



NEW AUTHORISATIONS — TRICKLE IRRIGATION LICENSING

Despite years of procrastination and delays, as well as BREXIT, it looks like the implementation date for 'trickle irrigation licensing' is **OCTOBER 2016! It's not guaranteed, and Envireau Water think January or April 2017 is more likely. Sign off from the Minister isn't expected until September at the earliest!**

Remember, "The regulators propose to take a light-touch, risk based approach to licensing, but in doing so will tackle environmental damage caused by unlicensed abstractions".

CURRENT PROPOSALS FOR LICENSING

- 2 year (minus 3 months) application window will be followed by a 3 year determination period.
- The applicant must have abstracted water "at any time within a period of four years preceding the removal of exemptions" (taken to mean between October 2012 and October 2016).
- Only volumes that have historically been abstracted will be considered, with no headroom for planned increases (see comment below).
- Meter readings, pump ratings, invoices for equipment, photos of infrastructure, or business receipts/contracts will be accepted as evidence of historic abstraction volumes.
- Low flow environmental constraints (such as Hands Off Flow Conditions set at Q95 or 75% of Q99) will be applied to all licences.
- Applicants only likely to be refused a licence, or issued a more restrictive licence, if they may be causing serious environmental damage.
- No compensation will be payable if an abstraction is curtailed due to serious damage or if a Hands Off Flow Condition is included in the licence.
- Licences will be issued with a time limit to the Relevant CAMS common end date.

BREXIT

- The justification for the new authorisations process has been related to WFD requirements.
- The justification is now also "based on fairness across all water users".
- The message from DEFRA is that BREXIT does not change the situation.

SO WHAT?

- The licensing or "transitional arrangements" process is simpler than that imposed on new abstractions.
- All licences issued will require abstractions to cease at very low flows meaning abstractors will likely need to invest in some degree of storage or adapt, to cover the low flow periods.
- 2011 is being taken as a "benchmark dry year" on which to base reservoir sizes.
- It is unclear how the proposed environmental constraints might be applied to groundwater abstractions but a similar reliability level to surface water licences may be applied using groundwater level data, where it is shown that groundwater abstraction may affect stream/river flows.



- Problems might be encountered where big volumes are abstracted from small watercourses.
- There is no evidence that long standing abstractions will be treated any more favourably than recently established abstractions.
- Where a long term business plan will require an increase in abstraction over that historically used an application for the extra should be made via the current licensing system in parallel with the new authorisation application. There is an argument to say that applications should be submitted ASAP.

TAKE ACTION NOW

- Use the remainder of this summer period to maximise use from your existing abstraction points (groundwater and surface water).
- Continue (or start!) to record how much water you abstract on a daily basis to provide a sound evidence base for your applications.
- Give thought to what abstraction data you have covering the qualification period and how these historic volumes compare to both your most intensive crop rotation in a dry year and your predicted future need.
- Source data for the volume abstracted in 2011.
- Give thought to how a restriction on direct summer abstraction might affect your business and consider how storage might help. Remember, reservoirs can be “winter” filled from boreholes, not just rivers.
- Consider whether you know what impact your abstraction is having? Don't put your head in the sand with this issue.



HOW CAN ENVIREAU WATER HELP?

We are the UK's leading independent, abstraction licensing specialists. Our experience comes from many years managing and negotiating abstraction licences for some of the UK's largest independent water users in the UK. Our clients include agricultural estates, major horticultural businesses, food and drink producers and processors, water bottlers, leisure companies, industrial processors and a whole host of other smaller types of private supplies.

We have unparalleled in-house experience of complex licensing scenarios and have secured abstraction licences for agricultural and horticultural clients in some of the most environmentally sensitive catchments otherwise 'closed' to new abstractions. We specialise in technical negotiation with the Regulators, especially when only a short timescale is available.

Prior to the start of the licensing process we can:

- Review your abstraction points, the data you hold and your location and advise on both the scope of data ongoing collection and the local concerns of the Regulator which will be factors in the determination of your application.
- Calculate how often and by how much the proposed restrictions might affect your abstraction to allow early consideration of what actions might be required in order to meet the requirements of any licence issued.

Envireau Water provides a full abstraction licence application service, acting as the agent throughout the determination process and designing or negotiating the best licence for you. We have a detailed knowledge and understanding of catchment hydrology, hydrogeology, environmental impact assessment and most importantly we know how the Regulators work and what they are looking for, hence why our submitted application packs are frequently praised by Licensing Officers.



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