

Factsheet WR253

Long Duration Licences - Guidance note

Important note: The government has consulted on proposed reforms to the abstraction licensing system. These reforms could affect the terms and duration of licences we grant now, so please consider whether or not the extra effort of applying for a long duration licence (LDL) is worthwhile.

Who is this document for?

This document is written for a technical audience. If you have any questions about LDLs, please contact our National Customer Contact Centre on 03708 506 506.

Introduction

Giving licences time limits is an effective way of managing water resources. It allows us to deal with environmental uncertainty (such as climate change), the changing needs for water and using it efficiently.

The Water Act (2003) made it law to include a time limit on all new, full and transfer abstraction licences.

Duration of licences

When we grant a licence for the first time, it is likely to be for between 6 and 18 years. When we renew a licence it will normally be for another 12 years.

We may also grant short duration licences in special cases where we think there may be issues with the licence in the longer term or if you ask us to.

In certain circumstances, we will consider granting licences with a longer duration time limit as long as you meet the four conditions set by the Government (see below). We will consider these licences individually and they will last for no longer than 24 years.

Long Duration Licences

To qualify for a (LDL you must include a business case with your application that shows how your planned abstraction meets all of the four government tests. Without this, your application for a licence will be rejected.

Test 1 The lifetime of the infrastructure inseparably associated with the licence will extend over the desired period of validity.

Infrastructure' means the structures and equipment needed for the abstraction, (e.g. borehole, weir etc.) as well as any infrastructure related to the development which the abstraction serves. This means that you must demonstrate that both the development associated with the abstraction and the infrastructure as a whole will extend over the desired period of validity. To show this, you should provide the following information with LDL applications:

- Site/plant assets must have a stated asset life and all current agreements, permissions, licences or consents are valid for the LDL period.
- You can provide a funded asset replacement plan/maintenance plan, which shows that the infrastructure can be used for the duration of the licence.

- You can demonstrate that the lifetime of the development will extend to at least the proposed period of validity.

Test 2 There will be a continued need for the service or product associated with the infrastructure throughout the desired period of validity.

You will need to show that it is likely that there will be an ongoing demand for the product or service your infrastructure supplies for the time period you want. If you can demonstrate a need for a LDL, your licence may not be time limited in line with the common end date for the catchment. We can issue a LDL for up to 24 years duration as long as the application meets the following criteria:

- If the site requires planning permission then this should cover at least the duration of the LDL you are applying for, up to a maximum of 24 years. You should submit evidence of this.
- You must demonstrate long term financial viability of the proposal, by providing appropriate, site specific, business case information and financial viability information. This will need to be approved (signed and verified) by a qualified professional.

Test 3 A full appraisal of likely changes in environmental and economic circumstances, which may have a bearing on the acceptability of the abstraction over the desired period of validity, shows no significant concerns.

This test focuses on the sustainability of the proposal over the lifetime of the LDL. We will need a high degree of certainty in order for a proposal to meet this test. Therefore, we expect you to satisfy all of the following:

- The flow 'element' in the related water bodies has not been identified as a reason for failing to achieve environmental objectives under the Water Framework Directive.
- Fully licensed flows (of all licences in the catchment) support good ecological status or good ecological potential.
- Unless 100% of the water abstracted is returned to the same location, or groundwater unit, then all downstream catchments must support good ecological status or good ecological potential, at the fully licensed flows scenario.
- The related groundwater bodies are at good quantitative status (high confidence).
- Over the life time of the licence, either individually or in combination with other licences, there will be no adverse effect on sites designated under the Habitats Directive.
- Over the life time of the licence, the abstraction is not an operation likely to damage, either individually or in combination with other licences, a SSSI.
- There is no risk of deterioration in Water Framework Directive water body status over the life time of the licence.
- There is no requirement for any long term monitoring to establish the impact of the abstraction, as the requirement for this questions the sustainability of the licence.
- In discharge rich catchments there are no plans or likelihood that the discharge rich status will change. For example, there is no indication that there will be a change in any compensation releases, discharges from waste water treatment works or transfers of raw water or bulk supplies.
- There are no changes planned in the catchment that would potentially affect the sustainability of the licence – more specifically:
 - i) Significant population change.

- ii) Major industrial, commercial development affecting spatial, temporal and volumetric demand for water.
- iii) Any changes that may affect river flows or demand for water.

You may be required to carry out an Environmental Impact Assessment (EIA) under the Town and Country Planning EIA Regulations (2017) for certain types of developments. Other activities, including some Agricultural developments may require an EIA through the Water Resources EIA Regulations (2017).

