

**Water Resources
LICENCE TO**

IMPOUND

WATER

Water Act 2003
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 and you should keep it safe, probably with the deeds to the land.

The impounding works may also be conditional on, or otherwise involve, you entering into a related agreement with the Environment Agency. This may be registered and will bind the land. It will therefore affect not only you, as the licence holder, but also your successors in title to the land. This licence and any such Agreement should therefore be disclosed on any change of title or occupation.

Scope of this licence

This licence has effect only for the purposes of Part II of the Water Resources Act 1991 as amended by the Water Act 2003. In granting **this** licence, and in considering any drawings submitted, you should assume that the Environment Agency has taken into account only considerations relevant to the conservation and proper use of water resources in the area. Grant of this licence does not imply that the Environment Agency has approved the details of construction of the impounding works, including whether the proposed construction is adequate or safe. The licence holder is entirely responsible for ensuring compliance with all other requirements. Grant of this licence does not in any way suggest that these have been fulfilled.

Changes to the impounding works or revocation of this licence

If you want to alter the impounding works and/or the way you operate them, you will need to vary the terms of the licence (and, if applicable, the related agreement). If you want to revoke this licence, you may be required to satisfy certain conditions that the Environment Agency may specify for the removal of the works. Contact the Environment Agency at the address at the bottom of the front page of this licence if you want to vary or revoke this licence

Transfer of this licence

If you need to pass this licence to someone else, you must contact the Environment Agency and obtain the appropriate application forms. The licence holder remains responsible for compliance with the terms of the licence until it has been transferred.

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.

Other requirements for impoundments

Depending on circumstances, you may also have to comply with other legal requirements, i.e. apart from obtaining this licence, before carrying out or operating the impoundment. These may include:

- obtaining consent from the Environment Agency under section 109 Water Resources Act 1991 (relating to structures on main rivers);
- obtaining consent under section 23 Land Drainage Act 1991 from the Environment Agency or the relevant internal drainage board (relating to obstructions in watercourses);
- obtaining planning permission from the planning authority;
- complying with requirements of the Reservoirs Act 1975 (in relation to safety of larger raised reservoirs). The Environment Agency became the regulatory body on 1 October 2004;
- obtaining consent from the owner of the other bank of the watercourse to the proposed impoundment;

- not contravening pollution control provisions of the Water Resources Act 1991, particularly in relation to allowing matter to be carried away in suspension when sluices etc. are opened;
- complying with the provisions of the Salmon and Freshwater Fisheries Act 1975 relating to the passage of fish.

Some of these matters are under the control of the Environment Agency, but for administrative and legal reasons are kept separate from the issue of this licence. If you require information or assistance about them, contact the Environment Agency, and you will be directed to the right person to help you.

For advice about planning permission, contact the appropriate authority. The planning authority will normally be the district, borough or city council.

Offences

This impounding licence authorises you, the licence holder, to obstruct or impede the flow of a specified inland water at a specified point by means of impounding works.

"Impounding works" means either, any dam, weir or other works by which water may be impounded; or, any works for diverting the flow of waters in connection with the construction or alteration of such dam, weir or other works.

Under the Water Resources Act 1991 it is an offence to construct or alter, or cause or permit any other person to construct or alter, any impounding works in inland waters or cause or permit the flow of any inland waters to be impeded or obstructed at any point by means of impounding works unless:

- an impounding licence is in force;
- the flow of the inland waters is not obstructed or impeded except to the extent and in the manner authorised by a licence;
- any other requirements of the licence, whether as to provision of compensation water or otherwise, are complied with.

It is an offence knowingly to make false statements for the purpose of obtaining a licence.

It may be an offence not to comply with the other legal requirements mentioned above for details, check with the Environment Agency or the authority concerned.

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 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.
The telephone number is 0117 372 8235.

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.
The telephone number is 029 2082 3857.

