Consultation response

Title: Low risk abstraction activities: Regulatory Position Statement

Consultation publication date: 10/02/2026 to 24/02/2026

1. Introduction

An abstraction licence is needed for most abstractions of water over 20 cubic metres per day. We recognise that some abstraction activities pose a low risk to other water users and have minimal environmental impact. Requiring a licence for these activities can place an unnecessary regulatory burden on both the regulator and potential abstractors.

This Regulatory Position Statement (RPS) enables a more risk-based approach to regulation, while continuing to safeguard the environment and the interests of other water users. It will help reduce the regulatory burden on the public and businesses by providing a proportionate and pragmatic framework for managing certain low risk abstraction activities.

While the RPS does not remove the legal requirement to hold an abstraction licence, it sets out the circumstances in which enforcement action would not normally be taken. This new low risk abstraction RPS is intended to complement the low risk impounding activities RPS (RPS: 302), published in June 2025.

The low risk abstraction activities included in this RPS are:

- creating a new bypass channel
- creating a new additional channel
- backwaters and fish refuge features
- removing raised banks
- Internal Drainage Board – abstraction of pumped water
- fish passage facility, including those for elver, eel and lamprey
- pumped eel pass and/or elver passes

2. How we ran the consultation

We ran the consultation for 6 weeks from 10 February to 24 March 2026.

The consultation was hosted on-line on Citizen Space. Respondents could choose to answer the questions on-line or download a copy of the consultation questions to submit by email.

Details of the consultation were sent to key Environment Agency staff and external partners, focussing on those involved in the delivery of nature recovery activities.

All information provided for the consultation can be viewed at https://consult.environment-agency.gov.uk/environment-and-business/rps-for-low risk-abstractions/

We received 36 responses in total. The responses are broken down by sector group in the table below.

Sector	No. of responses
Environmental non-governmental organisations	9
Other trusts	2
Water company	4
Abstraction sector representative	4
Consultancy	1
Environment Agency	9
Government (other)	1
Internal Drainage Board	1
Local government	2
Anonymous	3

3. Summary of key findings and actions we will take

High level summary

Across the consultation responses, there is broad support in principle for introducing a risk based RPS to facilitate low risk abstraction activities for nature recovery and fish passage. Many respondents welcome the intention to reduce regulatory burden, cost, and delays, enabling faster delivery of restoration projects such as fish passage improvements, floodplain reconnection, and habitat creation.

However, a consistent theme is concern about the reliance on self assessment by users. Respondents question whether operators have sufficient technical expertise (hydrological, ecological, or fisheries) to assess compliance, particularly for more complex activities. There are repeated calls for clearer guidance, definitions, and practical examples of the RPS activities.

In response to feedback, we have revised the title of the RPS to *Low risk abstraction for nature recovery actions and fish or/ eel passage*. This updated title more accurately reflects the types of abstraction activities covered by the RPS.

A detailed summary of consultation responses has been produced for both the general conditions and each activity. While all responses have been carefully considered, it is not practicable to address every individual point within this document. Instead, each section highlights the key themes raised and explains how this feedback has informed the proposed updates to the RPS text.

General conditions you must comply with

Q1. Do you think they provide the right level of protection for the environment?

Overall view:
Most respondents support the general conditions, seeing them as a proportionate, risk based framework that protects the environment while enabling nature recovery and restoration projects more quickly and with fewer regulatory barriers.

Perceived benefits:

- align with existing legislation and environmental safeguards
- enable low risk activities without the need to apply for a licence
- help accelerate habitat restoration and biodiversity improvements

Key concerns and challenges:

- third parties that are not a competent authority cannot undertake the required habitats assessments
- heavy reliance on self assessment by operators, with doubts about capability and consistency
- limited regulatory oversight and enforcement, increasing risk of non-compliance or environmental harm
- ambiguity in concepts such as nature recovery, Water Framework Directive (WFD) deterioration, and competence requirements
- potential for cumulative impacts not being adequately addressed

Clarity and guidance gaps:

- clearer guidance on assessing environmental impacts (for example, WFD deterioration)
- more examples, definitions, and best practice standards
- better explanation of how conditions interact with other regimes (for example, Flood Risk Activity Permitting (FRAP), planning, fisheries)

Specific issues raised:

- condition 6 (habitats sites and species) places the responsibility for undertaking the habitats assessment directly upon the user, when it should be the responsibility of the competent authority or Section 28G Wildlife & Countryside Act 1981 authority
- condition 8 (high ecological status waters) seen by some as too restrictive for restoration projects
- need for stronger record keeping, monitoring, and long term accountability
- concerns about cross border impacts (England–Wales) and missing reference to Natural Resources Wales (NRW)
- requests for improved access to data (for example, abstraction locations)

Regulatory approach:

- some support the RPS as a flexible tool, but others highlight lack of legal certainty (non-statutory, can be withdrawn)

- suggestions to move towards clearer, possibly, statutory (EPR) frameworks for low risk activities

Summary:
There is broad support in principle, but strong and consistent feedback calling for clearer guidance on assessing the impacts of abstraction, stronger assurance on compliance, and better handling of complexity and cumulative risk.

Q2. Do you think they provide the right level of protection for other water users?

Overall view:
Most respondents felt the conditions generally provide adequate protection for other water users, particularly through safeguards such as protecting existing rights, requiring consultation, and preventing derogation.

Perceived benefits:

- explicit protection for lawful abstractions and water company operations
- requirement to consider and consult other users and stakeholders
- alignment with existing regulatory frameworks and principles

Key concerns and limitations:

- difficulty of self-assessment, especially identifying impacts on other users (for example, abstraction licences, gauging stations)
- lack of accessible data on existing abstractions, making compliance harder
- limited clarity on how to demonstrate no derogation in practice

Clarity and guidance gaps:
Respondents requested:

- better guidance, tools, or mapping to identify existing water users
- clearer explanations of legal obligations and definitions (for example, “other water users”)
- examples of how to assess impacts and comply with conditions

Risk and cumulative impacts:

- concerns about cumulative effects of multiple small abstractions
- potential local impacts in water-stressed catchments
- recognition that impacts may vary significantly by location

Specific issues raised:

- need to consider recreational users and riparian rights more explicitly
- questions around cross-border impacts (England–Wales)
- suggestions to improve transparency (for example, a public register of RPS activities)

Summary:
Responses broadly support the protections but highlight practical challenges in identifying and

safeguarding other users. There are also strong calls for clearer guidance, improved data access, and greater consideration of cumulative and local impacts.

