



NEW AUTHORISATIONS GEOGRAPHICALLY EXEMPT AREAS

DEFRA/Welsh Government (WG) have announced that the transitional arrangements for licensing of the currently geographically exempt areas will come in to force on 1st January 2018.

We have presented key points below, based on our review of the DEFRA/WG documents as well as discussions with the Environment Agency (EA), Natural Resources Wales (NRW) and others.

The largest areas of exempt areas are in Wales (although some do occur in England) and in terms of the Welsh areas, the most significant abstractors in terms of quantity of water (other than water companies) are water bottlers.

WHAT WE KNOW

If you are abstracting in an exempt area now or have been within the last 7 years, then you will fall into the Transition Arrangements (TA) from 1st January 2018.

Within the TA, a valid application for an abstraction licence must be accepted by NRW/EA by 31st December 2019. The NRW/EA will then have up to 3 years to issue a licence. During this period you will be able to continue abstracting.

DEFRA/WG expect NRW/EA to take a “light touch, risk based approach” and for Natural England (in England) to following this line.

If you plan to start abstracting more than 20m³/day in a currently exempt area on or after 1st January 2018, you must have an abstraction licence BEFORE you start.

If you are planning to construct a borehole and abstract more than 20m³/day on or after 1st January 2018 you MUST obtain permission to drill and test pump from the NRW / EA as appropriate, before you commence the work.

There is no provision for ‘planned abstractions’ within the transitional arrangements. Only historic abstraction volumes will be considered. Separate applications must therefore be made for increased volumes, alongside the application(s) for historic volumes.

As a general rule Hands Off Flow (HOF) conditions will be applied at Q95 and 75% of Q99 depending on the licensing status of a catchment. The consequence of this is that there will be days when abstraction cannot take place, probably in the summer. A Q95 HOF means that in an average year, pumping will not be possible on 18 days per year.

Compensation is very unlikely to be available.

WHAT WE DON'T KNOW

DEFRA/WG has instructed the NRW/EA 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 NRW/EA 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.

What “a light touch, risk based approach” means in practice.

How much technical information is required to support an application to get it “accepted”.

How groundwater abstraction will be linked to HOF conditions.



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 31st 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.

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) How much am I abstracting on a monthly and annual basis?
 - 2) What is the water resources status of the catchment I abstract from?
 - 3) What would be the impact of the likely HOF applied to my licence?
 - 4) Is my abstraction causing a problem to anyone or anything else?
 - 5) Is the abstraction in the vicinity of a conservation site?
 - 6) What are my water requirements going to be going forward?
- 🔹 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 some of the largest water bottlers and food and drink producers and processors 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 BSDA. This is combined with our work across other market sectors, related specialist interest groups and consultation forums; giving us a unique view of the issues, the policy development and regulator decisions, that no other similar consultant has.

Our combination of experience in the water bottling and food & drink sectors and abstraction licensing is unique in the UK.

Prior to you starting the licensing process we can:

- 🔹 [Help you review your active abstraction at a strategic level.](#)
- 🔹 [Provide support and advice on the emerging regulatory process.](#)
- 🔹 [Help you plan your licensing strategy across multiple abstraction points.](#)
- 🔹 [Assist in developing a strategy for managing increases in water requirements in the future and developing a pathway to obtain licences for that additional water.](#)

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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