

# REMOVAL OF THE DEWATERING EXEMPTIONS

where are we now?

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# WHAT I WILL TALK ABOUT



- Some Background
- Transition Arrangements & New Activities
- Application Process
- Transition Process
- Evidence
- Some EA Messages
- Some KISSing

# DISCLAIMER



- These are my thoughts
- The madder the thought, the more it is mine
- If I misrepresent anyone or anything then I'm sorry
- What I say today may not be an Envireau Ltd company view
- What I say shouldn't be taken as advice as every site is different
- OK with that?

# HISTORY



- All began in about 1998
- Talked about seriously early 2000's
- Water Act 2003 introduced it
- "It's 6 months away"
- 31<sup>st</sup> October 2017 ... "you have 2 months!"
- 1<sup>st</sup> January 2018 ... Implemented

# THE REGULATIONS



- Government response to consultation on changes to water abstraction licensing exemptions in England and Wales: New Authorisations
- The Water Act 2003 (Commencement No. 12) Order 2017
- The Water Abstraction (Transitional Provisions) Regulations 2017

# TYPES OF LICENCES

- Full Licence
  - To abstract more than 20 cubic metres of water a day
  - Protected rights
- Transfer Licence
  - Transfer water from one “source of supply” to another **without intervening use**
- Temporary Licence
  - To abstract for 28 days

# TRANSITION ARRANGEMENTS & NEW ACTIVITIES



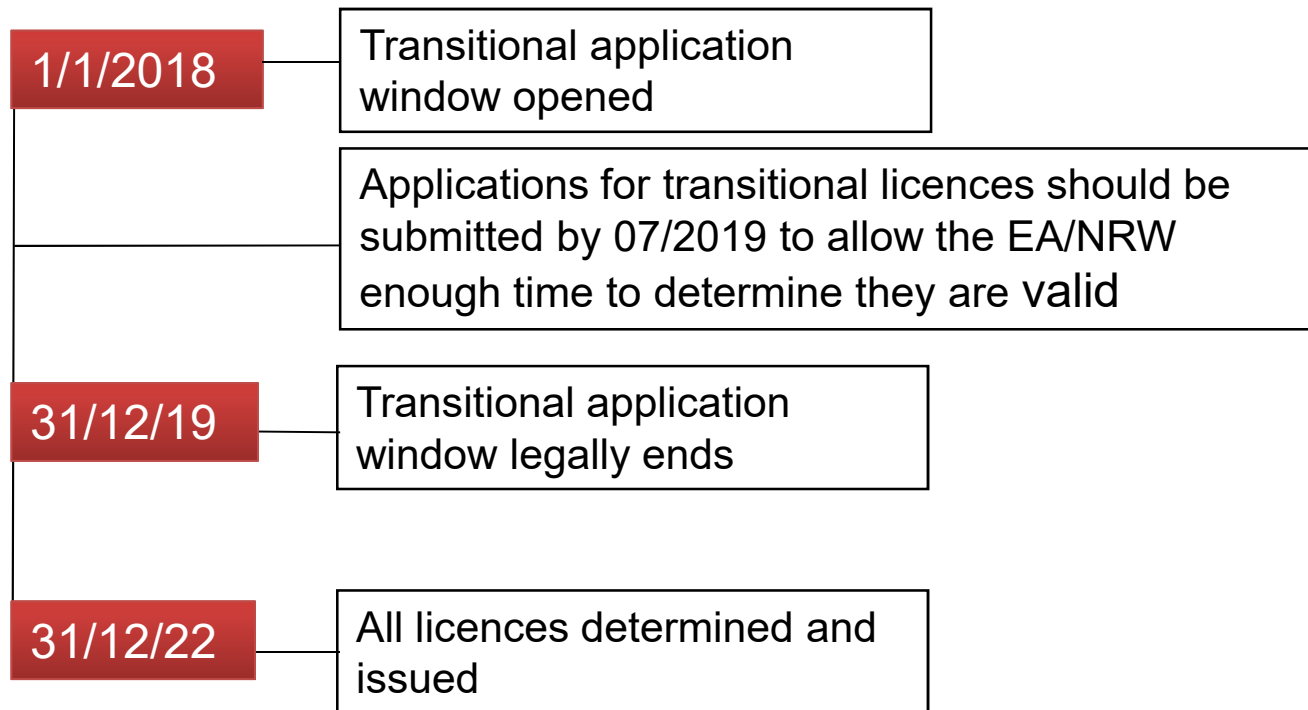
Transitional	New
<ul style="list-style-type: none"><li>Any dewatering activity where you can demonstrate, with evidence, that dewatering has taken place <b>within</b> the past 7 years</li></ul>	<ul style="list-style-type: none"><li>New sites where dewatering has not taken place prior to 31/12/2017</li><li>Dormant sites where dewatering has not taken place within the past 7 years</li><li>Extensions to sites where the dewatering activity will increase above what it was previously (within the 7 year period)</li></ul>

