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Defra water abstraction plan

Defra has published a water abstraction plan (15 December) that sets out how it will reform abstraction management.

Since the Water White Paper was published in 2011, Defra has been working towards the introduction of the primary legislation needed to implement wide-ranging abstraction reform. However, it is now clear that major regulatory reform of the scale originally conceived will not be delivered in the short term.

Publication of the water abstraction plan is designed to demonstrate the ongoing commitment of Defra and the Environment Agency to delivering as much progress as possible in the absence of a Water Bill.

Defra believes that reform is needed because:

- Action needs to be taken on those old licences that damage the environment
- The current system will not cope with future population growth and climate change
- Current licences are outdated and paper based

The ambition is that the abstraction plan should:

1. Deliver sustainable catchments
2. Identify and focus on elements of the reform proposals that can be used to improve users' access to water
3. Improve the Environment Agency's service to licence holders

Addressing unsustainable abstraction

The plan states that government wants to end damaging abstraction of water from rivers and groundwater *wherever it is cost-effective to do so*.

Latest data show that 82% of surface water bodies and 72% of groundwater bodies have enough water to protect the environment. Nevertheless, the Environment Agency is concerned about the potential impact of some licences, primarily held by the public supply sector, and the risk of growth in water use which could harm the environment.

In order to meet these challenges the Environment Agency will:

- Use the Water Industry National Environment Programme (WINEP), due in March 2018, to make sure that water companies take a leading role in addressing unsustainable abstraction
- Review more than half of time limited licences by 2021 (2,300 in total), adjusting them as necessary to make sure they do not allow environmental damage now or in the future
- Adjust all permanent licences shown to be 'seriously damaging' the environment. This includes completing the Restoring Sustainable Abstraction (RSA) programme, which contains a list of 150 potentially damaging licences, by March 2020
- Revoke an estimated 600 unused licences that are no longer needed, and work with abstractors to reduce under-used licences. This will prevent increased abstraction from these licences creating new environmental pressures



- Regulate all significant abstractions that have been exempt historically (approximately 5,000), including unlicensed trickle and drip irrigation, to make sure that they also play a part in protecting the water environment
- Embark on a programme of updating catchment-based abstraction licensing strategies, with 10 strategies reviewed by 2021 and all remaining strategies reviewed by 2027.

Catchment focus

Defra wants the Environment Agency to work with abstractors to develop local solutions that further protect the environment and improve access to water.

The plan proposes greater focus on activity at the catchment scale through collaborative working by stakeholders, thereby extending the catchment based approach (CaBA) - currently applied to improving water quality - into water resource management.

The Environment Agency will maintain a pivotal regulatory role in delivering its 'sustainable catchments' programme, but it is envisaged that there will be a facilitation role for existing catchment partnerships (CPs) already active as part of CaBA.

For example, CPs may be asked to play a central role in helping to find local solutions to water availability issues, with solutions recorded in catchment-based abstraction licensing strategies (all Environment Agency licensing strategies are due to be reviewed and updated over the next few years).

The public water sector plays an increasingly prominent role in CaBA because improvements in agricultural best practice can improve water quality and so help in the delivery of public water company (PWC) business plans.

The NFU is keen to test the proposed catchment plan approach to establish whether it can deliver more water for food production. The Environment Agency hopes that the programme will identify water bodies where more water can be squeezed from the system for users without having any environmental impact.

Abstractor groups could have a potentially important role in catchment planning to provide local solutions to the storage and sharing of water (and to capture it before it goes out to sea); new groups may need to be formed in some areas.

Catchment Partnerships have no expertise in water resource management and its legal framework and so a framework of working together will need to be developed. Issues relating to water governance (local allocation rules, who pays and how much) will need to be will be important.

The voluntary approach in catchments will be underpinned by a set of regulatory tools:

- Introduction of controls on more licences to better protect the environment, particularly at low flows
- Capping licence volumes to prevent increased abstraction damaging the environment
- Fine-tuning the use of surface water and groundwater sources to make the best use of water when it is available while protecting the environment
- Support for rapid water trading where it is needed most to allow abstractors to share access to water quickly
- Allowing some winter abstractors to take water at the highest flows in the summer to boost the use of stored water
- Sharing real-time information on river flows and forecast changes to help abstractors plan their water use
- Managing water discharges to benefit abstractors downstream who depend on them

Initial priority catchments

Defra and the Environment Agency have identified catchments where there is unmet demand for water and the potential to use innovative licensing approaches to help meet that demand.

Four pilot catchments have been selected to test the collaborative approach. These are:

- East Suffolk
- Medway, Kent
- Idle and Torne, primarily Nottinghamshire
- Lower Witham, Lincolnshire

The NFU is already involved in existing abstractor activity in all of these catchments

Defra is confident that a collaborative approach to water management will achieve positive results. The effectiveness of the approach in the pilot catchments will be reviewed in 2021.

The Environment Agency will select a further six catchments for 'pilot activity' where abstraction is causing flows to regularly dip below environmental requirements or where groundwater is over abstracted.

The licensing strategies for all 10 catchments will be reviewed by 2021.

Improving user access to water

Defra and the Environment Agency want to test the innovative elements of reform – primarily licence trading – in the pilot catchments.

Effective trading will need to be supported by a new and improved regulatory system (see modern and simple licensing below). Participation in trading platforms by individual users in pilot catchments will be voluntary, and will focus on understanding what works well and what works less well.

Modern and simple licensing

The Environment Agency is working on a new licensing programme that includes two elements:

1. Digital transformation
2. Environmental permitting

Digital transformation

The plan proposes a move from paper to more web-based licensing information to, for example, help users to 'view my licence'. This is seen as the cornerstone of the Agency's modernisation programme for water resource licensing because it will enable the collective management of licences.

The NFU is already involved in the development of this programme.

The Agency aims to roll out this programme for all licence holders by 2020. All existing licence rights will be left intact.

The modernised service will allow abstractors to:

- View, apply for, or amend licences online
- Report water usage more simply
- Access up to date information on water availability to help manage abstraction more effectively providing better protection at low flows and allowing better access to high flows

Environmental permitting

Defra and the Environment Agency intend to bring abstraction licensing into the Environmental Permitting Regulations (EPR) alongside water quality, discharge consents, etc. EPR proposals are described as being relatively longer term, but any switch will have a potentially significant impact on irrigators, not least in the extent administration and charges.

Defra has promised further a consultation, possibly in 2019, on the introduction of EPR before it introduces secondary legislation to deliver it.

You can read more here about the [Defra water abstraction plan](#)