

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends the Planning Act 2008 (c. 29) (“the Act”) in respect of nationally significant infrastructure projects (“NSIP”) in the field of water to introduce a new category of NSIP and amend the thresholds of the existing categories of NSIP.

Paragraphs (2) and (6) introduce a new category of NSIP in respect of the construction or alteration of desalination plants. A desalination plant is defined in paragraph (7) as a facility for the extraction of mineral components from saline water.

Paragraph (3) amends section 27. It increases the threshold for when the construction or alteration of a dam or reservoir will be an NSIP from holding back 10 million cubic metres to holding back 30 million cubic metres. The amendments also introduce a new qualifying characteristic of “deployable output”, which is defined by paragraph (7) as the annual average volume of water that can be produced per day from a facility under drought conditions, having regard in particular to certain relevant constraints. The construction of dams or reservoirs with a deployable output of at least 80 million litres per day, or the alteration of dams or reservoirs which create an additional deployable output of at least 80 million litres a day, will be an NSIP.

Paragraph (5) substitutes the existing threshold in section 28 for when a development relating to the transfer of water resources will be an NSIP for a deployable output of at least 80 million litres per day.

The amendments made by article 2 apply subject to transitional and savings provisions set out in articles 3 to 5 of the Order (which in general apply the Act as it was before the amendments made by article 2).

Article 3 makes provision relating to applications which have been submitted and accepted by the Secretary of State in accordance with the procedure set out in the Act but not decided before this Order comes into force.

Article 4 makes provision for where an order for development consent has already been made or development consent has been refused before this Order comes into force.

Article 5 makes provision for projects which, prior to the coming into force of this Order, had already progressed through other statutory regimes and would not have qualified as an NSIP, but would so qualify after this Order comes into force.

An impact assessment has not been produced for this instrument because no, or no significant, impact on the private or voluntary sector is foreseen.