

New rules on water use for wetlands

Historically, taking water from the environment for certain uses and from certain sources could be done without an Environment Agency issued abstraction licence. We called these ‘exempt activities’, and they included activities involving a variety of forms of wetland management. From the 1 January 2018, new regulations came into effect which means most of these previously exempt activities, or “New Authorisations”, cannot continue to abstract water to provide a water supply to a wetland without an abstraction licence in place.

Abstractions of 20 cubic metres per day or less will remain exempt from these changes.

What is an abstraction?

An ‘abstraction’ means any water that is removed (taken or partially diverted) from a source of supply (for example a river, stream, aquifer or other watercourse) either by a pump, structure or other means. This also includes water transfers whether the water is consumed in some way or not. This is the legal definition. Simply put it means if you take water or enable it to flow from a watercourse or aquifer for a previously exempt activity like trickle irrigation, or in this case wetland intakes, you may need to get a licence to preserve your access to that water.

Further parts of the legislation state water removed from a source of supply and returned (for example downstream) is also an abstraction (for example transfer through a water meadow system) and will now require a licence.

A licence would only be required where there is an abstraction from a source of supply. If water levels rise and either spill naturally onto land, or into a system of wetland channels, due to the hydraulic characteristics of the natural watercourse (for example an area of wet grassland acting as a natural floodplain), then provided there are no engineered or artificial means to facilitate this, no abstraction has occurred. Images are included at the end of the briefing demonstrating some examples of what is and isn’t an abstraction.

When do you need an abstraction licence?

If you currently abstract more than 20 cubic metres per day for a previously exempt activity, you are now likely to need an abstraction licence. As a guide, this amount roughly approximates to a hosepipe running all day.

The following types of activity for the purposes of wetland management that are affected by these changes include:

Traditional water meadows

Flood irrigation schemes (including warping)

Wet fencing

Providing water to wetland habitats

Conservation schemes dependent on water

Water Level Management Plans

Countryside or Higher Level Stewardship Schemes dependent on water

customer service line 03708 506 506

floodline 03459 88 11 88

incident hotline 0800 80 70 60

Page 1 of 4

Only the intakes into a wetland system need to be licensed but not further transfers or abstractions that are integral to it and within its boundary (see below for further clarification on this).

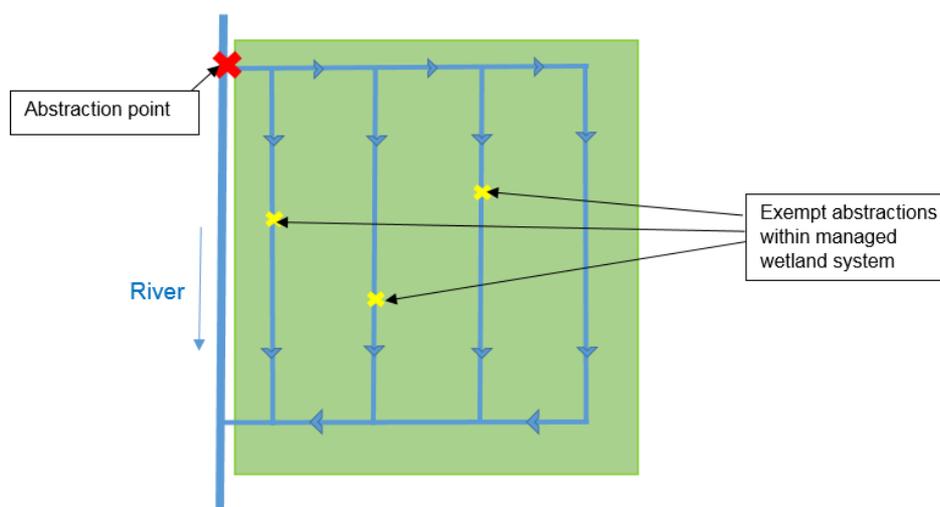
What does an abstraction licence consist of?

There are likely to be one of two types of abstraction licence issued for the activities listed above; a full abstraction licence, or a transfer abstraction licence.