In response to feedback received on Questions 1 & 2, we have made the following changes to the general conditions:

- more advice and guidance is now available in the main RPS text under the 'other permissions you may need' heading
- conditions re-ordered to group together similar conditions
- records of the abstraction must now be kept for the duration of the activity, and not 5 years
- records of the abstraction must be kept for a period of 6 years after the abstraction ceases
- condition 5 (habitats sites and species) has been amended from 'You must make sure ….' to 'The abstraction must not ….'. This wording recognises that the user may not be a competent authority, or Section 28G authority under the Wildlife & Countryside Act 1981, with responsibility for assessing the application
- the user must now have specific regard to 'recreational users' when considering other water users
- a link will be provided to request information relating to abstraction and impounding licences. We intend to make this information available on GOV.UK, and once it is available, the RPS will be updated to include a link to it
- the user is now advised to contact NRW when an abstraction activity may affect protected sites and species in Wales
- public authorities are now reminded of their duty to conserve and enhance biodiversity
- more information on high ecological status waterbodies is provided
- users are now advised not to 'hinder' a statutory water undertaker carrying out its legal obligations, rather than 'prevent'
- more information on a statutory water undertaker is provided
- a new condition has been added advising users to inform NRW if the abstraction activity is in the River Dee or River Wye catchment area
- a link has been provided to the National River Flow Archive which holds data on many of the our gauging stations

Creating a new bypass channel

Q3. Should the activity be included in the RPS?

Overall view:
The majority of respondents support inclusion of bypass channels in the RPS, viewing them as a low risk, well-established tool for river restoration, fish passage, and nature recovery. A smaller number raised concerns about flow impacts, depleted reaches, and regulatory clarity.

Q4. Do the activity-specific conditions provide adequate protection for the environment?

Overall view:
Most respondents consider the proposed conditions are broadly adequate to protect the environment, particularly when combined with general conditions and other regulatory controls.

Perceived benefits:

- coverage of key risks such as fish passage, habitats, and designated sites
- requirement to return water to the same watercourse
- recognition that bypass channels can improve ecological conditions and create new habitat

Key concerns and risks:

- potential for reduced flow in the original channel (depleted reach) affecting habitats, spawning areas, and geomorphology
- risk of altered sediment transport and habitat quality
- uncertainty about impacts where flow is partially and not fully diverted
- concerns that short, local impacts may not be captured adequately by high level conditions (for example, preventing WFD deterioration)

Design and ecological considerations:
Respondents highlighted potential issues with:

- flow distribution between channels
- attraction flow and effectiveness for fish passage
- sediment continuity and habitat quality
- need for specialist design input (hydraulic, ecological, fisheries expertise)

Clarity issues:

- ambiguity around whether all or only part of the flow can be diverted
- unclear definitions (for example, what constitutes the “site”)
- requests for clearer wording in conditions on fish passage and performance expectations

Regulatory overlap and safeguards:

- many note that other regimes (for example, FRAP, fisheries approvals) will provide additional environmental protection
- some respondents rely on these to justify a lighter-touch approach, while others question whether RPS alone is sufficient

Opposing views:

- a small number argue conditions are too onerous and may discourage restoration projects
- others believe conditions do not go far enough, particularly regarding detailed design and monitoring

Summary:
Responses generally agree environmental protection is adequate in principle. However, they highlight concerns about flow impacts, design detail, and clarity, and call for stronger guidance and more explicit consideration of ecological and hydraulic processes at site level.

Q5. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Most respondents consider the conditions broadly sufficient to protect other water users, particularly through requirements for agreement from affected parties and adherence to general conditions.

Key strengths identified:

- requirement to obtain written agreement from landowners, riparian interests, and affected users
- safeguards to ensure no derogation of existing lawful abstractions
- expectation that water is returned to the same watercourse, removing consumptive impacts

Main concerns and risks:

- potential for changes in flow distribution to affect downstream users, even if all water is returned
- risk of local impacts on water levels, quality, or availability, especially near abstraction points or structures
- concerns that impacts may not be fully understood without technical (hydrological/hydraulic) assessment

Limitations of current approach:

- reliance on agreement from users seen by some as insufficient without technical evidence
- lack of explicit requirements to assess flow impacts, cumulative effects, or hydraulic changes
- uncertainty about how complex or indirect impacts on users would be identified and managed

Clarity and guidance issues:
Respondents requested:

- clearer definitions of “other water users” (for example, recreational and licensed users)
- better guidance on how to assess and demonstrate no impact
- more detail on responsibility for long-term maintenance and management

Role of other regulatory controls:

- many noted that other consenting regimes (for example, FRAP, land drainage consent) would provide additional protection

- some questioned whether reliance on these alone is sufficient without explicit RPS requirements

Opposing views:

- a small number argued conditions are too onerous (for example, extensive agreement requirements) and could slow projects
- others felt they are not stringent enough, particularly regarding technical assessment and monitoring

Summary:
Responses generally agree protection for other water users is adequate in principle. However, they highlight gaps in assessing and evidencing impacts, with calls for clearer guidance, better definitions, and stronger consideration of flow changes and cumulative effects.

In response to feedback received on Questions 3, 4 & 5, we have made the following changes to the bypass channel activity:

- an example scenario has been added to help illustrate the activity
- the word ‘approved’ has been removed from ‘prevent any existing approved fish or eel pass from operating effectively’. This is because not all existing fish passes will have gone through the approval process and removing the word will protect these
- wording added to ensure that a flow of water in the bypass channel is maintained to enable the free passage of fish at all times
- when considering the written agreement for the abstraction, the user must now include owners and interests on ‘both banks’

Creating a new additional channel

Q6. Should the activity be included in the RPS?

