
Water Resources LICENCE TO

ABSTRACT

WATER

Environment Act 1995
Water Resources Act 1991 as amended
by the Water Act 2003
Water Resources (Abstraction and
Impounding) Regulations 2006

IMPORTANT NOTES

Need for safekeeping

This licence is an important document. The permission or right to abstract water may be valuable to your landholding. So -

- **Keep the licence safe, preferably with your deeds etc.**
- **Take careful note of the comments below about “transfer and apportionment” and “death and bankruptcy”.**

This is to ensure that the permission and any rights granted by the licence continue if you need to pass it on to someone else.

If you want to:

- **revoke (cancel) the licence;**
- **vary (change/amend) the licence in any way or**
- **change your contact address (but you continue to hold the licence).**

Please write to WR Permitting Support, PO Box 4209, Sheffield, S9 9BS

Details of this licence are placed on a register, kept by the Environment Agency and open for inspection by the public. The public may also obtain further details about it by virtue of the Environmental Information Regulations 2004 (see also Disclosure of Information) except in special cases (for advice please contact us at the address shown on the front page of the licence).

Transfer and apportionment

If you need to pass this licence or any part of it to someone else, you must contact the Environment Agency and obtain the appropriate application forms. Temporary licences cannot be transferred or apportioned. The licence holder remains responsible for compliance with the terms of the licence and any charges payable until the licence has been transferred or apportioned.

Death or bankruptcy of the licence holder

If a licence has been ‘vested’ in you, as a result of the death or bankruptcy of the licence holder, please contact the Environment Agency in writing, telling us the licence number(s) and the date that the licence vested in you as a personal representative or trustee of the licence holder. This is necessary in order to enable you to subsequently transfer the licence.

‘Vesting’ is the transfer of responsibility and ownership of a licence when an existing licence holder is no longer able to hold the licence either through death or bankruptcy.

You do not have to complete a form, but you must notify us in writing within 15 months of the date of vesting, giving the full names of all personal representatives or trustees and a contact address.

Time limits

Your licence may be subject to a time limit (stated on the front of your licence). All new abstraction licences are legally required to include a time limit. For variations to licences, time limits are added in accordance with our policy.

The duration of a time limit is determined in accordance with our time limiting policy. The time limit is linked to the next or subsequent review of water resources within a Catchment Abstraction Management Strategy (CAMS).

There will be a presumption of renewal providing three tests are met: environmental sustainability is not in question; there is continued justification of need; and water is being used efficiently. Any application for renewal will still be subject to the normal statutory considerations.

If your licence is time limited and you wish to renew it when it expires, you will need to apply for a new licence to replace the existing one. You are advised to submit this application at least three months before it expires. To allow you to give early consideration to this, we will send you a reminder approximately 18 months before the expiry date.

If your licence cannot be renewed, we will endeavour to give at least six years notice. We will also endeavour to give at least six years notice where the licence is likely to be renewed on different terms and will significantly impact upon the use of the licence.

In exceptional circumstances, for example where there are other overriding statutory duties such as the Habitats Regulations, it may not be possible to provide six years notice.

Charges

Unless specifically exempted, we may levy an annual CHARGE for water AUTHORISED to be abstracted by this licence, in accordance with our abstraction charges scheme in force at the time.

The licence may be revoked if charges are not paid.

Quantity and quality of water

You must not abstract more than the quantity specified in the licence.

The Environment Agency does not, by issue of this licence or otherwise, in any way guarantee that the source of supply will produce the quantity of water authorised to be abstracted by this licence, nor that the water is fit for its intended use.

The quantity of water authorised for abstraction is given in cubic metres. One cubic metre is approximately 220 gallons.

(The precise conversion is 1 cubic metres = 219.969 gallons).

Source of supply and authorised point of abstraction

You may abstract from the point(s) specified in the licence and from no other points. If you want to add or change the authorised point(s) of abstraction, you must apply to us to vary the licence.

Land on which water is authorised to be used

Where this condition applies, you may only use the water you abstract on the area specified in the licence. You must apply to us to vary the licence if you wish to extend or alter this area or remove it.

Purpose for which water is authorised to be used

You may only use the water for the purpose(s) specified in the licence. You must apply to us to vary the licence if you wish to add to or change the purpose(s).