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary and The 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 on 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. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping information off the public register because it is confidential, please contact us by writing to the address shown at the bottom of the front page of the licence within 28 days of receiving this licence.

SCHEDULE OF CONDITIONS

1. NAME AND/OR DESCRIPTION OF INLAND WATERS TO BE IMPOUNDED

- 1.1 Inland waters known as Midge Holme Beck at Oxenhope, Keighley, West Yorkshire.

2. POINT OF IMPOUNDMENT

- 2.1 At National Grid Reference SE 03761 34361 marked 'Impoundment' on the map.

3. MANNER AND EXTENT OF IMPOUNDMENT

- 3.1 An earth fill with clay core dam not exceeding 254.96 metres above Ordnance Datum in height.
- 3.2 The total capacity of the impoundment formed by the works authorised by this licence shall not exceed 562,912 cubic metres of water.

4. FURTHER CONDITIONS

- 4.1 Subject to conditions 4.2 and 4.3, the Licence Holder shall release water from Leeming Reservoir created by the works so as to maintain a flow of no less than 4 megalitres per day in Leeming Water immediately downstream of the works. This flow shall be known as the Compensation Flow.
- 4.2 Subject to condition 4.3, if the Compensation Flow under conditions 4.1 and 4.2 of licence serial number NE/027/0014/011 (Leeshaw Reservoir) decreases from no less than 4 megalitres per day to no less than 2.75 megalitres per day, the release from Leeming Reservoir shall increase to no less than 5.25 megalitres per day.
- 4.3 At all times when the Licence Holder maintains the gauge in condition 4.4 in Leeming Reservoir for measuring the distance between the level of water therein and the top water level of 254.96 metres above Ordnance Datum (Newlyn):

If the Compensation Flow under conditions 4.1 and 4.2 of licence serial number NE/027/0014/011 (Leeshaw Reservoir) decreases from no less than 4 megalitres per day to no less than 2.75 megalitres per day

AND

the said distance as gauged on any Monday equals or exceeds the value shown in column 2 of the table below, as relates to the number of that Monday in column 1, the quantity of water that the Licence Holder shall release from Leeming Reservoir to Leeming Water on each subsequent day shall reduce from no less than 4 megalitres per day to no less than 3.25 megalitres per day, until the said distance on any subsequent Monday is equal to or less than the value in column 3 of the table below as relates to the number of that Monday in column 1, whereupon condition 4.1 shall apply. The first Monday in each calendar year is numbered 1 and each subsequent Monday is numbered consecutively thereafter.

Column 1	Column 2	Column 3	Column 1	Column 2	Column 3
1	5.02	4.56	28	2.88	2.52
2	4.66	4.22	29	3.11	2.74
3	4.32	3.89	30	3.35	2.96
4	3.99	3.58	31	3.59	3.19
5	3.67	3.27	32	3.83	3.43
6	3.25	2.87	33	4.09	3.67
7	2.78	2.42	34	4.35	3.92
8	2.33	1.99	35	4.61	4.17
9	1.90	1.57	36	4.90	4.44
10	1.61	1.28	37	5.21	4.74
11	1.41	1.09	38	5.53	5.04
12	1.21	0.90	39	5.87	5.36
13	1.02	0.71	40	6.21	5.69
14	0.86	0.55	41	6.21	5.69
15	0.91	0.60	42	6.21	5.69
16	0.96	0.65	43	6.21	5.69
17	1.02	0.70	44	6.21	5.69
18	1.07	0.75	45	6.14	5.62
19	1.22	0.91	46	6.02	5.50
20	1.40	1.08	47	5.89	5.39
21	1.57	1.25	48	5.77	5.27
22	1.75	1.42	49	5.64	5.15
23	1.93	1.60	50	5.49	5.00
24	2.11	1.77	51	5.34	4.86
25	2.29	1.94	52	5.19	4.72
26	2.47	2.12	53	5.02	4.56
27	2.66	2.30			

4.4

(i) The Licence Holder shall use a staff gauge to measure and record the water level in Leeming Reservoir at National Grid Reference SE 03781 34356 each week.

