

ABSTRACTION LICENCE REFORM & NEW AUTHORISATIONS



As many of you will know, if you are reading this, this has been a topic that I have commented on many times since ideas were first promoted at the turn of the century. There are two different subjects here:

 Abstraction Licence Reform

 New Authorisations

ABSTRACTION LICENCE REFORM

Abstraction Licence Reform is the wholesale change in the way that water abstraction in England, and probably Wales is regulated, managed and charged.

There has been consultation going on regarding this over the last 10(ish) years and this has been a major piece of work within DEFRA. You may have heard terms like water shares, water shares plus, licence trading – this all relates to the licence reform project.

Another, less well known, aspect of reform is the proposal to move abstraction licence regulation and governance from the Water Resources Act 1991 (as amended by the Water Act 2003) into Environmental Permitting Regulations.

WHERE ARE WE NOW?

Last week saw an official announcement (ENDS 20/4/17) that Abstraction Licence Reform has been abandoned, or at least in our opinion put on ice until BREXIT has been 'sorted out'.

No, we don't know how long that will be either.

Despite this statement, we understand that DEFRA/ Environment Agency are still looking at ways in which abstraction licensing can be brought into the Environmental Permitting Regulations (EPR) without changes in primary legislation.

We have throughout this process been extremely wary of this on the basis that it has always been kept in the background and not openly and clearly discussed, in the same way that the main reform agenda has.

Working within the EPR system is in our opinion a very different arena to the traditional abstraction licensing system and is likely to restrict the flexibility in operation and decision making, necessary for effective water resources management.



NEW AUTHORISATIONS

New Authorisations is a catch-all term relating to ending the exemption that some abstractors have from abstraction licensing. The most common exemptions relate to:

-  **Quarry dewatering;**
-  **Abstraction for trickle irrigation;**
-  **Abstraction management relating to Internal Drainage Boards;**
-  **Some geographic areas (mainly in Wales, but not exclusively so) which are exempt for historic reasons, largely lost in the mists of time;**
-  **Some abstractions relating to canals, locks and harbours.**

As recently as March 2017 the official DEFRA/Environment Agency line was that New Authorisations would be implemented “this summer” and a response to consultations on Abstraction Licence Reform was imminent.

Envireau Water made the statement in March 2017 that we thought Abstraction Licence Reform would be “put on hold” and that there was a 50% chance that New Authorisations would go the same way.



WHERE ARE WE NOW?

The official line on New Authorisations, which was changed last week and before the election announcement, was that details of the system would be published in July with implementation in October – yet another 6 month slippage. This is what Envireau Water predicted in February of this year.

So what impact does the general election announcement have?

With government in Purdah from 3rd May and the summer recess starting shortly after the general election, we don't see much happening on this until a new government is in post.

The question then is, how much of a priority will it be in a new BREXIT government?

I'll stick my neck out again and say that the probability of nothing happening this year is now at 87%.

Into next year, I think it will very much depend on the minister in post. I can't see it being a high priority, but equally if all the steps are in place and agreed within DEFRA/Environment Agency, and the minister isn't phased by the main lobbying groups, then 2018 could be the year.

Equally, it could simply drop off the agenda and be placed in the same bin as Abstraction Licence Reform – but watch the EPR story, that could be the game changer.

One word of warning if you are reading this in Wales. I have said for the last year that I have a concern that the Welsh Government/Natural Resources Wales will go it alone on new authorisations if DEFRA continue to procrastinate.

I still think that this is a distinct possibility, as there is more political weight in Wales around geographically exempt areas, in particular. The official line is still that the Welsh Government are aligned with DEFRA, and the general election will be a distraction for both, but watch this space.



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