Offences

Under the Water Resources Act 1991 it is an offence:-

- to abstract water, or cause or permit any other person to abstract water, unless the abstraction is authorised by and in accordance with an abstraction licence, or is subject to an exemption;
- to do anything to enable abstraction, or to increase abstraction, except in accordance with an abstraction licence or exemption;
- to fail to comply with the conditions of an abstraction licence.
Note in particular that it may be a condition of the licence to maintain the meter or other measuring device etc. and failure to do so will be an offence;
- to interfere with a meter or other device which measures quantities of water abstracted so as to prevent it from measuring correctly;
- to fail to provide information which we have reasonably required for the purpose of carrying out any of the Environment Agency’s water resources functions;
- to knowingly make false statements for the purpose of obtaining a licence or consent or in giving required information.

The requirement for a licence is subject to some exemptions, set out in the Water Resources Act 1991 as amended. If in any doubt as to whether you need a licence, contact us at the address shown at the bottom of the front page of the licence.

Right of appeal

If you are dissatisfied with our decision on your licence application, you may appeal.

If you are in England, you should write to the Secretary of State for the Environment, Food and Rural Affairs, care of The Planning Inspectorate at: Room 4/19 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

If you are in Wales, you should write to The National Assembly for Wales care of The Planning Inspectorate at: Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary of State and The National Assembly have power to allow a longer period for serving notice of appeal). See Water Resources Act 1991, section 43.

Disclosure of information

Information about this licence is available in the public Register held by the Environment Agency. Members of the public are also entitled to ask us for other “environmental information” it holds, including any activities likely to affect “the state of any water” or any “activities or other measures designed to protect it”. That would include the information additional to the licence document e.g. any related agreement or abstraction returns. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping this information off the public register because it is confidential, please contact us by writing to the address shown on the front page of the licence within 28 days of receiving this licence.

Environment Agency Reference	DP2018-NW0700204006
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Please quote the reference number in all correspondence



Drought Permit – modify existing abstraction

Section 79A Water Resources Act 1991 as amended by the Environment Act 1995

The Environment Agency grants this drought permit to:

United Utilities Water Limited (“the water company”)
 Haweswater House
 Lingley Mere Business Park
 Lingley Green Avenue
 Great Sankey
 Warrington
 WA5 3LP

Registered Company Number: 02366678

This drought permit modifies Licence Numbers 26/70/210/2 and 26/70/201/4 dated 16 December 1966 and varied on 13 June 1973, 5 February 1988 and 16 January 1995 and how the Liverpool Corporation Waterworks Act 1847 is applied through the licences as set out in the Schedule to this drought permit for such periods as specified in condition 5 in the schedule.

This drought permit commences from the effective date shown below and shall remain in force until the date of expiry shown below.

All other provisions of the said Licences and Act relating to the integrated complex of reservoirs at Rivington remain in full force and effect.

Signed Keith Ashcroft
 Area Director

Date of issue.....16 August 2018

Date effective 16 August 2018

Environment Agency
 Lutra House
 Dodd Way Off Seedlee Road
 Walton Summit Centre
 Bamber Bridge
 Preston
 Lancashire
 PR5 8BX

Date of expiry..... 16 February 2019

Environment Act 1995
 Water Resources Act 1991

SCHEDULE OF CONDITIONS

1. During the period that this drought permit is in force, section LII of the Liverpool Corporation Waterworks Act 1847 shall be treated as if:
 - 1.1 For the words in paragraph 3 (concerning reservoirs of the Brinscall Hall Print Works) “one cubic foot and six-tenths of a cubic foot per second during twenty-four hours of every day” there be substituted the words “23.15 litres per second (2 megalitres per day)”
 - 1.2 For the words in paragraph 5 (concerning reservoirs of the White Coppice Weaving Mill) “two cubic feet per second during twenty-four hours of every day” there be substituted the words “23.15 litres per second (2 megalitres per day)”
- 2.1 The water company shall carry out the actions specified in condition 4.2, and 4.4 if the Agency notifies them in writing that environmental problems are occurring or there is a significant risk to the environment including but not limited to fish kills, a pollution incident, or algae blooms.
- 2.2 The water company shall carry out the actions specified in condition 4.3 and 4.4 if the Agency notifies them in writing that there is of obstruction to fish passage on the River Yarrow at Pincock Weir National Grid Reference SD 54799 18012 or at Croston Weir National Grid Reference SD 49876 17934.
3. **ENVIRONMENTAL MONITORING**
 - 3.1 The water company shall undertake environmental monitoring as set out in the Environmental Monitoring Schedule attached to this permit at Appendix 1
 - 3.2 The water company shall carry out the actions specified in conditions 4.1, 4.2, and 4.4 if the environmental monitoring identifies signs of environmental problems including but not limited to fish in distress, a pollution incident, water quality deterioration, algae blooms or spread invasive non-native species.
4. **MITIGATION CONDITIONS**
 - 4.1 The water company shall notify the Agency by telephone as soon as reasonably practicable on 0800 80 70 60 and shall provide details of the environmental problems occurring and the location.

