

Proposal to time-limit Water Abstraction Licences

Historically, licences to abstract water from the ground, or from surface waters, were granted indefinitely. There is usually an annual fee to pay for the privilege, but for many businesses this gives access to water rather cheaper than via the water companies.

Since October 2003, all new water abstraction licences in England have been time-limited, ie the abstraction has been granted for a fixed period rather than indefinitely. There is now a proposal to widen this "time limiting" to include all existing abstraction licences.

We strongly recommend that if you wish to retain an abstraction licence in perpetuity, you comment on this proposal, otherwise it will be brought in "through the back door".

Some of our clients have kept historic abstraction licences open for years, without actually taking any water, in case it might be needed in the future, and there is a general feeling from companies in this position that if an historic licence to abstract is surrendered, it will be very difficult to obtain a new one.

Abstraction licences are often perceived as being valuable by site owners, and a time-limited licence would be less valuable than an indefinite licence.

Companies likely to hold abstraction licences include:

- Occupiers of old mill sites, who may hold abstraction licences from mill ponds as well as boreholes, often inherited from previous owners
- Occupiers of sites next to rivers or streams, who may abstract from surface water (eg cooling water)
- Businesses who require large volumes of water such as agricultural companies (eg for irrigation), food companies (for food processing), or paper mills
- Companies in chalk and limestone areas where boreholes are used to supplement the public supply (East Yorks, Humberside, Lincolnshire, Norfolk etc)
- Water bottling companies

DEFRA is currently proposing that the Environment Agency will be allowed to put time limits on existing abstraction licences. If you want to comment on this, the consultation is available at <http://www.defra.gov.uk/corporate/consult/water-abstraction/index.htm>.

There are three options available, and the first one is "do nothing", so at least DEFRA are open to allowing indefinite licences to continue - however, if you want this to happen, you will need to make your views heard as soon as possible - the closing date is August 4th this year.

If you have any clients, friends or colleagues who have an open borehole for abstracting water (whether in use or not), or are abstracting water from surface water, please forward this article on to them.