Overall view:
Most respondents support inclusion of new additional channels in the RPS. They consider them a valuable and generally low risk tool for river restoration, habitat creation, and floodplain reconnection. Requests were made for clearer definitions, design guidance, and safeguards to manage flow impacts, prevent depleted reaches and ensure schemes deliver genuine environmental benefit.

Q7. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Responses indicate general confidence that the conditions can provide environmental protection, particularly when combined with general conditions and other regulatory processes.

Key strengths identified:

- requirement to return water to the same watercourse
- consideration of fish passage, habitats, and designated sites through general conditions
- recognition that additional channels can create new habitat and improve ecological function

Main concerns and risks:

- potential for reduced flows in the original channel, leading to impacts on habitats, spawning areas, or geomorphology
- risk that localised impacts may not be captured by high-level conditions (for example, preventing WFD deterioration)
- concerns about depleted reaches, especially if channels are long or poorly designed

Design and technical considerations:

- need to better address flow distribution, sediment processes, and ecological function
- calls for specialist design input (including hydraulic, geomorphological, ecological expertise)
- some suggest proportionate hydrological or hydraulic assessment may be needed

Clarity and guidance gaps:

- requests for clearer explanation of how impacts on the existing channel should be assessed
- lack of explicit requirements for monitoring, maintenance, or performance standards
- questions about how compliance will be demonstrated in practice

Role of other controls:

- many rely on other permitting regimes (for example, FRAP, Ordinary Watercourse Consent (OWC)) to provide additional environmental safeguards
- some consider this sufficient, while others see gaps if RPS conditions are not more explicit

Summary:
Responses broadly support the approach. However, they highlight risks around flow changes and local channel impacts, with consistent calls for clearer guidance, better design assurance, and stronger consideration of ecological and hydromorphological processes.

Q8. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Responses are mixed but generally neutral to positive, with many considering that conditions can provide adequate protection in principle, but only if applied carefully.

Key strengths identified:

- requirement for agreement from landowners, riparian interests, and affected users
- general conditions aimed at preventing derogation of existing lawful abstractions and rights

- expectation that water is returned to the same watercourse, limiting overall water loss

Main concerns and risks:

- potential for changes in flow distribution to affect users along the channel reach
- risk of depleted sections of the original channel, impacting downstream users
- possible impacts on water levels, availability, and quality, especially locally
- concerns about cumulative effects if multiple schemes operate within the same catchment

Assessment and evidence gaps:

- limited requirement for hydrological or hydraulic assessment to demonstrate no impact
- reliance on agreement or self-assessment seen by some as insufficient for complex situations
- questions over how impacts on other users will be identified, assessed, and evidenced

Clarity and practical issues:

- need clearer definition of ‘other water users’ (for example, whether this includes recreational users)
- concerns about the practicality of obtaining agreement from all relevant users
- requests for clearer guidance on responsibilities, compliance, and enforcement

Role of other regimes:

- many respondents note that FRAP, land drainage consents, and planning processes will also help manage risks
- however, some believe reliance on these may leave gaps if not clearly integrated with the RPS

Summary:
Responses indicate that protections may be adequate in principle, but there are consistent concerns about flow impacts, cumulative effects, and the reliance on agreement or self-assessment. There were requests for clearer guidance and more robust methods to assess and demonstrate impacts on other users.

In response to feedback received on Questions 6, 7 & 8, we have made the following changes to the creating a new channel activity:

- an example scenario has been added to help illustrate the activity
- wording added to ensure that fish and eel are allowed to move freely upstream and downstream ‘at all times’
- the user must consider owners and interests on ‘both banks’ when getting agreement
- new condition added stating that the new channel must not bypass an impounding structure

Backwaters and fish refuge features

Q9. Should the activity be included in the RPS?

Overall view:
There is strong and consistent support for including backwaters and fish refuges in the RPS, with most respondents viewing them as low risk, beneficial interventions. Though some emphasise the need for good design, maintenance, and clear responsibilities.

Q10. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Most respondents consider the conditions generally adequate to protect the environment, particularly when combined with general conditions and existing regulatory safeguards.

Key strengths identified:

- conditions are seen as sufficient to identify and mitigate environmental risks
- protection of fish and habitats is broadly supported
- measures align with existing legislation and ecological best practice

Main concerns and risks:

- potential for poor design or location to reduce effectiveness or create unintended impacts (for example, poor water quality, sedimentation or low oxygen)
- risk that features may degrade over time without maintenance (for example, siltation or isolation from the main channel)
- concerns about fish becoming trapped or habitats becoming unsuitable under certain conditions

Design and ecological considerations:
Respondents highlighted the importance of:

- considering water quality, sediment processes, and ecological function
- ensuring features are appropriately located and connected (where needed)
- recognising that natural systems may not always maintain permanent connectivity

Clarity and guidance gaps:

- some conditions were seen as overly rigid or unrealistic (for example, continuous connectivity requirements)
- calls for clearer guidance on design standards and good practice
- need for clarity on how compliance and effectiveness will be demonstrated

Maintenance and responsibility:

- frequent concern about long-term maintenance and who is responsible

- recognition that environmental protection depends on ongoing management, not just initial design

Summary:
Responses broadly agree that environmental protection is adequate in principle, but stress that outcomes depend heavily on good design, realistic conditions, and ongoing maintenance. There were calls for clearer guidance and flexibility to reflect natural processes.

Q11. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Most respondents consider that the conditions generally provide adequate protection for other water users, particularly given the small scale and nature of the activity.

Key strengths identified:

- features are typically small, localised, and non-consumptive, limiting impacts on flows and availability
- requirement to obtain agreement from relevant landowners and users
- safeguards in general conditions to prevent derogation of existing users

Low perceived risk:

- many respondents believe impacts on other users are minimal or negligible, as refuges tend to fill and remain hydrologically connected to the main channel
- once full, they are seen as unlikely to significantly alter downstream flows

Main concerns and risks:

- potential for localised flow reductions if water is diverted into refuges, particularly during filling
- risk of impacts under certain conditions (for example, during low flows or where features are poorly designed)
- concerns about cumulative effects if multiple features are implemented in one reach

Operational and long-term issues:

- questions about ongoing responsibility, maintenance, and management
- risk that poorly maintained features could trap fish or affect flows, indirectly impacting users
- uncertainty about what happens when responsible individuals or organisations change

Clarity and guidance gaps:

- need for clearer guidance on how to assess impacts on other users
- questions about monitoring, enforcement, and compliance over time
- requests for better explanation of responsibilities and safeguards

Summary:
Responses generally consider impacts on other water users to be low and manageable, but highlight concerns about localised effects, cumulative impacts, and long-term maintenance. There were calls for clearer guidance and stronger assurance of ongoing compliance.

