

Notice of an emergency abstraction



Water Resources Act 1991 section 29(2)–29(2C)
 (as substituted by the Water Act 2003 section 7(3))
 The Water Abstraction and Impounding (Exemptions) Regulations 2017

Please read the form and guidance notes carefully before completing it.

When to fill in this form

Use this form to tell us about an emergency abstraction. You must do this within five days of the abstraction being started. If five days have already passed please contact your local area office (please refer to our website at www.gov.uk/government/organisations/environment-agency).

The abstraction must be an **emergency** and must relate to:

- a) mining, quarrying, engineering, buildings or other operations, or
- b) Navigation, Harbour or Conservancy Authorities

To qualify as an emergency the abstraction could not have been planned for or foreseen. You must be able to demonstrate to our satisfaction that the abstraction is to prevent immediate risk to human beings, works, property or the environment. Please read the guidance notes at the back of this form to help you fill it in.

Contents

- 1 The applicant**
- 2 Other contacts**
- 3 About the emergency abstraction**
- 4 Review period**
- 5 The Data Protection Act 1998**
- 6 Declaration and signature**

Guidance notes

1 The applicant

1.1 Your details

Name of individual, organisation or company

For company applications, address of registered office

Postcode

Position (in company or organisation)

Contact numbers, including the area code

Phone

Fax

Mobile

Email

2 Other contacts

2.1 Do you wish to nominate someone we can contact about your notice?

- No All questions and correspondence will be addressed to the applicant named in section 1
- Yes Please give details in section 2.2

2 Other contacts, continued

2.2 Details of nominee

We will send all correspondence about the emergency abstraction to the person named here.

Name

Title (Mr, Mrs, Miss and so on)

First name

Last name

Address

Postcode

Contact numbers, including the area code

Phone

Fax

Mobile

Email

3 About the emergency abstraction

3.1 Date the abstraction started

Date (DD/MM/YYYY)

3 About the emergency abstraction, continued

3.2 Location of the abstraction

3.2a What is the ten-figure national grid reference for where the emergency abstraction is taking place? Alternatively attach a map showing the point of abstraction and provide a document reference for the map.

Ten-figure national grid reference

Document reference for the map

3.2b Are you abstracting from (please tick one box)

A surface source?

A groundwater source?

3.2c What is the local name for the source of supply (if known)?

3.3 What is the maximum expected volume of water that needs to be abstracted per day (m³)?

3.4 Where do you intend to discharge the abstracted water?

Ten-figure national grid reference

Document reference for the map

3.5 For how many days do you expect the emergency abstraction to last?

3.6 For an emergency abstraction to be valid, you must select one box from 3.6a and at least one box from 3.6b

3.6a Which operation does the emergency abstraction relate to (tick all relevant boxes)?

Mining

Quarrying

Engineering

Building

Other operations associated with any of the above (whether above or below ground)

Navigation

Harbour

Conservancy authority

Please describe the operations

3 About the emergency abstraction, continued

3.6b To which of the following is an immediate risk posed (tick all that apply)?

For mining, quarrying, engineering, building or other operations associated with any of the above:

Death, personal injury or harm to health to a human being

Serious damage to works

Serious damage to the environment

For navigation, harbour or conservancy authorities:

Death, personal injury or harm to health to a human being

Damage to property

Damage to the environment

3.7 In your opinion, what is the nature of the emergency as indicated in 3.6b and what are the potential consequences if the abstraction is not allowed to go ahead? In other words, why is it necessary and how likely is it that these will occur?

4 Review period

We usually only allow an emergency abstraction for an initial period of less than **28 consecutive days** unless the criteria for an emergency continue to be met beyond 28 days. During this period we will review the need to extend the period to cover the emergency situation.

If the emergency is likely to continue for over four months you will need to apply for an abstraction licence through the abstraction licensing system. Details of how to apply to the Environment Agency for a water abstraction licence can be found on our website (www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence).

5 The Data Protection Act 1998

We will process the information you provide to deal with your notice and to monitor compliance with the requirements for emergency abstractions.

We may also process and/or disclose it in connection with the following:

- offering/providing you with our literature/services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, Local Authorities, Emergency Services, Defra or the Welsh Assembly Government) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving our service
- responding to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, where the Data Protection Act allows

We may pass it on to our agents/representatives to do these things on our behalf.