- If you have **started** a new dewatering activity since the 1<sup>st</sup> January 2018 you must apply for a licence ASAP
- If you do not have a licence you are operating illegally
- You have now had 10 months to do something & time is slipping away

# THE APPLICATION PROCESS

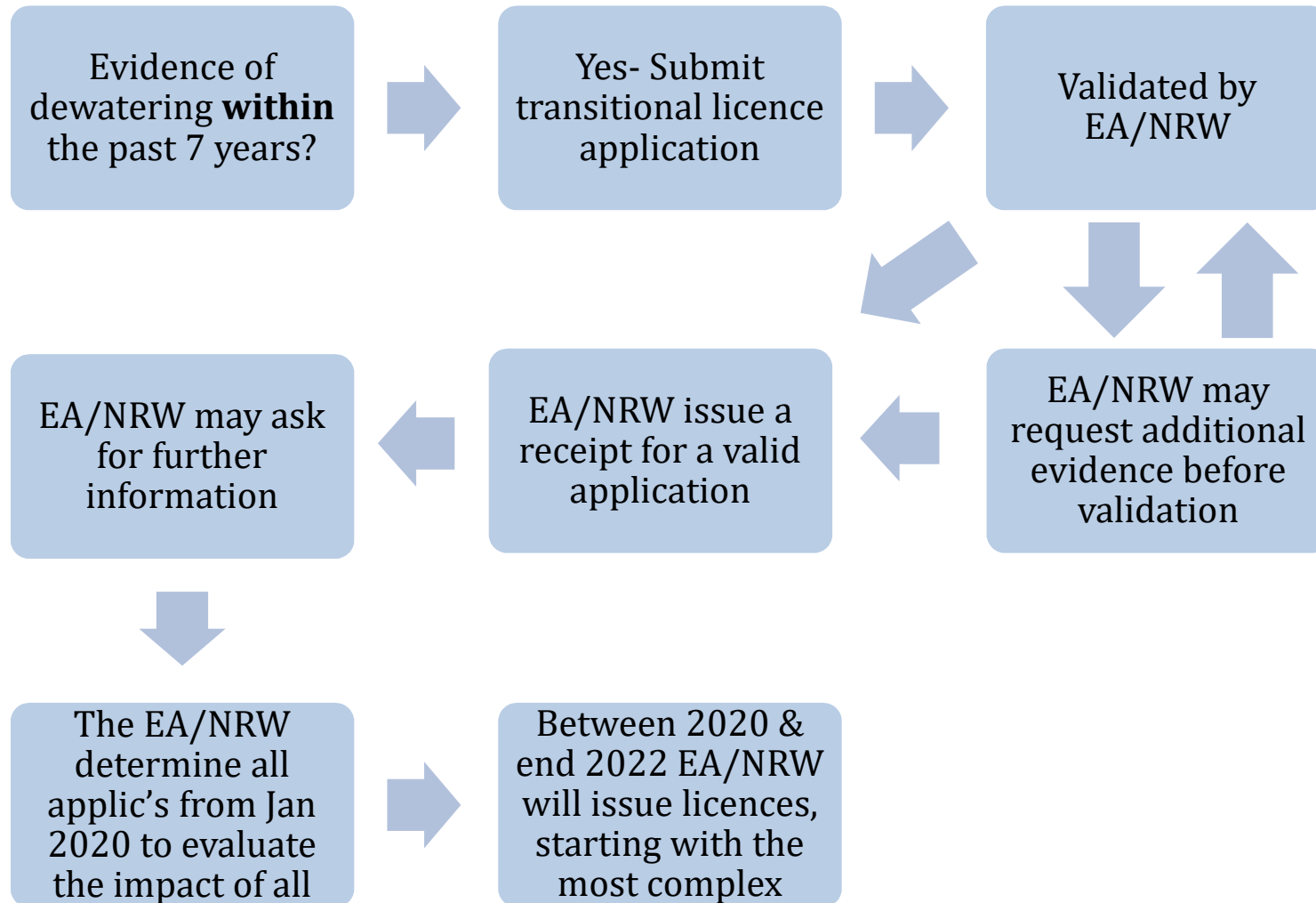
- The EA and NRW have been directed by government to take a “Light touch, risk based” approach!