In response to feedback received on Questions 9, 10 & 11, we have made the following changes to the backwaters and fish refuge features activity:

- an example scenario has been added to help illustrate the activity
- wording amended to change the emphasis from allowing fish and eel to move in and out of the refuge feature, to one of the refuge feature being a safe environment for fish species
- when considering the written agreement for the abstraction, the user must now include owners and interests for the land occupied by the refuge feature, and not just at the point of abstraction

Fish pass, including those for elver, eel and lamprey

Q12. Should the activity be included in the RPS?

Overall view:
There is strong and widespread support for including fish passes in the RPS, with most respondents seeing them as essential, well understood, and generally low risk activities. There was some concern focused on long term maintenance, and ensuring effective operation over time.

Q13. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Most respondents consider that the proposed conditions, combined with existing fisheries approvals, provide adequate environmental protection.

Key strengths identified:

- fish passes already require technical design approval, providing a strong safeguard
- conditions are seen as sufficient to protect fish populations and wider ecological interests
- activity is widely recognised as delivering significant environmental benefits (improved migration and connectivity)

Main concerns and risks:

- risk of poorly maintained or degraded fish passes, which could lead to adverse impacts (for example, altered flows, fish entrapment, reduced effectiveness)
- potential for changes in flow distribution between the main channel and the pass
- concern that no formal mechanism exists to ensure installations are built and maintained as approved

Maintenance and long-term operation:

- strong emphasis on the need for ongoing maintenance, repair, and inspection
- questions about who is responsible over the long term, especially if ownership changes
- recognition that environmental protection depends on continued performance, not just initial design

Oversight and enforcement:

- concerns that reduced regulatory involvement under the RPS may weaken oversight
- some call for clearer mechanisms to ensure compliance with approved designs and operational performance

Positive perspectives:

- many respondents are confident that existing approval processes and standards are sufficient
- some consider fish passes particularly suited to a risk-based, streamlined regulatory approach

Summary:
Responses broadly agree that environmental protection is adequate due to existing design approvals, but highlight the importance of long-term maintenance, clearer accountability, and ensuring installations continue to perform as intended.

Q14. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Most respondents consider that the conditions provide adequate protection for other water users, particularly given the generally small scale and controlled nature of fish pass flows.

Key strengths identified:

- existing design approval processes help ensure flows are managed appropriately
- general conditions protect lawful abstractions and other users' rights
- requirement for agreement from landowners and relevant parties provides an additional safeguard

Low perceived risk:

- many respondents view fish passes as low risk to other water users, as they typically involve limited flow diversion within the same watercourse
- considered unlikely to cause significant impacts where properly designed and maintained

Main concerns and risks:

- potential for flow redistribution to affect downstream or adjacent users if not well controlled
- risk of over abstraction into the pass if structures degrade or are poorly maintained
- possibility of indirect impacts on other users (for example, reduced flows affecting abstractions)

Maintenance and long-term operation:

- recurrent concern about long term responsibility and maintenance
- poorly maintained passes could alter flows or reduce availability for other users
- questions about how compliance is ensured if ownership or responsibility changes

Clarity and guidance gaps:

- need for clearer guidance on how impacts on other users should be assessed and managed
- requests for stronger clarity on ongoing responsibilities and enforcement mechanisms
- some uncertainty about how flow changes will be monitored or controlled over time

Summary:
Responses broadly indicate that protections for other water users are adequate in principle, but highlight the importance of controlled design and ongoing maintenance. There should be a clear responsibility to ensure fish passes do not adversely affect flows or existing users over time.

In response to feedback received on Questions 12, 13 & 14, we have made the following changes to the fish pass, including those for elver, eel and lamprey activity:

- an example scenario has been added to help illustrate the activity
- reference to agreement that the pass meets the requirements of the Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 removed. New text added that the pass design must be approved by us. This is to acknowledge that a pass may be approved to meet requirements other than those covered by the cited legislation
- when considering the written agreement for the abstraction, the user must now include owners and interests for the land occupied by the fish pass, and not just at the point of abstraction

<u>Pumped eel and/or elver pass</u>

Q15. Should the activity be included in the RPS?

Overall view:
Responses show strong support for including pumped eel (or elver) passes in the RPS, with most respondents viewing them as important, low risk ecological interventions.

Q16. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Responses generally indicate that environmental protection is adequate in principle, particularly due to existing design approval processes and the ecological purpose of the activity.

Key strengths identified:

- reliance on approved design specifications and technical standards provides a strong baseline for environmental protection
- conditions are seen as sufficient to protect eel populations and wider aquatic ecology
- activity is widely recognised as delivering clear ecological benefits (improved migration and connectivity)

Main concerns and risks:

- effectiveness depends heavily on ongoing operation and maintenance
- risk that poorly maintained systems could fail or cause unintended impacts (for example, injury to fish, ineffective passage)
- concerns about screening requirements, with some respondents noting practical issues (for example, very fine screens hindering pump performance)

Design and technical considerations:

- calls for flexibility to allow fish friendly pump technology where standard screening may be impractical
- importance of ensuring systems are designed to balance ecological protection with operational feasibility
- need to consider site-specific conditions and good practice guidance

Maintenance and responsibility:

- strong emphasis on the need for regular maintenance, repair, and monitoring
- environmental protection depends on systems remaining effective over time, not just initial compliance
- questions about long-term responsibility for upkeep

Clarity and guidance gaps:

- requests for clearer guidance on best practice (for example, pump types, screening approaches)
- some uncertainty over how compliance and effectiveness will be assessed and enforced over time

Summary:
Responses broadly support the adequacy of environmental protection, but emphasise that success depends on appropriate design, practical screening solutions, and strong ongoing maintenance, with calls for clearer guidance and recognition of operational realities.

