

Water Resources & Abstraction
Department for Environment, Food and Rural Affairs

By email

Wednesday 22nd December 2021

To whom it may concern,

Re: Blueprint for Water consultation response - Changes to the regulatory framework for abstraction and impounding licensing in England: Moving into the Environmental Permitting Regulations regime

Blueprint for Water¹ welcomes the opportunity to respond to the consultation on moving abstraction and impounding licensing in England into the Environmental Permitting Regulations regime.

We broadly welcome the proposals which will see a more consistent and holistic framework for the management of abstraction and impoundment activities and their effect upon the water environment. We wish to make the following key points in relation to these proposals:

Permit review

It is welcome and timely that all permits will become subject to periodic reviews that enable the licence to be considered in the context of sustainable abstraction within a catchment.

When reviewing permits (Proposal 11), or renewal applications (Proposal 4), the Environment Agency will continue to apply the tests of sustainability, need and efficient use. However, given the deficits in water supply predicted by the work of Regional Water Resources Groups and regulators, we would like to see the Agency applying stronger tests on water efficiency to these reviews / licence renewals, mirroring the increased focus on demand management in the domestic sector. The agency should provide or signpost water efficiency advice, and set out expectations of abstractors (such as for example, a requirement to complete a water audit and develop a plan for how to implement its findings) so that non-public-water-supply abstractors can also play a part in delivering environmental and water supply resilience.

¹ Wildlife and Countryside Link is a coalition of 64 organisations working for the protection of nature. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline. Blueprint for Water, part of Wildlife and Countryside Link, is a unique coalition of environmental, water efficiency, fisheries and recreational organisations that come together to form a powerful joint voice across a range of water-based issues.

Environmental Harm

We recognise the need for a term other than ‘pollution’ to be used as the justification for the use of enforcement or suspension notices in the case of abstraction or impoundment which is causing harm or risks causing harm. However, whilst the alternative terms ‘harm / risk of harm to the environment’ are welcome, if defined only in guidance, decisions may be more easily challenged than if the terms were defined in the EPRs. The Environment Agency should consider:

- Clarifying the status of the guidance.
- Drawing attention in licence documentation to the EA’s ability to serve notices for these purposes.
- Amending the Environmental Permitting Regulations to incorporate the definitions of harm / risk of harm to the environment.

Civil sanctions

We welcome proposals to bring across those civil sanctions where the EPRs do not already provide similar remedies, and the replication of Regulation 58 which would allow the Environment Agency to ‘arrange for the risk to be removed’ where abstraction or impoundment activities give rise to the risk of serious harm.

Climate change adaptation

Proposal 17 will see abstractors consider Climate Change adaptation, which we welcome. We suggest that the Environment Agency considers whether there are any benefits of the first approach (risk screening) which could be replicated within the Agency’s preferred alternative (Environmental Management System). Since abstractions in particular are likely to both be impacted by climate change, and exacerbate environmental harm in a changing climate, it is entirely appropriate that a more robust consideration of climate change be required for these permits. When identifying “measures to manage this risk”, abstractors should consider means of minimising risks to the environment caused by their abstractions, rather than solely “how their activity could be affected by climate change”.

We would be pleased to discuss any of these points further.

Many thanks and kind regards,



Ali Morse
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