



ENVIRONMENT AGENCY

Managing Water Abstraction: Towards a Shared Strategy

A Consultation Document
for Catchment Abstraction
Management Strategies

April 2000

TABLE OF CONTENTS

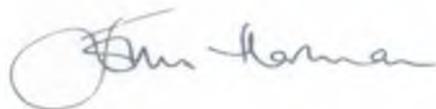
FOREWORD	1
1. INTRODUCTION	3
2. BACKGROUND TO CATCHMENT ABSTRACTION MANAGEMENT STRATEGIES	4
3. PURPOSE AND FORMAT OF THIS DOCUMENT	4
4. HOW TO RESPOND	5
5. CATCHMENT ABSTRACTION MANAGEMENT STRATEGIES	6
5.1 Links to other Agency documents	6
5.2 CAMS structure	7
5.3 CAMS consultation	8
5.4 Data and information requirements	9
5.5 Resource assessment and management	10
5.6 Sustainability status of water resource management units	11
5.7 Future strategy for resource recovery	13
6. IMPLEMENTATION OF TIME LIMITS	14
6.1 Introduction	14
6.2 Variation of licences	14
6.3 Renewal arrangements	15
6.4 Normal duration of licences	15
6.5 Special circumstances for shorter duration licences	16
6.6 Special circumstances for longer duration licences	16
6.7 Impact of proposed changes in legislation	17
6.8 Converting existing licences to time-limited status	17
7. GLOSSARY	18
APPENDIX A: PROPOSED CONTENTS OF TECHNICAL DOCUMENT	20
APPENDIX B: NATIONAL SUPPORTING DOCUMENT SUMMARY	21

FOREWORD

The Government's document *Taking Water Responsibly* is a milestone in our thinking about how we can best manage abstraction to meet the nation's essential needs for water, while ensuring the environment does not suffer. It offers a new framework for all parties to work together in a more open and informed way to achieve consensus on what needs to be done to ensure a responsible as well as a sustainable use of our precious water resources. Achieving that consensus and then implementing it is down to all of us who have a role to play. We in the Agency will have a central role, but our success will in turn depend on the extent to which we can secure the commitment and involvement of all key stakeholders.

The Government's imaginative proposals for catchment-based Abstraction Management Strategies will be the key to securing this involvement and ensuring a shared strategy for the management of water abstraction. We welcome this new initiative but also recognise that it will require commitment from all parties to make it work effectively. The Agency now has the responsibility of implementing these proposals and it is therefore vital that we obtain your views on how this important new process should operate. This consultation is to obtain those views.

I invite you to consider our proposals carefully and we will welcome any comments you may have. Getting the process right at this stage should ensure that all our efforts and inputs to the strategies, once they are launched, should achieve the optimum impact on the environment for the benefit of future generations.



SIR JOHN HARMAN

Chairman

April 2000

1. INTRODUCTION

In March 1999 the Government published *Taking Water Responsibly*¹ which set out its decisions, following consultation, for changes to the abstraction licensing system in England and Wales. These decisions will result in far-reaching changes to the system. Effective provision for the sustainable management of the nation's water resources and the environment dependent on them is seen as essential. The need for a more open culture is a key feature, with greater access to the process for those who have an interest in the Agency's management of water resources. In effect, a new framework for managing abstraction is in prospect.

We welcome these decisions and look forward to working with the Government to implement them. Many will require new legislation but others are achievable within our present powers. Foremost among these is the proposal for the development at a local level of Catchment Abstraction Management Strategies (CAMS). These will provide the opportunity for those with an interest in water management to contribute to those strategies relevant to their interests. More fundamentally, they will allow the question of how much water should be available for the environment to be publicly considered.

Another key decision in *Taking Water Responsibly* is the intention that most licences will in future be time-limited. Permanent rights to abstract are no longer compatible with modern pressures on water resources. CAMS will be the vehicle for reviewing time-limited licences, deciding whether

they should be renewed and, if so, on what terms. They will also be a means of identifying any other changes to the abstraction regime in a catchment needed to achieve sustainability. They may identify opportunities for and possible limitations to licence trading. This is subject to further consultation by the Government on whether licence trading should be introduced.

Finally, *Taking Water Responsibly* emphasises the responsibilities that should accompany the right to take water from the environment. It focuses on achieving changes to abstraction licences, where possible, by voluntary means. We therefore need to identify ways in which we can promote this approach.

These changes are far reaching. It will require a significant investment of time and money to implement them successfully. And although the framework can be put in place in a relatively short time, the strategies themselves will take considerably longer to achieve results. However, the more open approach heralded by CAMS, and the better understanding of the way in which our actions impact on the environment that they will foster, will provide a sound foundation for achieving and maintaining sustainable water resources development in the longer term.

¹*Taking Water Responsibly – Government decisions following consultation on changes to the water abstraction licensing system in England and Wales.* DETR and Welsh Office (1999).

²*The Review of the Water Abstraction Licensing System in England and Wales – Consultation Paper.* DETR and Welsh Office (1998).

2. BACKGROUND TO CATCHMENT ABSTRACTION MANAGEMENT STRATEGIES

The Agency's principal aim is to contribute towards sustainable development. To manage our water resources effectively we must take a holistic approach, considering the needs of abstractors alongside those of fisheries, recreation and navigation as well as the need to protect water quality and generally conserve the aquatic environment.

The present system for control of water abstraction from rivers, canals, reservoirs and underground strata by licensing was introduced by the Water Resources Act 1963. It came into effect with the granting of 'licences of right' to all those who had powers to abstract or could show that they had abstracted during the previous five years. Licences granted in this way were generally unconditional as the licensing authority had no powers to impose any conditions, other than those included in earlier powers.

Any licence applications submitted since then have been granted with such conditions, as the Agency deems appropriate. Among our duties when considering an application for a licence (or any variation to an existing licence) is the need to ensure that we do not cause river flows to fall artificially below the minimum considered acceptable. The concept of minimum acceptable flows was introduced by the Water Resources Act 1963. Although none has been set formally, the Agency must take into account that principle whenever it determines an abstraction licence. CAMS will allow the needs of the river and the associated water environment, as well as the needs of users of the river, to be balanced in a more flexible and open way. They will set out a strategy for achieving the sustainable management of water resources within a catchment or group of catchments, including providing the basis for managing the renewal of time-limited licences. With a national programme for implementation and a six-year review cycle, CAMS will be a more responsive, effective and broader-based approach.

