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Changes to
the water
abstraction
licensing system

Changes to the water abstraction licensing system

Nearly everyone who needs to abstract water from rivers, canals, reservoirs, lakes or from groundwater sources requires a licence from the Environment Agency. There are about 48,000 licensed abstractions in England and Wales.

The present system for control of water resources was introduced in 1965. Since then demand for water has increased throughout England and Wales. Water is used for a wide range of purposes, including spray irrigation, manufacturing, private domestic use, agriculture and public water supply. In addition to increased demand, environmental uncertainties and expectations are growing and commercial practices have changed. The existing system no longer reflects the best way of managing water for the future.

After the drought in the mid 1990s and increasing public awareness that some licensed abstractions are contributing to environmental damage, the Government undertook a review of the abstraction licensing system. Its final decisions published in March 1999 in the document *Taking Water Responsibly* will result in major changes to the system. These will affect all licence holders and other parties with an interest in the management and control of water resources.



This leaflet tells you what changes are proposed and what the Agency is doing in response to *Taking Water Responsibly*. The new arrangements will give more opportunities for public involvement in important decisions about how we manage our water resources at a local level and how the environment should be protected.

Time-limiting licences

We already impose time limits on some abstraction licences, but in future all new abstraction authorisations will be time-limited. Existing licences will also gradually be converted to a time-limited basis. CAMS will be the vehicle for reviewing time-limited licences, deciding whether they can be renewed and, if so, on what terms. Our approach to time limiting will therefore be an essential part of the CAMS process and will also form part of the consultation in April 2000.

Restoring sustainable abstraction

At present there are a number of abstractions that may be affecting sites of environmental importance. The Government has confirmed that we should continue to seek voluntary action by licence holders whose abstractions are shown to be damaging sites. Where no agreement is reached we should use our existing powers to alter or revoke licences.

Where changes are achieved by varying or revoking licences, there may be a need to pay compensation to licence holders who incur losses. We will be producing, in consultation with appropriate organisations, a written policy on the determination of compensation for the revocation or variation of abstraction licences later this year.



Review of licence administration procedures

We have started a review of our administration procedures and will develop detailed proposals for change in 2000. These will be aimed at improving the flexibility, accountability and administrative efficiency of the authorisation process. In particular we will be considering the following areas:

- improving flexibility on advertising requirements;
- widening the availability of information on applications, perhaps by increasing our use of the Internet;
- considering the introduction of different levels of application fees;
- reviewing our performance on the determination of applications;
- ensuring that decisions made on applications are explained clearly.

What is the Environment Agency doing?

The changes proposed will fundamentally affect the way in which the Agency will control the abstraction, transfer and impoundment of water in England and Wales. This in turn will affect both the way in which water users are regulated and the way in which abstractors and other interested parties are involved in the control and management of water resources. During the development of our proposals, we will want to discuss the changes with groups and representatives of abstractors. In particular, we will discuss how we will implement the changes and how the changes might affect existing operations.

Initially we are concentrating on the following areas, which do not require new primary legislation:

- Catchment Abstraction Management Strategies;
- time-limiting of licences;
- restoring sustainable abstraction by dealing with damaging abstractions;
- review of licence administration procedures.

Catchment Abstraction Management Strategies

This major initiative will provide the opportunity, at a local level, for groups and individuals to contribute to the development of the strategy to be adopted for the catchment. CAMS will provide information on:

- the availability of water in a catchment;
- licensing practice in dealing with new applications;
- changes needed to the abstraction regime in the catchment to achieve the sustainable long-term use of water resources;
- a transparent basis for planning by abstractors, the Agency and all other interested parties.

Our proposals for the production of CAMS will form a major part of a consultation exercise that will start in April 2000.

When will the changes take effect?

Some of the proposals will require new primary legislation, but at the moment there is no date when the new powers required will be put before Parliament. However, the Government has announced its intention to produce a draft bill in 2000, and we are therefore making plans on the basis that the new legislation may be approved in 2001. As part of the implementation process, it is possible that some of the changes will not take effect for a number of years.

We are already working on our proposals to implement CAMS and are planning to start producing CAMS at a local level in April 2001. Our final proposal for implementing time limits on abstractions will be part of this implementation. Until then, we will continue to consider applying a time limit to a licence where there is uncertainty over the potential impact of an abstraction on the environment.

Where can I get more information?

We have produced a consultation pack on our detailed proposals for the introduction of CAMS and our proposed approach for time-limiting new licences. This will be available in April 2000 and is entitled *Managing Water Abstraction: Towards a Shared Strategy*. The consultation period will last from April to the end of July 2000 and we want to involve as many people as possible in providing feedback on our proposals.

We will be actively consulting organisations and groups representing abstractors' interests but if you would like to be directly involved in the consultation, a copy of the document is available on the Agency's English and Welsh web sites (addresses are shown on the back of this leaflet). Alternatively, write to:

Gwyn Williams
Water Resources Manager (ALR)
Environment Agency
Wrens Court
15-17 Lower Queen Street
Sutton Coldfield
West Midlands B72 1RT

or telephone our implementation team on 0121 241 2017.

After the consultation, we will use the feedback received to finalise our proposals for producing CAMS and will produce a response in the autumn of 2000.

If you are interested in reading *Taking Water Responsibly*, copies are available from DETR Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel. 0870 122 6236.

What changes are proposed?

While people and organisations will always need to take water to meet various needs, the amounts we allow to be taken need to be carefully managed in recognition of our environmental responsibilities.

More than 40 proposals are set out in *Taking Water Responsibly*. Some of the most significant are summarised below:

- local Catchment Abstraction Management Strategies (CAMS) will be developed;
- new authorisations will be time-limited and most existing licences should, over a period of time, be converted to time-limited status;
- there will be some relaxation in the regulation of small abstractions, helping to reduce unnecessary bureaucracy;
- some major abstractions, including those for trickle irrigation, dewatering and navigation, will be brought into the system for the first time;
- we will continue to seek voluntary action of licence holders whose abstractions are shown to be causing environmental damage, but we will use our existing powers to alter or revoke licences where no agreement can be reached;
- from 1 July 2012 it is proposed that the right to compensation will be ended for losses arising from the variation or revocation of an abstraction licence which had been granted without a time limit, and which is causing environmental damage;
- the defence against civil action which a licence affords, in respect of future financial losses incurred as the result of continuing water abstraction, will be removed;
- we have been asked to develop proposals for improving the administration of the system;
- improved controls for new and existing impoundments will be put in place. As for small abstractions, there will be criteria below which an impoundment will not need to be authorised;
- potential right of access will be the only requirement for an application to be made for an abstraction authorisation;
- various water resources management powers will be introduced, including a duty on all abstractors to use water in an efficient manner.