

1974 No. 1693

WATER, ENGLAND AND WALES

The North West Water Authority (Stocks Reservoir) Order  
1974

Made - - - - 11th October 1974

Coming into Operation 1st November 1974

The Secretary of State for the Environment, in exercise of the powers conferred by section 23 of the Water Act 1945(a) now vested in him(b) and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the North West Water Authority (Stocks Reservoir) Order 1974, and shall come into operation on 1st November 1974. Citation and Commencement.

(2) This order shall be included among the enactments which may be cited together as the North West Water Authority Orders 1974.

2. In this order—

“the Authority” means the North West Water Authority;

“the deposited plan No. 1” and “the deposited plan No. 2” mean respectively the plans prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked “Plan No. 1 (or No. 2 as the case may be) referred to in the North West Water Authority (Stocks Reservoir) Order 1974”, of which one duplicate of each is deposited and available for inspection at the offices of the Authority and the other at the offices of the Secretary of State for the Environment;

“the reservoir” means the Stocks Reservoir situated in the Parishes of Bowland Forest High, Easington, and Slaidburn in the District of Ribble Valley in the County of Lancashire;

“the Third Schedule” means the Third Schedule to the Water Act 1945;

“the undertaking” means the undertaking of the Authority as from time to time authorised by any enactment.

3. The Authority being the owners of the reservoir may—

- (i) alter the reservoir by raising the top of the earth bank from an average height of 183·6 metres A.O.D. to a height not exceeding 192·5 metres A.O.D. and the overflow cill of the reservoir from 181·8 metres A.O.D. to a height not exceeding 191 metres A.O.D., and

- (ii) alter the discharging capacity of the spillway arrangements of the reservoir and related works.

Power to construct works.

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(a) 1945 c. 42.

(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).

Diversion  
and stopping  
up of road  
and foot-  
paths.

4.—(1) Subject to the provisions of this section the Authority may divert the footpaths in the Parish of Easington in the District of Ribble Valley in the County of Lancashire between the points specified in Part I of Schedule 2 to this order as shown and coloured green on the deposited plans No. 1 and No. 2 and may stop up and cause to be discontinued as a highway such parts of the said footpaths as are coloured green on the deposited plans No. 1 and No. 2.

(2) Notwithstanding anything in sub-section (1) of this section the Authority shall not stop up any parts of the said footpaths coloured green on the deposited plans No. 1 and No. 2 until the substituted footpaths in the said Parish of Easington between the points specified in Part II of the said Schedule 2 and as shown and coloured blue on the deposited plans No. 1 and No. 2 are completed to the satisfaction of the highway authority and are open for public use, or, in the case of difference between the Authority and the highway authority, until the Secretary of State for the Environment shall have certified that the new footpaths have been completed to his satisfaction and are open for public use.

(3) Subject to the provisions of this section the Authority may divert the highway in the said Parish of Easington between the points specified in Part III of the said Schedule 2 as shown and coloured brown on the deposited plan No. 1 and may stop up and cause to be discontinued as a highway such parts of the said highway as are coloured brown on the deposited plan No. 1.

(4) Notwithstanding anything in sub-section (3) of this section the Authority shall not stop up any parts of the said highway coloured brown on the deposited plan No. 1 until the substituted highway between the points specified in Part IV of the said Schedule 2 and shown and coloured red on the deposited plan No. 1 is completed to the satisfaction of the highway authority or other authority by whom the said highway coloured brown on the deposited plan No. 1 was maintained before its diversion and is open for public use, or, in the case of difference between the Authority and the highway authority, until the Secretary of State for the Environment shall have certified that the new highway has been completed to his satisfaction and is open for public use.

(5) In carrying out the works set out in this section the Authority shall have power to alter, amend, demolish and construct all bridges, culverts, drains and all other works necessary to carry out the diversions authorised by this section.

(6) From the dates of completion as provided in this section of any such diverted footpath or highway all rights of way over or along the portions of the footpaths coloured green on the deposited plans No. 1 and No. 2 or the portions of the said highway coloured brown on the deposited plan No. 1 shall be extinguished and the Authority may appropriate and use for the purposes of this order the sites and soil thereof so far as they are the owners of the land on both sides thereof.

(7) The portions of the footpaths coloured blue on the deposited plans No. 1 and No. 2 and the portions of the highway coloured red on the deposited plan No. 1 shall be repairable by the highway authority or such other authority by whom the same were maintainable before the diversions and be subject to the same public rights of way as were exercisable over the footpaths and highway before their diversion.

5. The works authorised by this order shall for all purposes be deemed to form part of the undertaking.

Works to form part of undertaking.

6. For the purposes of this order, the provisions of the Third Schedule which are specified in column (1) of Schedule 1 to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and are hereby incorporated with this order.

Application of certain provisions of Third Schedule.

### SCHEDULE 1

#### PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions Applied (1)	Modifications (2)
Section 4 (General power to construct subsidiary works)	The words "and to any other provisions of the special Act limiting the powers of the undertakers to abstract water" shall be omitted and after the word "land" there shall be inserted the words "described in the special Act and"
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	—

### SCHEDULE 2

#### PART I

(1) Footpath indicated by a green line on the deposited plan No. 1 between the points C and J and J and K marked thereon.

(2) Footpath indicated by a green line on the deposited plan No. 1 between the points L and M marked thereon.

(3) Footpath indicated by a green line on the deposited plan No. 2 between the points N and P and P and R marked thereon.

#### PART II

(1) Footpath indicated by a blue line on the deposited plan No. 1 between the points A and B marked thereon.

(2) Footpath indicated by a blue line on the deposited plan No. 1 between the points E and K marked thereon.

(3) Footpath indicated by a blue line on the deposited plan No. 2 between the points N and S and S and R marked thereon.

**PART III**

Highway coloured brown on the deposited plan No. 1 between the points A and B, B and C and C and D marked thereon.

**PART IV**

Highway coloured red on the deposited plan No. 1 between the points A and H, H and G, H and F, F and D and F and E, marked thereon.

Signed by authority of the  
Secretary of State

11th October 1974.

*J. R. Niven,*  
An Under Secretary in the Department  
of the Environment.