3. PURPOSE AND FORMAT OF THIS DOCUMENT

The purpose of this document is to consult interested individuals, groups and organisations on the process of developing CAMS, their scope and content, and on relevant policies and issues closely allied to them. We intend to commence developing CAMS at the local level in April 2001. Before that we would like your views on how that process should be undertaken, what a CAMS should contain, and on associated policies. This document sets out issues for consideration and suggests particular areas where we would like your comments.

When we come to start the CAMS process locally we propose to issue two national documents:

- a. The *CAMS Framework* will provide information on the structure and content of a CAMS, one of which will be produced for each catchment. A draft of the framework is attached and questions about its content and presentation are asked in section 5 of this document.
- b. A *national supporting document* will contain the national policies and information relevant to the process. This document will prevent duplication of information and will provide supporting information relevant to all CAMS. The scope of this document is set out in Appendix B. At this stage, we are consulting on aspects of implementing time limits in section 6 of this document before the national supporting document can be finalised.

CAMS will be produced locally throughout England and Wales, and in each CAMS area we propose to issue two documents:

- c. The *CAMS* itself will set out relevant local policies, information and issues in the catchment. It will be produced after a period of local consultation and the responses will contribute to the formulation of the strategy. The structure of this document will be based on the CAMS Framework, and the strategy will stand for six years, after which the CAMS will be reviewed.
- d. A *Technical Document* will contain detailed information supporting the CAMS. This will include data and information on methods and local practices. A summary of the proposed contents of this document is given in Appendix A.

Throughout this document you will find certain issues have been highlighted for your consideration – we would particularly like your views on these points. The issues are supported by background information to aid understanding, and some specific questions have been posed. Please feel free to respond to any or all of these issues and questions, or to make any other points that you wish.

4. HOW TO RESPOND

Your response should be sent, in writing, to:

Gwyn Williams
Water Resources Manager
Environment Agency
PO Box 8493
Sutton Coldfield
B72 1GQ

Or by email to:

sally.e.whiting@environment-agency.gov.uk

Consultees in Wales are asked to send their responses to:

Ian Barker
Water Resources Manager
Environment Agency Wales
Rivers House
St Mellons Business Park
Cardiff
CF3 0EY

Or by email to:

sally.e.whiting@environment-agency.gov.uk

The closing date for responses is 31 July 2000. Please ensure that you include, where appropriate, the reference to the issue or question you are addressing.

This consultation document is on the Agency's Internet site, where there is also a response form. Our Internet site is:

www.environment-agency.gov.uk

For consultees in Wales, our Internet site is:

www.environment-agency.wales.gov.uk

We intend to produce a consultation response document. This will summarise the range of views that we receive on each of these issues. Responses may be included in our document, but anonymity will be respected where requested.

5. CATCHMENT ABSTRACTION MANAGEMENT STRATEGIES

There are a number of issues on the CAMS process where we are seeking your views. As you review these issues, they should be considered in conjunction with the Technical Document appendix and the national supporting document summary appendix, and the attached CAMS Framework, to understand the context.

5.1 Links to other Agency documents

Since 1996 the Agency has produced Local Environment Agency Plans (LEAPs). These detail the current state of the environment and describe a range of issues that influence the environment, economy and social well-being of that area. CAMS will complement, but be separate from, LEAPs. These will describe the water resources position and set out a strategy to deal with the pressures on water resources within each catchment.

The Agency is working to produce strategies at a national and regional level for the sustainable management of water resources in England and Wales. The overall objective of these strategies is to provide a framework for managing water resources for the next 25 years. The strategies will address how to meet society's various needs for water in a sustainable manner, including the needs of the environment.

The National Water Resources Strategy³ will deal with policy and national issues, and will be published in December 2000 after consultation⁴. It will give an overview of the current state of water resources, future scenarios and options. It will link to the national supporting document in setting the vision for water resources management and the policies needed to achieve this.

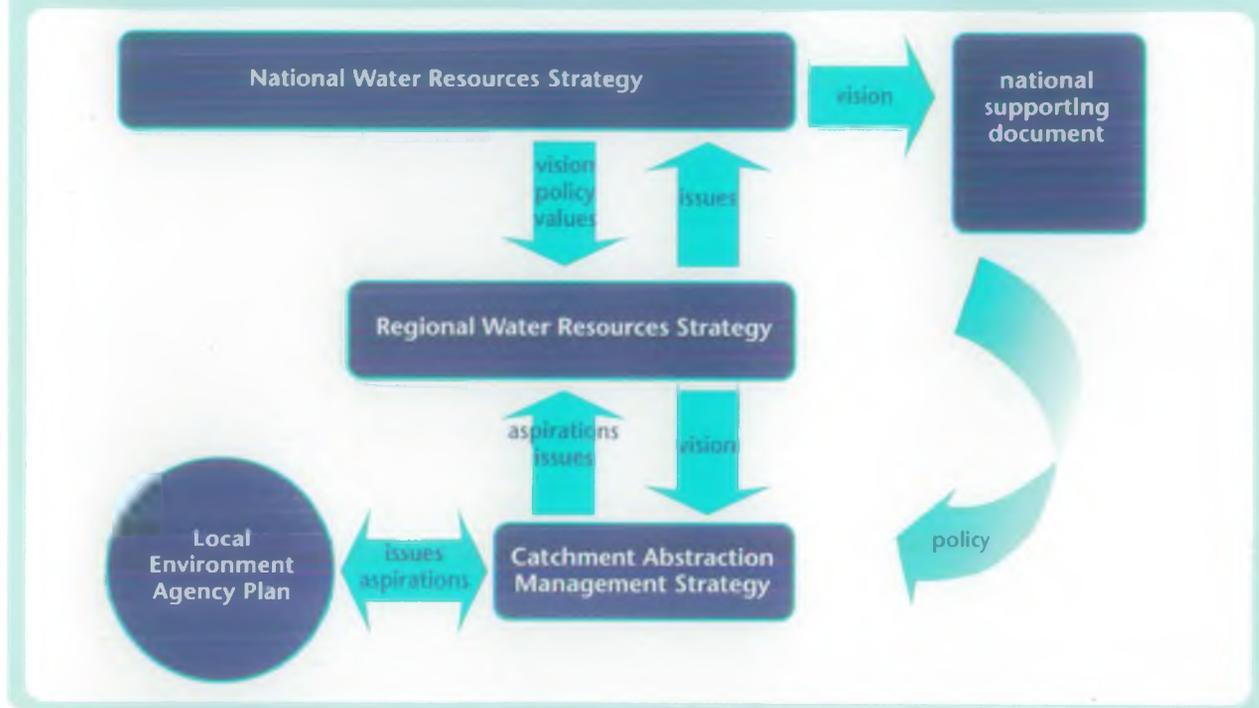
Each of the eight Agency regions will also produce regional strategies in December 2000. These will provide greater detail on the current state of water resources within each region, covering the issues, options for meeting future demand and potential solutions. Short-term strategic issues may have detailed solutions and actions presented, while longer-term issues will have broader recommendations. The regional strategies will relate to CAMS by providing a framework for dealing with issues that cross catchment boundaries. As CAMS are produced, these will in turn provide a more detailed basis for information on local water resources status, issues and actions to feed back into future regional strategies.