- 4.2.1 If environmental problems or a significant risk to the environment is identified as specified in condition 2.1 or 3.2, then the water company shall make a continuous release of compensation water of:

not less than 3.9 megalitres per day from the Rivington reservoir complex via the Goit channel to the Black Brook via Brinscall Brook Lodges at National Grid Reference SD 62853 21445 AND

not less than 4.9 megalitres per day from the Rivington reservoir complex via the Goit channel to the Black Brook via White Coppice Lodges at National Grid Reference SD 62001 18974

or lesser quantities if agreed in writing by the Agency.

The water company shall commence the stated compensation flows as soon as possible and within 12 hours of receipt of written notification from the Agency.

- 4.2.2 The water company shall not decrease compensation flows back to the values specified in condition 1 until the water company has confirmed in writing that appropriate remedial action has been taken, and the Agency has confirmed in writing that it is satisfied with this.

4.3 **Freshet flows**

The water company shall make a release of compensation water for 24 continuous hours each week if the Agency notifies them in writing that additional flow is needed to enable fish to ascend fish passes on the River Yarrow at Pincock or Croston Weirs. These releases of compensation water are referred to here as "freshet flows". The freshet flows shall take place between 1 October 2018 and 31 December 2018 inclusive or shorter period if notified in writing by the Agency. The Agency may agree a lesser duration and frequency for each freshet flow. The freshet flow shall be:

not less than 3.9 megalitres per day from the Rivington reservoir complex via the Goit channel to the Black Brook via Brinscall Brook Lodges at National Grid Reference SD 62853 21445 AND

not less than 4.9 megalitres per day from the Rivington reservoir complex via the Goit channel to the Black Brook via White Coppice Lodges at National Grid Reference SD 62001 18974.

- 4.4 The additional compensation water specified in conditions 4.2 and 4.3 shall be released in a steady and controlled manner at a rate so as not to cause any flooding of land or disturbance to water users downstream or any adverse effects on the quality of water in the inland water or any adverse impacts on the ecology of the inland water or dependent ecosystems.

5. **FURTHER CONDITIONS**

Unless otherwise agreed in writing by the Agency, this drought permit shall not be relied upon unless the water company has imposed Temporary Use Ban restrictions from their current Drought Plan for the Integrated Resource Zone.

APPENDIX 1

Environmental monitoring schedule

<p>Assessment Type</p>	<p>Visual monitoring “walkover surveys” of the riverine environment and measurements of dissolved oxygen content, temperature and pH in the water to identify environmental problems on the River Yarrow, Black Brook, Brinscall Brook and Warth Brook that may be affected or caused by the water company lowering compensation flows.</p> <p>The water company shall discuss and agree with the Agency any proposed changes to this monitoring schedule in advance of carrying out any of the survey work.</p>
<p>Duration of Monitoring</p>	<p>The environmental monitoring surveys shall take place from the first day that the total compensation flow to the Black Brook from the Rivington Reservoirs complex is less than 8.8 megalitres per day until this drought permit expires or is revoked.</p>
<p>Environmental problems</p>	<p>The following are suggested signs of environmental problems but are not exhaustive. If advice is required then the Agency can be contacted on 0800 80 70 60.</p> <ul style="list-style-type: none"> • Fish in distress, for example gasping at the surface or leaping out of the water. • Dead fish. • Concentration of fish in restricted areas/pools which could increase susceptibility to predation. • Inhibition of movement of fish past river structures or other barriers. • Reduced habitat availability for adult and juvenile life stages (including spawning/nursery areas). • Low levels of dissolved oxygen. • Signs of polluting discharges during walkover surveys, problems exacerbated during lower flows and/or reduced dilution. • Algal blooms. • Drying up of flows in the Brinscall Brook and/or Warth Brook downstream of Brinscall Brook Lodges and White Coppice Lodges. • Establishment and/or expansion of invasive non-native species.
<p>Monitoring Method & Standard of Assessment</p>	<p>The water company shall measure and record the following information.</p> <p>For all environmental problems identified:</p> <ul style="list-style-type: none"> • The location of the site of environmental problems observed. • Dissolved oxygen concentration, water temperature and pH measurements should be taken and recorded anywhere in the survey area where (if) signs of environmental stress are identified. • A photo or photos should be taken of any signs of environmental distress. • Weather conditions at the time of the observations. <p>Where relevant to the environmental problem observed:</p> <ul style="list-style-type: none"> • Approximate number of dead fish.

