

The Water Resources Management Plan Direction 2007

The National Assembly for Wales, in relation to any water undertaker whose area is 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 37A(3)(d) and (7), and 37B(11), of the Water Industry Act 1991(a), after consultation with each other(b), make the following Direction:

Citation, commencement, extent and interpretation

1.—(1) This Direction may be cited as the Water Resources Management Plan Direction 2007 and comes into force on 1st May 2007.

(2) This Direction extends to England and Wales.

(3) In this Direction, “a water resources management plan”, in relation to a water undertaker, means the first plan which it is under a duty to prepare and maintain in accordance with section 37A(1) of the Water Industry Act 1991.

(4) References in this Direction to a numbered section are to the section so numbered in the Water Industry Act 1991, unless otherwise stated.

(5) References in this Direction 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.

Planning period of water resources management plans

2. The planning period for a water resources management plan is the period of 25 years commencing on 1st April 2010.

Additional matters to be addressed in water resources management plans

3. In accordance with section 37A(3)(d), a water resources management plan must include a description of the following matters—

- (a) how frequently the water undertaker expects it may need to impose prohibitions or restrictions on its customers in relation to the use of water under each of the following—
 - (i) section 76;
 - (ii) section 74(2)(b) of the Water Resources Act 1991(c); and
 - (iii) section 75 of the Water Resources Act 1991;
- (b) the appraisal methodologies which the water undertaker has used in choosing the measures it intends to take or continue for the purpose set out in section 37A(2), and its reasons for choosing those measures;
- (c) the emissions of greenhouse gases which are likely to arise as a result of each measure which the water undertaker has identified in accordance with section 37A(3)(b);

(a) 1991 c.56. Sections 37A and 37B were inserted into the Water Industry Act 1991 by section 62 of the Water Act 2003 (c.37). The functions of the Secretary of State under sections 37A and 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.

(b) 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 they are 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.

(c) 1991 c.57.

- (d) how the supply and demand forecasts contained in the water resources management plan have taken into account the implications of climate change; and
- (e) except where the water undertaker does not supply, and will continue to not supply, water to premises in which, or in any part of which, a person has his home, how the water undertaker has estimated future household demand in its area over the planning period, including the assumptions it has made in relation to population and housing numbers.

Submitting draft water resources management plans to the Secretary of State

4. Except where the Secretary of State or the National Assembly for Wales otherwise permits, a water undertaker must send its draft water resources management plan to the Secretary of State or the National Assembly of Wales in accordance with section 37B(1) before 1st January 2008.

Publication of draft water resources management plans

5. Except where the Secretary of State or the National Assembly for Wales otherwise permits, a water undertaker must publish its draft water resources management plan in accordance with section 37B(3)(a) within 30 days of the later of the date on which the Secretary of State or the National Assembly for Wales—

- (a) makes a determination under section 37B(2) in respect of any information which the water undertaker has stated appears to it to be commercially confidential in accordance with section 37B(1)(b);
- (b) gives a direction to the water undertaker, as specified in section 37B(10), directing it to exclude certain information from its draft water resources management plan on the grounds that its publication would be contrary to the interests of national security; or
- (c) notifies the water undertaker that it is not proposing to give any direction to the water undertaker, as specified in section 37B(10), in relation to its draft water resources management plan.

Responding to representations

6. Except where the Secretary of State or the National Assembly for Wales otherwise permits, a water undertaker must publish the statement required by regulation 4(2)(a) of the Water Resources Management Plan Regulations 2007(a), and send a copy of the statement to the persons specified in regulation 4(2)(b), within 26 weeks of the date of publication of the draft water resources management plan.

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

[] 2007 Minister for Environment, Planning and Countryside

[] 2007 Minister of State,
Department for Environment, Food and Rural Affairs

(a) S.I. 2007/727.
(b) 1998 c.38.