Q17. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
There were very few detailed responses, but those provided generally indicate that impacts on other water users are low and manageable.

Key strengths identified:

- requirement to obtain agreement from landowners, riparian interests, and relevant users is seen as an important safeguard
- general conditions provide protection against derogation of existing lawful abstractions and rights

Low perceived risk:

- pumped eel passes are typically small, localised, and purpose-specific, with limited water abstraction
- generally considered unlikely to significantly affect flows available to other users, particularly when properly designed

Concerns:

- impacts depend on appropriate siting, design, and operation
- potential for issues if systems are poorly designed or not properly maintained, though this was not widely raised

Clarity and guidance:

- no major themes on guidance gaps, but implicit reliance on general conditions and design standards to ensure protection

Summary:
Responses suggest the activity poses minimal risk to other water users, with existing safeguards (agreements and general conditions) considered sufficient; although outcomes depend on appropriate design and management.

In response to feedback received on Questions 15, 16 & 17, we have made the following changes to the pumped eel and/or elver pass activity:

- an example scenario has been added to help illustrate the activity
- reference to agreement that the pass meets the requirements The Eels (England and Wales) Regulations 2009 removed. New text added that the pass design must be approved by us
- the ‘at all times’ wording has been removed from the maintenance condition, to the reflect circumstances where a pass is not used all of the time for example, a seasonal pass
- intake screening criteria removed because any pass must be approved by us, and we may want to approve different criteria to that cited. This will allow for the use of pumps that are less damaging to eel

- when considering the written agreement for the abstraction, the user must now include owners and interests for the land occupied by the eel pass, and not just at the point of abstraction

High flow abstraction

Q18. Should the activity be included in the RPS?

Overall view:
Responses are mixed, with some support for inclusion but significant concern about whether the activity is genuinely low risk and suitable for an RPS approach.

Q19. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Responses are mixed, with many questioning whether the proposed conditions provide sufficient environmental protection, particularly given the complexity of high flow dynamics.

Positive views:

- some respondents consider the conditions generally adequate, especially where combined with percentage limits and requirements to avoid environmental harm
- recognised potential benefits for wetland creation, floodplain reconnection, and natural flood management

Key environmental concerns:

- high flows are ecologically important, supporting processes such as sediment transport, channel maintenance, and habitat quality
- abstraction during high flows could still disrupt these processes, particularly if repeated or widespread
- risk that cumulative abstraction across multiple sites could significantly alter river behaviour

Concerns about thresholds and controls:

- use of Qn15 as a trigger seen as overly simplistic and not reflective of ecological sensitivity or site-specific conditions
- percentage limits (10–20%) may still represent substantial volumes in some systems
- fixed limits on duration (40 days or 10 consecutive days) viewed as arbitrary, difficult to manage, or potentially counterproductive

Practical and technical challenges:

- difficulty in determining and monitoring high flow thresholds, especially in ungauged or variable catchments
- concerns that many operators would lack the technical ability to assess compliance

- challenges in controlling abstraction in more natural or passive systems

Monitoring and compliance issues:

- lack of clear requirements for measurement, logging, or metering
- concerns about enforceability and ability to demonstrate compliance
- suggestions for stronger requirements for record keeping and evidence

Clarity and guidance gaps:

- uncertainty about how to interpret and apply conditions in practice
- requests for clearer guidance on flow thresholds, monitoring, and acceptable impacts

Overall risk perception:

- many respondents consider environmental risks to be uncertain or potentially significant, especially at a catchment scale
- some suggest the activity may be better suited to a more controlled regulatory framework

Summary:
While some respondents consider the proposed conditions sufficient, many express concerns about ecological impacts, complexity and enforceability. Highlighting that high flow abstraction may not consistently be low risk, and calling for stronger controls, clearer thresholds, and better monitoring arrangements.

Q20. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Responses are mixed, with some considering protections broadly sufficient but many expressing concerns about impacts on other water users, particularly in practice.

Key strengths identified:

- general conditions require protection of existing lawful abstractions and users' rights
- some respondents consider that, if conditions are met, risks to other users can be low
- percentage-based limits and controls are seen by some as a reasonable starting point

Main concerns and risks:

- potential for flow reduction affecting downstream abstractors or dependent users, even during high flows
- risk that multiple abstractions could cumulatively impact catchment flows and water availability
- concern that high flow abstraction could affect water levels, access, or operational conditions for other users (for example, water companies, irrigation)

Complexity and uncertainty:

- difficulty ensuring abstraction only occurs under true "high flow" conditions, particularly in ungauged catchments
- uncertainty about how users will assess and demonstrate no impact on others
- concern that the activity relies heavily on operator judgement and technical competence

Monitoring and compliance issues:

- lack of clear requirements for measurement, metering, or recording abstraction volumes
- doubts about enforceability and the ability to check compliance
- concerns that users may unintentionally or deliberately breach conditions, affecting others

Clarity and guidance gaps:

- need clearer definition of acceptable impacts on other users
- requests for guidance on how to assess and evidence compliance
- uncertainty over how RPS abstractions interact with existing and future water rights

Overall risk perception:

- Many respondents view risks to other users as context-dependent and potentially significant, particularly in water-stressed catchments or where multiple schemes operate.
- Some suggest the activity may require stronger regulation or a different permitting approach.

Summary:
While the principles of protection are recognised, many respondents highlight uncertainty around practical implementation, cumulative impacts and enforcement. There were calls for clearer controls, better monitoring, and stronger assurance that other water users will not be adversely affected.

In response to feedback received on Questions 18, 19 & 20:

In response to consultation feedback, we have decided not to include the high flow abstraction activity within the RPS at this stage. Respondents consistently highlighted that the activity is complex and would be challenging to implement in practice. There were also well founded concerns regarding the enforceability of the proposed conditions, the appropriateness of the thresholds and limits, and the potential for cumulative impacts.

