

Karen Chapman  
Castle Hill  
South Street  
Great Torrington  
EX38 8AA

23 JUL 2019

Date: 19<sup>th</sup> July 2019

Great Torrington Parish Council

Dear Ms Chapman,

**Act now: People in your Parish may need a licence to continue abstracting water in a previously exempt area.**

We are writing to all Parish Councils in areas that were previously exempt from the need for a licence to abstract water. We would be grateful if you could raise this issue at your next meeting to make people in your Parish aware they may need to need to make an application and thereby secure the benefit of the Transitional Regulations (2017) that end on the 31 December 2019. Time is running short to secure this important requirement to continue abstracting.

**How do people know if they need to apply for a licence?**

New regulations came into effect to improve the management of water resources and protection of the environment. Certain exemptions that previously allowed the use of water from ground or surface water sources without the need for a licence have been removed, as have previously exempt areas. We think people in your Parish may be affected by these changes and this letter is to make them aware of the process that they must follow to continue legally abstracting water if they take more than 20m<sup>3</sup> per day (4,399 Gallons per day).

Please can you make people aware of the enclosed advice note so they can find out about the changes and confirm if they are impacted or not. It could be put on a village noticeboard or in a library or other community space to allow as many people as possible to read it.

**When do people need to apply by?**

A validated application must be submitted and accepted before the 31 December 2019. Our advice is to apply for a licence as soon as possible. The applications need to be checked and validated by us before we can accept them. We anticipate a peak in applications close to the deadline and we cannot guarantee that we would be able to check and validate those received within 3 months of 31 December 2019. For business certainty we recommend people submit their application well before the deadline so that any corrections (to ensure it is a valid application) can be provided before the deadline closes and the entry through the beneficial Transitional Regulations (2017) is missed. We therefore advise submission before 1 October 2019 to allow for this and still meet the 31 December 2019 deadline.

### **What happens if people don't apply?**

They will miss the beneficial transitional arrangements that would base their future licence on the quantities of water taken during the 7 year qualifying period (2011-2017). Entry into the licensing system without these arrangements in many fully abstracted catchments could lead to no water allocation being available to them, meaning the abstraction would have to stop next January.

If they don't apply for a licence in time, they will not be allowed to abstract more than 20m<sup>3</sup> per day after 31 December 2019. It is an offence to abstract more than 20m<sup>3</sup> of water per day without a licence and they will be subject to enforcement (including the use of legal action).

### **Do you need some help?**

People can contact us to discuss whether they need to apply, how this may affect them and what they need to do. Please call us on 03708 506506 or email us at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) as soon as possible. We have a dedicated team of people who can;

- Answer any specific questions people have
- Help them decide if they need to apply for a licence
- Talk them through drafting their application forms to ensure all required information for a valid application is provided
- Arrange a call back at a convenient time to suit them to discuss their application

It's a service to help people get their application right first time.

Yours faithfully,

**Water Resources Licensing Team**

# How to get a New Authorisation licence

## The removal of abstraction exemptions

January 2018

If you abstract or impound water and were exempt from requiring a licence under the Water Resources Act 1991, the law has changed and you may now need to apply for an abstraction licence from January 2018.

For concise information on applying for a New Authorisation please go to <https://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction>. This information sheet provides additional information on how to apply.

## What is a New Authorisation?

The Water Resources (Transitional Provisions) Regulations 2017 will remove most exemptions from licensing control from January 2018 and previous exempt abstractors will require an abstraction licence (New Authorisation) to continue to lawfully abstract water.

If you currently abstract water under an exemption and do not hold an abstraction licence, we strongly encourage you to read this information and contact us with any queries.

## Do you need a New Authorisation?

If you want to take more than 20 cubic metres of water per day from a surface or groundwater source, you will normally need to hold an abstraction licence. However, certain abstractions have remained exempt from licensing control.

This means that those exempt abstractions can potentially take unlimited amounts of water, irrespective of availability and without regard to impacts on the environment or other abstractors. Following two public consultations Government have introduced new Regulations with effect from 1st January 2018.