## TIMELINE





# TRANSITION PROCESS



- EA list of evidence that can be used
  - Meter readings
  - Physical dimensions of a transfer channel (no control) [and calculated flows]
  - Physical dimensions of a transfer pipe (appropriately sized and positioned) [and calculated flows]
  - Flow rates for abstraction equipment / pumps & pumping hours

- EA list of evidence that can be used
  - Outputs from QA systems or Abstraction Programming Systems
  - Other justified & appropriate data

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/682412/New\\_authorisations\\_evidence\\_guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/682412/New_authorisations_evidence_guide.pdf)

# EVIDENCE

- The single biggest issue at the moment is getting evidence from sites!
- You **HAVE** got evidence
- Take time to think it through
- Draw a site water flow process sketch
- It's easier than you think

- Sam Cutler and Kate Johnson are the lead officers in the EA NPS team (based in Solihull), are available to answer any queries prior to submitting an application (at the moment)

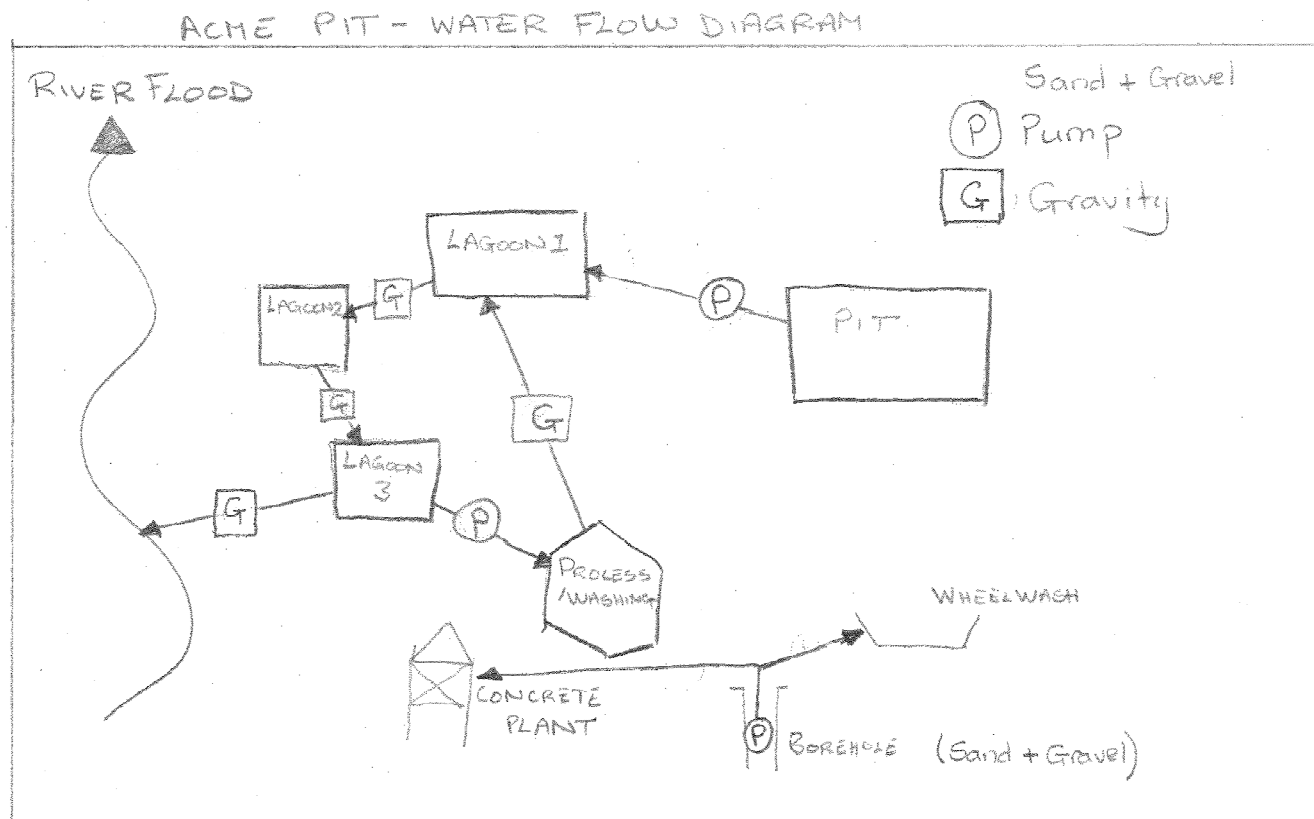
[sam.cutler@environment-agency.gov.uk](mailto:sam.cutler@environment-agency.gov.uk)  
[kate.johnson1@environment-agency.gov.uk](mailto:kate.johnson1@environment-agency.gov.uk)

