

# Handling enquires about abstraction during drought and prolonged dry weather

## Background

This briefing sets out how we will approach the flexing of abstraction conditions in 2019 so that we are ready to respond if we have a dry spring and summer. It follows previous briefings we provided in July and October last year. Our approach builds on our experience from last summer when we received around 150 requests to flex abstraction conditions. The purpose of these arrangements is to allow local regulatory flexibility to enable abstractors to cope with exceptional dry weather events. As a result, we may allow abstraction outside licence conditions providing safeguards are in place. In deciding whether to grant flexibility, we will not compromise environmental standards or the rights of existing lawful users.

## Regulatory position

### What flexible options can we provide?

Subject to there being no adverse effects on the environment or the rights of existing water users we may be able to:

- fast track water rights trades and access to additional water;
- extend the winter abstraction season to permit abstraction to refill winter storage reservoirs;
- consider (on a case-by-case basis) proposals to 'borrow' groundwater from future allocations.
- We are planning to republish our [Regulatory Position Statement](#) on water re-use for irrigation ahead of the main irrigation season and are talking to water companies about what options they can offer where.

### When can we be flexible?

We would expect requests made in the following circumstances:

- finishing off crops already 'in the ground' in readiness for harvesting;
- wetting soils to enable harvesting;
- establishing seedlings or root stocks;
- refilling storage reservoirs to mitigate against future water shortages;
- safeguarding animal and human health and wellbeing;
- preventing environmental damage;
- operating critical infrastructure; or
- where water shortages would lead to significant economic impact.

It is up to abstractors to justify why they need the flexibility.

**customer service line**    **03706 506 506**

**floodline**    **03459 88 11 88**

**incident hotline**    **0800 80 70 60**

## Constraints on flexibility

We will aim to approve requests for flexibility where we can. There are, however, some constraints on how flexible we can be in certain circumstances as set out below.

- To apply for flexibility, an abstractor needs to already have a licence under which they can abstract.
- Water rights trades and additional water will be dependent on local water availability, pressures on the environment and the effect on the rights of existing water users.
- Refilling storage reservoirs prior to the start or after the end of the winter abstraction season will only be possible if river flows are above any required 'hands off flow' and existing licensed quantities have not been exceeded.
- For a water rights trade:
  - the recipient and donor's water sources must be hydrologically connected - trades are therefore generally restricted to the same catchment or groundwater management unit;
  - trades between groundwater management units in the same aquifer will depend on local circumstances and how the groundwater management unit boundaries have been defined - these trades are likely to be complex and need more detailed assessment potentially involving groundwater modelling;
  - there may be some scope for trading between groundwater and surface water depending on the interaction between them and how any abstraction impacts have been considered.
  - we may not be able to trade all the quantity on a licence if there are abstraction pressures on the environment in the catchment or aquifer.
- Borrowing groundwater from future allocations:
  - whilst this is available as an option, we see this more as a longer-term response that would involve groundwater modelling and depend on likely groundwater recharge scenarios;
  - abstractors need to approach us before the start of the summer abstraction season with any requests to borrow groundwater from future allocations so that we have time to carry out the necessary assessment work.
- Any groundwater proposal that requires test pumping must be submitted through the normal application route and cannot be fast tracked.

## Abstraction charges

We will raise abstraction charges for any flexing of abstraction in line with our Abstraction Charges Scheme.

## Advice for licence holders

It is important that abstraction licence holders check their licence details to ensure that they know how to comply with them and to check that their licences meet their needs. Licence holders should take steps to change their licences if they don't meet their needs. Licence holders can now view their abstraction licence details online at [manage water](#)

[abstraction impoundment licence service](#). Licence holders cannot apply to flex abstraction licence conditions online by using the Water Resources Licensing Service.

## **Applying for flexibility**

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, PO Box 544, Rotherham, S60 1BY, United Kingdom.
- Email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)
- Telephone 03708 506 506
- Telephone from outside the UK (Monday to Friday, 8am to 6pm GMT) +44 (0) 114 282 5312
- Minicom (for the hard of hearing) 03702 422 549

**National Water Resources team**

**Environment and Business Directorate**

**30 January 2019**