



# Proposed regulatory position statement for low risk abstraction activities

Date: 10 February 2026

We are the Environment Agency. We protect and improve the environment.

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

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Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

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# Overview

We are seeking your views on the low risk abstraction activities to be included in a proposed new regulatory position statement (RPS). The proposed RPS would not alter the legal requirement to hold an abstraction licence, but it would set out conditions under which we would not normally take enforcement action.

An abstraction licence is needed for most abstractions of water over 20 cubic metres per day, and for some low risk abstraction activities this can be a blocker to the successful and timely delivery of projects. The aim of this proposed RPS is to allow for a more risk-based approach to regulation, whilst continuing to protect the environment and other water users. It will help reduce the regulatory burden on the public and business by providing a proportionate and pragmatic approach to regulating some low risk abstraction activities.

The RPS includes 8 abstraction activities linked to nature recovery and flood risk management activities, and 3 abstraction activities to allow for small open-loop heating and cooling systems to operate.

The RPS will align with the [Corry review](#) recommendations and [EA2030](#) to streamline our processes and adopt a more risk-based approach to regulation. By taking these activities out of regulation, the RPS will contribute to the government's target of a 25% reduction in the cost of regulation administration by the end of this parliament.

To help draft the RPS we have considered the views of our own technical specialists and those of some key external stakeholders involved in the assessment and delivery of nature recovery and flood risk management projects.

## Why your views matter

We are now seeking your views to ensure the proposed RPS will appropriately reduce regulatory requirements on those carrying out these activities, whilst still protecting the environment and other water users.

A draft copy of the RPS is included in Appendix 1 of this consultation document.

Your comments will be used to inform the final version of the RPS.

## Responding to this consultation

### Important dates

This consultation will run for six weeks from 10 February 2026 to 24 March 2026.

## How to respond

The consultation will close at 23:59hrs on 24 March 2026. We will use your information to help inform the final version of the RPS. You can view the consultation on our consultation website – [Environment Agency - Citizen Space](#). We will consider all responses received by the closing date before finalising our proposals.

### Respond online

Please submit your response using the [Environment Agency - Citizen Space](#), as it helps us to:

- gather all responses in one place
- summarise responses quickly and accurately
- reduce the costs of the consultation by avoiding unnecessary printing

### Respond by email

If you prefer, you can submit your response by using the Response form, which you will find under the “Related” section of the consultation on [Environment Agency - Citizen Space](#). Please email your completed Response form with the subject header of “low risk abstraction regulatory position statement” to [wrregulation@environment-agency.gov.uk](mailto:wrregulation@environment-agency.gov.uk).

### Ask for a copy of the consultation document

If you use assistive technology (such as a screen reader) and need a version of this document or the Response form in a more accessible format or, if you would like a printed version of the consultation document sent to you, you can do this by contacting:

National Customer Contact Centre

Telephone: 03708 506 506

Minicom for the hard of hearing: 03702 422 549

Monday to Friday, 8am to 6pm

## Consultation principles

We are running this consultation in accordance with the guidance set out in the [government's consultation principles](#).

If you believe the consultation has not been run in accordance with the principles, please email [consultation.enquiries@environment-agency.gov.uk](mailto:consultation.enquiries@environment-agency.gov.uk).

Otherwise, for all other queries relating to this consultation please email [wrregulation@environment-agency.gov.uk](mailto:wrregulation@environment-agency.gov.uk).

# Data protection

## How we will use your information

We may publish responses received by us unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals or identifiable details. We will publish the name of the organisation for those responses made on behalf of organisations except for sole traders or partnerships.

After the consultation closes, we will publish our response to the consultation on Citizen Space and notify you.

Under the Freedom of Information Act 2000, we may need to share your response, we will not include any personal details. If you have requested your response to be kept confidential, we may need to provide a summary of it.

## Privacy notice

We would like to keep you informed about the outcomes of the consultation. We will email you about the consultation if you provide your email address. Your details will only be used for this purpose.

We will not share your details without consent, unless required to do so by law. By giving us your email address, you consent for us to email you about the consultation. We will keep your details until we have notified you of the outcome of the consultations.

You can withdraw your consent to receive these emails at any time by contacting us at [wrregulation@environment-agency.gov.uk](mailto:wrregulation@environment-agency.gov.uk).