Notwithstanding this, we recognise that high flow abstraction may offer environmental benefits in certain contexts. We therefore intend to revisit this activity in the future, with a view to refining its scope. This may include focusing on specific locations or settings where risks can be more effectively managed, such as peatlands or coastal grazing marshes, to ensure the activity can be appropriately categorised as low risk.

Removing raised banks

Q21. Should the activity be included in the RPS?

Overall view:
There is strong support for including removal of raised banks in the RPS, with most respondents viewing it as a key, low risk activity for nature recovery and floodplain restoration.

Q22. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Most respondents consider that the conditions provide adequate environmental protection, particularly when combined with general conditions and other regulatory controls.

Key strengths identified:

- the activity is widely seen as restoring natural processes, which inherently benefits the environment
- conditions are viewed as sufficient to identify, avoid, or mitigate environmental impacts
- alignment with other processes (for example, FRAP, WFD assessments) provides additional safeguards

Positive environmental perspective:

- many respondents emphasise that floodplain reconnection improves habitats, resilience, and hydromorphology
- some accept there may be short term impacts, but consider these justified by long-term ecological gains

Main concerns and risks:

- potential temporary impacts during works, including sediment release, water quality changes, and disturbance
- risk of spreading invasive non-native species
- concerns about fish stranding on floodplains, depending on design and flow conditions

Design and ecological considerations:

- importance of ensuring fish can return safely to the channel, though some respondents note this may not always reflect natural processes
- need to balance environmental protection with restoration objectives, avoiding overly restrictive conditions
- recognition that some impacts (for example, occasional stranding) occur naturally and contribute to ecosystem function

Clarity and guidance gaps:

- requests for clearer wording around requirements for fish protection and acceptable impacts
- questions about how temporary impacts and risks should be managed
- some interest in clearer links to other assessments (for example, WFD, flood risk)

Summary:
Responses indicate broad agreement that environmental protection is adequate and proportionate, with recognition that the activity delivers significant ecological benefits. There

were calls for clearer guidance and careful handling of temporary impacts and fish-related risks.

Q23. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Responses generally indicate that protections for other water users are adequate in principle, particularly due to requirements for agreement and the overarching general conditions.

Key strengths identified:

- requirement to obtain agreement from landowners, riparian interests, and relevant users
- general conditions to prevent derogation of existing lawful abstractions and rights
- recognition that works largely restore natural processes, rather than introduce new consumptive use

Main concerns and risks:

- potential impacts on flood risk, drainage patterns, and land use, particularly for neighbouring landowners
- possible changes to water levels and flow behaviour, affecting downstream or adjacent users
- need to consider impacts on flood defence assets and infrastructure

Assessment and oversight issues:

- concerns that impacts on other users (especially flood risk) are not explicitly addressed within the RPS itself
- reliance on other processes (for example, FRAP, planning, land drainage consent) to manage these risks
- questions about whether all relevant impacts will be adequately assessed and communicated

Clarity and guidance gaps:

- requests for clearer explanation of how flood risk and wider impacts on users should be assessed
- uncertainty about timescales for water returning to the channel and implications for users
- suggestions to clarify responsibilities for assessing and notifying affected parties

Overall risk perception:

While many see risks as manageable with proper safeguards, others emphasise that impacts can be site-specific and potentially significant, particularly for flood risk

Summary:
Responses broadly accept that protections are sufficient in principle, but highlight gaps around flood risk assessment, clarity, and reliance on other regimes. Responders wanted clearer guidance and stronger integration with wider regulatory processes.

In response to feedback received on Questions 21, 22 & 23, we have made the following changes to the removing raised banks activity:

- an example scenario has been added to help illustrate the activity
- condition wording amended from '… without the agreement of the operator' to '… without the agreement of the relevant body or owner'

Internal Drainage Board – abstraction of pumped water

Q24. Should the activity be included in the RPS?

Overall view:
Responses are generally supportive, though more mixed than for some other activities, with many agreeing inclusion is appropriate where clearly limited to nature recovery purposes.

Q25. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Responses are generally supportive, with many considering that the proposed conditions can provide adequate environmental protection, particularly when combined with general conditions and Internal Drainage Board (IDB) operational controls.

Key strengths identified:

- safeguards to ensure abstraction only occurs when IDBs are pumping to manage flood risk
- conditions seen as sufficient to identify and mitigate environmental impacts
- requirement to operate in line with IDB consents, procedures, or management plans provides additional protection

Positive environmental perspective:

- some respondents see potential benefits where water is used for nature recovery (for example, wetland creation, habitat support)
- considered a way to make productive use of water already being managed within the system

Main concerns and risks:

- potential impacts if abstraction alters flows in donor catchments, particularly where water supports sensitive ecosystems or prevents saline intrusion
- risk that abstraction could affect ecological conditions within IDB drainage networks, especially if not carefully controlled
- concerns about cumulative effects or localised impacts in sensitive areas

Technical and design considerations:

- issues raised regarding screening requirements, with concerns that very fine screens (for example, 2 millimetres) may be impractical for IDB pumps
- suggestions to allow fish friendly pumps or alternative approaches
- need to ensure minimum water levels are maintained to protect habitats and channel stability

Operational and governance issues:

- importance of IDB oversight and consent, given their expertise and responsibilities
- need to ensure activities align with water level management plans and local operating rules
- recognition that impacts will vary depending on local hydrology and system design

Clarity and guidance gaps:

- requests for clearer guidance on acceptable operating conditions and environmental safeguards
- need for better explanation of how to assess and manage site specific risks
- questions about how to balance practical feasibility with environmental protection

Summary:
Responses broadly consider environmental protection to be adequate in principle, but highlight risks related to local ecological conditions, technical feasibility, and cumulative impacts. There were calls for clearer guidance, flexible design approaches (for example, fish friendly pumps), and strong alignment with IDB management practices.

Q26. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
There were relatively few detailed responses, but those provided generally suggest that impacts on other water users are manageable with existing safeguards.