The main activities affected are:

- transferring water from one inland water system to another in the course of, or as the result of, operations carried out by a navigation, harbour or conservancy authority;
- abstracting water into internal drainage districts;
- dewatering mines, quarries and engineering works, except in an emergency
- warping (abstraction of water containing silt for deposit onto agricultural land so that the silt acts as a fertiliser);
- all forms of irrigation (other than spray irrigation, which is already licensable), and the use of land drainage systems in reverse (including water transfers into managed wetland systems and water meadows) to maintain field water levels;
- abstracting within currently geographically exempt areas, including some rivers close to the borders of Scotland; and
- abstracting covered by Crown and visiting forces (other than Her Majesty the Queen and the Duchies of Cornwall and Lancaster in their private capacity).

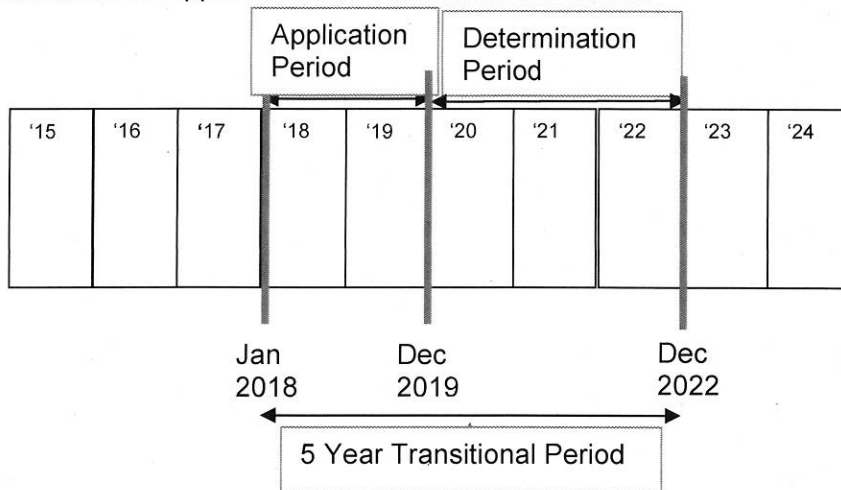
There are a few exemptions remaining for small scale low risk abstractions - please see <http://www.legislation.gov.uk/id/uksi/2017/1044> for full details.

## New Authorisations Licence application process

Special transitional arrangements are in place which means that we expect to be able to grant licences in the majority of cases. There should be little or no change in what are already pre-existing, lawful abstractions, meaning no change in the impact on water resources and the environment. You will have up to two years to apply for a licence for an existing activity from 1st January 2018 to 31st December 2019.

We will then determine your application between January 2020 and December 2022.

**New Authorisations Application and Determination Periods:**



The application window and determination period have been set out under the new regulations which will not allow us to grant any licences prior to the determination window opening. As such, time-scales for determination are much longer than with normal abstraction licence applications as we need to receive all applications before we can consider the total demand within each catchment.

It is important to note that applicants will be treated on an equal basis. There will not be a first come first served priority. We do however encourage you to apply as soon as possible so that we can work with you to ensure that your application is accepted as valid before the application period closes. If your abstraction licence application does not meet the requirements of a valid application we will send you a letter and provide you with the reasons why. We strongly recommend that you submit your application in good time before the transitional application period closes. We have included a recommended timetable below depending on your type of abstraction (i.e. sector). We cannot guarantee to check all applications we receive close to the deadline (less than three months) and those that are found to be incorrect or invalid will be rejected and risk missing the opportunity to take advantage of the transitional arrangements. There can be no extensions to the application deadline of 31st December 2019. We are required to make a decision on transitional applications by December 2022.

Please go to <https://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction> and complete Form WR344 and Form WR346 and send them to us. Please use the guidance notes WR345 and WR347 to help you.

You may continue to abstract water as you have done before until a decision has been reached on your application. If you require additional water whilst your New Authorisation application is being determined, this will fall under a planned abstraction and will require an additional application to be made which will not have the protection afforded by the transitional arrangements. For further information on this please see the Planned Abstractions section.

If you don't apply for a licence: It's your responsibility to apply for a licence if and when you need one. It's an offence to abstract without a licence. The Environment Agency may take enforcement action against you if you don't apply within the two year period and continue to abstract after the application period closes. See: <https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-statement> for more information.