The links between Water Resource Strategies, CAMS and LEAPs are illustrated in Figure 1 on the facing page:

³ *Sustainable Water Resources for the Future: Values and Challenges. Consultation Document for the Environment Agency's Water Resources Strategies. Environment Agency (1999).*

⁴ *The consultation period for the Agency's Water Resources Strategies was from October 1999 until January 2000. We intend to produce a consultation response document, and use the results of the consultation in formulating our National and Regional Water Resources Strategies.*

Figure 1: Links between CAMS and other Agency documents



5.2 CAMS structure

The national supporting document will prevent the duplication of information, and will present the supporting legislative framework, national policy and guidelines within which CAMS will operate. The proposed contents are summarised in Appendix B.

The CAMS will provide a public communication tool by supplying information and providing a strategy at a local level. The proposed structure is laid out in the attached CAMS Framework. A CAMS will examine an area based on the hydrological catchment boundary and it will identify its important features. Where appropriate, catchments may be grouped together to define the areas for a CAMS. We will, in due course,

be required to assess the quantity of water resources on a catchment basis by the proposed EC Water Framework Directive, although the details of that requirement are not yet confirmed.

The Technical Document contains the supporting detailed information for the CAMS, in the form of data, descriptions of methods and detailed information on local practices, and will be available in Agency Area offices. The proposed contents are detailed in Appendix A.

We propose that the CAMS is set out on a catchment basis looking at the resource balance and sustainability status, then giving guidance on the assessment of new applications, and finally the future strategy and changes to existing licences. The supporting detailed information will be set out in the Technical Document. The supporting policy and guidance will be presented in a national supporting document. These three documents need to be structured in such a way that the information required is easy to find.

- 5.2a Can the relationship between the national supporting document, the CAMS and the Technical Document be made clearer? If so, how?
- 5.2b Does the CAMS Framework provide the information you would need? Are there any areas not covered?
- 5.2c Can the CAMS Framework be structured in a more helpful and understandable way? If so, how?
- 5.2d What information should there be in the supporting Technical Document?
- 5.2e What form should the information take in the Technical Document?
- 5.2f How should the information in the Technical Document be made available?

5.3 CAMS consultation

In *Taking Water Responsibly*, the Government made it clear that it wanted greater public involvement in the management of water resources. Information is to be provided in a focussed manner and without duplication.

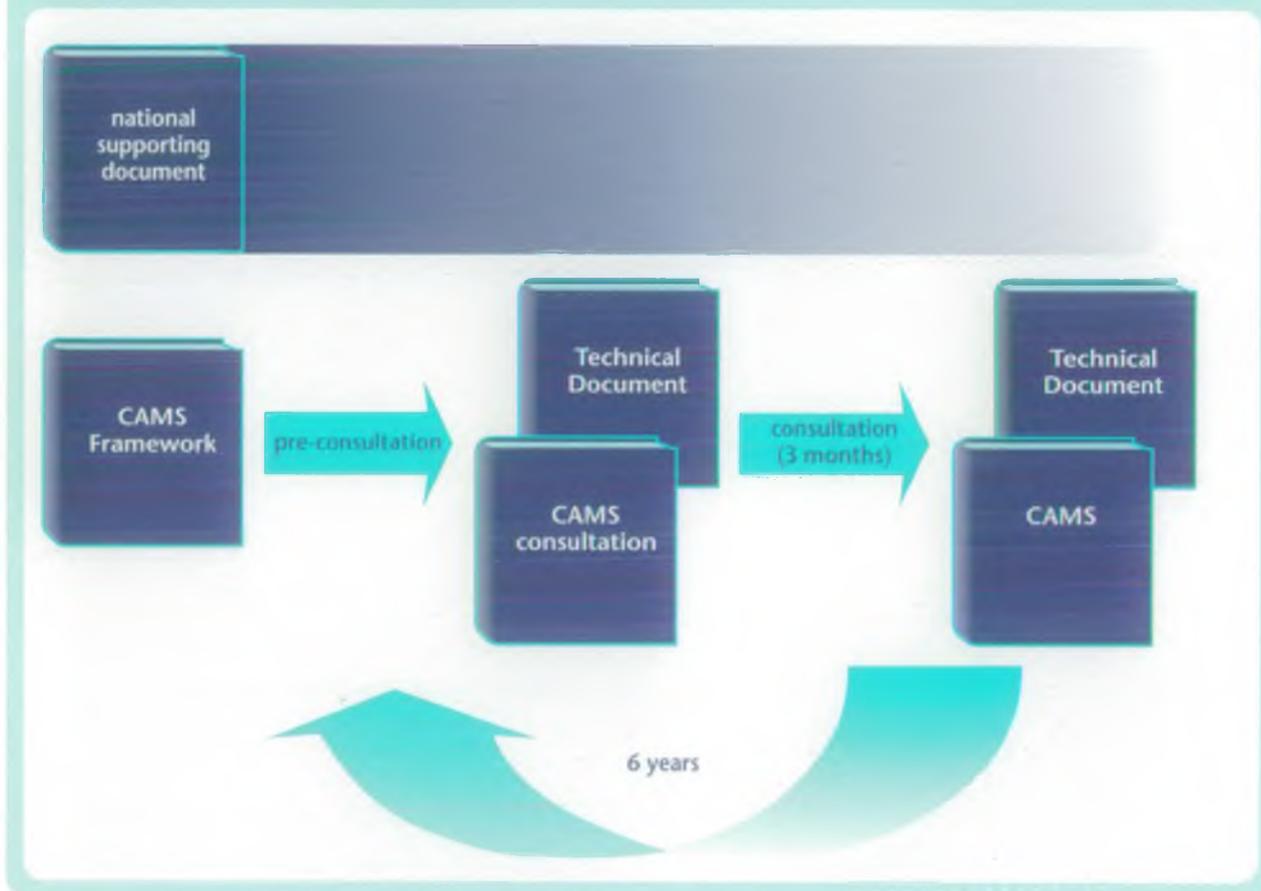
From April 2001 CAMS will be developed on a catchment basis on a six-year cycle. They will not be produced simultaneously but in a prioritised way, with the proposed order of production being detailed in the national supporting document. Each CAMS will be subject to a consultation exercise, so that the strategy has input from those with interests in the catchment. We propose that, when developing CAMS, some pre-consultation activities should also occur. This will help provide an early steer to those developing the CAMS, by taking soundings from stakeholders.