A “full” abstraction licence involves the removal or taking of water from a source of supply for a consumptive purpose where the water is not returned to another source of supply, for example in a flood irrigation scheme. This type of licence requires a £135 application fee and would attract an ongoing annual subsistence charge based on a number of factors including the volume licenced and use of the water.

A “transfer” abstraction licence involves the removal or taking of water from a source of supply for it to be transferred to a different source of supply (e.g. channels within a managed wetland system) with no intervening use, for example as part of wet fencing or wetland habitat activities. This type of licence requires a £1,500 application fee for a typically 12 year licence, but would not have an ongoing annual subsistence charge.

An example of when an abstraction licence may be needed for these types of activities is illustrated below, which also demonstrates which abstractions would be exempt.



In this basic example, the red marker illustrates the abstraction point from the river into the managed wetland system (the boundary of which is represented by the green square). This movement of water represents the primary abstraction (transfer) of water into the wetland boundary, and so is likely to require an abstraction licence. The wetland system may contain a number of small ditches, channels, wet fences or dykes within it, used to support flora and fauna. The yellow markers within the wetland boundary also represent movements of water (either facilitated by pumps or use of structures). Providing that these

movements of water are for the purposes of managing water levels/flows within a wetland area, then these secondary movements of water will not require an abstraction licence.

The Transitional Regulations and the approach to New Authorisations

If you now require a licence, you must apply during a two-year period, known as the “transitional period”, which started on 1 January 2018 and ends on 31 December 2019, in order for your abstraction to remain lawful. The Transitional Regulations provide a very valuable benefit that is only available up to the 31 December 2019. It allows us to issue you with a licence based on your past abstraction. If a valid complete application is not submitted by this date, that valuable opportunity to secure ongoing rights to that water is permanently lost. It is therefore in your interests to be certain that you apply in time without fail.

Applications that we receive after 31 December 2019 will be considered as new abstractions and assessed in accordance with our usual day job process and will not benefit from the transitional arrangements of a light touch entry into the licensing system. Entry via the day job process may be refused, or your abstraction may be restricted, depending on the availability of water in your area.

It's important therefore that you apply now to make sure we have time to check we have all of the information we need for your application - known as making the application valid.

We will assess all licences applied for during the transitional period by 31 December 2022. You can continue to legally abstract water at no additional cost until we make a decision on your application so long as we have accepted your application as valid by 31 December 2019.

The Environment Agency strongly advises that applications are submitted without delay to allow time for any gaps or missing information in your application to be resolved and still be validated safely by the deadline 31 December 2019.

You can apply to the Environment Agency for a new abstraction licence at:
<https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

We are also providing a hotline and bookable appointment service providing free advice to help you with drafting applications for previously exempt activities or answering any questions about it. You can either call 03708 506506 or email us at enquiries@environment-agency.gov.uk to find out more.

Additional information and support can be found on our [Environment Agency Citizen space page](#). This website provides easy access to up-to-date information on New Authorisations including useful documents to help you complete your application.

How can we help?

As highlighted above, we strongly advise that you contact us as soon as possible, either by phone (03708 506506) or by email (enquiries@environment-agency.gov.uk).

The first step will be for us to help you determine whether you require a licence if you are uncertain. To do this, we will likely require basic information such as a description of the activities you undertake, how you are moving water (for example by pump or use of structures including pipes and sluices), and schematics or annotated maps of where you are moving water to and from (including any wetland site boundaries that you are able to distinguish at your site or area of land you are responsible for). We can provide this initial advice without a formal application and associated application fees.

This initial advice may well lead to us requiring further information from you in order to complete a valid application, and so taking into account the deadlines outlined above, it is vitally important that you make this initial contact with us immediately.



Image 1: Water is diverted from a river (source of supply) via a sluice gate to feed into a managed wetland system, therefore an abstraction has occurred.



Image 2: Similar to image 1 in that the pipe is diverting water from a source of supply into a managed wetland system and therefore acting as an abstraction.



Image 3: Water enters a managed wetland system via a natural open channel connection. No abstraction is taking place in this instance and therefore no licence requirement.



Image 4: Sluice gate located across watercourse. The purpose is to raise water levels behind it to allow water to flood onto land, and is therefore acting as an abstraction.