**Recommended application dates for different sectors**

Sector Type	Applications recommended to be submitted before the end of;
Navigation Harbours and Ports	June 2018

customer service line  
03708 506 506

incident hotline  
0800 80 70 60

floodline  
0345 988 1188

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

<b>Drainage Authorities Trickle Irrigation</b>	June 2018
<b>Dewatering activities e.g. quarries</b>	July 2018
<b>Managed wetland systems</b>	October 2018
<b>Crown/MoD Exempt Areas</b>	November 2018
<b>All other sectors</b>	December 2018
<b>Any remaining applications</b>	September 2019 Final deadline for submitting all remaining applications (assuming 3 months to accept & validate)

## Types of abstraction licence applications

There are two types of licence under New Authorisations.

**Transfer Licence:-** An operation to transfer more than 20 cubic metres (4,400 gallons) of water a day from groundwater or surface water, for a period of 28 days or more, to transfer it direct to another source without using it.

**Full Licence:-** An operation to abstract more than 20 cubic metres (4,400 gallons) of water a day from groundwater or surface water, for a period of 28 days or more for an operational use other than a transfer. If you are abstracting water for any consumptive use, you will need to apply for a full licence.

It is important that you apply for the type of licence that reflects your current operation. In some cases we may use our powers to amend the type of licence that has been applied for. If we do this we will notify you of our intentions.

## Costs of an abstraction licence application

£135 for a full abstraction licence

£1500 for a transfer licence

If you require a full abstraction licence for your activity, it will also incur an annual subsistence charge for the quantity of water you are licensed to abstract. This charge would commence as of the issue date of a licence document.

For further information on charging please look at the Abstraction Charges Scheme 2017/18 at the following link:

<https://www.gov.uk/government/publications/abstraction-charges-scheme-april-2017-to-march-2018>

Some applications may have to be advertised. If this applies to your application, you will need to pay a £100 administration fee to the Environment Agency to advertise your application in the local newspaper. You will also have to pay the cost of the advert

## What information will you need to complete your application?

- Evidence of abstraction within the qualification period (1st January 2011 to 31st December 2017)\*.
- Calculations of abstraction volumes.
- Diagram showing the abstraction of water where a transfer or dewatering is taking place.
- A map showing the point of abstraction and other key points highlighted within the application form guidance notes.
- Details of any pumps, control structures or used for your abstraction.

- Information about any planned abstractions, or licences you already hold at the same site as your New Authorisation site.
- The application fee.

\*If you do not have metered abstraction quantities over the last seven years, you must provide calculated estimates for the amount of water you have abstracted.

## What will you get?

Any licence issued will have a time limit applied in line with our [Abstraction Licensing Strategies](#). It may also have a standard condition to protect the environment depending on whether it lies within a water body with low-flow related issues.

Any licence that we issue will tell you:

- the volumes of water that you can abstract (if a full licence) and during what periods;
- environmental protection and mitigation measures that you must comply with
- how long your licence will be valid for; and
- any information that you may have to provide to us each year.

We may also visit your site during the determination period to clarify any issues and carry out periodic checks when the licence has been issued.

## Planned abstractions

When the current exemptions are removed, the changes will also affect various activities where abstraction has yet to commence. If you are planning a new abstraction, or planning to increase your current abstraction volumes, then, after 1st January 2018, you will need to have an abstraction licence in place before the abstraction can commence. This would apply for example where a new trickle irrigation operation was planned. These new or planned changes are not covered by the transitional arrangements that apply to existing abstractions. In these cases you will need to allow sufficient time to make the necessary applications which normally take up to four months from the date we receive a valid application. Please go to <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence> for more information.

## Record keeping

You must keep a record of evidence that proves you're abstracting water according to the conditions in your licence. The type of records you must keep will be specified in the licence. The Environment Agency can ask you for these details at any time.

## If you're refused a licence

We will write to you and explain why we have refused to give you a licence. Reasons for refusal may include:

- submitting an application after the two-year application window;
- failing to provide evidence that abstraction for an exempt activity had taken place in the preceding seven-year period; and
- causing serious damage to the environment from your abstraction, as concluded by the Environment Agency. Please see [Water abstraction licensing: changes to exemptions in England and Wales - GOV.UK](#) for further information

You can appeal against this decision - details will be given in the letter you receive.

If you would like to discuss the contents of this letter, please phone us on 03708 506506 or email us at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).