6 Declaration and signature

It is an offence to make a false statement when providing any information. I declare that to the best of my knowledge the statements made in this notice are true.

I understand that I must be able to prove, if challenged, that the emergency could not have been planned for or foreseen and that (i) and at least one of (ii) below applies or (iii) and at least one of (iv) applies:

- (i) the abstraction relates to a mining, quarrying, engineering or building operation, or another type of operation that is related to these
- (ii) and abstraction is needed to prevent immediate risk:
 - (a) to a human being of death, personal injury, or harm to health
 - (b) of serious damage to works resulting from any such operations
 - (c) of serious damage to the environment
- (iii) the abstraction relates to Navigation, Harbour or Conservancy authority operations
- (iv) and abstraction is needed to prevent immediate risk:
 - (a) to a human being of death, personal injury, or harm to health
 - (b) of damage to property
 - (c) of damage to the environment

Signature

Name

Title (Mr, Mrs, Miss and so on)

First name

Last name

Position

Today's date (DD/MM/YYYY)

Guidance notes

Please use these guidance notes to help you to fill in the notice of an emergency abstraction.

1.1 Your details

Give us the company name and registration number as it appears on Companies house.

If you are a limited liability partnership giving details as they appear on Companies house.

The company name and registration number that you provide will appear on any approval notice that we may issue.

2.1 Do you wish to nominate someone we can contact about your notice?

If you want this to be the person named at 1.1, tick 'No' and go to 3.

If you want to nominate a different contact, tick 'Yes'. Go to 2.2 and give that person's contact details in the spaces provided.

3.1 Date the abstraction started

Provide the date on which the emergency abstraction started.

This cannot be a date in the future.

3.2a Location of the abstraction

You must provide ten-figure national grid reference of each abstraction point and mark these on an accompanying map.

To find out the national grid references you can search on the UK grid reference finder website at www.gridreferencefinder.com.

3.2b Please tick one of the boxes to indicate whether your emergency abstraction is from groundwater or surface water.

3.2c If you know the local name of the abstraction location provide the details.

3.3 What is the maximum expected volume of water to be abstracted on a daily basis?

Give the maximum amount of water you propose to abstract each day, in cubic metres (m³).

If you do not know the quantities give the maximum rate (in litres per second) that you plan to abstract at any given moment and give the number of hours each day you will be abstracting.

3.4 We need to know if you intend to discharge the water abstracted from the site.

You will not need a permit from us for this if you are discharging to the public sewer. If you need to discuss whether you need a permit, please phone us on 03708 506 506.

Getting a permit can take up to four months, so it is essential that you contact us as soon as possible.

3.5 We need to know how long you expect the emergency abstraction to last. We usually only allow an emergency abstraction for an initial period of less than 28 consecutive days unless the criteria for an emergency continue to be met beyond 28 days. If the emergency is likely to continue for over four months you will need to apply for an abstraction licence through the abstraction licensing system.

3.6a An emergency abstraction is exempt from licensing for the following operations:

- mining
- quarrying
- engineering
- building
- other operations associated with those set out above (above or below the ground)
- Navigation Authority
- Harbour Authority
- Conservancy Authority

For an operation to be classed as an emergency, works must be in progress. An emergency is something that could not have been planned for or foreseen. 'Other operations' only refers to operations associated with mining, quarrying, engineering or building.

Select from the appropriate boxes the operation undertaken at the site to which the emergency abstraction relates.

If you are providing a layout of your site operations, the layout plans should be clear, legible and, where possible, drawn to scale. If drawn to scale, ensure that the scale is stated on the plan. The plan should be drawn to a scale/size that ensures it can be easily read, preferably on A3-sized paper or bigger.

3.6b You must be able to show that the abstraction is needed to prevent an immediate risk to at least one of the following.

For mining, quarrying, engineering, building or other operations associated with these (above or below the ground):

- to a human being of death, personal injury, or harm to health
- of serious damage to works resulting from any such operations (stated in section 3.6a)
- of serious damage to the environment

For Navigation, Harbour or Conservancy Authorities:

- to a human being of death, personal injury, or harm to health
- damage to property
- damage to the environment

Select from the appropriate boxes to indicate the immediate risk that would occur if the emergency abstraction was not undertaken. Tick all that apply.

