

# Dewatering



## The law is changing, do you need to apply for an abstraction licence?

### New Authorisations – The removal of abstraction exemptions

If you are dewatering and were previously exempt from needing to have an abstraction licence under the Water Resources Act 1991, the law has recently changed and you may now need to apply for an abstraction licence (New Authorisation) **from 1<sup>st</sup> January 2018**. Please see <https://www.gov.uk/government/consultations/water-abstraction-licensing-changes-to-exemptions-in-england-and-wales> for further information and consultation responses.

### Do I need a New Authorisation?

If you have been abstracting more than 20 cubic metres of water per day from a surface or groundwater source without a licence for dewatering you will need to apply for an abstraction licence **from 1<sup>st</sup> January 2018**. The main activities that will now require a licence are as follows:

Activity / method of application	Description
Dewatering	<ul style="list-style-type: none"><li>• Abstraction of ground or surface water to enable mineral extraction below the level of the local water table.</li><li>• Removing excess water that enters an excavation from rainfall or surface run-off</li><li>• To reduce or prevent floor heave in the base of an excavation if there is upward groundwater pressure</li><li>• Using dewatered supplies from excavations for the purpose of the operations such as dust suppression or process uses.</li><li>• Abstraction of ground or surface water to prevent interference with mining, quarrying, building, engineering or construction works</li></ul>

### New Authorisations (Transitional Licence) application process

If you are already dewatering, then special transitional arrangements are in place which means that we expect to be able to grant licences in the majority of cases. **You will have up to two years to apply for a licence for an existing activity from 1st January 2018 to 31st December 2019.**

The UK Government expects the Regulator to take a light-touch, risk based approach to licensing these existing abstractions. This approach means that the majority of licences will be granted based on existing abstraction requirements. You will need to demonstrate, to the reasonable satisfaction of the Environment Agency, your abstraction requirements and that abstraction has taken place within the previous seven years.

We strongly recommend that you submit your application in good time before the transitional application period closes. We suggest that you apply early and ideally before the end of July 2018 for applications involving dewatering. We cannot guarantee to check all applications we receive close to the deadline (three months) prior to the application period closing, and those that are found to be incorrect or invalid will be rejected and risk missing the opportunity to take advantage of the transitional arrangements. There can be no extensions to the deadline of 31st December 2019.

Licences may be subject to conditions once issued. Further details can be found in the Government's [consultation response](#).

For detailed information on how to apply for a licence for previously exempt activities please go to <https://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction>.

### Activities that will remain exempt

The following activities will still remain exempt:

Activity / method of application
Any abstraction of less than 20m <sup>3</sup> a day
Abstractions to prevent flooding from surface waters
Abstraction from discrete waters (inland waters that are not connected to any other inland waters )
Drainage or removal of water in an emergency to prevent immediate danger to mining, quarrying, engineering, building or other operations, provided notice is given within 5 days to the Environment Agency
Temporary construction abstraction to dewater in the course of building or engineering works. This is subject to meeting certain criteria detailed in the relevant exemption regulations.

For more information on the activities that remain exempt please go to <http://www.legislation.gov.uk/id/uksi/2017/1044>.

### I'm planning to stop abstracting before the application period closes on 31<sup>st</sup> December 2019

If you are currently abstracting under the previous exemption and your abstraction will cease before that date, for example, the operation may be complete, then there is no need to make an application and abstraction can continue lawfully until 31<sup>st</sup> December 2019.

### I'm not currently abstracting, but I am planning to do so soon, what do I need to do?

When the current exemptions are removed, the changes will also affect various activities where abstraction has yet to commence. **If you are planning a new abstraction, or planning to increase your current abstraction volumes, then, after 1st January 2018, you will need to have an abstraction licence in place before the abstraction can commence.** This would apply for example where a quarry extension was planned. These new or planned changes are not covered by the transitional arrangements that apply to existing abstractions. In these cases you will need to allow sufficient time to make the necessary applications which normally take up to four months from the date we receive a valid application. Please go to <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence> for more information.

### How much will my licence application cost?

There are two types of licence you can apply for, dependent on the type of activity you are currently undertaking. A full abstraction licence application, where you are abstracting for more than 28 days, costs £135. A full licence will also incur an annual subsistence charge for the quantity of water you are licensed to abstract. This charge would commence on the issue date of a licence document.

A transfer licence application, where you are abstracting and transferring water from one source of supply to another without intervening use costs £1500. There is no annual fee associated with this type of licence. More details on abstraction charges can be found at:

<https://www.gov.uk/government/publications/abstraction-charges-scheme>

## **What happens if I don't apply for a licence?**

It's your responsibility to apply for a licence if and when you need one. It's an offence to abstract without a licence. The Environment Agency may take enforcement action against you if you don't apply within the two year period and continue to abstract after the application period closes. See below for further information: <https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-statement>

## **More Questions - who to contact?**

If having read the .gov.uk guidance you are still unsure if you require a licence or have any questions about it please phone the Environment Agency on 03708 506506 or email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).