STATUTORY INSTRUMENTS

2025 No. 1266

WATER RESOURCES, ENGLAND

The South East Water Limited (River Ouse and Shell Brook) Drought Order 2025

Made - - - -	*2nd December 2025*
Coming into force - -	*3rd December 2025*

South East Water Limited ("the Company") has made an application for an ordinary drought order under section 73(3)(b) of the Water Resources Act 1991(**a**) ("the Act").

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(**b**) and no objections to the application have been made.

In accordance with section 73(1) of the Act(**c**), the Secretary of State is also satisfied that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water is threatened in the Sussex region of 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 power conferred by sections 73(1) and 74(2)(f) and (5) of, and paragraph 2(5) of Schedule 8 to, the Act.

Citation, commencement, expiry, extent and application

1. This Order—

(a) may be cited as the South East Water Limited (River Ouse and Shell Brook) Drought Order 2025;

(b) comes into force on 3rd December 2025 and ceases to have effect at midnight on 2nd June 2026; and

(c) extends to England and Wales and applies in relation to England only.

(**a**) 1991 c. 57 ("the Act"). Section 73(3) of the Act was amended by paragraphs 128 and 139(3) of Schedule 22 to the Environment Act 1995 (c. 25) and by S.I. 2013/755 (W. 90). For the meaning of "ordinary drought order" see section 73(1) of the Act.

(**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 (W. 90).

(**c**) Section 73(1) of the Act was amended by paragraph 139(2) of Schedule 22 to the Environment Act 1995.

Interpretation

2. In this Order—

"the Company" means South East Water Limited (company number 02679874);

"the Environmental Assessment Report" means the document titled "South East Water - Water Resources Act 1991 - Section 74 Drought Order (River Ouse) Barcombe Mills - Winter Drought Scenario: Environmental Assessment Report" produced by Johns Associates Limited dated October 2025(**a**);

"the Licence" means the abstraction licence numbered 21/128 granted and reissued by the Agency on 30th March 2004 authorising;

(a) augmentation release and compensation release from Ardingly Reservoir to the Shell Brook (Schedule 1 to the Licence),

(b) abstraction from the River Ouse at Barcombe (Schedule 2 to the Licence),

(c) abstraction from Ardingly Reservoir (Schedule 3 to the Licence), and

(d) abstraction from the River Ouse at Ardingly (Schedule 4 to the Licence),

to the extent and manner, and subject to the terms and conditions, set out in Schedule 1 to the Licence(**b**).

Modification of the conditions for augmentation release and compensation release in Schedule 1 to the Licence

3. While this Order is in force, in Schedule 1 to the Licence—

(a) the definition of "Augmentation Release" is to be read as if for "4,000 metres^3 per day" there were substituted "1,000 metres^3 per day";

(b) the section headed "COMPENSATION RELEASE" is to be read as if for "4,000 metres^3 per day" there were substituted "1,000 metres^3 per day".

Modification of authorisation to abstract water from the River Ouse at Barcombe

4. While this Order is in force, Schedule 2 to the Licence is modified as follows—

(a) subject to paragraph (b), for the table at point 1 (Of the Natural Flow) in the section headed "MAXIMUM QUANTITY OF WATER TO BE ABSTRACTED" substitute the following table:

Condition	Quantity Authorised Daily
If Natural Flow < 15,000m^3 per day	Nil
If Natural Flow > 15,000m^3 but < 40,000m^3 per day	The amount by which Natural Flow exceeds 15,000m^3 per day

(**a**) The Environmental Assessment Report is available for public inspection at Teville Gate House, Teville Road, Worthing, West Sussex, BN11 1UR. You may contact the Environment Agency by email at enquiries@environment-agency.gov.uk or by telephone on 03708 506506 to make an appointment for public inspection of the Environmental Assessment Report.

(**b**) The Licence is available for public inspection at Teville Gate House, Teville Road, Worthing, West Sussex, BN11 1UR. You may contact the Environment Agency by email at enquiries@environment-agency.gov.uk or by telephone on 03708 506506 to make an appointment for public inspection of the Licence.

Condition	Quantity Authorised Daily
If Natural Flow > 40,000m³ but < 184,888m³ per day	25,000m³ per day +45% of the amount by which Natural Flow exceeds 40,000m³ per day, up to a maximum of 90,200m³ per day
If Natural Flow > 184,888m³ per day	90,200m³ per day

(b) If the level of the Ardingly Reservoir falls below 45.7 metres Above Ordnance Datum, equating to a useable storage of less than 500 megalitres, for the table at point 1 (Of the Natural Flow) in the section headed "MAXIMUM QUANTITY OF WATER TO BE ABSTRACTED" substitute the following table:

Condition	Quantity Authorised Daily
If Natural Flow < 10,000m³ per day	Nil
If Natural Flow > 10,000m³ but < 40,000m³ per day	The amount by which Natural Flow exceeds 10,000m³ per day
If Natural Flow > 40,000m³ but < 173,777m³ per day	30,000m³ per day +45% of the amount by which Natural Flow exceeds 40,000m³ per day, up to a maximum of 90,200m³ per day
If Natural Flow > 173,777m³ per day	90,200m³ per day

Modification of the period during which water is authorised to be abstracted from the River Ouse at Ardingly

5. While this Order is in force, Schedule 4 to the Licence is to be read as if in the section headed "PERIOD DURING WHICH WATER IS AUTHORISED TO BE ABSTRACTED FOR THIS SCHEDULE", for "November to April inclusive" there were substituted "The period that the South East Water Limited (River Ouse and Shell Brook) Drought Order 2025 is in force".