Test 4 The infrastructure contributes to sustainable development.

You must be able to show how your proposal contributes to sustainable development, especially the following points which form part of Defra's guidance to the Environment Agency on sustainable development;

- putting people at the centre
- taking a longer term perspective
- taking account of costs and benefits
- creating an open and supportive economic system
- combating poverty and social exclusion
- respecting environmental limits
- the precautionary principle
- using scientific knowledge
- making the polluter pay.

The Environment Agency's consultation Time Limiting Arrangements for Water Abstraction Licences (September 2005) provided some examples of what this might be, which are:

- the environmentally acceptable scheme is linked specifically to the growth of employment and/or social wellbeing in the local community;
- abstraction takes place in winter rather than summer and only during periods of high river flow;
- a reservoir development allocates a sufficient amount of stored water to augment downstream flows to alleviate an existing environmental problem;
- the abstraction removes poor quality water from a source and the discharge water is to an acceptable location and quality;
- the abstraction regime makes provision for alleviation of a low river flow problem;
- an off-channel reservoir, filled during a period of high river flow, enables an important wildlife habitat to be maintained.

The list above is not exhaustive.

Annexe 1 An example of the type of factors you should consider as part of an environmental assessment (Test 3 for a long duration licence)

Please note: if your proposal relates to an activity that is already happening and you are applying for a licence under the New Authorisations process for previously exempt abstraction, the assessment should be quantifying the impacts already occurring. If your proposal is for a new activity, the assessment should be assessing and predicting the potential impacts on the environment.

Suggested sections in the appraisal	Details you will need to provide
General details	<p>Reasons for the quantities of water.</p> <p>How you use water efficiently.</p> <p>Past and future operations at the site relating to how you use water.</p>
Existing environment and baseline studies	<p>Map to show where the abstraction points and discharge points are.</p> <p>The landscape and character of the local environment.</p> <p>The hydrological (see note 1) and hydrogeological (see note 2) characteristics of the area.</p> <p>The existing groundwater and surface water flow within the surrounding area (including high-, average- and low-flow periods).</p> <p>If there are any water nature-conservation sites near the abstraction which depend on water, for example, Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) , National Nature Reserve(NNR), Ramsar, county wildlife sites and watercourses with important fisheries.</p> <p>The Water Framework Directive status of this or other related water bodies and result of any investigations into the failure to meets good ecological status or potential.</p> <p>Ecological features which may be sensitive to changes in water flows or levels.</p> <p>Current water quality and potential effects of abstraction.</p> <p>Physical characteristics of the area, how it looks and how that may be affected or may change.</p>

	<p>Archaeology and heritage information, such as scheduled ancient monuments which are sensitive to changes in water levels.</p> <p>Effects on leisure (including the effects on fishing, boating, and other people who use water in this area), and other people who might be affected by these plans.</p>
Hydrological effect of any existing or planned abstraction	<p>The area and length of river affected.</p> <p>How often and how long the effects of these plans will last on the current hydrograph.</p> <p>Assessing the short-term and long-term effect of your abstraction together with other existing abstractions and taking account of:</p> <ul style="list-style-type: none"> • the natural groundwater flow in this area; • rock seepages and spring flow; and • water levels and flows in the main river and its tributaries.
Potential environmental effect of any existing or planned abstraction	<p>How the planned abstraction may affect the existing ecology, water quality and physical habitat, including any existing hydro-morphological and hydrogeological effects – particularly in relation to set habitats and species.</p> <p>Where and what the potential effects may be.</p> <p>Whether the planned abstraction will result in deterioration of Water Framework Directive ecological status or potential.</p> <p>Where the relevant water bodies are not at good ecological status or potential, the proposal is assessed against such failures.</p>
Reducing the effects of and improving the abstraction	<p>Description of plans to reduce the effect of or make up for the potential effects of the abstraction (for example, seasonal restrictions, cessation levels and so on).</p> <p>How valid the existing conditions of the licence are.</p> <p>Opportunities to improve the abstraction.</p>
Consultations	<p>How much you have discussed your plans for the abstraction with us.</p>

	<p>How much you have discussed your plans for the abstraction with other relevant organisations, for example, the Conservation Agencies (Natural England and the Countryside Council for Wales) and others organisations who regularly use water in the surrounding area.</p> <p>A list of people and organisations you have consulted.</p> <p>A summary of all the issues raised during consultation and a description of how you dealt with them.</p>
<p>Conclusions and recommendations</p>	<p>A summary of the issues including the main areas affected by the abstraction and any conclusions you have reached.</p> <p>Any recommendations that you have made.</p>