

Section 57 spray irrigation restrictions

Working together to make water last longer

12 April 2012

Under section 57 of the Water Resources Act 1991, we can reduce or stop spray irrigation to protect the environment. This is a last resort restriction for this sector. This note explains more about the restriction, how we implement it and how we want to work with farmers to avoid or delay restrictions.

What is a 'section 57 restriction'?

Section 57 of the Water Resources Act 1991 gives us powers for “Emergency variation of licences for spray irrigation purposes” when there has been an exceptional shortage of rainfall or other emergency. This is a key part of the staged approach in the legislation to limiting water usage in exceptionally dry conditions to protect public water supply and other needs.

This means we can stop or reduce all abstraction licences for spray irrigation within a water catchment. We can only restrict abstraction from groundwater if abstraction is likely to affect the flow, level or volume of an inland water such as a river or stream. Where there is more than one abstractor from the same source of supply, we must treat all licence holders equally. However, we will always see these restrictions as a last resort for restricting this sector, and will work with abstractors (not just spray irrigators) to explore the benefit of voluntary restrictions to avoid or delay the use of section 57 restrictions. If your licence includes 'hands off flow' conditions, then it is likely these would already be operating before we introduced a Section 57 restriction.

Would all irrigators be affected?

No, the following abstractors would be excluded:

- Trickle irrigators;
- Those who irrigate using water collected in winter storage reservoirs;
- Those who use water to supply pot grown plants which are unable to take moisture from the soil; and
- Those who irrigate covered crops (in glasshouses or polytunnels).

If your licence allows you to spray irrigate and use water for another purpose, such as vegetable washing, the section 57 restriction would only apply to your spray irrigation abstraction.

What will trigger a section 57 restriction?

We will use surface water or groundwater thresholds in our drought plans to decide when to consider section 57 restrictions. These will vary across the country, but will be environmental conditions, such as water levels and flow, water temperature, dissolved oxygen levels and signs of environmental stress.

We will also consider the likely beneficial impacts of restrictions, including the magnitude of benefit and the stage in the season. For example, we would not apply section 57 outside the main irrigation season. There may also be local reasons to trigger a restriction, for example where public water supply is threatened and drought orders or permits are in place.

How will I find out about a section 57 restriction?

If we have to impose a restriction, it should not be a surprise and you will probably be working with us, perhaps through your abstractor group, on a voluntary basis to reduce your water use and avoid restrictions.

We explain what will trigger section 57 restrictions in our drought plans, and if we have to impose one, we serve notice by email and letter at least two weeks before you have to stop or reduce your abstraction. We may be able to phase-in restrictions, starting at a mandatory 50% reduction, increasing to 75% then 100% if conditions don't improve. In some cases, this may not be possible.

If you impose a section 57 ban, do I still need to pay my annual charge?

Yes. To recognise the uncertainty irrigators face from section 57 bans, and variable weather patterns, they are the only abstractors to benefit from a charge reduction of up to 50%. This reduction is known as a 'two part tariff'. Many spray irrigators already have a two-part tariff agreement. If you don't, please contact us on the number below and we'll tell you how to apply for one.

An abstraction licence does not guarantee quality or quantity of water, but it gives you a protected right which means that we cannot grant further licences that would reduce your ability to abstract your licensed quantity.