

Abstraction licences for previously exempt Water Resources activities – “New Authorisations” BRIEFING NOTE

Removal of Exemptions in the regulation of water abstraction

From the 1 January 2018, new regulations came into effect which mean most previously exempt activities cannot continue without an abstraction licence in place.

People who currently abstract more than 20 cubic metres per day for any previously exempt activities (listed below), and want to continue to do so, must apply to the Environment Agency for an abstraction licence now to meet the deadline.

Previously exempt activities that now require a licence include:

- All forms of irrigation including trickle
- Abstractions within previously exempt areas
- Transferring water by a navigation, harbour or conservancy authority
- Abstracting water into and between internal drainage districts
- Dewatering mines, quarries and engineering works
- Warping (abstraction of water containing silt for deposit onto agricultural land)
- Abstractions for managed wetland systems and water level management plans
- The majority of abstractions covered by Crown and visiting forces and the Ministry of Defence

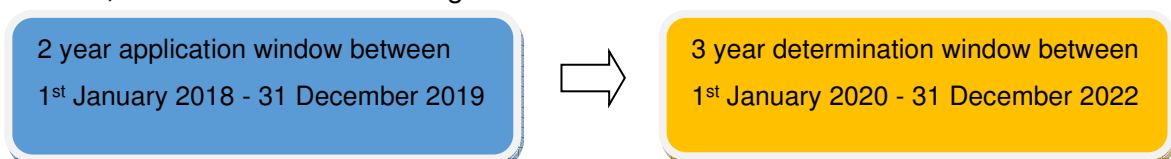
The Transitional arrangements provided are a light touch approach for entry to regulation compared to the normal water constraints, which are more rigorous and likely to lead to less water being approved.

“All previously exempt abstractors are strongly advised to [apply now](#) for a licence, to be sure you secure your future right to water for your ongoing business needs”, said the Deputy Director for Water Resources at the Environment Agency.

Application process and compliance

- To apply for an abstraction licence under the transitional arrangements, abstractors must submit their application on the correct forms and send them and the supporting information to the Environment Agency, along with the correct application fee. Anyone can check if they need to apply for a licence and also find the applications form and guidance on:- <https://www.gov.uk/guidance/water-management-abstract-or-impound-water>.
- The Agency is offering a free Hotline and bookable appointments service to previously exempt abstractors during this transitional period to help them make their application in time. To access this service and discuss how this affects you and what you need to do, applicants can call the Environment Agency on 03708 506506 or email at enquiries@environment-agency.gov.uk. You are recommended to do this now to secure your water ahead of the rush.
- Previously exempt abstractors must apply during the two-year transitional period which started on 1 January 2018. To be sure the application is checked for completeness the EA are saying applications need to be in by 1 October 2019 to allow 3 months to check the thousands of applications expected before the deadline closes. Those confirmed valid may then continue abstracting lawfully after 31 December 2019 until a decision on their application is made. There are therefore now only months left to apply.

- If abstractors do not apply in time, they will automatically lose their right to abstract. These abstractors will not receive further notification and will be liable for enforcement action if they continue to abstract. It is therefore critical to businesses that they apply now.
- After an application has been sent in, the Agency will assess the application within 3 months of receipt and notify if it is accepted as validated. If the Agency needs more information, this will need to be provided before we can validate the application
- If an application is substantially incomplete the Agency will seek to return it promptly so applicants have chance to still achieve validation by re-submitting before October. After this date such support may not be possible and applications may fail if still found inadequate and miss the opportunity to secure their current water abstraction.
- Applications the Agency receive after 31 December 2019 will be considered as new abstractions and assessed in accordance with the local licensing strategy, which is likely to be under very much less favourable abstracting terms. Such, new applications may be refused, or their abstraction be restricted to a much greater extent than these transitional arrangements provide, as the availability of water for new licences is already significantly limited in many areas.
- The Agency will then determine all complete and valid applications made under the transitional arrangements, during the 3 year period from 1 January 2020. This will be on a catchment by catchment basis, determining the most environmentally sensitive catchments first and aligned to the catchment common end dates. Those abstractors who have applied under the transitional process will be able to continue to abstract legally in line with their application amounts, while their licence is being determined.



- There cannot be any extension to the application period deadline, as it is fixed within the regulations. Without a validated application, abstraction of water would have to stop by 1 January 2020. It is therefore in abstractors' interests for applications to be made now, as inadequate applications may not be corrected in time for validation before the deadline and therefore fail.

The overriding message is - "[apply now](#) for a licence to be sure you secure your future right to water for your ongoing business needs".

For more information on New Authorisations communications resources, please contact:

Susana Szlezinger Diaz | Water Resources
Communication Specialist | E&B Water Resources
Telephone 020 8474 9260 | Mobile: 07789 922266
Email: Susana.SzlezingerDiaz@environment-agency.gov.uk

Marie Lomax | Senior Officer, New Authorisations
| National Permitting Service
Telephone : 02030253815 | Mobile: 07464494614
Email: marie.lomax@environment-agency.gov.uk