



## NEW AUTHORISATIONS QUARRY DEWATERING

DEFRA/Welsh Government (WG) have announced that the transitional arrangements for licensing of the currently exempt abstractions for quarry dewatering will come in to force on 1<sup>st</sup> January 2018.

We have presented key points below, based on our review of the DEFRA/WG response to consultation as well as discussions with the Environment Agency (EA) and others.

### WHAT WE KNOW

- If you are dewatering now or have been within the last 7 years, then you will fall into the Transition Arrangements (TA) from 1<sup>st</sup> January 2018.
- Within the TA, a valid application for a “dewatering licence” (strictly speaking a Transfer Licence) must be accepted by the Environment Agency/Natural Resources Wales (NRW) by 31<sup>st</sup> December 2019. The EA/NRW will then have up to 3 years to issue a licence. During this period you will be able to continue dewatering. DEFRA/WG expect EA/NRW to take a “light touch, risk based approach” and for Natural England to following this line.
- If you plan to start dewatering on or after 1<sup>st</sup> January 2018 you must have a transfer licence BEFORE you start.
- A transfer licence is not required for the dewatering where the water is mostly rain rather than groundwater.



- No provision for ‘planned abstractions’ and therefore quarry extension (even if planning permission is in place), is included in the transitional arrangements. Only historic abstraction volumes will be considered. Separate applications must therefore be made for these increased volumes alongside the application(s) for historic volumes.

### WHAT WE DON'T KNOW

- DEFRA/WG has instructed the EA/NRW to issue guidance as part of the application process. This guidance isn't available as yet, but is expected by January 2018.
- The detail of how the EA/NRW will deal with applications is unclear, but it is expected that they will try and deal with as many applications as possible, as simply as possible. How this will work in practice isn't known at present.
- How “mostly rain rather than groundwater” is defined.
- What “a light touch, risk based approach” means in practice.
- How much technical information is required to support an application to get it “accepted”.

### WHAT WE THINK

- The 2 year application window should be thought of as a 16 month window, why? ...
- ... we recommend not submitting applications in the first quarter of 2018, in order to wait to see the details of the implementation and how the NRW/EA will handle applications, and ...
- ... all applications should be submitted by September 2019 to ensure that any “niggles” are sorted out and applications are accepted before the hard deadline of 31<sup>st</sup> December 2019.

Deciding when to submit applications should be based on a review of site information and a decision on whether a submission might be treated as simple or complex.

Complex applications may need supporting technical information and that may take time to compile.

At any site the operator should take a view as to whether abstraction is mostly rain. This is a decision for the operator to take. If the answer is yes, then the abstraction is exempt from licensing. The operator may however be challenged at some point by the EA/NRW and will need a robust justification.

## WHAT SHOULD YOU DO?

Don't panic!

Between now and the end of February 2018 undertake a high level review of your abstractions and answer the following questions:

- 1) Am I dewatering mostly rain?
- 2) Do I know how much groundwater I'm abstracting?
- 3) Has the site been through a recent planning application/ROMP review where a water study was completed?
- 4) Is the site in the vicinity of a conservation site?

Draw a flow diagram of your site to show the water circuits, where water is abstracted, where it is used (and for what purpose), stored and discharged. On complex sites there may be circuits within circuits.

Be prepared to start submitting applications from April 2018 once the processes are clear.

Be prepared to collect site specific data to support complex applications from Spring 2018 to Spring/Summer 2019.



## HOW CAN ENVIREAU WATER HELP?

We are the UK's leading independent, abstraction licensing and water management specialists.

Our clients include the largest mineral operators in the UK, as well as other major private abstractors. We have secured abstraction licences for clients in some of the most environmentally sensitive catchments otherwise 'closed' to new abstractions. This gives us unparalleled in-house experience of complex licensing scenarios. We specialise in technical negotiation with the Regulators and design of appropriate licences.

We have been actively involved in the "new authorisations" process since it was first raised in about 1998, and as active members of the Mineral Products Association Water Group. This is combined with our work across other market sectors and related specialist interest groups; giving us a view of the issues, the policy development and regulator decisions, that no other similar consultant has.

Our combination of experience in the minerals sector and abstraction licensing is unique in the UK.

Prior to you starting the licensing process we can:

- Help you review your active dewatering at a strategic level.
- Provide support and advice on the emerging regulatory process.
- Support you in deciding on the "mostly rain rather than groundwater" question.
- Help you plan your licensing strategy across multiple sites.

As part of the licensing process we can:

- Offer a bespoke licensing service.
- Provide technical support for complex applications.
- Support and manage licensing negotiations.
- Provide ad-hoc support on challenges as they arise.

**Get in touch today to see how we can support you.**



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