

Factsheet

WR-253

Long duration licences – guidance note

Who is this document for?

This document is written for a technical audience. If you have any questions about long duration licences, please contact our National Customer Contact Centre on 0870 850 6506.

Introduction

Giving licences time limits is an effective way of managing water resources. It allows us to deal with environmental uncertainty (such as climate change) and the changing needs for water and using it efficiently.

The Water Act (2003) made it law to include a time limit on all new, full and transfer abstraction licences.

Duration of licences

When we grant a licence for the first time, it is likely to be for between 6 and 18 years. When we renew a licence it will normally be for another 12 years.

We may also grant short duration licences in special cases where we think there may be issues with the licence in the longer term or if you ask us to.

In certain circumstances, we will consider granting licences with a longer duration time limit as long as you meet the four conditions set by the Government (see below). We will consider these licences individually and they will last for no longer than 24 years.

Long duration licences

If you are an abstractor in one of the following categories you may be eligible for a long duration licence.

- Winter storage reservoirs
- Aquifer recharge schemes
- Large-scale public-water-supply abstractions
- Power generation
- Transfers of water within quarries
- Transfers of water for navigation purposes
- Hydropower schemes

To qualify for a long duration licence, you will need to show (through a business case), that the abstraction you have planned will meet all four of the following conditions set by the Government. This is not a full list and other abstraction purposes may be eligible.

1 The lifetime of the infrastructure inseparably associated with the licence will extend over the desired duration of the licence.

This means that you need to show that the lifetime of the infrastructure; pumps, workings, reservoirs and so on, extends at least as long as the time limit you are applying for the licence. We will look at each case individually.

2 You have to prove you continuously need the service or product the infrastructure supplies throughout the duration of the licence.

You will need to show that it is likely that there will be an ongoing demand for the product or service your infrastructure supplies for the time period you want.

When you apply for a new licence or want to renew an existing one you have to prove that you need the licence and say why. This condition is similar to that test, but you will need to prove this need over the longer time period you are applying for.

3 You have assessed the likely environmental and economic changes that may affect the abstraction over the period the licence is valid and the assessment shows no significant concerns.

Under the Town and Country Planning EIA Regulations, you need to carry out an Environmental Impact Assessment (EIA) for certain types of development.

As long as you take this condition into account when carrying out the EIA and you get planning permission, it is likely that you will be able to meet the conditions of this test.

If you do not need an EIA, you will still need to carry out an environmental appraisal. The following table provides information on the type of factors which you will need to consider as part of the appraisal. It is not a full list.

An example of the type of factors you should consider as part of an environmental assessment (condition 3 for a long duration licence)

Suggested sections in the appraisal	<ul style="list-style-type: none"> • Details you will need to provide
General details	<ul style="list-style-type: none"> • Reasons for the quantities of water • How you use water efficiently. • Past and future operations at the site relating to how you use water. •
Existing environment and baseline studies	<ul style="list-style-type: none"> • Map to show where the abstraction points and discharge points are. • The landscape and character of the local environment. • The hydrological (see note 1) and hydrogeological (see note 2) characteristics of the area. • The existing groundwater and surface water flow within the surrounding area (including high-, average- and low-flow periods). • If there are any water nature-conservation sites near the abstraction which depend on water, for example, Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) , National Nature Reserve(NNR), Ramsar, county wildlife sites and watercourses with important fisheries. • Ecological features which may be sensitive to changes in water flows or levels. • Current water quality and potential effects of abstraction. • Physical characteristics of the area, how it looks and how that may be affected or may change. • Archaeology and heritage information, such as scheduled ancient monuments which are sensitive to changes in water levels. • Effects on leisure (including the effects on fishing, boating, and other people who use water in this area), and other people who might be affected by these plans. •
Hydrological effect of the planned abstraction	<ul style="list-style-type: none"> • The area and length of river affected. • How often and how long the effects of these plans will last on the current hydrograph. • Assessing the short-term and long-term effect of the planned abstraction including the existing abstractions and taking account of: <ul style="list-style-type: none"> • the natural groundwater flow in this area; • rock seepages and spring flow; and • water levels and flows in the main river and its tributaries. •

Potential environmental effect of the planned abstraction	<ul style="list-style-type: none"> • How the planned abstraction may affect the existing ecology, water quality and physical habitat, including any existing hydrological and hydrogeological effects – particularly in relation to set habitats and species. • Where and what the potential effects may be. •
Reducing the effects of and improving the abstraction	<ul style="list-style-type: none"> • Description of plans to reduce the effect of or make up for the potential effects of the abstraction (for example, seasonal restrictions, cessation levels and so on). • How valid the existing conditions of the licence are. • Opportunities to improve the abstraction. •
Monitoring	<ul style="list-style-type: none"> • Plans for any further monitoring. This may include monitoring the ecology and hydrology. • This could include to: <ul style="list-style-type: none"> • confirm that the ecological response and hydrological effects are what you predicted; and • make sure that the abstraction does not have a negative effect on the environment. • Plans of the area and the borders you are going to monitor, how you are going to monitor them and how often you will collect this information. •
Consultations	<ul style="list-style-type: none"> • How much you have discussed your plans for the abstraction with us. • How much you have discussed your plans for the abstraction with other relevant organisations, for example, the Conservation Agencies (Natural England and the Countryside Council for Wales) and others organisations who regularly use water in the surrounding area. • A list of people and organisations you have consulted. • A summary of all the issues raised during consultation and a description of how you dealt with them. •
Conclusions and recommendations	<ul style="list-style-type: none"> • A summary of the issues including the main areas affected by the abstraction and any conclusions you have reached. • Any recommendations that you have made. •

You should at least consult:

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

- the Environment Agency Water Resources Regulation staff, who should then help you consult fisheries, recreation and biodiversity teams and other teams (as necessary, depending on your plans);
- Natural England and Countryside Council for Wales to get information about SSSI, SAC and SPA;
- the relevant Wildlife Trust or County Ecologist for information on the county wildlife site;
- the relevant local planning authority for local nature reserves;
- English Heritage and the National Assembly for Wales for scheduled ancient monuments; and
- relevant plans for managing water levels should be taken into account (you can get these from our external relations departments).

We will continue to look into the economic effects of your abstraction, which you will need to consider when you apply for a long-term licence. We will update our guidance as necessary.

4 The infrastructure contributes to sustainable development.

The development needs to meet the needs of the present without compromising the ability of future generations to meet their own needs.

Examples of this sustainable development might be where:

- an environmentally acceptable scheme is linked specifically to increasing the number of people in work and their wellbeing in the local community;
- abstraction takes place in winter rather than summer and only during periods of high river flow;
- a reservoir development sets aside enough stored water to maintain or increase downstream flows to reduce an existing environmental problem;
- the abstraction removes poor quality water to an acceptable area and quality;
- the abstraction allows for low river flow; and
- you provide an off-channel reservoir, filled during a period of high river flow to maintain an important wildlife habitat.

If we renew your licence, it will be valid for 12 years, unless you meet the four conditions.

Note 1 Hydrology is the study of the movement, distribution and quality of water.

Note 2 Hydrogeology is the area of geology that deals with the distribution and movement of groundwater in the soil and rocks.



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