A consultation version of the CAMS will provide an opportunity for wider involvement in consideration of the options that will be necessary to deliver the future strategy for the catchment. The mechanism for consultation will need to allow full involvement of stakeholders. This could take the form of questionnaires, public meetings or involvement of specialist groups.

The consultation will be focussed on the whole catchment area covered by the CAMS, but may have specific issues for consultation on certain water resource management units. It is also anticipated that those who have an interest in the catchment may not always be based in the catchment.

These processes are shown in Figure 2 on the facing page:

Figure 2: The CAMS consultation process



We propose that the development of CAMS be by consultation with interested parties. The methods of consultation will be appropriate to the local situation.

- 5.3a What form should the pre-consultation take, and how should interested parties be involved?
- 5.3b How extensive should the consultation on the CAMS be?
- 5.3c In responding, would you like the opportunity for a public meeting, or is responding in writing or by the Internet adequate?

5.4 Data and information requirements

We aim to use the best data available and the most appropriate methods in all our water resource assessments. We are aware, however, that to ensure quality we continually need to review the data and methods used. CAMS will give us an opportunity to identify areas where better data is required and how we can address this. They will also allow us to use a more consistent approach to water resource assessments in the future.

Some stakeholders want all data to be in the public domain. We are working to make data and information more widely available on the Internet, but this will take some time and resources to achieve.

CAMS will be produced on a six-year cycle. We propose to update CAMS within this cycle only when there is a major unanticipated change affecting the sustainability status. This will ensure an appropriate balance is achieved between keeping the strategy up-to-date and having stability for planning purposes.

We propose to make data more widely available by using the Internet. We also propose that CAMS will be a stable document, updated within the six-year cycle only if there are major unanticipated changes.

- 5.4a What data do you expect to be available, how should it be presented, and where should it be located?
- 5.4b Do you agree with the update proposals? If not, what is an appropriate update frequency?

5.5 Resource assessment and management

CAMS are expected to provide all parties in each catchment with a transparent basis for planning. We aim to ensure that resources will be managed in a similar way in all catchments, and we are moving towards a national framework of techniques, from which the appropriate one for each catchment can be chosen. This will ensure greater consistency in approach in the future.

The CAMS Framework details the steps necessary to calculate the resource balance for a water resource management unit and so establish the sustainability status. Examples are given of the type of information that could be expected and how it could be presented.

A crucial element of the resource balance is environmental allocation. Historically, a 95-percentile figure has been used to protect the environment, that is, the flow that is equalled or exceeded on average for 95 per cent of the time. However, it is accepted that maintaining the range of flows experienced throughout the year is as important as protecting low flows. Research is continuing to seek a better understanding of the key interactions between water levels, flow regimes and aquatic plants and animals.

We propose to move to a consistent framework of resource assessment techniques. We also propose to continue to research the interactions between water levels, flow regimes and aquatic plants and animals to help us protect the environment in future.

- 5.5a Does the resource balance in section 4 of the CAMS Framework give the information that you need?
- 5.5b Are there other methods of presentation that you would prefer?
- 5.5c Should the environmental allocation used for the catchment or water resource management unit be consulted on as part of the consultation process for a CAMS?

5.6 Sustainability status of water resource management units

The production of a CAMS requires a sustainable level of abstraction to be determined.

This is a complex matter as water resource availability varies throughout the year, with floods and droughts at the extremes. Water may be available for abstraction when river-flows are high, but the availability will be severely restricted when flows are low and the environment may be under stress. It is at these times, when the total available water resource cannot meet both essential environmental and abstraction needs, that we must limit abstraction. This can be achieved by including conditions in abstraction licences or by refusing to grant further licences.

The sustainability of current levels of abstraction needs to be determined for each water resource management unit. To help us in this task we have developed sustainability status criteria to show the relative balance between committed and available resources. Commitments include environmental

needs, the needs of abstractors and other legitimate uses such as fisheries and navigation.

Sustainability status is assessed under particular scenarios appropriate to each water resource management unit. For example, in some circumstances it may be appropriate to review sustainability on a month-by-month basis for a dry year scenario, in others an average situation may be more appropriate. The sustainability status criteria have been defined in a way that enables them to be applied to both surface water catchments and groundwater management units.