- Evidence of abstraction is the poorest/most time consuming part of applications

# EA MESSAGES



- Historical vs planned abstraction is assessed on a case-by-case basis. EA are getting better at doing this. Understanding the groundwater movements are key to teasing these issues apart
- Clear, simple site water management flow diagrams are welcomed and help the EA understand the types of licences required



## New Authorisations evidence guide

Guidance notes



Primary evidence	Can it go on the licence?	Additional supporting evidence in combination with primary evidence	Strength	Does this provide sufficient evidence for quantities:		
				Instantaneous	Daily	Annual
Meter readings	✓ i.e. the meter itself	None	L	✓	✓	✓
		Photos of the meter	M	✓	✓	✓
		Details of the meter	H	✓	✓	✓
		Certificate of the meter	H	✓	✓	✓
		Signed statement/site records	H	✓	✓	✓
Physical dimensions of the abstraction intake structure – weir (no control)	✓	None	L	n/a	n/a	n/a
		Drawings	H	n/a	n/a	n/a
		Photographs	M	n/a	n/a	n/a
		Spot flow gaugings	H	✓	✓	✓
		Stage discharge equation	H	✓	✓	✓
Physical dimensions of the abstraction intake structure – pipe (appropriately sized and positioned)	✓	None	L	✓	✓	n/a
		Drawings	H	✓	✓	n/a
		Photographs	M	✓	✓	n/a
		Spot flow gaugings	H	✓	✓	✓
		Stage discharge equation	H	✓	✓	✓
Physical dimensions of the abstraction intake structure – sump	✓	None	L	n/a	n/a	n/a
		Drawing	H	n/a	n/a	n/a
Flow rates for abstraction equipment	✓	None	L	✓	✓	✓
		Usage patterns testimony	M	✓	✓	✓
		Usage patterns evidence/site records	H	✓	✓	✓
Pump of known capacity	✓	None	L	✓	n/a	n/a
		Pump rating curves and usage patterns testimony	M	✓	✓	✓
		Pump rating curves and usage patterns evidence/site records	H	✓	✓	✓
		Pump test results and usage patterns evidence/site records	H	✓	✓	✓
		Hours run meter records	H	✓	✓	✓
Outputs from QA systems or Abstraction programming systems	n/a	None	M	✓	✓	✓
		Irrigation requirements	H	✓	✓	✓
		Usage patterns testimony	M	✓	✓	✓
		Usage patterns evidence/site records	H	✓	✓	✓

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## NOTE

- All abstraction  $>20\text{m}^3/\text{day}$  (nearly) will require a licence of one type or another. This is the time to tidy up your licensing
- If you think that there is no groundwater entering your quarry (the water pumped is just rainfall) then you don't need a transfer licence
- If you think that this is relevant seek advice

# ACT NOW



# APPLICATION FORMS



## **Environment Agency**

<https://www.gov.uk/government/publications/application-forms-new-abstraction-licence-for-a-currently-exempt-abstraction>

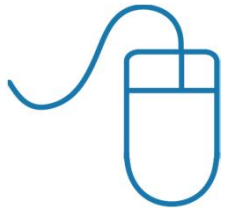
## **Natural Resources Wales**

<https://naturalresources.wales/permits-and-permissions/water-abstraction-and-impoundment/changes-to-water-abstraction-licensing-exemptions/?lang=en>

## GET IN TOUCH

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WATER



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