



## ABSTRACTION LICENSING SPRAY IRRIGATION EAST ANGLIA

The Environment Agency have published their approach to agricultural spray irrigation abstraction licence renewals in East Anglia. This is an issue that Envireau Water has been involved with for several years, working with clients, the NFU and stakeholder groups in negotiation with the Environment Agency and providing comment and support in the period where the approach to abstraction licence renewal was being developed.

Unsustainable levels of abstraction are putting significant pressure on some rivers, wetlands and aquifers. The Environment Agency manage abstraction in England and are taking action to reduce the impact that it has on the environment.

In East Anglia, time limits have been applied to licences for several decades as a way of managing future uncertainties. Time limited licences were established on the basis that they would be periodically reviewed to ensure that abstractions they permit continue to be environmentally sustainable, abstractors have a need for the water, and will use water efficiently. The review process provided by time limiting enables us to better manage water resources in response to a changing environment, improved hydrological understanding and patterns of water use.

The 2015 Anglian River Basin Management Plan (RBMP) (published in 2016 and available from [www.gov.uk](http://www.gov.uk)) sets out the actions that were identified to get rivers, lakes and groundwater considered to be at risk back to what is called 'good ecological status', and to prevent their present status from deteriorating. Many of the East Anglian groundwater systems and the overlying rivers have been assessed as not supporting good ecological status because too much water is taken from them, especially during dry periods.

During the renewal process, the current licence conditions will be taken into account, for example, whether there is a Hands off Flow (HoF) condition protecting low flows, as well as the amount of historic use, when deciding if changes are required.



In essence, the following principals will be followed for surface water and groundwater licences:

### SURFACE WATER

- As a minimum, all surface water licences will need a Q95 HoF to protect the ecological needs of a river at low flows.
- Subject to having a HoF condition that protects low flows, where there are no other sustainability issues in the surface water bodies influenced by the abstraction, the quantities are justified and the applicant has demonstrated that the water is being used efficiently, then the application would be renewed on same terms to the relevant CAMS common end date.
- In surface water bodies where a low flow HoF doesn't help to resolve all of the sustainability issues in the catchment, renewed licences will be time-limited to 31 March 2024. Further changes may be needed after 2024 to protect the ecology at higher flows.

Alternative management arrangements may be needed for some locally specific catchments. For example, in level controlled areas like the Fens, a HoF may be applied upon renewal.

### GROUNDWATER

- Licences may be renewed at the same quantities when the aquifer, overlying rivers and associated wetland habitats have environmentally sustainable rates of water abstraction both now, and at times when abstractors take their full licensed quantities of water. It should be noted, that in East Anglia this situation is going to be quite rare.
- If modelling by the Environment Agency shows that there is a risk the ecology of a water course could be adversely affected at fully licensed rates of abstraction, then the Agency will cap the licence at the historic maximum uptake. The standard period for assessing the historic maximum rate of an abstraction for spray irrigation purposes will be the

years 2000-2015, to reflect the annual differences in climate and cropping patterns which greatly affect the amount of water used for irrigation in any one year.

💧 If both the groundwater and/or surface water bodies are already subject to unsustainable rates of abstraction, the Environment Agency will need to renew the licence with measures to help restore that waterbody/groundwater body to a sustainable level of abstraction. These measures could be licence reductions or HoF/level conditions. However, where measures are still under investigation, then a licence would be renewed with a cap at historic maximum uptake and time-limited to 31st March 2024, with further licence changes, if required, being made after 2024. This is in effect a short duration licence to allow additional information to be collected.

## NON-TIME LIMITED LICENCES

If you have a permanent licence (either a 'licence of right' or an 'in-perpetuity licence'), your licence document will not include an expiry date. The Environment Agency have been changing unsustainable permanent licences through their Restoring Sustainable Abstraction programme for many years, and programme will continue to be used to protect the environment, where necessary. Should a licence change be required, then this will be on a case by case basis, and in Envireau Water's view is unlikely to greatly affect the agricultural sector.



## SUMMARY

💧 If you abstract **surface water** from a fenland/level based system then your licence has been assessed as being sustainable, and it will be renewed on the same terms to the next CAMS common end date (2027 for the Cam & Ely Ouse including the South Level and 2025 for the Old Bedford including the Middle Level).

💧 If you abstract **surface water** from other sources, and you have a WFD compliant HoF condition, then your licence has been assessed as being sustainable and will be renewed on the same terms to the next CAMS common end date.

💧 If you abstract **surface water** from other sources, and you do not have a HoF condition, or your licence condition(s) has been assessed as not being WFD compliant, the Environment Agency will work with you to either add a HoF condition or modify your existing HoF condition to make it WFD compliant.

💧 If you abstract **groundwater** and you have a time-limited licence which expires on or before the 31st March 2018, then the changes would become active on a renewed licence from the 1st April 2018. Where your licence expires after 1st April 2018 then the changes will be effective on renewal. Licences will be renewed at the historic maximum use which for spray irrigation us will be based on the period 2000-2015.

## UNUSED AND UNDER-USED LICENCES

As part of the Environment Agency's ongoing work to reduce the risk of deterioration and to ensure that the licensed water available for abstraction goes to those who need it, they are currently reviewing unused and under-used licences. They are in the process of writing to all licensees with under used licences asking them to confirm whether they need to retain their unused or underused licence and provide suitable evidence in support of this requirement. Where licences are no longer required they are currently asking people to revoke them voluntarily. The Environment Agency do have the power to force revocation.

**If you are unsure of how these issues affect you and the way you operate contact James Dodds on 01332 871 879 or [james@envireauwater.co.uk](mailto:james@envireauwater.co.uk).**



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