We propose to use five categories of sustainability, each of which has been assigned a colour to allow presentation of sustainability status on catchment maps. This will help us show the variability across and within catchments, and where appropriate on a seasonal basis. These categories are given in table 1 below:

Table 1: Sustainability status categories

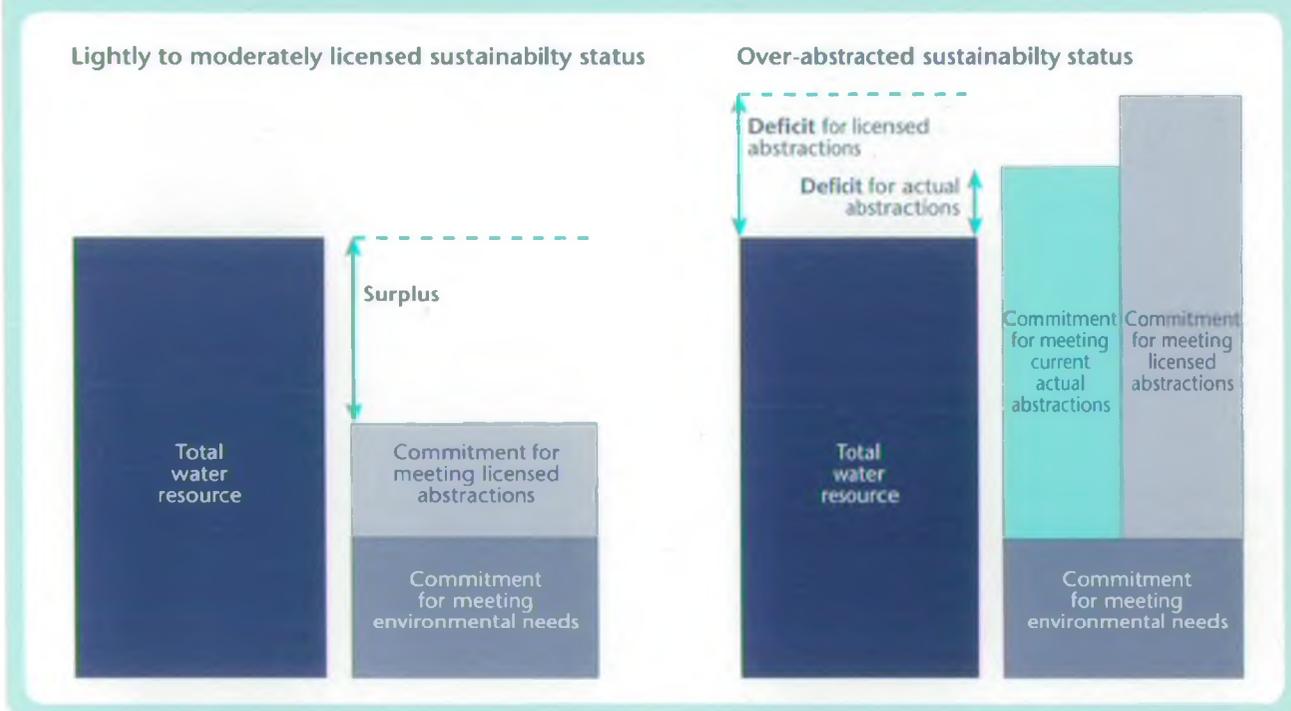
Indicative sustainability status	Water resources balance (surplus or deficit after taking account of commitments for both environmental needs and licensed abstraction)	Map colour
Lightly to moderately licensed	Considerable surplus of water available in all months	Blue
Significantly licensed	Surplus of water available. Possibly slight surplus in summer months. Clear surplus in winter months.	Green
Fully licensed	Little or no surplus available. No significant summer surplus or deficit. Possibly some slight surplus in winter months.	Yellow
Over-licensed	Deficit in water availability exists on the basis of licensed resources, but not due to actual abstractions. Deficit in most or all summer months, possibly some winter months.	Orange
Over-abstracted	Deficit exists on the basis of both licensed and actual abstractions. Actual deficit in most or all summer months.	Red

When setting sustainability criteria, the resource commitment for abstraction is taken as the requirement to meet licensed allocations (because we are statutorily obliged to protect them), rather than that required to meet current rates of actual abstraction. Actual abstraction does, however, have to be taken into account if licensed water resources are encroaching on environmental needs. This is to distinguish between the

'Over-licensed' category, where the commitment for licensed abstractions is unsustainable, and the 'Over-abstracted' category, where actual abstraction is unsustainable.

In Figure 3, below, the principles of 'Lightly to moderately licensed' and 'Over-abstracted' sustainability criteria are illustrated:

Figure 3: Illustration of 'Lightly to moderately licensed' and 'Over-abstracted' sustainability criteria



The sustainability status gives an indication of whether a licence is likely to be available. It will also provide an indication of the severity of conditions likely to be applied to new licences, where they are available. It may also give an indication of the reliability of existing licences.

- If the sustainability status shows less water is licensed than is available for abstraction ('Lightly to moderately licensed' and 'Significantly licensed'), new licences may be available. As more licences are granted the restrictions are likely to become increasingly severe, as the amount of water available diminishes. This, in turn, reduces the reliability of supply to abstractors.

- If the sustainability status shows that the amount of water licensed is similar to the amount available ('Fully licensed'), new licences are unlikely to be available.
- If the sustainability status shows that more water is licensed than is available ('Over-licensed' and 'Over-abstracted'), then new licences will not be granted. Some reduction in the volume licensed for abstraction is also necessary to achieve a sustainable situation. The impact on existing abstractors is likely to be more significant and immediate in an 'Over-abstracted' unit than an 'Over-licensed' unit.

We propose to use sustainability status criteria to show the relative balance between committed and available resources.

5.6a Does the concept of sustainability status help you understand how we manage water resources?

5.6b Could we improve our approach to defining sustainability status or its presentation? If so, how?

5.7 Future strategy for resource recovery

The CAMS will set out the future strategy for the sustainable management of water resources. The aim is to maintain or achieve sustainability where possible. Where resources are under stress the Agency will seek to reduce abstraction and to improve the sustainability status of a catchment or water resource management unit. Options for resource recovery could include a reduction in licensed quantity, relocation of a source or, in some cases, revocation of licences. If we need to reduce abstraction, we will be proactive in supporting abstractors to secure alternative solutions and encouraging water efficiency.