We are the data controller for the personal data you provide. For more information on how we deal with your personal data please see our [personal information charter](#) on GOV.UK.

You can email our Data Protection team at [dataprotection@environment-agency.gov.uk](mailto:dataprotection@environment-agency.gov.uk) for more information.

## About you

**When we come to analyse the results of this consultation, it would help us to know if you are responding as an individual or on behalf of an organisation or group.**

Please choose one of the following:

- a) Individual response (yourself, or on behalf of someone else)
- b) Response on behalf of a water company
- c) Response on behalf of an organisation or group (for example, charity, not-for-profit organisation, trading body)
- d) Other

If you selected (b) or (c), what is the name of the organisation or group? For example, business, environmental group etc.

If you selected 'other', please specify and explain your area of interest.

**We welcome your views on our proposals. If you would like to receive emails acknowledging your response and/or telling you when we have published our response to the consultation and RPS, please select from:**

- yes, I would like to receive an email acknowledging my response
- yes, I would like to receive an email to let me know the response to the consultation is published
- yes, I would like to receive an email when the RPS is published

If you have selected any of the above, please tell us your email address:

**Can we publish your response?** We will not publish any personal information or personal identifiable information.

This is a required question. Please select one of the following:

- a) Yes
- b) No

If you answered 'No', please tell us why as we will need to understand this when responding to any Freedom of Information requests."

## Consultation questions

Please refer to the questions located in the attached draft RPS.

## What happens next

Once the consultation closes, we will publish our response to the consultation on Citizen Space within 12 weeks of the consultation close date.

We will use the responses to help finalise the RPS. We plan to publish the final RPS in 2026.



# Appendix 1 – Draft Regulatory Position Statement

**Title:** Low risk abstraction activities

This regulatory position statement (RPS) does not change your legal requirement to have and comply with an abstraction licence when you:

- abstract water from any source of supply; or
- cause or permit any other person so to abstract any water

However, we will not normally take enforcement action against you if you do not comply with these legal requirements provided that:

- your activity meets the descriptions set out in this RPS
- you comply with the conditions set out in this RPS

## 1. Types of abstraction activity this RPS applies to

This RPS applies to the following low risk abstraction activities:

- creating a new bypass channel
- creating a new additional channel
- backwaters and fish refuge features
- fish passes and easements, including those for elver and eel
- pumped eel and/or elver passes
- high flow abstraction
- removing raised banks
- Internal Drainage Board – abstraction of pumped water
- open-loop heating and/or cooling system (inland water)
- open-loop heating and/or cooling system (canal or dock)
- open-loop heating and/or cooling system (groundwater)

This RPS describes each activity and sets out the specific conditions for each. If an activity does not fall under a relevant description, we will not consider it a low-risk abstraction activity and an abstraction licence will be required.

You must check if an existing abstraction licence covers the activity you intend to carry out. If it does, you must continue to comply with the conditions of your licence.

For any licence granted historically where this RPS could apply, we will consider if changes need to be made on any application to vary or renew the licence. This will include whether a licence is required at all. We will not actively seek to review any licences historically granted that may now come under this regulatory approach.

If the activity you intend to carry out uses equipment that is also used with an existing licensed abstraction - such as a water meter, you must ensure that any records required under the existing licence, do not include water abstracted for the intended activity.

You may choose to revoke (give up) any licence granted historically where this RPS could apply.

This RPS does not change your legal requirement to get other permissions from any other statutory authority, including other functions of the Environment Agency if relevant, such as an environmental permit for a flood risk activity or an impounding licence.

## **2. General conditions you must comply with**

For us to consider your proposed abstraction as low risk, you must comply with all the 'general conditions' in this RPS.

### **Condition 1 –**

You must not use the water abstracted for any purpose other than that described by the activity.

