

2003 No. 3341

WATER RESOURCES, ENGLAND

The United Utilities Water plc (Ullswater) (Drought) Order 2003

Made - - - - - *22nd December 2003*

Coming into force - - - - - *23rd December 2003*

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 area of United Utilities Water plc (“the Company”) that is served by Ullswater (“the area”);
- (b) an application has been made by the Company 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) a local inquiry has been held in accordance with paragraph 2 of that Schedule; and
- (e) it appears to the Secretary of State expedient to modify the restrictions to which the Company is subject as respects the taking of water from Ullswater with a view to meeting the deficiency of supplies of water in the area;

Now therefore the Secretary of State, in exercise of the powers conferred upon her by sections 73(1), 74(2)(f) and 78(1), (2)(a), (3) and (4) of, and paragraph 2(5) of Schedule 8 to, the Act, hereby makes the following Order:

Citation, commencement, duration and interpretation

1.—(1) This Order may be cited as the United Utilities Water plc (Ullswater) (Drought) Order 2003, shall come into force on 23rd December 2003 and shall cease to have effect on 1st April 2004.

(2) In this Order —

“the Company” means United Utilities Water plc;

“the 1966 Order” means the Manchester (Ullswater and Windermere) Water Order 1966(b);

“the deposited plan” means the plan prepared in duplicate, signed by a director in the Department for Environment, Food and Rural Affairs and marked “Plan referred to in the United Utilities Water plc (Ullswater) (Drought) Order 2003”, one copy of which is deposited and available for inspection at the registered office of the Company at Dawson House, Great Sankey, Warrington WA5 3LW and another at the offices of the Secretary of State for Environment, Food and Rural Affairs;

(a) 1991 c.57.
(b) S.I. 1967/283.

“the Licence” means the Licence numbered 27/76/4/29 dated 14th September 1970, which authorises the Company to abstract water from Ullswater at National Grid Reference NY 466 238 subject to the restrictions in article 13 of and Schedule 1 to, the 1966 Order; and

“the Memorandum” means the document entitled “Memorandum of Understanding, Ullswater” dated 4th December 2003, agreed between and signed on behalf of the Environment Agency and the Company, one copy of which is available for inspection at the registered office of the Company at Dawson House, Great Sankey, Warrington WA5 3LW and another at the office of the Environment Agency at Ghyll Mount, Gillan Way, Penrith, Cumbria.

Power to construct and alter works

2.—(1) The Company may construct and maintain, within the area bounded by the lines coloured red on the deposited plan, one or more temporary weirs in the River Eamont of a mean height not exceeding 145.12 metres (476.1 feet) above ordnance datum (Liverpool).

(2) The Company may enter upon, occupy and use the lands in the area bounded by the lines coloured blue and red on the deposited plan for the purposes of the works authorised by paragraph (1), provided that the Company has given not less than 24 hours’ notice of entry to every owner, lessee and occupier of those lands of their intended entry thereon.

(3) Paragraphs 7 to 10, 12 and 13 of Part II of Schedule 6 to the Water Industry Act 1991 (a) shall apply to the power conferred by paragraph (2) as they apply to a right or power to which that Part of that Schedule applies.

Alteration of minimum rate of flow for the purpose of abstraction of water from Ullswater

3.—(1) For the purposes of the Licence, the 1966 Order shall while this Order is in force, subject to the condition in paragraph (2), be treated as having effect with the substitution, for its Schedule 1, of the following Schedule:—

“SCHEDULE 1

<i>1</i> <i>Month</i>	<i>2</i> <i>Rate of flow of water in River Eamont</i>
December	91 megalitres per day
January	91 megalitres per day
February	91 megalitres per day
March	91 megalitres per day

.”

(2) The Company shall make such arrangements for the management of the water flow in the River Eamont, and conduct such supplemental monitoring of fish habitat in the River Eamont, as is required by the Memorandum or as may be required by the Environment Agency pursuant to the Memorandum.

Signed by the authority of the Secretary of State

Richard Bird
A Director in the

22nd December 2003

Department for Environment, Food and Rural Affairs

(a) 1991 c.56.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes such provision as the Secretary of State considers expedient with a view to a threatened serious deficiency of supplies of water in the area of United Utilities Water plc ("the Company") which is served by Ullswater, by reason of an exceptional shortage of rain. Its operative provisions cease to have effect on 1st April 2004. It authorises the construction of temporary works in the River Eamont within an area marked on a deposited plan. A copy of this plan is available for inspection at the registered office of the Company at Dawson House, Great Sankey, Warrington WA5 3LW and another at the offices of the Secretary of State for Environment, Food and Rural Affairs at Zone 3/H17, Ashdown House, 123 Victoria Street, London SW1E 6DE. It also varies restrictions in the Company's water abstraction licence governing the minimum specified rates of flow in the River Eamont, which are a precondition of abstraction, so as to reduce those minima. These restrictions operate by reference to the Manchester (Ullswater and Windermere) Water Order 1966. No regulatory impact assessment has been prepared in respect this Order.

The Company are to make special arrangements for the management of the water flow and supplemental monitoring of the River Eamont in accordance with a Memorandum of Understanding made between itself and the Environment Agency. Copies of this Memorandum of Understanding are available for inspection by the public during normal office hours at the Environment Agency's office at Ghyll Mount, Gillan Way, Penrith, Cumbria and the Company's office at Dawson House, Great Sankey, Warrington.

STATUTORY INSTRUMENTS

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