

2018 No. 1007

WATER RESOURCES, ENGLAND

The Environment Agency (Teggsnose Reservoir and Langley Bottoms Reservoir) Drought Order 2018

Made - - - - 13th September 2018

Coming into force - - 13th September 2018

The Environment Agency has made an application for an ordinary drought order under section 73(3)(a) of the Water Resources Act 1991 (“the Act”)(a).

The Secretary of State is satisfied that proper notices of the application have been published and served by the Environment Agency in accordance with paragraph 1 of Schedule 8 to the Act(b) and no objections to the application have been made.

The Secretary of State is satisfied that, by reason of an exceptional shortage of rain, there exists such a deficiency in the level of water in the Teggsnose and Langley Bottoms reservoirs as to pose a serious threat to flora and fauna which are dependent on those waters, including flora and fauna in the River Bollin into which these reservoirs flow.

It appears to the Secretary of State expedient to make the provisions in this Order with a view to meeting this deficiency.

The Secretary of State makes this Order in exercise of the powers conferred by sections 73(1) and 74(1)(d) and (5) of, and paragraph 2(5) of Schedule 8 to, the Act(c).

Citation, commencement and expiry

1. This Order—

- (a) may be cited as the Environment Agency (Teggsnose Reservoir and Langley Bottoms Reservoir) Drought Order 2018, and
- (b) comes into force on 13th September 2018 and ceases to have effect on 12th March 2019.

Interpretation

2. In this Order—

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- (a) 1991 c. 57. Section 73(3) of the Water Resources Act 1991 (“the Act”) was amended by paragraphs 128 and 139(1) and (3) of Schedule 22 to the Environment Act 1995 (c. 25) and by S.I. 2013/755.
 - (b) Paragraph 1 of Schedule 8 to the Act was amended by paragraph 128 of Schedule 22 to the Environment Act 1995 and paragraph 3(7) of Schedule 11 to the Local Government (Wales) Act 1994 (c. 19) and by S.I. 2010/675 and 2013/755.
 - (c) Section 73(1) of the Act was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995. Section 74(1) of the Act was amended by S.I. 2010/675 and 2013/755.

“the 1939 Act” means the Macclesfield Corporation Act 1939(a);

“the Company” means United Utilities Water Limited;

“the Licence” means the abstraction licence numbered 25/69/018/047 dated 18th March 1966 which authorises the Company to abstract water from Ridgigate and Trentabank reservoirs in Macclesfield, subject to the terms and conditions set out in the Schedule to that licence(b).

Modification of the minimum rate of discharges from the Teggsnose and Langley Bottoms reservoirs

3. While this Order is in force—

- (a) the obligation on the Company under section 23(1) of the 1939 Act(c) is to be read as if for “five hundred and twenty-five thousand gallons” there were substituted “1.8 megalitres”, and
- (b) the reference to the 1939 Act in the Licence is to be read as a reference to that Act as so modified.

Supplemental provision

4. For the purposes of regulation 19(3)(d) of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015(d) nothing in this Order is to be taken as authorising any event causing environmental damage.

Thérèse Coffey

Parliamentary Under Secretary of State

Department for Environment Food and Rural Affairs

13th September 2018

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of the Environment Agency, makes provision to meet a deficiency in the level of water in the Teggsnose and Langley Bottoms reservoirs, which arises from an exceptional shortage of rain and poses a serious threat to the flora and fauna which are dependent on those waters, including flora and fauna in the River Bollin into which these reservoirs flow. In accordance with section 74(3) of the Water Resources Act 1991, this Order will cease to have effect on 12th March 2019 (within six months of the day on which the Order comes into force).

The Macclesfield Corporation Act 1939 (“the 1939 Act”) currently requires the Company to release not less than 525,000 gallons of water every twenty four hours from the Teggsnose and Langley Bottoms reservoirs into the River Bollin (this obligation, once placed on the Mayor, Aldermen and Burgesses of the borough of Macclesfield, now binds the Company). The Company (as successor in title to the Macclesfield District Water Board) is authorised to abstract water from Ridgigate and Trentabank reservoirs, which flow into the Teggsnose and Langley Bottoms reservoirs, under abstraction licence numbered 25/69/018/047 (“the Licence”). The Licence is subject to the provisions of the 1939 Act.

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- (a) 1939 c. lxxxvii. The duty in the 1939 Act placed on the Mayor, Aldermen and Burgesses of the borough of Macclesfield in relation to the discharge of water now binds the Company.
 - (b) The Licence is available for public inspection at Environment Agency, Richard Fairclough House, Knutsford Road, Latchford, Warrington, Cheshire, WA4 1HT. The Company holds the Licence as successor in title to the Macclesfield District Water Board.
 - (c) Section 81(b) of the Act provides that an obligation which can be modified by an order under section 73 includes an obligation imposed by or under any enactment.
 - (d) S.I. 2015/810.

The effect of this Order is to modify the 1939 Act so that the amount of water the Company is required to release is reduced to not less than 1.8 megalitres of water every twenty four hours, and to make equivalent modifications to the Licence.

Article 4 provides that the modifications made by this Order are not to be taken as authorising any environmental damage for the purposes of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (S.I. 2015/810) (and accordingly the Company may not rely on this Order to support grounds for an appeal against a notice relating to remediation of environmental damage).

The abstraction licence is available for public inspection at Environment Agency, Richard Fairclough House, Knutsford Road, Latchford, Warrington, Cheshire, WA4 1HT.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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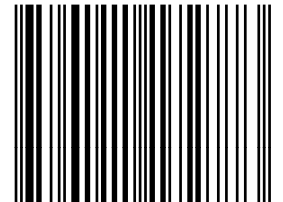
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