### **Condition 2 –**

If you intend to abstract from an inland water you must have permission, where appropriate, from the:

- navigation authority
- harbour authority
- conservancy authority; or
- internal drainage board

### **Condition 3 –**

You must ensure that the works do not cause a deterioration in the status of a surface water and/or groundwater water body, or compromise the delivery of any relevant environmental objective in:

- [Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017](#)
- [Water Environment \(Water Framework Directive\) \(Solway Tweed River Basin District\) Regulations 2004](#)
- [Water Environment \(Water Framework Directive\) \(Northumbria River Basin District\) Regulations 2003](#)

You can get information on the Water Framework Directive status for an individual water body at:

- [Catchment Data Explorer](#)
- [River basin management plans: updated 2022](#)

### **Condition 4 -**

You must keep records from the start of the abstraction for a period of 5 years to show that you have complied with this RPS. Records can include:

- landowner and operator details
- access arrangements or agreements
- reports and surveys
- hydrological or hydrogeological site assessment
- before and after photographs
- technical specifications
- drawings and plans

You must make these records available to us on request.

**Condition 5 –**

You must not cause, or be likely to cause, at any location in the watercourse, harm to freshwater fish and migratory fish, including salmon, sea trout, river and sea lamprey, smelt and eel resulting from:

- inhibiting or preventing their upstream or downstream passage
- entrapment, entrainment or stranding
- disturbance of spawn, spawning fish, spawning or juvenile areas

**Condition 6 –**

You must make sure that there is no likely significant effect on any:

- European site (as set out in [Regulation 8 of The Conservation of Habitats and Species Regulations 2017](#))
- Ramsar site (as set out in [Section 37A of the Wildlife and Countryside Act 1981](#))

When considering National Network Sites (Special Protection Areas (SPAs), possible SPAs, Special Areas of Conservation (SACs), possible SACs) and Ramsar, the precautionary principle should be applied to predict any effects on those sites.

You must not cause or be likely to cause damage to a:

- site of special scientific interest (as set out in [Section 52\(1\) of the Wildlife and Countryside Act 1981](#))
- nature reserve established by a local authority under [Section 21 of the National Parks and Access to the Countryside Act 1949](#)
- species of a kind mentioned in [Article 4\(2\) of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds or listed in Annex I](#) to that Directive
- species of a kind mentioned in [Annex IV to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora](#)
- species which is subject to a licence under [Section 16 of the Wildlife and Countryside Act 1981](#)

Where the abstraction is taking place on a designated site, or where it may affect a designated site or species, you may need to get consent from Natural England prior to any abstraction taking place.

There is guidance on how to [give notice and get consent for a planned activity on a SSSI](#). Where a site is also a National Network Site, the proposal will also need to be assessed in relation to the site's conservation objectives.

If you are in any doubt, you should [contact Natural England](#) to discuss your proposal.

**Condition 7 –**

You must not have a significant adverse effect on habitats or species included in the [list of habitats and species of principal importance in England](#).

**Condition 8 –**

You must not abstract water:

- from, or upstream of, a water body that is classified as of 'high ecological status'
- within 100m of a water body that is classified as of 'high ecological status'

'High ecological status' is defined by the [Water Framework Directive \(Standards and Classification\) Directions \(England and Wales\) 2015](#).

See condition 3 for details on how to access information on the Water Framework Directive status for an individual water body.

**Condition 9 –**

You must not derogate an existing lawful abstraction that is a protected right, whether licensed or an abstraction activity exempt from licensing.

You must have regard to:

- any existing lawful uses
- other water users, riparian rights or interest

**Condition 10 –**

You must not prevent the statutory water undertaker carrying out their legal obligations.

A statutory water undertaker is a water company licensed under the [Water Industry Act 1991](#) to exercise functions in relation to water and/or sewerage services.

**Condition 11 –**

You must not impact the operation of a hydrometric gauging station operated by us, or other organisations - for example a statutory water undertaker or a navigation authority, without the agreement of the operator of the gauging station.

**Condition 12 –**

On the permanent cessation of any abstraction activity under this RPS you must decommission and, where practical, remove any equipment or infrastructure used for the abstraction.

**Condition 13 –**

You must register your activity with us before any abstraction of water can take place.

Information of how to register your activity can be found on our website at [LINK TO BE ADDED](#).

**[A new registration process will be provided, so that some basic details of the abstraction activity can be recorded]**

**Thinking about the 13 general conditions that apply to each of the proposed abstraction activities.**

**Question 1.** Do you think they provide the right level of protection for the environment?

- yes

- no
- don't know

Please provide your reasons. Include reference to specific conditions where needed.