(ii) The Licence Holder shall position and install the staff gauge so as to be capable of continuous measurement of the water level in Leeming Reservoir.

(iii) The Licence Holder shall keep it installed at all times.

SCHEDULE OF CONDITIONS

FURTHER CONDITIONS (continued)

- 4.5 The Licence Holder shall use an ultrasonic level meter to measure the rate of Compensation Flow at the rectangular weir at National Grid Reference SE 03698 34382 shown on the map marked 'Weir'.
- 4.6 (i) The Licence Holder shall monitor and maintain the ultrasonic level meter so that at all times it measures the compensation flow accurately, and promptly replace it if it ceases to be fit for purpose.
- (ii) The Licence Holder shall maintain such rectangular weir to prevent leakage and to be free from obstruction at all times and remain effective at all times.
- 4.7 (i) The Licence Holder shall use the measuring device specified in condition 4.5 to record the Compensation Flow at the same time each day or as otherwise approved in writing by the Agency.
- (ii) The Licence Holder shall keep each record required by conditions 4.4 and 4.7(i) and make them available during all reasonable hours for inspection by the Agency for at least 6 years.

ADDITIONAL INFORMATION

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

REASONS FOR CONDITIONS

Compensation Flow

Conditions 4.1, 4.2 and 4.3 have been included to protect the downstream ecology.

IMPORTANT NOTES

This licence supersedes sections 5, 6, 11 and 13 of the Bradford Water Works Act 1869 (the Act) in so far as they authorised the mayor, aldermen and burgesses of the borough of Bradford ('the Corporation') to construct and maintain Leeming Reservoir (Work No.2).

Section 5 of the Act, in so far as it relates to the impoundment of Midge Holme Beck, Doll Clough and Foster Dike is now contained in conditions 1, 2 and 3 of this licence. Condition 1 only refers to Midge Holme Beck because the dam structure is across what was the course of Midge Holme Beck. The other two streams also lead into the reservoir.

Section 6 of the Act only applied during the period of construction.

Section 11 of the Act contains the compensation flow requirement and, in so far as it relates to Leeming Reservoir (Work No.2), has been superseded by conditions 4.1 – 4.7 of this licence.

