

This Statutory Instrument has been made in consequence of a defect in the Southern Water Services Limited (Weir Wood Reservoir) (Drought) Order 2005 (S.I. 2005/2088) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2005 No. 2141

WATER RESOURCES, ENGLAND

**The Southern Water Services Limited (Weir Wood Reservoir)
(Drought) (No.2) Order 2005**

Made - - - - *28th July 2005*

Coming into force - - *29th July 2005*

Whereas—

- (a) the Secretary of State is satisfied that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water is threatened in the supply area of Southern Water Services Limited (“the Applicant”) to the north of the South Downs from near Petersfield in the west, to Steyning in the east, and Horsham and Crawley to the north (“the area”);
- (b) an application has been made by the Applicant under section 73(3)(b) of the Water Resources Act 1991 (“the Act”)(a);
- (c) the Secretary of State is satisfied in accordance with paragraph 2(5) of Schedule 8 to the Act that the proper notices have been published and served by the Applicant in accordance with paragraph 1 of that Schedule;
- (d) certain objections to the application have been made to the Secretary of State;
- (e) in accordance with paragraph 2 of that Schedule, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose has been afforded to the objectors, the Applicant and other persons to whom it appeared to the Secretary of State expedient to afford such an opportunity; and
- (f) it appears to the Secretary of State expedient, with a view to meeting the deficiency of supplies of public water in the area, to modify the requirements to which the Applicant is subject as respects the discharge of water from Weir Wood Reservoir to the River Medway;

Now therefore the Secretary of State, in exercise of the powers conferred upon her by sections 73(1), 73(4), 74(2)(f) of, and paragraph 2(5) of Schedule 8 to, the Act, hereby makes the following Order:

Citation, commencement, duration and interpretation

2.—(1) This Order may be cited as the Southern Water Services Limited (Weir Wood Reservoir) (Drought) (No.2) Order 2005.

(a) 1991 c. 57.

- (2) This Order shall come into force on 29th July 2005.
- (3) This Order shall cease to have effect on 26th January 2006.
- (4) In this Order—

“the Applicant” means Southern Water Services Limited;

“the Environmental Action Plan” means the document prepared by the Applicant entitled “Environmental Action Plan” dated 26th July 2005, a certified copy of which is available for inspection at the registered offices of the Applicant at Southern House, Yeoman Road, Worthing, West Sussex BN13 3NX and another at the offices of the Environment Agency at Guildbourne House, Chatsworth Road, Worthing, Sussex BN11 1LD;

“the Licence” means the licence numbered 9/40/3/387/SR dated 5th January 1967 which authorises the Applicant to abstract water from the reservoir, subject to the terms and conditions set out in the Schedule to the licence, a copy of which is available for inspection at the registered offices of the Applicant at Southern House, Yeoman Road, Worthing, West Sussex BN13 3NX; and

“the reservoir” means the Weir Wood reservoir in the County of East Sussex.

Alteration of compensation water provisions

3.—(1) Subject to paragraph (2), the provisions of paragraph 28 of the Weir Wood Water Order, 1949 (a), as set out and applied in relation to the Applicant by article 7 of, and the Schedule to, the North West Sussex (Weir Wood) Order, 1960(b), shall have effect with the modification that, in sub-paragraph (a), for the words “one million two hundred thousand gallons during the six months from May to October and eight hundred thousand gallons during the six months from November to April” there shall be substituted “3.6 megalitres”.

(2) The modification made by paragraph (1) shall be subject to the conditions that—

- (a) the Applicant shall implement the Environmental Action Plan in accordance with its terms, unless the Environment Agency otherwise agrees in writing; and
- (b) before entering upon or occupying and using any land for the purposes of complying with the Environmental Action Plan, the Applicant shall have obtained such rights as may be requisite for the purposes of such entry or occupation and use.

(3) This article also has effect for the purposes of the condition set out in paragraph 6 of the Schedule to the Licence (and the reasons for that condition which are referred to in note 2 to the Licence), as it applies to the Applicant as successor in title to the North West Sussex Water Board(c).

Revocation

4. The Southern Water Services Limited (Weir Wood Reservoir) (Drought) Order 2005(d) is revoked.

Signed by the authority of the Secretary of State,

Richard Bird
A Director

28th July 2005

Department for Environment, Food and Rural Affairs

(a) S.I. 1950/37.

(b) S.I. 1960/644.

(c) The Applicant became successor in title to the North West Sussex Water Board by virtue of the Southern Water Authority Constitution Order 1973 (S.I. 1973/1361), section 2 of the Water Act 1973 and the Water Authorities (Successor Companies) Order 1989 (S.I. 1989/1465), made under section 4(2) of the Water Act 1989.

(d) S.I. 2005/2088.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made on the application of Southern Water Services Limited (“the applicant”), makes provision to meet a threatened serious deficiency of water supply in the area to the north of the South Downs from near Petersfield in the west, to Steyning in the east, and Horsham and Crawley to the north, by reason of an exceptional shortage of rain.

It modifies the requirement imposed by the Weir Wood Water Order, 1949 and the North West Sussex (Weir Wood) Order, 1960 (S.I. 1960/644) specifying the amount of compensation water which the applicant is required to discharge from the Weir Wood Reservoir into the River Medway. It also modifies a similar requirement in the applicant’s abstraction licence. A copy of that licence is available for inspection at the applicant’s registered offices at Southern House, Yeoman Road, Worthing, West Sussex BN13 3NX.

The applicant has produced an environmental action plan (“the Environmental Action Plan”) to manage any potential environmental impacts which may result from a reduction in the amount of compensation water to be discharged from the Weir Wood Reservoir into the River Medway. It is a condition of the Order that the applicant complies with the Environmental Action Plan. A certified copy of the Environmental Action Plan dated 26th July 2005 is available for inspection by the public during normal office hours at the registered offices of the applicant at Southern House, Yeoman Road, Worthing, West Sussex BN13 3NX and another at the offices of the Environment Agency at Guildbourne House, Chatsworth Road, Worthing, Sussex BN11 1LD.

The Order will cease to have effect on 26th January 2006.

The Order revokes and replaces the Southern Water Services Limited (Weir Wood Reservoir) (Drought) Order 2005 (S.I. 2005/2088).

A regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of business.

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