**Question 2.** Do you think they provide the right level of protection for other water users?

- yes
- no
- don't know

Please provide your reasons. Include reference to specific conditions where needed.

### **3. Activity specific conditions you must meet**

As well as the general conditions, your proposed abstraction must meet all the specific conditions for the activity for us to consider them low risk.

In this RPS 'nature recovery activity' means an abstraction undertaken as part of a project with the primary aim of ecological improvement.

The abstraction must be for the principal purpose of creating, restoring or enhancing natural habitats; or the physical and hydrological processes they depend on.

The activity must seek to improve:

- biodiversity
- natural processes
- ecological connectivity
- species or habitat size; or
- ecosystem resilience

This can include flood risk management activities using natural flood management techniques, including flood plain reconnection.

#### **Creating a new bypass channel**

This means the abstraction of water from a watercourse to a new channel to bypass an impounding structure - such as a weir, for a nature recovery activity.

Where the bypass channel is on a statutory main river you must have a valid flood risk activity environmental permit (FRAP) that authorises the works prior to any abstraction taking place.

You can check the location of main rivers using our [statutory main river map](#).

Where the bypass channel is on an ordinary watercourse you should seek expert guidance on the design of the bypass channel to ensure effective upstream and downstream fish and eel passage is maintained at the site at all times.

An ordinary watercourse is any watercourse that is not specifically defined as a 'main river'.

You must not -

- prevent any existing approved fish or eel pass from operating effectively
- bypass any weir or other structure that facilitates a lawful upstream abstraction without written agreement from the operator of the abstraction
- bypass a weir or structure that controls the flow of water into another watercourse, or another part of the same watercourse

You must -

- make sure that where they are currently present or expected to be, fish and eel are allowed to move freely upstream and downstream through the site at all times
- make sure that the nett effect of the activity is that upstream and downstream passage for fish and eel is not made worse at the site
- return all the water abstracted to the same watercourse
- maintain a flow of water in the bypass channel at all times
- receive written agreement for the abstraction from all landowners, riparian interests and other water users, including the owner of the impounding structure, in the length of the watercourse between the abstraction point and the point where water is returned to the watercourse

In this activity 'site' means the new bypass channel and the existing watercourse between the abstraction point and the point that water is returned to the watercourse.

## Thinking about the creating a new bypass channel activity

**Question 3.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 4.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.

**Question 5.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

### **Creating a new additional channel**

This means the abstraction of water from an existing watercourse to a new additional channel for a nature recovery activity.

You must -

- make sure that where they are currently present or expected to be, fish and eel are allowed to move freely upstream and downstream through the site
- receive written agreement for the abstraction from all landowners, riparian interests and other water users in the length of the watercourse between the abstraction point and the point where water is returned to the existing watercourse
- return all the water abstracted to the same watercourse

This activity does not include abstraction to a new bypass channel. Refer to the bypass channel activity for a new channel where it is intended to bypass an impounding structure.

In this activity 'site' means the new additional channel and the existing watercourse between the abstraction point and the point that water is returned to the watercourse.

## **Thinking about the creating a new additional channel activity**

**Question 6.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 7.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no

- don't know

Please provide your reasons.

**Question 8.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

### **Backwaters and fish refuge features**

This means the abstraction of water to a blind channel, such as backwater or fish refuge feature, for a nature recovery activity.

You must ensure that at all times there is an effective route for fish and/or eel to move freely between the blind channel and the watercourse.

You must have written agreement for the abstraction from all landowners, riparian interests and other water users at the point of the abstraction.

In this activity 'blind channel' is a part of a watercourse that is closed at one end with the same single point of entry and exit.

## **Thinking about the backwaters and fish refuge features activity**

**Question 9.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 10.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.



**Question 11.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

### **Fish passes and easements, including those for elver and eel**

This means the abstraction from a watercourse to a new fish pass or easement, including those for elver and eel.

Your fish pass or easement design must be agreed by us to meet the requirements of the [Salmon and Freshwater Fisheries Act 1975](#), [The Eels \(England and Wales\) Regulations 2009](#) or other relevant duties.

You must:

- build and operate the fish pass or easement, in the way approved by us
- maintain, repair or replace the fish pass or easement and ensure that it remains free of obstruction so that it is effective at all times
- receive written agreement for the abstraction from all landowners, riparian interests and other water users at the point of the abstraction.

