
STATUTORY INSTRUMENTS

2019 No. 12

The Infrastructure Planning (Water Resources) (England) Order 2019

Amendments to the Act

- 2.—(1) The Act is amended as follows.
- (2) After section 14(1)(n) (nationally significant infrastructure projects: general)(1), 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—
- (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)(2) 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—
 - (i) pumping plant;
 - (ii) well;
 - (iii) aquifer;
 - (iv) raw water main;
 - (v) aqueduct;
 - (vi) transfer main;
 - (vii) output main;
 - (e) any water treatment processes;
 - (f) any requirements relating to water quality;
- “desalination plant” means a facility for the extraction of mineral components from saline water;
- “drought conditions” means conditions resulting from a shortage of precipitation that has a 0.5% chance of occurring within a 12 month period;”.