To maintain or achieve sustainability in a catchment, we have to take into account the likely costs and benefits of our actions, according to section 39 of the Environment Act 1995. We currently take them into account, as part of our wider duties, when determining individual abstraction licence applications. We are considering how costs and benefits should be assessed in the context of CAMS.

We propose to detail and consult on feasible options for resource recovery to bring about a more sustainable abstraction regime. This will include consideration of costs and benefits.

5.7a Should the Agency state its preferred option for resource recovery?

5.7b How should information on licences that need to be varied or revoked be given?

5.7c Do you have any views on how costs and benefits should be assessed in the CAMS process?

6. IMPLEMENTATION OF TIME LIMITS

Taking Water Responsibly confirmed that the Environment Agency should issue new water abstraction licences on a time-limited basis. This means that the licence ceases to exist after a date specified on the licence. This section describes the Agency's proposed approach for implementing this decision

6.0a Comments are invited on any aspect of this section, but in addition, some specific questions are asked at key points.

6.1 Introduction

Traditionally, time limits have not been applied to the majority of abstraction licences. Time limits have been applied only where considered necessary, usually where there were significant uncertainties to be tested and resolved. We have increasingly applied time limits to abstraction licences in the face of uncertainty and have used them successfully within all regions of the Agency. Time limits have proved to be an effective tool for the management of water resources in the light of changing circumstances and have been accepted by licence holders, including water companies.

With continuing increases in demand for water, changing environmental expectations and modern evidence of the potential impact of climate change, granting licences without time limits is no longer considered a sensible option and this has been confirmed in *Taking Water Responsibly*. Prior to the Government's review, the Agency had approved a policy that all new abstraction licences should be time-limited. This policy, now supported by the Government, should contribute significantly to sustainable management of water resources.

The proposed policy is summarised below:

- *The Agency will set time limits for abstraction licences;*
- *Time-limited licences will carry a presumption of renewal where licence holders can satisfy the Agency that all of the following three tests are met:*
 - *environmental sustainability is not in question;*
 - *there is continued justification of need; and that*
 - *the licence holder can demonstrate that water is being used in an efficient manner.*

The implementation and management of time limits within a catchment will be a central feature in the development of CAMS. Following this consultation, the agreed approach will be set out in the national supporting document and will be implemented across the Agency on a consistent basis from 1 April 2001.

6.2 Variation of licences

In the case of applications by licence holders for variations to permanent licences it is proposed that the Agency's approach, except in cases of a reduction in volume or other similar minor change, should be that a time limit will be introduced to the entire licence subject to a variation. This would be consistent with the approach we adopt in the case of other conditions during the determination process for applications for variations to licences. The extension of this approach to include time limits will facilitate the implementation of the Government's intention that most existing permanent licences should gradually be converted to time-limited status.

6.3 Renewal arrangements

Time-limiting of licences has significant implications both for licence-holders and for the Agency in terms of the management of the renewal process. In order to minimise the risk to businesses of increased uncertainty, and to facilitate the review of water resource assessments and management of time-limited licences, it is essential that time limits are implemented and managed on a clear and reasonable basis.

There may be significant advantages if time-limited licences are issued with a common end date applicable to the catchment or sub-catchment in which they occur. This end date should link to the CAMS cycle for the catchment and would allow cessation clauses in licence conditions to be reassessed and reallocated following a review of the resources available for abstraction and the future needs for water in the catchment. The environmental benefits of the review may also be achieved most effectively by this approach.

Time-limited licences will carry a presumption of renewal, subject to the three tests referred to in section 6.1 above. The Government has also indicated that, where licences are unlikely to be renewed, we should provide the licence holder with six years notice of non-renewal.

Subject to the above tests and satisfying relevant statutory procedures for a licence renewal the holder of a licence would have priority in the allocation of resources over a new applicant coming in at the point when the licences are being reviewed.

Existing legislation requires us to "have particular regard" for the needs of public water supply. However, beyond this requirement, no value judgements are made in terms of prioritising different types of water use. Any abstractor with a need for water may be allocated some, providing that there is water available in the catchment and that the quantities applied for are reasonable for his needs⁵.

⁵In our recent consultation "*Sustainable Water Resources for the Future: Values and Challenges*", we raised questions about the current principle of "first come, first served" used in abstraction licensing. We are currently analysing the responses to these questions and will consider what implications there may also be for the renewal of time-limited licences.

6.4 Normal duration of licences

In *Taking Water Responsibly*, the Government did not specify an exact period for which licences should be time-limited, but said that the norm should be of the order of 15 years to strike a balance between the needs of the environment and the needs of abstractors for reasonable certainty.

Within that guidance, our assessment of those needs will continue to be paramount in our determination of time limits. There may be a significant number of cases where uncertainties about either or both are such that only a shorter period will be appropriate. These are set out in 6.5 below. There may also be cases where the balance of needs is such that significantly longer time limits can be granted and those circumstances are set out in 6.6 below.

If, as suggested above, there were to be a common licence expiry date in each catchment, linked to the six-year CAMS review cycle, it would normally be necessary to issue licences for periods of between 12 and 18 years unless there were special circumstances. The period would depend on the point in the CAMS cycle at which a licence is issued.

- 6.4a Do you support our proposed approach to renewing time-limited licences? If not, what alternative should be considered?
- 6.4b Views are invited on our approach to determining licence time limits.
- 6.4c Views are also invited on whether there should be a common licence expiry date linked to the CAMS review and, if so, on how this should be reflected in time limits applied to individual licences.

6.5 Special circumstances for shorter duration licences

The Agency will apply a shorter time limit to individual licences, or all licences in a particular area of a catchment, where:

- the applicant requests it;
- the proposal has a shorter life-expectancy or planning horizon;
- the applicant seeks to exploit part of an under-utilised licence(s) according to an agreed strategy;
- available resources are predicted to diminish such as the closure of waste water treatment works, mine water discharge;
- the environmental impact is known and is acceptable within that period;
- the impact is unknown and a fixed period of monitoring is determined as appropriate;
- it is related to a contractual arrangement such as under Non Fossil Fuel Obligations contracts for hydropower or time-limited planning permission for mineral exploitation;
- it is recognised in the CAMS that the sustainability status of the catchment or aquifer is approaching fully licensed;
- the abstraction forms part of an agreed strategy, for example, with a water company where reduced leakage or planning development of another source will remove the need in a short time;
- future plans, such as LEAPs, River Quality Objectives, may change the amount of water available for abstraction, or where targets are set in the Agency's plans or strategies;
- the demand for water is uncertain or liable to change;
- there is uncertainty about a catchment-based activity, for example quarrying.

