to a given facility, the annual average volume of water that can be produced per day from that facility under drought conditions, having regard in particular (where applicable) to—

(a) the hydrological yield of the facility;

(b) the quantity of water licensed for abstraction;

(c) the state of the local environment;

(d) the properties of any—

(**4**) Section 235(1) was amended by the Localism Act 2011, Schedule 13, Part 1, paragraph 69.