

# WATER ABSTRACTION NEW LICENSING PROCEDURES



**NRA**

*National Rivers Authority*

Guardians of  
the Water Environment

## Why You may now need a Licence to Abstract Water

Most people who take water from natural sources must obtain a licence from the National Rivers Authority. This is a requirement of the Water Resources Act 1963. Previously, certain users were exempt, including:

- abstraction of water from a lake, river or stream for domestic use and/or agricultural use other than spray irrigation.
- abstraction of water from underground strata for domestic use. 'Domestic' use applies to a single household and its garden.

From 1 September 1990, these exemptions will no longer apply where more than 20 cubic metres (4,400 gallons) a day is taken. This change has been made by Parliament, in the Water Act 1989, because some of these users now have a significant impact on the water environment, while other users need the protection that a licence gives.

If you have benefited from either of these two exemptions in the five years up to 1 September 1989 and take more than 20 cubic metres a day, you must apply to the NRA before 1 September 1990 for a licence. The 1989 Act lays down how the authorised quantities are to be decided.

## Who is affected

If you abstract water for your own household, 20 cubic metres a day is a large volume of water. The change is therefore only likely to apply if, for example, you are taking more than this amount to circulate through a garden pond or swimming pool or to drive a domestic water-powered electricity generator or heatpump.

Agricultural uses are now likely to need a licence if they are:

- a fish farmer whose use of water has previously been classed as an agricultural use - normally where the fish are supplied directly as food for the table
- growing watercress
- operating large intensive stock rearing units
- using water for power generation or agricultural use
- any other large agricultural user of water except for land drainage washing and irrigation (spray irrigation already requires a licence)
- supplying ponds, lakes and pools from natural resources.

## How you apply

If you are affected by these changes you must apply for a licence **Before 1 September 1990**.

Your application must include specified information and must be made on the appropriate form obtainable from the NRA.

To be entitled to a licence under these arrangements you must:

- show that you have abstracted water permitted by the exemptions during the five years up to **1 September 1989**
- establish that your requirements will involve abstraction of water after **1 September 1990** and will then need a licence.

You will have to establish to the reasonable satisfaction of the NRA:

- the quantities of water you have abstracted during the five years to **1 September 1989** and
- that you have abstracted water for uses which the licence will authorise.

You will need to state how you propose to measure the water you take. As it is unlikely that this has been done in the past and as measurement is a specialised field, you may require



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advice. You are strongly advised to consider installing measuring arrangements as soon as possible so that you can assess your requirements before submitting your application.

In the absence of evidence of accurate quantities abstracted, you may give estimated quantities, with a statement of how the estimate was made (eg supporting calculations).

### What the NRA has to do

We will endeavour to deal with the applications in three months, but you may agree an extended period with us. If we do not give a decision in the agreed time, the licence will be deemed to be refused – and you will have a right of appeal to the Secretary of State for the Environment.

If deciding whether to grant a licence we will need to check the application and will probably arrange a site inspection.

We may also take into account:

- any local statutory provisions or agreements under which the water was abstracted during the five-year period
- any seasonal variations in the quantities abstracted
- the extent to which the abstraction was limited to specific occasions when there was a temporary deficiency of water from other sources because of accident or other emergency
- the extent to which works, machinery or other apparatus were reasonably provided in anticipation of future requirements.

Generally, a licence cannot authorise abstractions in excess of the quantity capable of being abstracted by means of works, machinery or apparatus which were constructed or installed before 1 September 1989, or were in the course of being constructed or installed on that date.

The licence will specify the quantities of water authorised for abstraction, its uses and how it will be measured. We will discuss this with you during the site inspection and offer advice where appropriate.

### Charges

All licence holders will pay an annual charge based on the quantity taken and the purpose for which the water is used and the source from which it is taken.

### How we can help

We recognise that this change in the law imposes additional burdens if you are now required to obtain a licence. We will give advice where possible on any matters needing clarification, but you (or your adviser) must be responsible finally for making the application. If you have any doubts or queries please contact the licensing staff at our regional office.

### Important Note

Applying for a licence does not absolve you from the need to obtain any other permissions or authorisations which may be required (whether from us or another body) under the legislation.

This note is intended to be an explanation of the principle changes introduced by the Water Act 1989 which affect the requirement to obtain a water abstraction licence. It is not a comprehensive guide to all the changes made by the Act, for which reference to the Act itself should be made.

### If in doubt contact the NRA

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