The Agency considers that no minimum time limit should be specified in the final implementation guidance, for application to individual licences. This issue is considered to be a matter of discussion between the applicant and the Agency.

6.6 Special circumstances for longer duration licences

There may be areas where a review of resources shows that there are no sustainability issues and that predicted increases in demand are minimal. In these circumstances, a longer period may be appropriate, as the time-limiting renewal norm for that catchment, or sub-catchment.

6.6a How appropriate is it that the norm for a catchment should be relaxed where there are no current issues relating to water resources sustainability?

6.6b If the norm for a catchment were relaxed, what period might be appropriate in such catchments?

Taking Water Responsibly identified in section 4.33 quite stringent circumstances where a time limit for a longer period than the specified norm for a catchment could be considered. This would apply to individual licences associated with major new investment, subject to the submission of a full business case.

In these circumstances, it is proposed that the exact period of the licence would be a matter of discussion between the applicant and the Agency. It is not proposed that a maximum time limit would be specified in the implementation guidance.

Where a licence is granted for a period longer than the norm for the catchment, the Government intends that the new legislation provides that it may be subject to a condition allowing the Agency to review the terms and conditions of the authorisation. If this is introduced, it is also intended that we would provide at least six years notice to the licence-holder of such a review and of our proposals for changing the terms of the licence. There would be a right of appeal available to the licence-holder, but as proposed by the Government, there would be no grounds for compensation associated with the Agency exercising its power to vary the authorisation.

6.6c How appropriate is it for no maximum period to be specified in these circumstances in the final guidance?

6.6d If a maximum period were to be defined for such licences, what period would you consider appropriate?

6.7 Impact of proposed changes in legislation

Under the Government's proposals for changes to legislation, two new forms of authorisation may be introduced: permits and consents. In addition to this, impoundment licences may be converted into consents valid for the life of the works. If these changes come into force, we propose that the time limit to be applied to consents, where applicable, will be determined using the above framework.

The Government also proposes that there will be a general threshold of 20 m³/day, below which abstractions will not need to be authorised, irrespective of the purpose for which the water is used. The Government also proposes that, where appropriate, we will be able to apply to the Secretary of State for a reduction or increase of this threshold in a particular catchment or sub-catchment. However, until this legislation comes into effect, the Agency proposes that all licences issued for less than 20 m³/day will be subject to a time limit, in line with the framework proposed above.

6.8 Converting existing licences to time-limited status

In addition to stating that all new licences should be time-limited, *Taking Water Responsibly* said that most existing permanent licences should gradually be converted to time-limited status. The time taken to achieve this will depend on the rate at which licences are converted, but a 15-year plan was suggested for conversion "wherever and whenever the costs of doing so are justified."

The Government's aspiration is that, wherever possible, conversion of a licence to time-limited status should be by negotiated voluntary agreement between the licence-holder and the Agency. Various measures proposed for introduction in the new legislation may influence the holders of permanent licences in their consideration of such a voluntary change. When legislation is passed, we shall draw up a document describing those influences. In the meantime, we shall encourage abstractors to propose voluntary conversion in line with the Government's concept of the responsible abstractor.

6.8a Views are invited on what we can do to provide encouragement for voluntary conversion and how it should feature within CAMS.

7. GLOSSARY

Abstraction

The removal of water from any source, either permanently or temporarily.

Abstraction licence

The authorisation granted by the Agency to allow the removal of water from a source.

Aquifer

A permeable geological stratum or formation, which is capable of both storing and transmitting water in significant amounts.

Authorisation

A statutory document issued by an approved body and necessary to allow activities to take place that would otherwise be unlawful. In the context of this document, licences, consents and permits are all examples of authorisations to be issued by the Agency.

CBHS

County Biological Heritage Site. Area identified as being of county significance for its ecological value. They are non-statutory sites – that is, they are not protected by statute. However, they have significance within the Town and Country Planning system and nature conservation.

Cessation condition

A condition on a licence that requires the licence-holder to immediately cease abstracting when a pre-determined flow or water level is reached, to prevent environmental damage.

Conjunctive use

Combined use of different sources of water.

Consumptive use

Use of water where a significant proportion of the water is not returned either directly or indirectly to the source of supply after use.

EC Directive

Issued by the European Commission to member states with the objective of producing common standards in the European Community – member states are then obliged to introduce appropriate legislation to comply with the Directive.

Groundwater

Refers to all subsurface water, as distinct from surface water. Generally groundwater is considered to be that water which is below the zone of saturation and contained within porous soil or rock stratum (aquifer).

Hands-off flow

The flow below which abstraction must cease or be reduced.

Hydroecology

The study of the interactions between ecological and hydrological processes in rivers and floodplains.

Hydrogeology

The study of the quality, quantity, storage and movement of water in rock and the interaction with geology.

Hydrology

The study of water on and below the earth's surface.

Hydrometric network

Networks of sites monitoring rainfall; river flow; river, lake, tidal and groundwater levels and some climate parameters. The data is used extensively for water resources management and planning, water quality and ecological protection and improvement, flood defence design, flood forecasting and flood warning.

Impounding

A dam, weir or other work constructed in an inland water, whereby water may be impounded and any works for diverting flows in an inland water associated with the construction of a dam, weir or other work.

LEAP

Local Environment Agency Plan (previously Catchment Management Plan). The process by which the Agency plans to respond to the environmental issues in a catchment.

A consultation plan is published followed by an action plan, which is reviewed every five years.

Licence of Right

Licence granted under section 23 of the Water Resources Act 1963 in respect of an abstraction that was already in operation when that Act was implemented in 1965.

Non-consumptive use

Use of water where a significant proportion of the water is returned directly and immediately to the source of supply.

