

Changing Water Abstraction Licences

Background

We want to make sure that the amount of water being taken from rivers or out of the ground can be sustained without damaging the environment. Where it can't, we may need to adjust the amount of water that is being taken under the Restoring Sustainable Abstraction Programme (RSA).

This document explains how those adjustments can be made when your abstraction licence needs to be changed to protect the environment.

How will I know if my licence needs changing?

We carry out detailed investigations and consider possible options to balance the needs of the environment and water users. If our investigations show that your licence needs to be changed we will talk to you about this change and the best way for this to happen.

How can I change my licence?

The easiest way to change your licence is to apply voluntarily to vary it under Section 51 of the Water Resources Act 1991. We will explain how your licence needs to be changed and you will need to fill in a short form to say you want your licence to change in this way. We will then consider your application, and if satisfied, with the proposals we will change your licence and issue the varied version to you.

If you vary your licence voluntarily we will not add a time limit to your licence, if it does not already have one. If you are reducing the quantities on your licence or revoking it entirely then you will benefit from reduced or cancelled abstraction charges.



You can appeal following a voluntary application but only if you do not agree with the revised licence. You are unable to claim any compensation when using Section 51.

How will the Environment Agency propose changes to my licence?

If you do not volunteer to change your licence then we will make a proposal to change it under Section 52 of the Water Resources Act 1991. Our proposals will include adding a time limit to your licence if it does not already have one. The Section 52 process can take a long time and is more complex. There are a number of steps involved in this process:

Step 1: We serve notice

We will serve notice of our proposed change to your abstraction licence in writing and deliver this letter to you, in most cases in person. We also advertise details of the proposed licence change on GOV.UK and in a newspaper in the local area to the abstraction.



Step 2: You respond to our proposal

You have 28 days to respond in writing to our proposal. You have three options:

1. **no objection** – If you do not object then we will change your licence and issue it to you. This means you will not be able to claim compensation and the process ends;
2. **compensation only objection** – If you agree to your licence being changed but want to claim compensation. Please ensure you are eligible for compensation.
3. **technical objection** – If you do not think the basis for changing your licence (or for excluding you from compensation) is correct and you wish to object to this.

What do I put in my objection letter?

You should include your name, address and licence number(s) and tell us which of the options for objection you are making.

Important! Remember you must get your response to us within 28 days. If we do not receive an objection letter from you, or it is late, we will change your licence as we proposed.

Step 3: Referral to the Secretary of State

When we have received your objection letter and the 28 day representation period has finished we will refer the case to the Secretary of State (SoS) within an additional 28 days.

Step 4: Secretary of State decides how to review your case

The Secretary of State will look at our proposal, your objection letter and any representations and decide how the case will proceed. There are three options: written representations, a hearing or an inquiry.

Written representations are when the case is decided by written evidence from you or us and is usually used in simple cases.

A hearing is a discussion of the case led by an inspector from the Planning Inspectorate.

An inquiry is a longer, more formal discussion of the case with cross-examination and evidence.

You will receive a letter telling you which of these methods your case will follow. If a hearing or inquiry is required it will give a date and venue which can be changed if required.

Step 5: Case is conducted

The case will be considered by one of the three methods listed in Step 4. You will need to provide your evidence in a statement of case explaining your objection to the licence change and your reasoning behind it. If a hearing or inquiry is chosen you will also need to provide your evidence in person. The evidence discussed will relate only to the licence change. For those who are eligible, compensation is not discussed at this stage.

Step 6: Direction given on how to change your licence

The Secretary of State will write to you and to us with their final decision and we will follow the direction given.

