

Abstraction Licensing & New Authorisations

Water management is an important consideration in mineral products. The need to consider water issues with care has increased significantly in recent times due to greater regulatory controls, the increased scale of mineral products and increased public awareness of environmental issues.

Taking water from a surface source (such as a river, stream or canal), or from an underground source, is called abstraction. If you plan to take more than 20 cubic metres a day, you are likely to need an abstraction licence from the Environment Agency or Natural Resources Wales (EA/NRW – the regulator).

What is it?

Water can be abstracted (taken) from groundwater, surface water, or tidal water. An abstraction licence details what is permitted i.e. how much water is allowed to be abstracted and at what times.

There are different types of water resources licence:

- Full Licence – for most types of water abstraction over 20 cubic metres a day
- Transfer Licence – to move over 20 cubic metres of water a day from one source to another without intervening use
- Temporary Licence – to abstract more than 20 cubic metres of water a day over a period of less than 28 days
- Impoundment Licence – to create an impoundment structure such as a sluice, weir or dam.

When the EA/NRW grants a licence for the first time, it is likely to be for between 6 and 18 years. When they renew a licence, it will normally be for another 12 years.

They may also grant short duration licences where they think there may be issues with the licence or water availability in the longer term, or if you only need it for a short time.

Most licences require you to accurately measure and report the quantity

of water you abstract.

If you are found to have breached your licence conditions the EA/NRW may take enforcement action. Actions will range from giving corrective advice and guidance to prosecution in the most serious cases.

Why is it important to me?

From **1st January 2018**, new arrangements for licensing of currently exempt abstractions will come into force. These new arrangements impact on quarry dewatering.

From 1st January 2018, you will fall into one of two situations:

- If you have been dewatering groundwater at some time in the previous 7 years, and are continuing to dewater groundwater, you will be covered by the Transitional Arrangements
- If you have not dewatered groundwater but expect to after 1 January 2018 you **MUST** have a licence (probably a transfer licence) **BEFORE** you start

Effects of new regulations on Quarry Dewatering

The guidance from DEFRA/Welsh Government is especially important for operators that extract clay or in hard rock quarries that have little or no groundwater inflow:

"A license is not required for the dewatering of wholly or mainly rainwater from an excavation."

This is positive news but quarry dewatering is still affected by transfer licences. In this area, the guidance is:

"The Regulator will have flexibility on the inclusion of volume conditions on a transfer licence. However, the final decision on whether to do so should be proportionate, reflecting environmental risk, impacts on other abstractors and the burdens it places on the abstractor. We expect, in particular, that in situations where an abstraction is currently unmeasured and/or not readily controlled and where there are satisfactory alternative ways to control the abstraction, for example conditions that describe the use of abstraction structures, that the Regulator uses a licensing approach that minimises regulatory burdens on the abstractor."

It might be difficult to work out what this actually means, but the important thing is the word 'flexibility'. Applying for a transfer licence for dewatering must consider the embedded mitigation associated with the activity and submit robust arguments for flexibility. Therefore, applications will be considered on a case-by-case basis.

Transition Arrangements

For people already dewatering groundwater, a two-year transition period will commence once the regulations come into force on 1st January 2018. Current dewatering abstractors will have two years to apply for their licences and get them validated. Applications should be submitted by October 2019 to make sure they are accepted by the end of 2019.

The Regulator will determine all applications within three years from **1 January 2020**. So, if you are already abstracting and get your application submitted and accepted before the end of 2019, you will have about a five-year period of abstraction with no restrictions.

There are no separate provisions for 'planned abstractions'. Where these are needed, they are not included in the transitional arrangements. Only historic abstraction levels will be considered, so a separate application should be made for these increased volumes alongside the application/s for historic volumes.

It is important to remember that if you intend to start a currently exempt abstraction after 1st January 2018, you will need an abstraction licence. The application process takes approximately five months, as a minimum.

Where Next?

Guidance on Abstraction Licenses and the application process is available from the Environment Agency at:
www.gov.uk/guidance/water-management-abstract-or-impound-water

For independent advice:

Envireau Water is experienced in all aspects of groundwater and surface water management and has worked with quarry operators large and small across the UK and overseas. Contact www.envireauwater.co.uk

For more topics on Water Management see the **Water Management** factsheet within the Knowledge & Innovation segment of the Skills Wheel.

Institute of Quarrying

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