

## **New Water Abstraction Licences (New Authorisations)**

### **What are the Water Abstractions Licences (New Authorisations) and why do I need to know about them?**

New regulations have been introduced for water abstraction. From 1 January 2018 The Water Resources (Transitional Provisions) Regulations 2017 removed most exemptions from licensing control. This means that most previously exempt abstractors will now need to apply for an abstraction licence (New Authorisation), to continue to lawfully abstract water. This applies to abstractors in the Severn River Authority geographical exempt area, as shown on the West Midlands exempt area map, where more than 20 cubic metres per day is abstracted. For clarification, 20 cubic metres per day equates approximately to a full milk tanker.

### **What is the geographical exempt area?**

The Severn River Authority (Exceptions from Control) Order 1967, designated a Groundwater Licence Exempt Area under the 1967 No. 1971, Water Resources, England and Wales. The Area was defined by the Severn River Authority, which was the predecessor to Severn Trent Water, due to the low levels of abstraction at the time. This meant that anyone abstracting groundwater was exempt from the normal abstraction licensing regime. However, since the 1960s, abstraction has increased significantly and now needs to be managed through licensing regulations to lawfully continue and to ensure sustainable abstraction and protection of the environment in the future.

### **How do I know if I need to apply for a licence?**

You will need to apply for a licence if you presently abstract more than 20 cubic metres per day from a groundwater source within the Severn River Authority geographical exempt area, as shown on the attached map.

You will also need to apply for a licence if you presently abstract more than 20 cubic metres per day under a 'purpose based' abstraction exemption, i.e. you have previously been exempt and do not currently hold an abstraction licence. See the section below.

### **What are purpose based abstractions?**

Where water is transferred from one inland water system to another in the course of, or as the result of, operations carried out by a navigation, harbour or conservancy authority;

where water is abstracted into and between internal drainage districts;

where mines, quarries and engineering works are dewatered, except in an emergency;

warping activities (abstraction of water containing silt for deposit onto agricultural land so that the silt acts as a fertiliser);

water irrigation (other than spray irrigation, which has always required an abstraction licence);

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use of land drainage systems in reverse (including water transfers into managed wetland systems and water meadows) to maintain field water levels; and

water abstracted by Crown and visiting forces (other than Her Majesty the Queen and the Duchies of Cornwall and Lancaster in their private capacity).

### When do I need to apply for a licence by?

**Please apply for a licence for an existing activity as soon as possible and by the deadline of 31 December 2019.** This deadline is final.

If you apply before the end of September 2019, we will have time to work with you to ensure that your application includes all necessary information (i.e. it is valid for processing) prior to the deadline. After this time we cannot guarantee this service and those applications that are found to be invalid will be rejected.

Applicants will be treated on an equal basis, and there will not be a first come first served priority.

We will assess your application and make a decision on whether we can issue you a licence between January 2020 and December 2022. You will be informed in writing of the decision.

### How do I apply for a licence?

Please go to <https://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction> and complete Form WR344 and Form WR346 and send them to us. Please use the guidance notes WR345 and WR347 to help you when completing the forms.

### What information will I need to complete my application?

- Evidence of abstraction within the qualification period: 1 January 2011 to 31 December 2017. If you do not have metered abstraction quantities for the last 7 years, you must provide calculated estimates for the amount of water you have abstracted.
- Calculations of previously abstracted volumes.
- A diagram showing abstraction arrangements.
- A map showing the point of abstraction and other key points highlighted within the application form guidance notes.
- Details of any pumps or control structures used for your abstraction.
- Information about any planned abstractions at your New Authorisation site.
- The application fee.

If you have any questions regarding what you need to supply when completing your application, please contact the Environment Agency's National Customer Contact Centre (NCCC) for advice. The contact details are below.

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### **Can I continue to abstract whilst I am waiting for a decision to be made on my application?**

You may continue to abstract water as you have done before until we advise you of our decision on your application.

### **What happens if I need to abstract additional water?**

If you require additional water whilst your application is being processed this will fall under a planned abstraction and you will need to submit a separate application, which will not have the protection afforded by the transitional arrangements. The New Authorisations approach only applies to existing abstraction which has occurred any time during the 7 years prior to 31 December 2017. Any new abstraction or increase in abstraction after 1st January 2018 will need a normal abstraction licence in place before the additional abstraction can commence. You should allow sufficient time to make the necessary applications, which normally takes up to 4 months from the date we receive a valid application.

### **What happens if I don't apply for a licence?**

It is your responsibility to apply for a licence if and when you need one. It is an offence to abstract water without a licence. The Environment Agency may take enforcement action against you if you do not apply for a licence by 31 December 2019 and continue to abstract after this deadline. More information can be found here regarding enforcement: <https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-statement>.

Please be aware that if you miss the deadline of 31 December 2019 to apply for an abstraction licence for your activity, you will lose the opportunity for the “light touch” regulation that the New Authorisation licence offers.

### **For further information**

If you require further help or advice, please phone us on 03708 506 506 or email us at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) (Monday to Friday, 8am to 6pm).