STATUTORY INSTRUMENTS

2007 No. 727

WATER, ENGLAND AND WALES

The Water Resources Management Plan Regulations 2007

Made - - - -	*7th March 2007*
Laid before Parliament	*9th March 2007*
Coming into force - -	*1st April 2007*

The National Assembly for Wales in relation to water undertakers whose areas are wholly or mainly in Wales, and the Secretary of State in relation to all other water undertakers, in exercise of the powers conferred upon them by sections 37B(3)(a) and (c),(5), (6) and (8)(a), 213(2)(e) and (f) and 219 of the Water Industry Act 1991(**1**), and after consultation with each other(**2**), make the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Water Resources Management Plan Regulations 2007 and come into force on 1st April 2007.

(2) These Regulations extend to England and Wales.

(3) In these Regulations—

"the Act" means the Water Industry Act 1991; and

"draft water resources management plan" means a draft water resources management plan sent to the Secretary of State or the National Assembly for Wales in accordance with section 37B(1) of the Act.

(4) References in these Regulations to "the Secretary of State or the National Assembly for Wales" mean, in relation to a water undertaker whose area is wholly or mainly in Wales, the National Assembly for Wales, and in all other cases, the Secretary of State.

(**1**) 1991 c.56. Section 37B was inserted into the Water Industry Act 1991 by section 62 of the Water Act 2003 (c.37). See the definition of "prescribed" in section 219 of the Water Industry Act 1991. The functions of the Secretary of State under section 37B were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) ("the Order"), article 2; see the entry in Schedule 1, as amended by section 100(2) of the Water Act 2003, for the Water Industry Act 1991. The functions under those provisions, so far as relating to matters other than the construction or enlargement of reservoirs, have been transferred to the Assembly in relation to any water undertaker whose area is wholly or mainly in Wales.

(**2**) Article 2 of, and Schedule 1 to, the Order (as amended by section 100(2) of the Water Act 2003) provide that the functions referred to above, so far as exercisable in relation to England, shall be exercisable only after consultation with the Secretary of State. Article 5 of, and Schedule 2 to, the Order (as amended by section 100(3) of the Water Act 2003) provide that, in so far as they are exercisable in relation to Wales, the functions referred to above shall be exercisable only after consultation with the National Assembly for Wales.

Publication of draft water resources management plans

2.—(1) A draft water resources management plan published in accordance with section 37B(3)(a) of the Act shall be published both in paper form and on a website.

(2) The persons to whom a water undertaker shall send a copy of the published draft water resources management plan and accompanying statement in accordance with section 37B(3)(c) of the Act are—

(a) those bodies and persons specified in section 37A(8) of the Act;

(b) any regional development agencies, established under the Regional Development Agencies Act 1998(**3**), in the water undertaker's area;

(c) if the water undertaker's area includes any part of England, any elected regional assembly, established under an enactment following a referendum held under section 1 of the Regional Assemblies (Preparations) Act 2003(**4**), in the water undertaker's area or that part of its area which is in England;

(d) all local authorities (except the council of any parish or community), as defined in section 270(1) of the Local Government Act 1972(**5**), in the water undertaker's area;

(e) any National Park authorities established under section 63 of the Environment Act 1995(**6**) for any part of the water undertaker's area;

(f) if the water undertaker's area includes any part of the Broads, as defined in section 2(3) of the Norfolk and Suffolk Broads Act 1988(**7**), the Broads Authority;

(g) if the water undertaker's area includes any part of England, Natural England and the Historic Buildings and Monuments Commission for England;

(h) if the water undertaker's area is mainly but not wholly in Wales, the Secretary of State;

(i) if the water undertaker's area includes any part of Wales, the Countryside Council for Wales and Cadw, being the executive agency responsible for carrying out the functions vested in the National Assembly for Wales relating to the historic environment;

(j) if the water undertaker's area includes any part of Wales, but is not wholly or mainly in Wales, the National Assembly for Wales;

(k) if the water undertaker abstracts water in Wales, but its area does not include any part of Wales, the National Assembly for Wales;

(l) any navigation authority, exercising functions in relation to any canal or other inland navigation which is wholly or partly in the water undertaker's area;

(m) any other water undertaker—

(i) which supplies water to, receives water from, or shares a water resource with, the water undertaker;

(ii) whose water resources are identified by the water undertaker, in its draft water resources management plan, as a possible supply; or

(iii) which is identified by the water undertaker, in its draft water resources management plan, as a potential partner for the development of new water resources; and

(n) the Consumer Council for Water.