Protected Right

When considering whether to issue an abstraction licence, the Agency must not issue a licence that derogates existing protected rights, except with the consent of the holder of these rights. Protected rights include all existing licensed abstractions, and certain exempt abstractions for domestic and agricultural purposes (excluding spray irrigation) not exceeding 20 m³/d.

Ramsar site

A site classified at the "Convention of Wetlands of International Importance" (1971) and ratified by the UK Government in 1976.

Return period

This is used to indicate the severity of an event and is the average time interval (usually expressed in years) between the particular event being equalled or surpassed. However, the intervals between such events may vary considerably about this average.

RQO

A River Quality Objective is an agreed strategic target, expressed in terms of River Ecosystem standards, which is used as the planning base for all activities affecting the water quality of a stretch of watercourse.

SAC

A Special Area of Conservation is one classified under the EC Habitats Directive and agreed with the EC to contribute to biodiversity by maintaining and restoring habitats and species.

Saline intrusion

The ingress of salt water into an aquifer, from sea or estuary, due to groundwater depression normally caused by excessive groundwater abstraction.

SPA

A Special Protection Area is one classified as such under the EC Birds Directive by the Secretary of State, following submissions by English Nature, to provide protection to birds, their nests, eggs and habitats.

Spray irrigation

Abstracted water sprayed onto grasslands, vegetables, salad crops, fruit, and the like.

Springs

These occur where the water table intersects the ground surface.

SSSI

A Site of Special Scientific Interest is an area given a statutory designation by English Nature or the Countryside Council for Wales because of its nature conservation value.

Surface water

Whole or part of any river, stream, other watercourse (natural or artificial), lake, pond, creek, estuary, or arm of the sea, except for certain sewers and water mains. In effect, all waters that are not groundwater.

Surface water catchment

The land that drains, whether naturally or artificially, to any point in a specified stream or river.

Sustainable development

Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

Sustainable management

The interpretation of the principles of sustainable development at a local/regional level within the boundaries of national and international political, economic and environmental decisions.

Tidal limit

The point within an estuary or river reached by the tide.

Water Level Management Plans

These provide a framework by which the water level requirements of a particular site can be discussed to incorporate and integrate a range of activities. The Agency has a responsibility to be involved in the production of these plans in consultation with other interested bodies such as English Nature, Internal Drainage Boards, conservation groups and landowners.

APPENDIX A: PROPOSED CONTENTS OF TECHNICAL DOCUMENT

This provides background information that supports the management strategy set out in the main CAMS. The reader will be provided with data, description of methods and detailed information on policies. The information will be under the headings below (maps and tables will be provided as appropriate).

1. Hydrology and hydrometry

- Description of catchment hydrology
- Measurement network (gauging stations, observation boreholes, rain gauges)
- Hydrometric data

2. Hydrogeology

- Description of hydrogeology
- Detail of any relevant groundwater studies

3. Fisheries

- Description of fisheries status

4. Ecology/conservation

- Ecological quality of rivers
- Conservation sites

5. Water quality

- Surface water/groundwater quality
- Consented discharges

6. Water resource usage

- Licensed abstractions (by use)
- Guide to severity of licence conditions
- Licences to be renewed in CAMS period

7. Resource assessment/sustainability status

- Resource assessment methodology
- Environmental allocation

8. Links to other plans/strategies

- Environment Agency Water Resources Strategies
- Environment Agency Drought Management Plans
- Local Environment Agency Plans (LEAPs)
- Water Company Asset Management Plans
- Water Company Water Resources Plans
- Water Company Drought Contingency Plans
- Others (for example, Water Level Management Plans, Habitats Directive Consent Reviews)

APPENDIX B: NATIONAL SUPPORTING DOCUMENT SUMMARY

This is a summary of the national supporting document, to be read in conjunction with the CAMS Framework document. An expanded version of this summary will be produced as an appendix to the CAMS Framework after this consultation.

The national supporting document will explain the Agency's overall management of water resources with specific reference to abstraction licensing. It will therefore provide a national high level overview of CAMS. The following depicts the proposed structure of the national document and outlines the contents of each section.

Foreword

1. Introduction

This section will explain the background to the CAMS process.

2. Objectives of Catchment Abstraction Management Strategies

The principal objectives for CAMS will be documented in this section.

3. How will this be achieved?

This section will explain the proposed structure of CAMS, and how the national and catchment-based documents will link. It will also describe how each CAMS will be produced. It will include a simple flow-chart and a schedule for the production of CAMS around England and Wales.

4. Wider framework

This section will detail the legislation that governs the Agency's various duties and responsibilities required to manage water resources effectively. This will also include how the Government expects the Agency to contribute to sustainable water resources management. It will explain the key EC Directives that influence the way water resources are managed. The Agency also produces other documents and strategies that relate to water resource management, the Local Environment Agency Plans and the National and Regional Water Resources Strategies. This section will show how these documents link with the CAMS process with the help of a diagram.

As part of water resources management the Agency must also assess the potential effects of drought. The principles of drought management will be explained in this section.

5. Resource assessment and management

This section will explain how we measure water resources and how we assess this information to determine water availability. This includes determining the quantity of water required for the environment using methods that will be applied consistently throughout the Agency.

In order for a member of the public to understand the availability of water in any part of a catchment, we have developed sustainability status criteria. This classification scheme indicates the extent to which water resources are committed. The five categories reflect the likelihood of new licences being granted and, where resources are shown to be 'Over-abstracted', the actions that must be taken to restore the catchment to a more sustainable state. These categories will be explained in this section.

6. Abstraction licensing process

This section will explain the purpose of the abstraction licensing procedure, the legislative background, and how an application for a licence is determined. This will include the Agency's time-limiting policy. At present not all abstractions require a licence, and a summary of the exemptions will be given. This section will also explain the special conditions that may be applied to a licence and how we enforce licences. The Agency charges for the abstraction of water on an annual basis and a summary of the charging scheme will also be given in this section.

7. Process for restoring sustainability

The Government has stated in *Taking Water Responsibly* that it expects the Agency to take action to alleviate problems caused by over-abstraction. The national context, within which such action will be taken, will be explained.

8. Glossary

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