Key strengths identified:

- general conditions require protection of other water users and lawful abstractions (no derogation)
- requirement to obtain agreement from landowners at the abstraction point is seen as an important safeguard
- reliance on IDB oversight and operational controls adds confidence in management of impacts

Low to moderate perceived risk:

- many respondents consider risks to other users limited, as abstraction only occurs when water is already being pumped for flood management
- activity is seen as largely non-consumptive or redistributive within the system

Main concerns and considerations:

- need to ensure impacts on downstream users and the wider catchment are properly considered

- some suggest abstraction should be reviewed alongside other users within the catchment
- potential for site specific impacts, particularly where multiple uses overlap

Scope and practicality issues:

- clarification that formal agreement is typically required only from immediate landowners, not all downstream users
- recognition that obtaining agreement from all possible users would be impractical

Clarity and guidance gaps:

- limited but implicit need for clearer guidance on how impacts on other users should be assessed
- some reliance on general conditions and IDB processes, rather than detailed RPS-specific provisions

Summary:
Responses indicate that impacts on other water users are generally considered low and manageable, with existing safeguards seen as sufficient.

In response to feedback received on Questions 24, 25 & 26, we have made the following changes to the Internal Drainage Board – abstraction of pumped water activity:

- the activity description has been reworded to make it clearer that the abstraction is by a 3rd party and not the IDB
- the activity description has been reworded to make it clearer that the abstraction is of water intended to be removed from the IDD
- an example scenario has been added to help illustrate the activity
- the option to abstract water not using a pump has been added
- the intake screen criteria now include standards for both manual and automatic cleaning
- the option to agree different intake screen criteria with us has been added
- the activity must now also not prevent the delivery of any relevant water level management plan

Open-loop heating and/or cooling system (surface water)

Q27. Should the activity be included in the RPS?

Overall view:
Responses are mixed, with some support for inclusion but notable concern about whether open-loop systems can be consistently considered low risk under an RPS.

Q28. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Responses are mixed, with some confidence that environmental protection is adequate due to existing controls, but significant concern about potential ecological risks—especially thermal impacts.

Key strengths identified:

- many respondents note that discharge regulations (for example, temperature limits) already provide an important safeguard
- conditions are seen as broadly aligned with existing environmental protection regimes
- for small-scale (domestic) systems, impacts are often considered low and manageable

Main environmental concerns:

- risk of temperature changes in receiving water bodies, affecting aquatic species and ecosystem health
- potential for cumulative thermal impacts where multiple systems operate in the same reach
- concern that these systems could exacerbate pressures in already stressed or sensitive water environments

Monitoring and control issues:

- lack of explicit requirements for monitoring abstraction volumes, discharge temperature, or flow impacts
- concerns that without monitoring, it may be difficult to demonstrate compliance or identify environmental harm
- questions about whether abstraction-side controls are sufficient without stronger linkage to discharge regulation

Technical and design considerations:

- need to ensure temperature limits and discharge quality are properly managed
- importance of understanding site-specific conditions, including flow, dilution, and ecological sensitivity
- some respondents question whether volume-only limits are sufficient without considering flow rate or local context

Clarity and regulatory gaps:

- requests for clearer guidance on how abstraction and discharge regimes interact
- uncertainty about how environmental risks (especially thermal impacts) will be assessed and controlled in practice
- questions about the rationale for thresholds and limits applied in the RPS

Overall risk perception:

- smaller schemes are generally viewed as low risk individually, but concerns grow when considering cumulative impacts and sensitive locations
- some respondents believe risks may be underestimated without stronger controls or clearer safeguards

Summary:
Responses suggest that environmental protection is adequate in principle due to existing discharge controls, but highlight significant concerns about thermal impacts, cumulative effects, and limited monitoring. Respondents wanted clearer integration between abstraction and discharge controls and stronger guidance on managing environmental risks.

Q29. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
There were very few detailed responses, but those received generally suggest that the conditions provide adequate protection for other water users.

Key strengths identified:

- general conditions ensure protection of existing lawful abstractions and users' rights (no derogation)
- requirement for agreement from landowners and relevant parties at the point of abstraction
- non-consumptive nature of systems (water returned to the same watercourse) reduces overall risk

Low perceived risk:

- most respondents view impacts on other users as limited, particularly for small-scale schemes
- abstraction is seen as unlikely to significantly affect availability for downstream users when conditions are met

Minor concerns:

- potential for localised impacts under certain conditions (for example, multiple systems, low flows)
- dependence on proper design and operation to avoid unintended effects
- some implicit concern about cumulative impacts, though not widely developed in responses

Clarity and guidance:

- limited feedback overall, but indicates reliance on general conditions and existing safeguards rather than detailed RPS-specific requirements
- few explicit calls for additional controls beyond those already proposed

Summary:
Responses suggest that impacts on other water users are generally considered low and adequately controlled, particularly for small-scale schemes.

In response to feedback received on Questions 27, 28 & 29:

We have decided to remove the three heating and cooling system activities from this RPS. Several respondents noted that these activities did not align with the primary focus of the RPS, which is centred on nature recovery and fish passage. As a result, their inclusion detracted from the overall coherence and clarity of the document.

We agree with this feedback and propose to develop a separate, standalone RPS specifically for small open-loop heating and cooling systems. All consultation comments received on these activities will be fully considered and used to inform the development of this new RPS.

Open-loop heating and/or cooling system (canal or dock)

Q30. Should the activity be included in the RPS?

Overall view:
There were very limited responses, with most respondents either not engaging or stating they did not have sufficient experience to comment.

Q31. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Responses were very limited, with most respondents either not commenting or stating they lack experience with canal-based systems, resulting in little detailed feedback.

General perspective (where views were given):

- conditions are generally seen as aligned with those for surface water systems, and therefore broadly acceptable in principle
- environmental protection is assumed to be largely managed through existing discharge controls (for example, temperature limits, water quality regulations)

Key issues raised:

- concerns that requirements focus on total abstraction volumes but not abstraction rates, which may be important for environmental protection

- questions about whether controls apply to both abstraction and discharge, and how these interact
- limited clarity on how environmental impacts will be assessed, particularly in canal settings

Risk considerations:

- impacts likely depend on local canal conditions, including flow, connectivity, and ecological sensitivity
- potential risks similar to surface water systems (for example, temperature changes, water quality effects), though not widely explored in responses

Clarity and guidance gaps:

Very limited commentary, but responses suggest a need for clearer explanation of:

- abstraction vs discharge controls
- operational limits (rate vs volume)
- how environmental protection is ensured in practice

Summary:
Feedback is sparse and largely neutral, but suggests that while conditions are acceptable in principle, there are gaps in clarity around abstraction rates, control mechanisms, and interaction with discharge regulation.