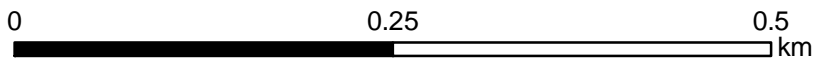
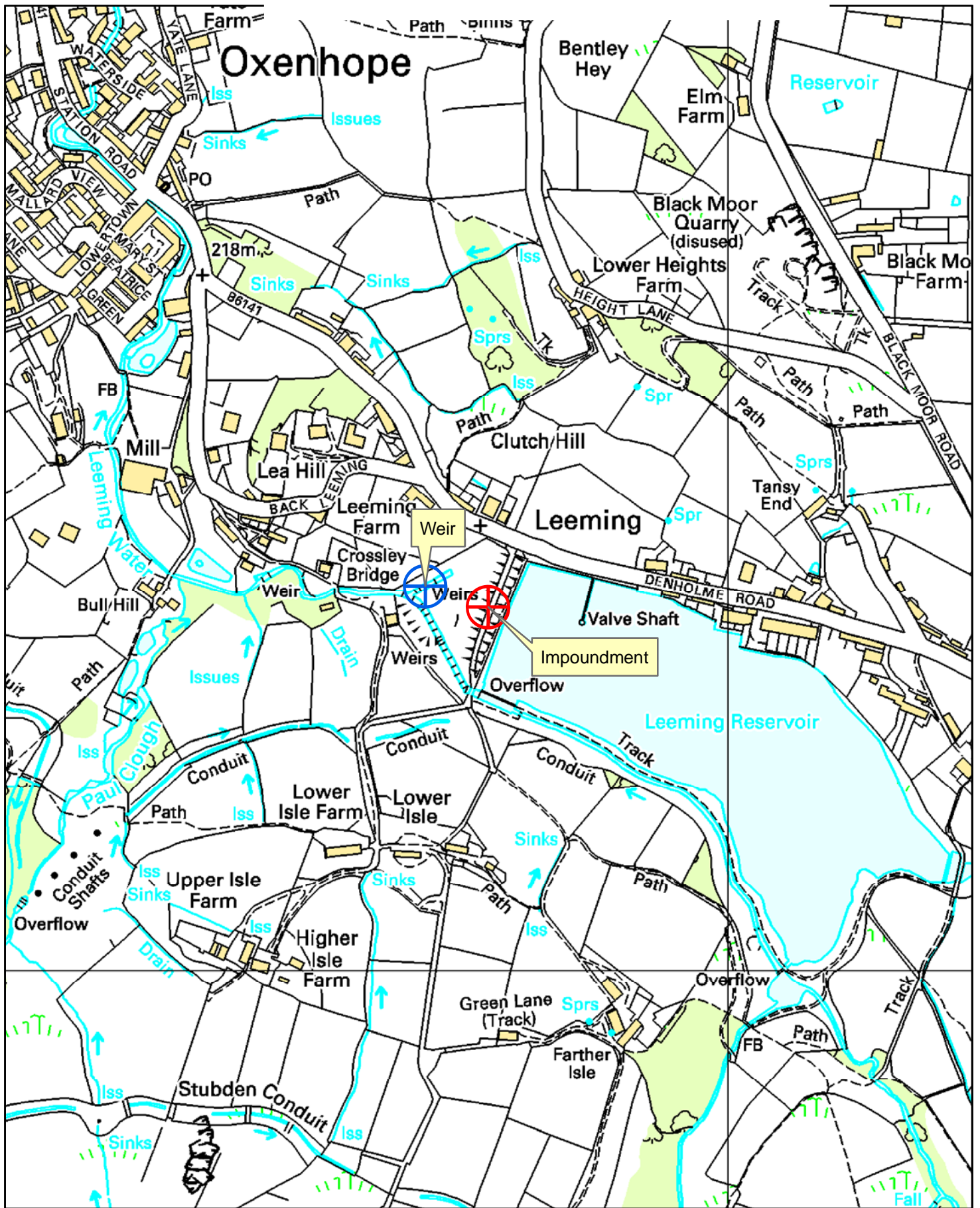
Section 13 related to the reservoir capacity which is now contained in condition 3.2 of this licence.

These sections are still in force, and amount to 'alternative statutory provisions' for the purposes of section 36(2) of the Water Resources Act 1963. By virtue of section 25(5) of the Water Resources Act 1991 the restriction on impounding works imposed by section 25(1) of the 1991 Act does not therefore apply, and a licence under Part II of the 1991 Act is not needed in relation to Leeming Reservoir as authorised by section 5.

The rights of the Corporation have been transferred to the Licence Holder in accordance with a scheme under Schedule 2 of the Water Act 1989 or Schedule 2 of the Water Industry Act 1991.

Section 25(7) of the Water Resources Act 1991 allows these sections to be revoked as if they were contained in a licence granted under Part II of the 1991 Act. In order to change the specifications of the embankment as set out in the deposited plans and sections referred to in section 5 to those referred to in condition 3 of this licence, and specify the compensation flow provisions in this licence, the Licence Holder therefore made an application (NPS/WR/025493) to revoke sections 5, 6, 11 and 13, in so far as they relate to Leeming Reservoir, under section 51(1) of the 1991 Act. This has been granted by the Agency's letter to the Licence Holder dated 08 March 2018, sent in determination of the application.

The application number for this impoundment licence is NPS/WR/027394.



MAP ACCOMPANYING LICENCE NUMBER
NE/027/0014/010

Scale: 1:5,000



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