Monitoring conditions

6.—(1) While this Order is in force, the Company must—

(a) undertake the environmental monitoring plan set out in section 5.4 of the Environmental Assessment Report and such additional environmental monitoring as required by the Agency;

(b) keep the monitoring plan under review to ensure that it remains appropriate;

(c) agree any changes to the monitoring plan with the Agency.

(2) The Agency may—

(a) at any time, require such changes to be made to the monitoring plan as it deems appropriate;

(b) keep the monitoring plan under review to ensure it remains appropriate.

(3) The Company must produce a weekly report, in such format as the Agency may require, detailing—

(a) the results of the Company's monitoring;

(b) how the Company has complied with the conditions of this Order;

(c) information as to how the Company has operated its water sources in accordance with the Licence and this Order.

(4) The Company must provide such further information relating to the weekly report as the Agency may require.

(5) The Company must keep such records relevant to this Order, in such format and for such time period as the Agency may require, and make these available to the Agency for inspection on reasonable request.

Environmental mitigation

7. While this Order is in force, the Company must—

(a) immediately notify the Agency of any indicators of environmental impact as set out in Table 5.2 of the Environmental Assessment Report observed during environmental monitoring and state the proposed mitigation measures in Table 5.2 which are to be implemented to address such environmental impact;

(b) undertake the proposed mitigation measures communicated to the Agency pursuant to paragraph (a) unless otherwise agreed in writing with the Agency.

Supplemental provision

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

For and on behalf of the Secretary of State

Davide Minotti
Deputy Director, Floods and Water
Department for Environment, Food and Rural Affairs

2nd December 2025

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of South East Water Limited ("the Company"), makes provision to meet a threatened serious deficiency of supplies of water in the Sussex region of 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 at midnight on 2nd June 2026 (within six months of the day on which the Order comes into force).

The abstraction licence numbered 21/128 granted and reissued by the Environment Agency on 30th March 2004 ("the Licence") currently authorises the Company to abstract water from the River Ouse at Barcombe, East Sussex subject to a range of conditions. Under the Licence the company may not abstract water from the River Ouse at Barcombe if the natural flow is less than 20 megalitres per day.

Article 3 modifies the conditions in Schedule 1 to the Licence relating to augmentation and compensation releases from Ardingly Reservoir to the Shell Brook by reducing the minimum flow from 4 megalitres per day to 1 megalitre per day.

Article 4 modifies the conditions in Schedule 2 to the Licence to reduce the natural flow in the River Ouse at Barcombe above which the Company is authorised to abstract water from 20 megalitres to 15 megalitres per day unless the level of the Ardingly Reservoir falls below 45.7 metres Above Ordnance Datum, equating to a useable storage of less than 500 megalitres, ("the Trigger Level"). When the Trigger Level is reached, the natural flow above which the Company is authorised to abstract water is further reduced to 10 megalitres per day. In addition, Article 4 increases the amount which the Company is authorised to abstract once the natural flow is greater than 40 megalitres per day. It also reduces the point at which the authorised daily maximum abstraction of 90.2 megalitres per day is reached from natural flow over 196 megalitres per day to natural flow over 184.89 megalitres per day unless the Trigger Level is reached in which case it is further reduced to natural flow over 173.78 megalitres per day.

Article 5 allows abstraction under Schedule 4 to the Licence to commence when this Order comes into force and continue for the duration of this Order.

Article 6 imposes conditions on the Company in respect of environmental monitoring set out in the document titled "South East Water - Water Resources Act 1991 - Section 74 Drought Order (River Ouse) Barcombe Mills - Winter Drought Scenario: Environmental Assessment Report" produced by Johns Associates Limited and dated October 2025 ("the Environmental Assessment Report") and as otherwise agreed with, or required by, the Environment Agency.

Article 7 imposes conditions on the Company in respect of mitigation measures set out in the Environmental Assessment Report.

Article 8 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 Licence and the Environmental Assessment Report are available for public inspection at Teville Gate House, Teville Road, Worthing, West Sussex BN11 1UR. You may contact the

Environment Agency by email at enquiries@environment-agency.gov.uk or by telephone on 03708 506506 to make an appointment for public inspection of these documents.

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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