



We Can Help

Assessing the impact of the change in regulations is important, and identifying cost effective solutions with sufficient time to implement them is critical.

Contact us today to discuss how we can help you to meet your obligations, meet deadlines and save you money.

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Trickle Irrigation Abstraction Licensing

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The 2003 Water Act introduced a provision for the regulation of abstracting water for trickle irrigation which is currently exempt from abstraction licensing. Regulation of trickle irrigation was first mooted in 1998 and full implementation has been on and off the agenda since then.

What's Changed?

A key stumbling block to the implementation of the full regulation has been the question of compensation. If a trickle irrigator is actively abstracting and was forced to stop by virtue of new regulation then the irrigator may be able to claim compensation. The question of how much and where a compensation fund might come from has taken up much regulatory and government time.

Envireau Water are now aware that government have made some headway on this issue and work has been ongoing within the Environment Agency and Natural England on the possible impacts of trickle abstraction on water bodies, in order to estimate possible compensation liabilities.

Serious and Significant Damage

This phrase is important. The 2003 Water Act introduced a clause that essentially means that if an abstractor can be shown to be causing "serious or significant damage" then the right to abstract can be withdrawn without compensation.

The definition of "serious or significant damage" has not been published, despite a consultation on the issue being carried out in 2005. Envireau Water understands that a new consultation on this issue is due during the late spring or early summer 2011. This is an extremely important consultation as it has a direct bearing on the ability of government to regulate trickle irrigation abstraction while at the same time minimise compensation costs.

Timing

The official line is implementation of the regulation in April 2012. Based on the amount of consultation and drafting/re-drafting of regulations Envireau Water thinks that implementation is more likely to be October 2012. This just squeezes the regulation in before a Water Framework Directive deadline.

So What?

Trickle irrigators should make sure that they engage in consultations relating to serious and significant damage and they should start thinking about how a change in regulation might effect their business and how they can cost efficiently mitigate any risk.