(**3**) 1998 c.45.
(**4**) 2003 c.10.
(**5**) 1972 c.70. The definition of local authority in section 270(1) of the Local Government Act 1972 has been amended by the Local Government Act 1985 (c.51), Schedule 16, paragraph 8 and Schedule 17, and the Local Government (Wales) Act 1994 (c.19), section 1(5).
(**6**) 1995 c.25.
(**7**) 1988 c.4.

Publication of statement accompanying draft water resources management plans

3. Where a water undertaker publishes a statement accompanying the draft water resources management plan in accordance with section 37B(3)(b) of the Act, it shall specify in the statement that any person making representations—

(a) to the National Assembly for Wales, must send a copy of those representations to the Secretary of State if those representations are made in response to a draft water resources management plan sent to the National Assembly of Wales in accordance with regulation 2(2)(j) or (k); and

(b) to the Secretary of State, must send a copy of those representations to the National Assembly for Wales if those representations are made in response to a draft water resources management plan sent to the Secretary of State in accordance with regulation 2(2)(h).

Representations received by the Secretary of State or the National Assembly for Wales

4.—(1) A water undertaker shall, in relation to any representations received by the Secretary of State or the National Assembly for Wales and sent to that undertaker in accordance with section 37B(4) of the Act, prepare a statement detailing—

(a) the consideration that it has given to those representations;

(b) any changes that it has made to the draft water resources management plan as a result of its consideration of those representations and its reasons for doing so; and

(c) where no change has been made to the draft water resources management plan as a result of its consideration of any representation, the reason for this.

(2) The water undertaker shall—

(a) publish the statement in paper form and on its website; and

(b) send a copy of the statement to any person who has made representations in writing in relation to the draft water resources management plan to the Secretary of State or the National Assembly for Wales in accordance with section 37B(4) of the Act.

Inquiries

5.—(1) The Secretary of State or the National Assembly for Wales may cause an inquiry or other hearing to be held in connection with a draft water resources management plan.

(2) Where the Secretary of State or the National Assembly for Wales causes an inquiry or other hearing to be held in accordance with paragraph (1), subsections (2) to (5) of section 250 of the Local Government Act 1972(**8**) shall apply to such inquiry or other hearing as they apply to inquiries under that section, except that for any reference in that section to a "local authority" there shall be read instead a reference to the water undertaker whose draft water resources management plan is the subject of the inquiry or other hearing.

Publication

6. A water resources management plan published in accordance with section 37B(8)(a) of the Act shall be published both in paper form and on a website.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**9**),

(**8**) 1972 c.70. Section 250(2) of the Local Government Act 1972 has been amended by the Statute Law (Repeals) Act 1989 (c. 43), Schedule 1, Part IV; section 250(3) has been amended by the Criminal Justice Act 1982 (c.48), sections 37, 38 and 46; section 250(4) has been amended by the Housing and Planning Act 1986 (c.63), Schedule 12, Part III.

(**9**) 1998 c.38.

	Dafydd Ellis-Thomas
6th March 2007	The Presiding Officer of the National Assembly
	Ian Pearson
	Minister of State
	Department for Environment, Food and Rural
7th March 2007	Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made together by the National Assembly for Wales in relation to water undertakers whose areas are wholly or mainly in Wales, and the Secretary of State in relation to all other water undertakers, prescribe how water undertakers are to prepare and publish water resources management plans.

The obligation for water undertakers to prepare and maintain a water resources management plan arises under section 37A(1) of the Water Industry Act 1991 (inserted by section 62 of the Water Act 2003).

Regulation 2 prescribes the method of publication of a draft water resources management plan and the persons to whom it and the accompanying statement must be copied. Regulation 4 prescribes how water undertakers are to deal with representations received in relation to a draft water resources management plan. Regulation 5 provides that an inquiry or other hearing may be held in connection with a draft water resources management plan. Regulation 6 prescribes the method of publication of the water undertaker's completed water resources management plan.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Water Supply & Regulation Division, Department for Environment, Food and Rural Affairs, Room 304, 55 Whitehall, c/o 3-8 Whitehall Place, London SW1A 2HH. A copy of this document has also been placed in the library of each House of Parliament.