

Renewal of time-limited licences in East Anglia Area

July 2017

We are writing to you to explain the changes that are being introduced to how we consider water abstraction licence renewals across East Anglia Area.

How do we assess time-limited renewals?

Unsustainable levels of abstraction are putting significant pressure on our rivers, wetlands and aquifers. We manage abstraction in England and we are taking action to reduce the impact that it has on the environment. The actions involve changing unsustainable abstraction licences including those that have time limits.

We have been applying time limits to licences for several decades as a way of managing future uncertainties. Time limited licences were established on the basis that they would be periodically reviewed to ensure that abstractions they permit continue to be environmentally sustainable, abstractors have a need for the water, and will use water efficiently. The review process provided by time limiting enables us to better manage water resources in response to a changing environment, improved hydrological understanding and patterns of water use.

The 2015 Anglian River Basin Management Plan (RBMP) (published in 2016 and available from www.gov.uk) sets out the actions required to get our rivers, lakes and groundwater back to what is called 'good ecological status' and to prevent their present status from deteriorating. Many of our groundwater aquifers and the overlying rivers have been assessed as not supporting good ecological status because too much water is taken from them, especially during dry periods.

During the renewal process we will take into account the current licence conditions, for example, whether there is a Hands off Flow (HoF) condition protecting low flows, and past licence use when deciding if changes are required. A HoF specifies that if the flow in the river drops below that which is required to protect the environment, abstraction must stop for that period of time.

We will aim to issue renewed licences to our Abstraction Licensing strategies, (previously known as Catchment Abstraction Management Strategies - CAMS) common end date where:

- all the sustainability issues in the catchment are resolved and;
- renewal of time-limited licences does not pose a risk of deterioration in ecological status and;
- the quantities are justified and;
- the water is used efficiently.

A shorter time limit may be required where there are residual risks to the sustainability of catchments.

Our approach will depend on whether it is a surface water or a groundwater time-limited licence.

Surface water licences

Surface water licences will be renewed on the following broad principles around environmental sustainability:

As a minimum, all surface water licences will need a HoF to protect the ecological needs of a river at low flows. Low flows are defined as the Q95, which is the amount of flow in a river that is exceeded 95% of the time. To calculate the amount of water required to support the ecology of a river we use a tool called the Environmental Flow indicator (EFI). The environmental flow requirements at Q95 are defined as being 90% of the natural flow. This sort of HoF is known as a QEFI95 HoF.

Subject to having a HoF condition that protects low flows, where there are no other sustainability issues in the surface water bodies influenced by the abstraction, the quantities are justified and the applicant has demonstrated that the water is being used efficiently, then the application would be renewed on same terms to the relevant CAMS common end date.

In surface water bodies where a QEFI95 HoF doesn't help to resolve the sustainability issues in the catchment, renewed licences will be time-limited to 31 March 2024. Further changes may be needed after 2024 to protect the ecology at higher flows.

Alternative management arrangements may be needed for some locally specific catchments, for example, the level dependent Fenland Areas. In level controlled areas like the Fens, a Hands off Level may be applied upon renewal.

Groundwater licences

Groundwater licences will be renewed on the following broad principles around environmental sustainability:

We will consider renewing the licence at the same quantities when the aquifer, overlying rivers and associated wetland habitats have environmentally sustainable rates of water abstraction both now, and at times when abstractors take their full licensed quantities of water.

If there is a risk that the ecology could be adversely affected at fully licensed rates of abstraction, then we will cap the licence at the historic maximum uptake to reduce the risk of ecological deterioration from the 2015 RBMP baseline. The standard period for assessing the historic maximum rate of an abstraction will be the last 10 years, or longer where appropriate. This means that for agricultural licences, annual differences in climate and cropping patterns are taken into account.

If both the groundwater and/or surface water bodies are already subject to unsustainable rates of abstraction, we will need to renew the licence with measures to help restore that waterbody/groundwater body to a sustainable level of abstraction. These measures could be licence reductions or Hands off Flow/level conditions. Where measures are still under investigation, then a licence would be renewed with a cap at historic maximum uptake and time-limited to 31 March 2024. Further licence changes may be required after 2024.

What does this mean for licences without a time limit?

If you have a permanent licence (either a 'licence of right' or an 'in-perpetuity licence') your licence document will not include an expiry date.

We have been changing unsustainable permanent licences through our Restoring Sustainable Abstraction programme for many years and we cannot rule out that further changes will be needed to ensure permanent licences protect other environmental features. What action we will take on permanent licences with regard to risk of deterioration will be specific to the abstraction pressures within individual river catchments or aquifers. Should a licence change be required, we will contact abstractors on a case by case basis.

Unused and under-used licences

As part of our ongoing work to reduce the risk of deterioration and to ensure that the licensed water available for abstraction goes to those who need it we are currently reviewing unused and under-used licences. In our original CAMS we advised that we would consider revoking unused licences.

We have recently written to approximately 300 licence holders asking them to confirm whether they need to retain their unused licence and provide suitable evidence in support of this requirement. Where licences are no longer required we are currently asking people to revoke them voluntarily. This year we are planning to write to holders of unused and under-used licences across the East Anglia to seek licence revocations/reductions.

Contact us

For information on time-limited licence renewals please contact your local Integrated Environment Planning Team.

Ipswich: Tel: 020 302 58408
Email: easterniep@environment-agency.gov.uk

Brampton: Tel: 020 302 51969
Email: AEP_ANG_Central@environment-agency.gov.uk