Q32. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Responses were very limited, with most respondents not providing detailed comments, and no clear consensus emerging.

General perspective:

- where views were given, protections were broadly considered adequate in principle, largely due to reliance on general conditions (for example, no derogation of lawful users)
- the non-consumptive nature of systems (water returned to the canal) was seen as reducing potential impacts on other users

Perceived risk level:

- impacts on other water users were generally viewed as low, particularly for small-scale schemes
- limited concern about significant effects on water availability or downstream users under normal conditions

Minor concerns:

- questions about whether abstraction rate (not just total volume) should be considered to protect users

- potential for localised or cumulative impacts, though these were not widely explored in responses
- uncertainty about how impacts would be assessed in specific canal contexts

Clarity and guidance gaps:

Very little detailed feedback, but some implicit need for clearer explanation of:

- how protections for other users are demonstrated and enforced
- interaction between abstraction and discharge controls

Summary:
Feedback is sparse but generally neutral-to-positive, suggesting impacts on other users are likely low and manageable. There is limited evidence or detailed scrutiny, and some need for clearer guidance on controls and assessment.

In response to feedback received on Questions 30, 31 & 32:

We have decided to remove the three heating and cooling system activities from this RPS. Several respondents noted that these activities did not align with the primary focus of the RPS, which is centred on nature recovery and fish passage. As a result, their inclusion detracted from the overall coherence and clarity of the document.

We agree with this feedback and propose to develop a separate, standalone RPS specifically for small open-loop heating and cooling systems. All consultation comments received on these activities will be fully considered and used to inform the development of this new RPS.

Open-loop heating and/or cooling system (groundwater)

Q33. Should the activity be included in the RPS?

Overall view:
Responses are mixed but generally limited, with some support for inclusion but notable uncertainty and lack of confidence due to knowledge gaps and potential risks.

Q34. Do the activity specific conditions provide adequate protection for the environment?

Overall view:
Responses suggest that the proposed conditions provide a reasonable baseline for

environmental protection, but with important gaps and uncertainties, particularly around groundwater-specific risks.

Key strengths identified:

- “Must not” conditions are generally seen as aligned with other regulatory regimes and capable of providing protection
- requirement to manage water quality and avoid environmental harm is broadly supported
- recognition that existing discharge permitting frameworks offer additional safeguards

Main concerns and risks:

- potential issues with groundwater quality and contamination, especially in previously polluted or sensitive sites
- risk of thermal impacts on aquifers (temperature changes from heating/cooling systems)
- need for clearer control to ensure water is returned to the same aquifer layer or horizon, not just the same aquifer broadly

Technical and design issues:

- some respondents question whether distance-based restrictions (for example, 250m/500m) are appropriate versus a more risk-based approach
- concerns about how to define and apply concepts like**“water quality issues”** and “contaminative use”
- need to ensure alignment with groundwater discharge permits and environmental pathways

Clarity and definition gaps:

- requests for clearer wording on:
    - return requirements (same aquifer vs same geological layer)
    - contaminated land definitions (for example, Part 2A
    - what constitutes acceptable environmental risk
- questions about how conditions apply in complex hydrogeological settings (for example, multilayer aquifers)

Regulatory integration:

- emphasis that abstraction controls must align with existing discharge regulation and groundwater protection frameworks
- suggestions to explicitly reference other permitting requirements to ensure completeness

Summary:
While conditions are seen as broadly appropriate, respondents highlight significant technical and clarity issues specific to groundwater, calling for more precise definitions, stronger alignment with discharge controls. Respondents wanted a more risk-based approach to managing environmental impacts.

Q35. Do the activity specific conditions provide adequate protection for other water users?

Overall view:
Responses were limited, but those provided generally indicate that the proposed conditions offer adequate protection in principle for other water users.

Key strengths identified:

- explicit consideration of key sensitive receptors and nearby users (for example, existing abstractions)
- alignment with broader regulatory frameworks, particularly groundwater and discharge controls
- general conditions to prevent derogation of existing rights and uses

Low to moderate perceived risk:

- open loop groundwater systems are often seen as low risk to other users, particularly when water is returned to the same aquifer
- impacts are generally viewed as manageable if conditions are met

Main concerns and risks:

- potential for localised impacts on groundwater levels or pressure, affecting nearby abstractors
- risk of cumulative effects where multiple systems operate within the same aquifer
- uncertainty about how impacts will be identified and assessed in practice

Clarity and guidance gaps:

- need for clearer guidance on how to assess impacts on other users, particularly in complex hydrogeological settings
- some dependence on conclusions drawn under Question 34, indicating that details of environmental controls directly influence user protections
- limited detail on monitoring, verification, and enforcement

Summary:
Feedback is sparse but generally supportive, suggesting protections for other water users are adequate in principle, though with ongoing concerns about localised and cumulative impacts. There were calls for clearer guidance and stronger assurance on how impacts will be assessed and managed.

In response to feedback received on Questions 33, 34 & 35:

We have decided to remove the three heating and cooling system activities from this RPS. Several respondents noted that these activities did not align with the primary focus of the RPS,

which is centred on nature recovery and fish passage. As a result, their inclusion detracted from the overall coherence and clarity of the document.

We agree with this feedback and propose to develop a separate, standalone RPS specifically for small open-loop heating and cooling systems. All consultation comments received on these activities will be fully considered and used to inform the development of this new RPS.

4. Next Steps

The *Low risk abstraction for nature recovery actions and fish or eel passage* RPS is scheduled for publication in June 2026.

We will keep the RPS under review. If you have any feedback or questions, please can you direct them to the E&B Water Resources Regulation team mailbox at WRRegulation@environment-agancy.gov.uk. Please include ‘RPS 374’ in the title.

We will continue work to finalise a separate RPS for small open-loop heating and cooling systems, with the aim of making it available for use in summer 2026