

Rainwater Harvesting

Position Statement

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Rainwater Harvesting Exemption from Abstraction Licensing control

Introduction

The Environment Agency promotes rainwater harvesting as a water efficiency approach for those needing water for their businesses, domestic or leisure needs. Collection from roofs and other surfaces is outside of regulation but can become licensable if such water is combined with water from ground or surface waters and subsequently abstracted or transferred. New regulations in January 2018 were introduced to ensure that all significant abstractions were brought into regulation. This included all forms of irrigation which may include elements of harvested rainwater.

The Environment Agency generally does not wish to regulate wholly harvested rainwater through these new regulations, where there is no environmental risk. We have therefore prepared this Regulatory Position Statement (RPS) that distinguishes between how harvested rainwater can remain exempt and when its abstraction or transfer would become licensable.

The position is based around the legal definition of when water becomes “a source of supply” and therefore licensable and when it can remain outside of regulation. Rainwater that is harvested into a reservoir (with or without an overflow) comprising solely of collected rainwater will not require an abstraction licence.

We have provided detailed supporting scenarios as guidance to ensure consistency and to enable adjustments to be made to collection and storage systems. This may allow operators to make changes to sites to utilise the exemption.

The basic principle is that where the rainwater is isolated from surface or groundwater, then an abstraction licence is not required, provided it does not have an adverse impact on the environment either alone or in combination with other abstractions or transfers. This will normally be assessed as not preventing normal watercourse flow objectives from being met and protected by the extent of rainwater being harvested within the catchment.

Our approach

- The Agency does not wish to regulate harvested rainwater and has therefore worked to produce this Regulatory Position Statement in relation to the Water Abstraction (Transitional Provisions) Regulations 2017 and The Water Resources (Abstraction and Impounding) Regulations 2006, where we can safely exclude harvested rainwater from regulation.
- This has been achieved by providing clarity for operators on how to keep harvested rainwater from being classified as a “source of supply” under the legislation, and thereby keeping it outside the licencing requirement.
- To achieve this we have introduced some additional flexibility to our regulatory approach to ensure that it works in practical terms for many typical situations.
- To assist consistent application of the Regulatory Position Statement, we have also provided detailed scenarios for our regulatory teams.
- For some sites, by simple adjustment of the collection or storage arrangements, it may also be possible to operate within one of these scenarios and thereby stay outside the need for licensing.
- There will still be some situations – usually where water from other sources are combined with harvested rainwater in collection or storage, that licensing will still be required.
- We will be happy to provide support to operators to understand their situation and if needed, indicate if any simple changes could assist them to not needing a licence.

Rainwater Harvesting exclusion from Water Resources Licensing

1. The Environment Agency does not intend to licence or otherwise draw into regulation wholly harvested rain water that has not entered an inland water or underground strata (groundwater). In practical terms this means:
 - (i) water collected from roofs and other above ground surfaces; and
 - (ii) collected via a system of above ground pipes and tanks;
 - (iii) that is isolated from connection to inland waters or groundwater.
2. Where a storage reservoir has an overflow for land drainage or reservoir integrity protection, meaning that it is capable of discharging to other inland waters, then the storage reservoir itself becomes a source of supply under the legal definition and therefore removing water from it requires an abstraction licence. For the purposes of water resource licensing considerations we will apply the following principles for reservoirs supplying all forms of irrigation:

- (i) If the reservoir is filled solely by harvested rainwater such that the overflow water consists solely of harvested rainwater, then we will not pursue an abstraction licence application for the amounts subsequently abstracted for irrigation from the reservoir.
 - (ii) If the reservoir is filled solely by water abstracted from another source of supply under the control of a full abstraction licence, we will not pursue an abstraction licence application for the amounts subsequently abstracted for irrigation. (This can include any incidental rainfall but not harvested rainwater).
3. This regulatory position shall not apply where harvested rainwater is combined with one or more inputs from any watercourse, land drainage, underground strata, gravity intakes and licensed water abstracted from another source(s) of supply into a reservoir storage system which is capable of discharging to other inland waters. In these cases, a licence will be required for the total amount abstracted from the reservoir for irrigation in addition to any licences required for any abstraction into the reservoir.
 4. This regulatory position shall not apply to reservoirs which are unlined and wholly or mainly filled with water entering the reservoir from an underground strata. These reservoirs are sources of supply and a licence will be required for the total amount abstracted from them.
 5. This regulatory position shall not apply where the extent of rainwater harvesting or abstraction are so great either alone or in combination as to deplete inland waters or groundwater beyond safe environmental levels such as represented by Water Framework Directive requirements, or EFI (Environmental Flow Indicator). This will be taken as applying at the local affected reach or area of the watercourse/groundwater.
 6. Where the storage system is, or remains not a source of supply and is used for any form of irrigation, it will be exempt from licensing requirements.
 7. This RPS will operate for 10 years with potential for a review at 2 years.

Further information

We have produced separate detailed guidance which include a number of different scenarios, which will help you in deciding the numbers and types of licences that are required for the licensing of all forms of irrigation that utilise rainwater harvesting. The scenario guidance is available on request from our National Customer Contact Centre, details below.

Enforcement

A Regulatory Position Statement means that the Environment Agency will not normally take enforcement action against you provided:

- Your activity meets the description set out in this RPS
- You comply with the conditions set out in this RPS

Contact the Environment Agency

General enquiries
National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY
Email: 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

Monday to Friday, 8am to 6pm

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