



# Planning Act 2008

## 2008 CHAPTER 29

### PART 3

#### NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

##### *Water*

#### 27 Dams and reservoirs

- (1) The construction of a dam or reservoir is within section 14(1)(m) only if—
  - (a) the dam or reservoir (when constructed) will be in England,
  - (b) the construction will be carried out by one or more water undertakers, and
  - [<sup>F1</sup>(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.]
- (2) The alteration of a dam or reservoir is within section 14(1)(m) only if—
  - (a) the dam or reservoir is in England,
  - (b) the alteration will be carried out by one or more water undertakers, and
  - [<sup>F2</sup>(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.]
- (3) “Water undertaker” means a company appointed as a water undertaker under the Water Industry Act 1991 (c. 56).

*Changes to legislation: Planning Act 2008, Cross Heading: Water is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Textual Amendments

- F1** S. 27(1)(c) substituted (9.1.2019) by [The Infrastructure Planning \(Water Resources\) \(England\) Order 2019 \(S.I. 2019/12\)](#), arts. 1(1), **2(3)(a)** (with arts. 3-5)
- F2** S. 27(2)(c) substituted (9.1.2019) by [The Infrastructure Planning \(Water Resources\) \(England\) Order 2019 \(S.I. 2019/12\)](#), arts. 1(1), **2(3)(b)** (with arts. 3-5)

#### Commencement Information

- I1** S. 27 in force at 1.1.2018 for E. by [S.I. 2017/1078](#), art. **2(c)**

## 28 Transfer of water resources

(1) Development relating to the transfer of water resources is within section 14(1)(n) only if—

(a) the development will be carried out in England by one or more water undertakers,

[<sup>F3</sup>(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,]

(c) the development will enable the transfer of water resources—

(i) between river basins in England,

(ii) between water undertakers' areas in England, or

(iii) between a river basin in England and a water undertaker's area in England, and

(d) the development does not relate to the transfer of drinking water.

(2) In this section—

“river basin” means an area of land drained by a river and its tributaries;

“water undertaker” means a company appointed as a water undertaker under the Water Industry Act 1991;

“water undertaker's area” means the area for which a water undertaker is appointed under that Act.

#### Textual Amendments

- F3** S. 28(1)(b) substituted (9.1.2019) by [The Infrastructure Planning \(Water Resources\) \(England\) Order 2019 \(S.I. 2019/12\)](#), arts. 1(1), **2(4)(b)** (with arts. 3-5)

#### Commencement Information

- I2** S. 28 in force at 1.1.2018 for E. by [S.I. 2017/1078](#), art. **2(d)**

## [<sup>F4</sup>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,

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**Changes to legislation:** Planning Act 2008, Cross Heading: Water is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (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.]

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**Textual Amendments**

- F4** S. 28A inserted (9.1.2019) by [The Infrastructure Planning \(Water Resources\) \(England\) Order 2019](#) (S.I. 2019/12), arts. 1(1), **2(5)** (with arts. 3-5)

**Changes to legislation:**

Planning Act 2008, Cross Heading: Water is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)