Find out how to get [approval for a fish or eel pass](#). Please note the fish pass approval form and guidance document also covers eel and elvers.

This activity does not include abstraction to a new bypass channel, a new additional channel or a pumped eel pass. For these abstraction types please refer to their specific activities.

## **Thinking about the fish passes and easements, including those for elver and eel activity**

**Question 12.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 13.** Do the activity specific conditions provide adequate protection for the environment?

- yes

- no
- don't know

Please provide your reasons.

**Question 14.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

### **Pumped eel and/or elver passes**

This means the abstraction of water for use in a pumped eel and/or elver pass.

Your eel and/or elver pass design must be approved by us to meet the requirements of [The Eels \(England and Wales\) Regulations 2009](#).

You must:

- build and operate the eel and/or elver pass in the way approved by us
- maintain, repair or replace the eel and/or elver pass and ensure that it remains free of obstruction in order that it is effective at all times
- receive written agreement for the abstraction from all landowners, riparian interests and other water users at the point of the abstraction.
- use a pump with an intake screen to prevent the entrapment, entrainment or impingement of eel. The screen must:
  - have a gap width of no more than 2 millimetres
  - have an average approach velocity of no more than 5 centimetres per second, measured at a distance of 10 centimetres before the screen

Find out how to get [approval for an eel/or elver pass](#). Please note the fish pass approval form and guidance document also covers eel and elvers.

## **Thinking about the pumped eel and/or elver passes activity**

**Question 15.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 16.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.

**Question 17.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

### **High flow abstraction**

This means an abstraction of water from a watercourse at high flow conditions to provide water for a nature recovery activity.

You must -

- ensure that where a fixed level off-take structure is used – such as a spill weir or pipe:
  - the cill or invert level is set at the water level equivalent to that when the flow in the watercourse, at the point of abstraction, is equal to or more than Qn15
  - that where no water is returned to the same watercourse, or where there is no effective route for fish and/or eel to return to the same watercourse, you must use an intake screen to prevent the entrapment, entrainment or impingement of fish and eel. The screen must:
    - have a gap width of no more than 6 millimetres
    - have an average approach velocity of no more than 5 centimetres per second, measured at a distance of 10 centimetres before the screen
  - that safe transit for fish and eel of any size is provided to a safe and beneficial destination from which they can safely migrate to complete their lifecycle
- ensure that where a pump is used:
  - the pump only operates when the flow in the watercourse, at the point of abstraction, is equal to or more than Qn15
  - an intake screen is used to prevent the entrapment, entrainment or impingement of eel. The screen must:
    - have a gap width of no more than 2 millimetres
    - have an average approach velocity of no more than 5 centimetres per second, measured at a distance of 10 centimetres before the screen
- receive written agreement for the abstraction from all landowners, riparian interests and other water users at the point of the abstraction

Where fish and eel are not currently present or expected to be, an intake screen is not required.

You must not -

- abstract water from a watercourse subject to water level management, such as those managed by an Internal Drainage Board or a Navigation Authority
- abstract any water when the flow in the watercourse is equal to or less than Qn15 at the point of abstraction
- abstract for more than 40 days in a calendar year
- abstract for more than 10 consecutive days and then not recommence abstraction within a period of 7 days
- abstract any water unless you have carried out a hydrological site assessment. You must provide the hydrological site assessment to us on request

At each site you must not at any one time abstract more than:

- 20% of the flow in the watercourse
- 10% of the flow in the watercourse where, at the point of abstraction, the watercourse is designated as a Special Areas of Conservation and/or a Special Site of Scientific Interest

In this activity Qn15 means the natural flow that would be equaled or exceeded for 15% of the time (or 55 days) in an average year.

Information on how to carry out a hydrological site assessment can be found in the [guidance entitled “Abstract or impound water: hydrological information needed for your application”](#) on our website.

**[Please note that this guidance describes how to provide hydrological information to support a licence application. When the new RPS is published it will be updated to include information specific to this activity]**

## Thinking about the high flow abstraction activity

**Question 18.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 19.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no

- don't know

Please provide your reasons.