What is the immediate risk to a human being?

Is there, in your opinion, an immediate risk of death, personal injury or harm to health to a human being if the emergency abstraction is not carried out? The criteria must be an immediate risk and not something that can be controlled by long-term abstraction.

What is the immediate risk of serious damage to works?

For mining, quarrying, engineering, building or other operations associated with these (above or below the ground), use the following three principles to decide whether serious damage to works may occur if the emergency abstraction does not go ahead.

- 1 Will the structural integrity of the works be damaged? For example, partial collapse of a tunnel may occur if emergency abstraction does not go ahead.
- 2 Will there be permanent damage to the works? For example, destroyed transport links will need repairing unless an emergency abstraction is carried out.
- 3 Will costs be incurred to repair the damage? For example, machinery will need to be replaced should an emergency abstraction not go ahead.

If you can give good reason that any one of the above principles applies, we will be satisfied that there is a risk of 'serious damage to works'.

Describe the operations at the site in the space provided.

What is immediate risk of serious damage to the environment?

For mining, quarrying, engineering, building or other operations associated with these (above or below the ground), use the following three principles to decide whether serious damage to the environment may occur if the emergency abstraction does not go ahead.

You may have to pay all costs associated with restoring the environment.

- 1 **Will the functioning of the ecosystem worsen?** An example of this could be damage to a particular species at that site that has deteriorated due to changes in water levels or flows.
- 2 **Will the damage cause a reduction in ecological quality or aesthetic value?** Check whether there are any European Sites, Sites of Special Scientific Interest or watercourses nearby that may be affected. A list of these could be used as supporting evidence.
- 3 **Will the damage be longer-term than that arising under natural conditions?** Recovery of wildlife normally follows shortly after a climatic event such as drought or flooding. Will the damage continue beyond the period that could be expected as a result of natural variability?

If you can justify that any one of the above principles applies we will be satisfied that there is a risk to 'serious damage to the environment'.

What is the immediate risk of damage to property?

For navigation, harbour or conservancy authorities use the following principles to decide whether damage to property may occur if the emergency abstraction does not go ahead.

- 1 Will the structural integrity of any property be damaged? For example, property will be flooded if emergency abstraction does not go ahead.
- 2 Will there be permanent damage to the property? For example, lock systems, embankments will need repairing unless an emergency abstraction is carried out.

What is immediate risk of damage to the environment?

For navigation, harbour or conservancy authorities is there, in your opinion, a risk to the environment occurring if the emergency abstraction does not go ahead.

Provide full details in 3.7 as to what environmental damage is or will occur if you do not carry out an emergency abstraction.

3.7 Explain what, in your opinion, is the nature of the emergency and why it is necessary.

6 Check the notice form thoroughly before signing this form.

The notice must be signed by an appropriately authorised person.

Important notes

What happens if I fail to submit written notification?

If you fail to submit notification in writing to the Environment Agency and you abstract water you are breaking the law under section 24 Water Resources Act 1991. It is an offence to abstract water without obtaining a licence from us unless the purpose for which you abstract is exempt from licensing.

What happens if I ignore a notice from the Environment Agency to stop abstracting?

We will serve a notice to stop abstracting if we feel that your abstraction is not an emergency. If you continue to abstract, you will be committing an offence of abstracting without a licence from the date we served notice on you to stop abstracting.

If the notice to stop abstracting is not adhered to and the abstraction is causing significant damage to the environment, we can serve an enforcement notice under section 25A Water Resources Act 1991 asking you to make changes to stop damage occurring.

You can appeal against an enforcement notice within **21 days of its receipt** to the Secretary of State. The notice remains in force for the full appeals procedure and if environmental damage continues because you are not complying with the notice, we can take further action.

It is a criminal offence to abstract water without having a licence under section 24 of the Water Resources Act 1991 or to fail to comply with an enforcement notice under section 25C of the Water Resources Act 1991.



For Environment Agency use only

Date received (DD/MM/YYYY)

Our reference number
