



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

VALID FROM 01/10/2004

Water resources management plans

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After section 37 of the WIA there is inserted—

“37A Water resources management plans: preparation and review

- (1) It shall be the duty of each water undertaker to prepare and maintain a water resources management plan.
- (2) A water resources management plan is a plan for how the water undertaker will manage and develop water resources so as to be able, and continue to be able, to meet its obligations under this Part.
- (3) A water resources management plan shall address in particular—
 - (a) the water undertaker’s estimate of the quantities of water required to meet those obligations;
 - (b) the measures which the water undertaker intends to take or continue for the purpose set out in subsection (2) above (also taking into account for that purpose the introduction of water into the undertaker’s supply system by or on behalf of licensed water suppliers);
 - (c) the likely sequence and timing for implementing those measures; and

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- (d) such other matters as the Secretary of State may specify in directions.
- (4) The procedure for preparing a water resources management plan (including a revised plan) is set out in section 37B below.
- (5) Before each anniversary of the date when its plan (or revised plan) was last published, the water undertaker shall —
- (a) review its plan; and
 - (b) send a statement of the conclusions of its review to the Secretary of State.
- (6) The water undertaker shall prepare a revised plan in each of the following cases—
- (a) following conclusion of its annual review, if the review indicated a material change of circumstances;
 - (b) if directed to do so by the Secretary of State;
 - (c) in any event, not later than the end of the period of five years beginning with the date when the plan (or revised plan) was last published,
- and shall follow the procedure in section 37B below (whether or not the revised plan prepared by the undertaker includes any proposed alterations to the previous plan).
- (7) The Secretary of State may give directions specifying—
- (a) the form which a water resources management plan must take;
 - (b) the planning period to which a water resources management plan must relate.
- (8) Before preparing its water resources management plan (including a revised plan), the water undertaker shall consult—
- (a) the Environment Agency;
 - (b) the Authority;
 - (c) the Secretary of State; and
 - (d) any licensed water supplier which supplies water to premises in the undertaker’s area via the undertaker’s supply system.
- (9) The Secretary of State shall consult the Environment Agency before giving a direction under subsection (6)(b) above.
- (10) In this section, in relation to a water resources management plan, “published” means published in accordance with section 37B(8)(a) below.

37B Water resources management plans: publication and representations

- (1) A water undertaker shall—
- (a) send a draft water resources management plan to the Secretary of State;
 - (b) state whether it appears to the undertaker that any information contained in that plan is or might be commercially confidential (as regards itself or another person); and

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- (c) give the Secretary of State the name of each such other person and his address for service of a notice under subsection (2)(a) below.
- (2) If the water undertaker states that it so appears in relation to any such information, the Secretary of State shall—
 - (a) if the person to whom or to whose business the information relates is not the water undertaker, give that person notice that the information is included in a draft water resources management plan and, unless subsection (10) below applies, is required to be published under this section; and
 - (b) give each person (including the water undertaker) to whom any such information relates a reasonable opportunity—
 - (i) of objecting to the publication of the information relating to him on the ground that it is commercially confidential; and
 - (ii) of making representations to the Secretary of State for the purpose of justifying any such objection,and shall determine, taking any objections and representations under paragraph (b) into account, whether the information is or is not commercially confidential.
- (3) A water undertaker shall—
 - (a) (subject to subsection (10) below) publish the draft water resources management plan in the prescribed way or, if no way is prescribed, in a way calculated to bring it to the attention of persons likely to be affected by it;
 - (b) publish with it a statement—
 - (i) whether any information has been excluded from the published draft plan by virtue of subsection (10) below and, if it has, the general nature of that information; and
 - (ii) that any person may make representations in writing about the plan to the Secretary of State before the end of a period specified in the statement; and
 - (c) send a copy of the published draft plan and accompanying statement to such persons (if any) as may be prescribed.
- (4) The Secretary of State shall send to the water undertaker a copy of any representations he receives following publication of the draft plan under subsection (3) above and shall give it a reasonable period of time within which to comment on the representations.
- (5) The Secretary of State may in regulations prescribe how such representations and any comments by the water undertaker on them are to be dealt with.
- (6) Regulations under subsection (5) above—
 - (a) may provide for the Secretary of State to cause an inquiry or other hearing to be held in connection with the draft water resources management plan; and
 - (b) if they do so provide, may provide for subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) to apply with prescribed modifications to such an inquiry or hearing as they apply to inquiries under that section.

