STATUTORY INSTRUMENTS

2022 No. 902

WATER RESOURCES, ENGLAND

The Environment Agency (Holme Styes Reservoir) Drought Order 2022

Made - - - -	*11th August 2022*
Coming into force - -	*15th August 2022*

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 Holme Styes Reservoir as to pose a serious threat to flora and fauna which are dependent on those waters, including flora and fauna in the River Ribble into which the reservoir flows.

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 (Holme Styes Reservoir) Drought Order 2022; and

(b) comes into force on 15th August 2022 and ceases to have effect on 14th February 2023.

(**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 and by S.I. 2013/755. Section 74(1) was amended by S.I. 2010/675 and 2013/755.

Interpretation

2. In this Order—

"the Company" means Yorkshire Water Services Limited;

"the Licence" means the impoundment licence numbered NE/027/0010/010 issued by the Environment Agency on 14th April 2020, authorising the Company to obstruct or impede the flow of the inland water known as the River Ribble at Holme Styes Reservoir, West Yorkshire, to the extent and manner, and subject to the terms and conditions, set out in the Schedule of Conditions to the Licence(**a**).

Modification of the minimum rate of compensation water discharged from the Holme Styes Reservoir into the River Ribble

3. While this Order is in force—

(a) conditions 4.1 and 4.2(ii) of the Schedule of Conditions to the Licence are to be read as if for the words "1.98 megalitres", there were substituted the words "0.99 megalitres"; and

(b) condition 4.2(i) of the Schedule of Conditions to the Licence is to be read as if for the words "4 megalitres" there were substituted the words "0.99 megalitres".

Supplemental provision

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

For and on behalf of the Secretary of State

Amira Amzour
Deputy Director, Water Quality
Department for Environment, Food and Rural Affairs

11th August 2022

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 Holme Styes Reservoir, 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 Ribble, West Yorkshire, into which this reservoir flows. In accordance with section 74(3) of the Water Resources Act 1991, this Order will cease to have effect on 14th February 2023 (within six months of the day on which the Order comes into force).

The impoundment licence numbered NE/027/0010/010 currently requires the Company to make a continuous release of compensation flow from the Holme Styes Reservoir into the River Ribble. For the period February to October inclusive, the compensation flow must not be less than 1.98 megalitres per day. For the period November to January inclusive, the compensation flow must not be less than 4 megalitres per day. This is subject to an exception. When the level in the reservoir during the period November to January is equal to or lower than 6.18 metres below top water level, the compensation flow must be reduced to not less than 1.98 megalitres per day.

(**a**) The Licence is available for public inspection at Environment Agency, Lateral House, 8 City Walk, Leeds LS11 9AT.
(**b**) S.I. 2015/810.

The effect of this Order is to modify the conditions in the impoundment licence so that the volume of compensation water that the Company is required to release is reduced to not less than 0.99 megalitres of water per day.

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 impoundment licence is available for public inspection at 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.

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