**Question 20.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

### **Removing raised banks**

This means the abstraction of water for the purpose of reconnecting the watercourse to the natural floodplain for a nature recovery activity, by the removal of raised bank material. Raised bank material can be naturally occurring or resulting from past river management practices, such as dredging or embanking.

The abstraction must not cause the level of water in the watercourse to drop below the natural bank height and the level of the surrounding land.

You must receive written agreement for the abstraction from all landowners, riparian interests and other water users at the point of the abstraction.

You must not:

- remove bank material to lower than the natural bank height and the level of the surrounding land
- remove any material from an Environment Agency, Internal Drainage Board or any third party owned and/or operated flood defence assets, such as embankments, without the agreement of the operator
- remove any material from the banks of a watercourse that is a high-level water carrier channel

This activity could present a risk for fish becoming stranded on the surrounding land. You must be able to demonstrate how you have provided fish with a viable route back to the watercourse.

In this activity a high-level carrier channel is a watercourse whose banks have been artificially raised and where the bed level may lie above the level of the surrounding land. The removal of material to the natural bank height and the level of the surrounding land would result in the abstraction of water under non-high flow conditions.

## **Thinking about the removing raised banks activity**

**Question 21.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 22.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.

**Question 23.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

### **Internal Drainage Board – abstraction of pumped water**

This means the abstraction by a third party of water that is being pumped out of an Internal Drainage District (IDD) by the Internal Drainage Board (IDB) in connection with its functions, for a nature recovery activity.

You must –

- only abstract water with a pump or pumps
- use a pump with an intake screen to prevent the entrapment, entrainment or impingement of eel. The screen must:
  - have a gap width of no more than 2 millimetres
  - have an average approach velocity of no more than 5 centimetres per second, measured 10 centimetres before the screen
- only abstract water when, in accordance with their standard operating procedures, the IDB is pumping water out of the IDD to alleviate the risk of flooding
- have written agreement for the abstraction from the IDB, all landowners, riparian interests and other water users at the point of the abstraction
- retain any water abstracted within the same IDD

The abstraction must not prevent the delivery of any actions contained in any relevant operating agreements between the IDD and the Environment Agency.

## Thinking about the Internal Drainage Board – abstraction of pumped water activity

**Question 24.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 25.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.

**Question 26.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

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

This means the abstraction of water from a watercourse for use in an open-loop heating and/or cooling system.

You must not -

- abstract more than 100 cubic metres of water in any 24-hour period
- abstract more than 10% of the flow in the watercourse at any one time
- abstract water within 500 metres of a designated site with water dependent features
- abstract water within 50 metres of any watercourse that supports:
  - an existing lawful abstraction that is a protected right, whether licensed or an abstraction activity exempt from licensing
  - or any existing lawful use

Please note that these are the minimum distances from receptors at which the activity can take place. You must also comply with general conditions 6, 7 & 9, regardless of the distance from the activity.

You must -

- have written agreement for the abstraction from all landowners, riparian interests and other water users at the point of the abstraction.
- return all the water abstracted to the same watercourse within 50 metres of the abstraction point
- use an intake screen to prevent the entrapment, entrainment or impingement of fish and eel. The screen must:
  - have a gap width of no more than 2 millimetres
  - have an average approach velocity of no more than 5 centimetres per second, measured 10 centimetres before the screen; and
  - where it is located within an off-take structure, be parallel, or up to a maximum angle of 26°, to the flow

## Thinking about the open-loop heating and/or cooling system (surface water) activity

**Question 27.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 28.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.

**Question 29.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

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

This means the abstraction of water from a canal pound or dock for use in an open-loop heating and/or cooling system.

You must not -



- abstract more than 500 cubic metres of water in any 24-hour period
- abstract water within 500 metres of a designated site with water dependent features
- abstract water within 50 metres of any watercourse that supports:
  - an existing lawful abstraction that is a protected right, whether licensed or an abstraction activity exempt from licensing;
  - or any existing lawful use

Please note that these are the minimum distances from receptors at which the activity can take place. You must also comply with general conditions 6, 7 & 9, regardless of the distance from the activity.