	<ul style="list-style-type: none"> • Any signs of damage or disease. • Approximate number of fish in distress, gasping at the surface or leaping out of the water. • Whether the fish are being stranded in shallow pools. • Description of structures and stretches of any watercourses that have no flow or significantly reduced flow. • Approximate size of the fish affected. • The species affected. • Signs of pollution. • Presence of algal blooms/scums. • Species, location and extent of invasive non-native species.
Frequency of monitoring	Weekly.
Location of Monitoring	<p><u>Site 1: Brinscall Brook – Lower House Farm</u> SD 61562 20385 – 500 metres upstream</p> <p><u>Site 2: Warth Brook – White Coppice Lodge</u> SD 61501 19088 – 500 metres upstream</p> <p><u>Site 3: Black Brook – track off Baggenley Lane to Kittiwake Road</u> SD 59865 18595– 500 metres upstream</p> <p><u>Site 4 Black Brook – Cross Hill Lane to Froom Street</u> SD 59622 17455– 500 metres upstream</p> <p><u>Site 5 Black Brook – Hogs Lane to Cowling Road</u> SD 59455 16375– 500 metres upstream</p> <p><u>Site 6 – River Yarrow – Carr Lane</u> SD 58801 15638 – 500 metres upstream</p>
Survey Results	In addition to any notification given under condition 4.1 a copy of the monitoring results shall be sent to the Environment Agency IEP (Integrated Environmental Planning) team IEP_CLA@environment-agency.gov.uk within 14 days of the survey taking place.
Responsibility	<p>It is the responsibility of the water company to ensure that the environmental monitoring is carried out to the satisfaction of the Agency. Unless otherwise discussed and agreed in writing, the water company will be responsible for all of the costs associated with this monitoring programme.</p> <p>Health and safety requirements whilst carrying out the surveys are the responsibility of the water company.</p>

ADDITIONAL INFORMATION

Note: the following information is provided for information only. It does not form part of the permit.

REASONS FOR MODIFICATIONS AND CONDITIONS

Condition 1 of this drought permit modifies how the Liverpool Corporation Waterworks Act 1847 is applied. This is to allow the water company to reduce the compensation flow requirements for Brinscall Brook and White Coppice Lodge to prolong water storage in the Rivington Reservoirs Complex.

Condition 3 of this drought permit has been included to allow monitoring of signs of environmental impacts that may be caused by or affected by the water company reducing compensation flows.

Conditions 2 and 4 of this drought permit have been included to mitigate against any environmental impacts that may be caused by or affected by the water company reducing compensation flows.

IMPORTANT NOTES

Temporary Use ban

You must follow your 2018 drought plan and implement a Temporary Use Ban (under sections 76 and 76A – C of the Water Industries Act 1991) before using the powers granted by this permit, unless the Agency agrees that such ban is not necessary due to the circumstances at the time.

Environmental Monitoring Plan

The conditions and monitoring incorporated on this permit is in addition to the Environmental Monitoring Plan agreed annual between the Environment Agency and United Utilities.

The Goit channel

The water company have confirmed that they will visually monitor flows in the Goit in order to safeguard fish in the channel. They will visually monitor the Goit to ensure that water still flows down the channel downstream of the White Coppice Lodges compensation flow offtake.

Mitigation

With regards to condition 4 the Agency will take into consideration any other actions the water company are taking or plan to take in order to mitigate effects on the environment, such as mitigation actions identified in their Rivington Drought Permit Environmental Assessment Report, July 2018.

**Would you like to find out more about us,
or about your environment?**

Then call us on

03708 506 506 (Mon-Fri 8-6)

email

enquiries@environment-agency.gov.uk

or visit us at

www.gov.uk/environment-agency

incident hotline 0800 80 70 60 (24hrs)

floodline 0345 988 1188



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