
STATUTORY INSTRUMENTS

2022 No. 1089

WATER RESOURCES, ENGLAND

The Yorkshire Water Services Limited (River Ouse, Moor Monkton) Drought Order 2022

Made - - - - 25th October 2022

Coming into force - - 26th October 2022

Yorkshire Water Services Limited (“the Company”) has made an application for an ordinary drought order under section 73(3)(b) of the Water Resources Act 1991 (“the Act”)(1).

The Secretary of State is satisfied that proper notices of the application have been published and served by the Company in accordance with paragraph 1 of Schedule 8 to the Act(2) and no objections to the application have been made.

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 Company’s area of supply.

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(2)(f) and (5) of, and paragraph 2(5) of Schedule 8 to, the Act(3).

Citation, commencement and expiry

1. This Order—
 - (a) may be cited as the Yorkshire Water Services Limited (River Ouse, Moor Monkton) Drought Order 2022; and
 - (b) comes into force on 26th October 2022 and ceases to have effect on 25th April 2023.

Interpretation

2. In this Order—

(1) 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.

(2) 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.

(3) Section 73(1) of the Act was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995 and by S.I. 2013/755. Section 74(1) was amended by S.I. 2010/675 and 2013/755.

“the Canal & River Trust Licence” means the abstraction licence numbered NE/027/0024/065 issued by the Agency⁽⁴⁾ on 31st March 2017, which authorises the Canal & River Trust to abstract water from the River Ouse at Moor Monkton, North Yorkshire, to the extent and manner, and subject to the terms and conditions, set out in the Schedule of Conditions to that Licence⁽⁵⁾;

“the Company” means Yorkshire Water Services Limited;

“the Company’s Licence” means the abstraction licence numbered 2/27/24/158 issued by the Agency on 5th December 2003, which authorises the Company to abstract water from the River Ouse at Moor Monkton, North Yorkshire, to the extent and manner, and subject to the terms and conditions, set out in the Schedule of Conditions to that Licence⁽⁶⁾.

Modification of the maximum quantity of water authorised to be abstracted under the Canal & River Trust Licence and the Company’s Licence

3. While this Order is in force, the Schedule of Conditions to the Canal & River Trust Licence is to be read as if—

- (a) in condition 9.1, for “150 megalitres”, there were substituted “210 megalitres”;
- (b) in condition 9.2, for “72 megalitres”, there were substituted “132 megalitres”;
- (c) in condition 9.3, for “10 megalitres”, there were substituted “70 megalitres”.

Modification of the maximum quantity of water authorised to be abstracted under the Company’s Licence

4. While this Order is in force, the Schedule of Conditions to the Company’s Licence is to be read as if for condition 10.7(b) there were substituted—

“Conditions 10.1-10.3 shall be replaced by the following Conditions—

10.1 Abstraction at all times under this licence shall reduce without delay to 210 MI/d when the flow in the River Ouse, as measured at the Agency’s gauging station at Skelton (NGR: SE568 554), is equal to or less than 1,000 MI/d (11.574 cubic metres per second (cumecs)).

10.2 Abstraction at all times under this licence shall reduce without delay to 132 MI/d when the flow in the River Ouse as measured at the Agency’s gauging station at Skelton is equal to or less than 650 MI/d.

10.3 Abstraction at all times under this licence shall reduce without delay to 70 MI/d when the flow in the River Ouse as measured at the Agency’s gauging station at Skelton is equal to or less than 400 MI/d.””

Monitoring conditions

5. While this Order is in force, the Company must undertake the environmental monitoring set out in the document titled “Yorkshire Water’s Drought Plan 2022: Updated Environmental Monitoring Plan”⁽⁷⁾ dated September 2022, including in particular the Reach Overview Sheet Ouse 1 in Appendix A.5⁽⁸⁾ to that document.

(4) “The Agency” is defined in section 221(1) of the Act.

(5) The Licence is available for public inspection at the Environment Agency, Lateral House, 8 City Walk, Leeds LS11 9AT.

(6) The Licence is available for public inspection at the Environment Agency, Lateral House, 8 City Walk, Leeds LS11 9AT.

(7) The Company’s Drought Plan 2022: Updated Environmental Monitoring Plan dated September 2022 is available at the following web address: https://www.yorkshirewater.com/media/35flqerp/4-yw-dp-emp-main-document_190922.pdf. Hard copies are available for public inspection at the Environment Agency, Lateral House, 8 City Walk, Leeds LS11 9AT.

Supplemental provision

6. For the purposes of regulation 19(3)(d) of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015⁽⁹⁾ nothing in this Order is to be taken as authorising any event causing environmental damage.

Trudy Harrison
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

25th October 2022

(8) Appendix A.5 to the Drought Plan 2022 is available at the following web address: https://www.yorkshirewater.com/media/10lhff31/5-yw-dp-emp_river-options-appendix-a_5_190922.pdf. Hard copies are available for public inspection at the Environment Agency, Lateral House, 8 City Walk, Leeds LS11 9AT.

(9) S.I. 2015/810, to which there are amendments not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Yorkshire Water Services Limited (“the Company”), makes provision to meet a threatened serious deficiency of supply in the Company’s area of supply, which arises from an exceptional shortage of rain. In accordance with section 74(3) of the Water Resources Act 1991 (c. 57), this Order will cease to have effect on 25th April 2023 (within six months of the day on which the Order comes into force).

The abstraction licence numbered NE/027/0024/065 currently authorises the Canal & River Trust to abstract a maximum quantity of water for specified time periods: 12,500 cubic metres per hour; 300,000 cubic metres per day; and 73,000,000 cubic metres per year.

The abstraction licence numbered 2/27/24/158 currently authorises the Company to abstract a maximum quantity of water for specified time periods: 4.125 megalitres per hour; 99 megalitres per day; and 36,135 megalitres per year.

Both licences contain provisions under which, at times of reduced river flow, the respective maximum abstraction limits are reduced.

The effect of article 3 of this Order is to modify the conditions in the Canal & River Trust’s abstraction licence so that the volume of water that the Trust is authorised to abstract at times of reduced river flow is increased to between 70 and 210 megalitres per day, depending on circumstances.

The effect of article 4 of this Order is to modify the conditions in the Company’s abstraction licence so that the volume of water that the Company is authorised to abstract at times of reduced river flow is increased to between 70 and 210 megalitres per day, depending on circumstances.

Article 5 imposes conditions on the Company in respect of environmental monitoring and remediation which expire when the Order ceases to have effect.

Article 6 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 licences, the document entitled “Yorkshire Water’s Drought Plan 2022: Updated Environmental Monitoring Plan” dated September 2022 and Appendix A.5 to that document are available for public inspection at the Environment Agency, Lateral House, 8 City Walk, Leeds LS11 9AT.

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.