You must -

- have written agreement for the abstraction from all landowners, riparian interests and other water users at the point of the abstraction.
- only abstract water from a canal pound or dock where the water level is controlled by impounding structures
- return all the water abstracted to the same canal pound or dock within 50 metres of the abstraction point
- use an intake screen to prevent the entrapment, entrainment or impingement of fish and eel. The screen must:
  - have a gap width of no more than 2 millimetres
  - have an average approach velocity of no more than 5 centimetres per second, measured 10 centimetres before the screen; and
  - where it is located within an off-take structure, be parallel, or up to a maximum angle of 26°, to the flow

In this activity 'canal pound' is defined as a body of water in a canal contained by two impounding structures, including lock gates; and 'dock' is defined as an enclosed area of water in a port.

## Thinking about the open-loop heating and/or cooling system (canal or dock) activity

**Question 30.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 31.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.

**Question 32.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

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

This means the abstraction of groundwater for use in an open-loop heating and/or cooling system.

You must not -

- abstract more than 50 cubic metres of water in any 24-hour period
- abstract water within 500 metres of a designated site with water dependent features
- abstract water within 250 metres of a groundwater fed wetland or watercourse
- abstract water within 250 metres of a groundwater source, such as a spring, well or borehole, that supports:
  - an existing lawful abstraction that is a protected right, whether licensed or an abstraction activity exempt from licensing; or
  - any existing lawful use
- abstract water on or within 250 metres of a known contaminated site or a site known to have had a previous contaminative use

Please note that these are the minimum distances from receptors at which the activity can take place. You must also comply with general conditions 6, 7 & 9, regardless of the distance from the activity.

You must -

- have written agreement for the abstraction from the landowner at the point of the abstraction.
- return all the water abstracted to the same aquifer
- ensure that there are no related water quality issues
- immediately cease abstraction if it is causing pollution to occur within the aquifer

In this activity 'Groundwater fed wetland' is defined in [paragraph 5 of Part 3 of Schedule 3 to the Environmental Permitting \(England and Wales\) Regulations 2016](#).

## **Thinking about the open-loop heating and/or cooling system (groundwater) activity**

**Question 33.** Should the activity be included in the RPS?

- yes
- no
- don't know

Please provide your reasons.

**Question 34.** Do the activity specific conditions provide adequate protection for the environment?

- yes
- no
- don't know

Please provide your reasons.

**Question 35.** Do the activity specific conditions provide adequate protection for other water users?

- yes
- no
- don't know

Please provide your reasons.

#### 4. Things to note

This regulatory position does not apply to any other legal requirements.

An abstraction activity from a [main river](#) may require an environmental permit from us for associated works, such as excavating a new channel or removing bank material. If you are carrying out abstraction activity from an ordinary watercourse (any watercourse that is not specifically defined as a 'main river'), then you should contact the [lead local flood authority](#) (upper tier or unitary authority) or [internal drainage board](#) (if there is one) for advice.

If you cannot comply with all the relevant conditions in the RPS, you must [apply for an abstraction licence](#). This means that the risks from the proposal at the specific site need more careful consideration through the assessment of an application. In these cases, abstraction must not start without a licence.

You can [apply for an abstraction licence](#) instead of relying on this RPS if you prefer.

#### 5. When you must check back

We intend to review this RPS by tbc.

We may withdraw or amend this regulatory position before the review date if we consider it necessary, including in circumstances where the activities covered by this RPS have not changed.

This RPS remains in force until it is removed from GOV.UK or is otherwise identified as having been withdrawn.

You can [subscribe to email updates about this RPS](#). These updates will tell you if the RPS changes or when it has been withdrawn.

## **6. If you cannot comply with this RPS**

If you operate under this RPS but can no longer comply with it, you must:

- stop the activity to which this RPS relates
- tell us immediately by contacting [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) with RPS tbc in the subject

## **7. Contact us**

If you have looked at this RPS and you are not sure if your proposal needs an abstraction licence, you can [get advice on using our enhanced pre-application service](#).

If you have any questions about this RPS, email [wrregulation@environment-agency.gov.uk](mailto:wrregulation@environment-agency.gov.uk) with RPS tbc in the subject.

# Would you like to find out more about us or your environment?

Then call us on

03708 506 506 (Monday to Friday, 8am to 6pm)

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Or visit our website

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

## incident hotline

0800 807060 **(24 hours)**

## floodline

0345 988 1188 **(24 hours)**

Find out about call charges (<https://www.gov.uk/call-charges>)

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