

## Temporary water discharges from excavations

**If you comply with the requirements below, we will allow you to discharge uncontaminated water from excavations (such as those associated with construction works) to inland freshwaters, coastal waters, or relevant territorial waters without the need for an environmental permit.**

**Important! Discharges of water arising from “pump and treat” or quarry activities do not fall within the scope of this Regulatory Position Statement.**

### Background

It is an offence to cause or knowingly permit a water discharge activity, unless authorised to do so by an environmental permit. A water discharge activity includes discharging trade effluent, or discharging any matter which is poisonous, noxious or polluting. Discharges of water from excavations are normally classed as trade effluent, and therefore require a permit.

### Environment Agency approach

We will not require an application for an environmental permit for discharges of uncontaminated water from excavations provided:

- the discharge is temporary, for an overall period of less than 3 consecutive months,
- the discharge is made to a surface water (such as a river, stream or the sea),
- the discharge does not pollute the surface water or adversely affect aquatic life, or designated sites or species,
- the discharge location is not within, and is more than 500 metres upstream of a European site, SSSI or other nature conservation sites (for example local wildlife sites, ancient woodlands, Local and National Nature Reserves)
- the discharge of water does not result in the spread of non-native invasive species, parasites or disease
- the discharge does not cause flooding from the surface water,
- the discharge does not cause erosion of the banks or bed of the surface water,
- work on the site should follow best practice advice, including:
  - not discharging silty water to surface water
  - considering using sustainable urban drainage construction
  - if the site has been previously developed and /or may be contaminated, having samples analysed to ensure the excavation water is not contaminated before it is discharged to surface water

- before you start work, planning how you will dispose of water that enters your excavation and
- taking measures to minimise water entering your excavation such as from rainfall, runoff, groundwater ingress or high water table.

## Enforcement

We will not normally take enforcement action where no application for a permit has been pursued unless the activity has caused, or is likely to cause, pollution to the environment or harm to health. For a more detailed explanation of this enforcement position, please refer to the public interest factors in the Environment Agency's Enforcement, Sanctions and offences statement. This can be found on the 'Gov.uk website [here](#).

This regulatory position will be reviewed by April 2017.

## Further advice

If the discharge rate is more than 10% of the dry weather flow rate of the surface water you should contact your local Environment Management team for advice on 03708 506506.

Further nature conservation information can be found at [www.magic.gov.uk](http://www.magic.gov.uk), [www.arkive.org.uk](http://www.arkive.org.uk), [www.ukbap.org.uk](http://www.ukbap.org.uk), [www.naturalengland.org.uk](http://www.naturalengland.org.uk).

**GEHO0810BSYE-E-E**

Version: 4

Issued: July 2015

NOTE1: "European Site" means Special Area of Conservation (SAC) or candidate Special Area of Conservation (cSAC) or Special Protection Area (SPA) or proposed Special Protection Area (pSPA) in England and Wales, within the meaning of Council Directives 2009/147/EC Directive on the conservation of wild birds and 92/43/EEC on the conservation of natural habitats and of wild flora and fauna and the Conservation of Habitats and Species Regulations 2010. Internationally designated Ramsar sites are dealt with in the same way as European sites as a matter of government policy and for the purpose of these rules will be considered as a European Site.

NOTE2: "SSSI" means Site of Special Scientific Interest within the meaning of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

NOTE3: "National Nature Reserve" means an area that has been designated by Natural England under Wildlife and Countryside Act 1981 as among the best examples of a particular habitat. National Nature Reserves are of national importance.

"Local Nature Reserve" means an area designated by a local authority under the National Parks and Access to the Countryside Act 1949

"Local Wildlife site" is a non-statutory designation by a local authority of sites with a high local value for wildlife. They are designated according to selection criteria that follow Natural England guidelines