

Flexing abstraction conditions during drought

July 2018

Having had the driest June on record since 1925 and with a very dry July, we are receiving enquires from people and businesses who do not have enough water to meet their needs. Agriculture and some industry is affected. Agricultural issues include spray irrigators whose crops need more water to survive and grow, as well as livestock welfare problems. With food and livelihood affected, the Environment Agency is aware that it needs to regulate in a flexible way to consider the needs of people and the environment.

This briefing is intended to provide clarity on the criteria that the Environment Agency may agree to flex abstraction conditions.

Position

It is up to people and businesses to ensure they have enough water for their needs. However, we are aware of local issues for people and businesses and the cumulative impacts on sectors due to the prolonged dry weather, and will therefore consider flexing abstraction conditions. We can only be flexible where we are reasonably satisfied that there will not be any adverse effects on the environment or the rights of other lawful water users.

- Any flexible arrangements will be one-off, limited to this event. If any abstraction outside a licence is likely to need to re-occur, licence holders must apply to vary the licence at the earliest opportunity.
- The Environment Agency will enforce licence conditions and will take swift action if the environment or other abstractor rights are impacted. Licence holders must stick to licence conditions, or any new flexible agreements.
- Farmers need to be clear that this applies to existing crops and livestock and not, for example, for planting of new crops.
- It is important that water abstraction licence holders check their licence details - licence holders can now view and manage water abstraction licences online - click [here](#) to go to the webpage.

What flexible options can we provide?

- We may allow on a case by case basis, a fast track or trade for short term (a few weeks to aid harvesting and lifting of existing crops) sustainable changes to licences that we would approve anyway, but will take too long to process via the normal routes.
- On a case by case basis, we may relax enforcement action if **additional emergency** abstraction is temporarily required outside of licence conditions. Our local teams will take the decision if a real and imminent threat to crops and/or livestock exists and all due regard to the environmental risk has been considered. The use of such a position will be a one off situation, temporary (48 hours), clearly defined, and closely monitored. Abstractors should then make provision to find additional emergency water. Alternative sources of emergency water are available from the following suppliers: <https://www.water-direct.co.uk/> and <https://www.wincanton.co.uk/markets/water/>. Water companies have been contacted to see if they can assist in emergency tankering for livestock. Please be aware that any funding issues with such services should be taken up either individually or collectively (for example through the NFU) with Defra as the Environment Agency has no role in this.

External briefing note

- We can review hands off flow conditions more frequently to allow abstractors to take advantage of any peak flows when significant rainfall occurs.
- Fast-tracking new sustainable temporary licences for abstractions that take place for less than 28 days.
- Use of spare capacity in water company licences by other abstractors where this is sustainable - Southern and Anglian Water have said that in principle this can be provided and we are awaiting details from the companies on their proposals.

When considering flexibility we will take into account:

1. The reason for the water need - for example, is the water needed to protect crops, animal welfare or human health and wellbeing?
2. Has existing supplies of water been used responsibly and efficiently?
3. The environment must not be damaged nor should any rights of existing lawful users be compromised - in water bodies where there is a risk of deterioration any flexing of the abstraction rules should not alter the pattern of abstraction such that the risk of deterioration is increased.
4. Other action we may be taking to achieve sustainable levels of abstraction - it may not be appropriate to allow more water to be abstracted in water bodies where we are making changes to abstraction licences to prevent environmental damage.
5. Any agreement to abstract outside a licence must be time bound and be terminated if any adverse effects are observed on the environment or on other abstractors.
6. We will not use Groundwater Investigation Consents to authorise additional abstraction other than that required for the purpose of determining the yield and effects of groundwater sources.

When considering flexibility abstractors should:

- Talk to us and agree a way forward before taking any action.
- Be aware that we will only consider trades of annual volumes, or temporary increases to annual licensed volumes. The daily, hourly and instantaneous pumping rates on the licences (including recipients in trades) will not change.
- Ensure that where more than one party is involved (for example, trading), then all the parties need to agree the flexible arrangements with us.
- Be prepared to comply with any requirements of any agreement, for example, arrangements for measuring and recording volumes abstracted.
- Consider the information that the Environment Agency will require prior to agreeing flexible arrangements, indicated in points 1 and 2 in the section above of this briefing note.

Water companies

Water companies have a statutory duty to supply their customers and their operations and are able to use a variety of drought measures defined in law to manage droughts and effects on public water supply. As a result, the arrangements described above do not apply to water companies.

Further information

- It is the Environment Agency's job as a regulator to manage abstraction, protect the environment and the rights of existing lawful users - we do this through the water resources regulatory regime.

External briefing note

- It is up to abstractors to ensure that they use water wisely, efficiently and have sufficient water for their needs.
- Where abstractors do not have sufficient water for their needs then they either need to reduce their demand or look for other (environmentally sustainable) sources of water.
- We will not raise abstraction charges for any water abstraction that we may allow outside the terms of existing licences.
- It is imperative that all sectors consider their future water needs and in the light of water availability and ensure they have sufficient resilience to cope with prolonged dry weather events.
- Further information about rainfall, river flows and groundwater levels can be found in our [Water Situation Report](#) on GOV.UK.
- There is guidance for spray irrigators on water resilience and conserving water on the UK Irrigation Association website at <http://www.ukia.org/irrigationbooklets>.

Contact details

Abstractors may contact the Environment Agency to discuss flexing abstraction conditions during drought through either their usual local Area office contacts or through our National Customer Contact Centre:

National Customer Contact Centre
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