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- (7) The Secretary of State may direct a water undertaker that its water resources management plan must differ from the draft sent to him under subsection (1) above in ways specified in his direction, and (subject to subsection (9) below) it shall be the duty of the water undertaker to comply with the direction.
- (8) The water undertaker shall—
- (a) (subject to subsection (10) below) publish the water resources management plan in the prescribed way or, if no way is prescribed, in a way calculated to bring it to the attention of persons likely to be affected by it; and
 - (b) publish with it a statement whether any information has been excluded from the published plan by virtue of subsection (10) below and, if it has, the general nature of that information.
- (9) If the water undertaker considers that publishing a water resources management plan complying with a direction under subsection (7) above would mean including in the published plan any information (other than any information in relation to which the Secretary of State has already made a determination under subsection (2) above) which might be commercially confidential (as regards itself or another person)—
- (a) the water undertaker shall send the Secretary of State a notice saying so, and giving the Secretary of State the name of any such other person and his address for service of a notice under subsection (2) (a) above as applied by paragraph (b) below; and
 - (b) subsection (2) above shall apply in relation to that information as it applies in relation to the information referred to there;
- and the Secretary of State may either confirm his direction under subsection (7) above (which is to be treated as a new direction under subsection (7)) or revoke the previous such direction (or the previous one so treated) and give a new one.
- (10) The published version of a draft water resources management plan published under subsection (3)(a) above, and a water resources management plan published under subsection (8)(a) above, shall exclude any information which the Secretary of State—
- (a) has determined under subsection (2) above (or that subsection as applied by subsection (9) above) is commercially confidential; or
 - (b) directs the water undertaker to exclude on the ground that it appears to him that its publication would be contrary to the interests of national security.
- (11) Any steps to be taken by a water undertaker under this section shall be completed by such time or within such period as the Secretary of State may direct.

37C Water resources management plans: provision of information

- (1) It shall be the duty of each licensed water supplier to provide the water undertaker with such information as the water undertaker may reasonably request for the purposes of preparing or revising its water resources management plan.

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- (2) In the event of any dispute between a water undertaker and a licensed water supplier as to the reasonableness of the water undertaker's request under subsection (1) above, either party may refer the matter for determination by the Secretary of State, and any such determination shall be final.
- (3) For the purposes of paragraph (b) of section 37B(1) above, the water undertaker shall identify in its statement under that paragraph any information—
 - (a) provided by a licensed water supplier pursuant to subsection (1) above; and
 - (b) contained in the water undertaker's draft water resources management plan,
which the licensed water supplier has (at the time of providing it to the water undertaker) specifically identified as being, in the licensed water supplier's opinion, commercially confidential.
- (4) The water undertaker shall not use any unpublished information save for the purpose of facilitating the performance by it of any of the duties imposed on it by or under this Act, any of the other consolidation Acts or the Water Act 1989.
- (5) In subsection (4) above—
 - (a) "unpublished information" means confidential information which—
 - (i) is provided to the water undertaker by a licensed water supplier under this section;
 - (ii) relates to the affairs of any individual or to any particular business; and
 - (iii) by virtue of section 37B above, is not published;
 - (b) "the other consolidation Acts" has the same meaning as in section 206 below.

37D Water resources management plans: supplementary

- (1) Directions given under section 37A or 37B above may be—
 - (a) general directions applying to all water undertakers; or
 - (b) directions applying only to one or more water undertakers specified in the directions,
and shall be given by an instrument in writing.
- (2) It shall be the duty of each water undertaker to whom directions apply to comply with the directions.
- (3) The duties of—
 - (a) a water undertaker under sections 37A to 37C above and under this section; and
 - (b) a licensed water supplier under section 37C above,
shall be enforceable by the Secretary of State under section 18 above."

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