



The Water Bill Impact on Agriculture

The Water Bill was published on 20th February 2003. This briefing gives the Environment Agency's position on the impact of the Bill on agriculture. The clauses in the Bill that are particularly relevant to this briefing are in Part 1, Abstraction and Impounding.

Key Issues

Water resources management is inextricably linked to agriculture. Farmers have essential requirements for water for activities ranging from stock watering, through dairy use and vegetable washing to irrigation. The regulatory regime impacts on all these activities and the changes proposed by the Bill are therefore of key interest to the agricultural community. This note explains how the changes proposed by the Bill will impact on agriculture.

The Agency's Position

There are several areas where the Bill will impact on agricultural water use.

Deregulation

Currently, abstraction of water from surface water sources for agricultural purposes other than spray irrigation is exempt from the need for a licence where the amount taken does not exceed 20 cubic metres per day. The Bill intends to extend

this exemption threshold to all purposes, whether from surface or underground sources. This means that such abstractions from groundwater sources (wells and boreholes etc.) for any agricultural purpose will also become exempt from the need for a licence.

The Bill also intends to provide the Agency with powers to apply for local Orders that will vary the exemption threshold (either up or down) within a defined area. This will give further opportunities for deregulation in those areas where it is considered that the exemption threshold can safely be raised without threat to the proper management of water resources or to the environment.

It is estimated that up to 25,000 licensed abstractions for all purposes may be deregulated by this measure, providing for a more focused regulatory regime, concentrating on those areas and activities where control is needed for proper management of water resources. The Government intends that protected rights for these types of abstraction will be retained, but only up to a level of 20 cubic metres per day.

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Irrigation

Under the present regime any abstraction for land drainage purposes is exempt from the need for a licence. The definition of land drainage includes all forms of irrigation, other than spray irrigation and *Taking Water Responsibly*¹ signalled the intention to bring these under control. The Bill will change the definition of land drainage to achieve this and, whilst trickle irrigation will be the main activity affected by this proposal, other forms of irrigation, such as flood irrigation and warping, will also be included where an abstraction takes place. [In many cases flood irrigation and warping is achieved by control of levels and there is no abstraction.] It is anticipated that about 900 currently exempt irrigation schemes will be brought within the licensing system.

Although water abstracted for use in agriculture is frequently quoted as only accounting for about 2 percent of the total volume abstracted, it should be remembered that this is expressed as a percentage of the total annual volume abstracted for all purposes. The main impact of agriculture on water resources arises from irrigation, which takes place in drier periods of drier years and tends to be concentrated in the drier parts of the country. Water used for irrigation represents a total loss to the system whereas most other uses return large proportions of the water used back to the water resource. This means that in drier areas, the impact of irrigation can be as significant as, for example, that of public water supply abstraction during critical periods. It is for this reason that the increasing use of other forms of irrigation, such as trickle irrigation needs to be brought under control.

IDB augmentation transfers

Internal Drainage Boards have responsibility to manage water levels and to drain surplus water from the low-lying districts that they control. At times of surplus, this is usually achieved by controlled gravity releases or by pumping excess water into rivers that are normally (in some cases always) at a higher level than the optimum

operating level within the district necessary for efficient agriculture. At times when the adequacy of water to meet crop watering needs becomes critical, such operating arrangements also enable levels to be finely controlled so that water can be made available to the root zone of crops or to enable water to be pumped out for spray or trickle irrigation. When the availability of water within the IDB district to meet these needs becomes inadequate, custom and practice is for supplies to be augmented by releasing water back into the drainage district from the higher level river. Such augmentation transfers come within the definition of land drainage and the Bill will also bring these activities under control in order to protect the water environment and the rights of other water users from the donor river. It is also important during times of drought to manage the distribution of available water between Internal Drainage Districts and the donor river to ensure that a sustainable balance is maintained for all abstractors and the water environment. This measure will mainly impact on IDBs, but there may be a few of these direct augmentation transfers undertaken by farmers that will also need to be licensed.

Time limiting of licences

Time limits have been applied by the Agency to some licences (including agricultural) under the present licensing regime for over 10 years and since October 2001 to all new licences. They have provided a valuable and successful tool to manage water resources effectively.

The Bill proposes that all new licences should be time limited, giving statutory weight to the Agency's existing policy. This is a significant proposal as approximately 90% of existing licences are permanent. Government's stated policy is that there needs to be a migration from these permanent licences to time limited status and that the Agency should draw up a programme to achieve the change. A large number of permanent licences in the agricultural sector have existed since the 1960's when licensing control was brought in for the first time.

¹ *Taking Water Responsibly* – Government decisions following consultation on changes to the water abstraction licensing system in England and Wales - DETR March 1999

The objective to move towards all licences being time limited is a position the Agency and others consider as a key requirement for the effective and sustainable management of water resources in the long term. The effectiveness of the new Catchment Abstraction Management Strategy process depends on the ability to review all abstraction licences to ensure their long-term sustainability. The move away from permanent licences is thus essential.

Holders of time limited licences should be assured by the presumption of renewal for future planning purposes and the period of six years notice that will be given for any significant licence change. Licence holders should also be reassured that the historical position in the allocation of licences in the catchment will be preserved and that the renewal of the existing licence will take precedence over any application for a new licence submitted at the same time by a third party. These reassurances should give abstractors a high degree of certainty in planning their business, while raising awareness of their role in sustainable catchment management.

Impounding

Under the current provisions a licence is required to authorise the initial construction or subsequent alteration of impounding works. The Bill intends to extend the controls on impounding operations after their construction or subsequent alteration, for the lifetime of the works. The Agency may attach or modify conditions to the licence to ensure that works do not cause damage to the environment. Operators of impoundings may be required to satisfy certain conditions or criteria before agreeing to the revocation of a licence. Where there are currently exempt impoundings that cause environmental problems, we will have additional powers to ensure that the operator remedies the problem. There should not be any significant implications for licensed operators within the agricultural sector, where works are constructed or altered according to the terms of their licence and operated subsequently in an environmentally responsible manner.

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