

Drilling for minerals

A guide to Conservation Notices issued under section 199(2) of the Water Resources Act 1991



Introduction

Please read through these guidance notes and form WR11 carefully before you fill the form in.

Drilling may have a significant effect on sources of groundwater. We rely on those drilling for minerals to co-operate with us in order to protect the environment.

If you intend to construct or extend a borehole to search for or extract minerals, you must first give us notice in writing. This includes the installation of conductor casings. If several drillings are involved (for example, in shallow-gravels work), we will accept one 'blanket' notice for a defined area and depth of drilling.

After we receive your notice, we may issue a conservation notice under Section 199(2) of the Water Resources Act 1991 (the Act). The notice would set out measures you must take to protect groundwater.

Failing to give notice is a criminal offence.

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1 Reasons for issuing a conservation notice

Your drilling could affect legitimate users of groundwater in the area where you are drilling. Also, features (such as ponds and wetlands) that depend on groundwater may be at risk from your drilling activities.

Those carrying out drilling work may need to take measures to protect water.

We need to make sure that drilling activities do not damage the environment, and we must protect the quantity and quality of groundwater.

Under the Act we can require operators to take action to reduce or overcome the effect their work has on the environment and users of groundwater.

The Act does not give us any powers to impose measures which will interfere with extracting minerals.

2 Procedure for getting a conservation notice

If you are proposing to drill for minerals, please contact us as early as possible so that we can discuss the details with you. You should contact our Groundwater and Contaminated Land team at the Environment Agency's local area office. You can find the address of your local Environment Agency office by calling us on 03708 506 506 or by sending an email to enquiries@environment-agency.gov.uk.

Under section 199(1) of the Act, if you intend to drill for minerals you must first tell us by filling in form WR11, which you can get from us.

We will need to know:

- the national grid reference of the site (two letters, 10 numbers)
- the national grid reference of each boring (two letters, 10 numbers)
- details of the strata affected
- an indication of the volume of water to be pumped (if applicable)
- the extent of the works

In the form you must provide details of how you intend to protect water sources, including groundwater, when drilling and using the borehole. If we are not satisfied with this, we may require you to take appropriate measures to protect the quantity and quality of water.

When we have all the information we need we'll be able to assess if we need to issue a conservation notice. In many cases we won't need to.

3 Contents of a conservation notice

What is in the conservation notice depends on the particular circumstances. It would reflect the need to protect water as well as your needs. Usually we require you to monitor possible effects of your activities. This might involve:

- monitoring the level of water in a nearby abstractor's borehole or well
- measuring the level or flow in a stream
- keeping a log of all information you gather and provide it to us if asked

Examples of possible measures we may require you to take, which may depend on the results of monitoring, include:

- action to allow an abstractor who could be affected by your activities to abstract water
- providing a temporary, alternative water supply (for example, from the mains or from a tanker)
- building a groundwater barrier if there is danger that your activities will affect the groundwater that a neighbouring site depends on
- filling in an exploration borehole once exploration is complete

We expect you to have dealt with any of these issues when you designed your project.

4 Appealing against a conservation notice

Once you have received a conservation notice you can appeal to the Secretary of State if you think that the measures set out in it:

- are unreasonable
- would interfere with your success at mining the minerals

5 Discharging pumped water

A conservation notice does not give you permission to discharge water to any sewer (including local authority storm sewers), watercourse or other water source.

If you want to discharge water to sewers, you should get permission from the water company or local authority (as appropriate).

If you want to discharge water into any watercourse or other water source, you must get a separate Environmental Permit from us. Before you apply for a permit you should contact the Land & Water Team (Water Quality) in your local Environment Agency area office. You can find the address of your local office by calling us on 03708 506 506 or by sending an email to enquiries@environment-agency.gov.uk.

6 Other controls and permissions

You may need other controls and permissions if, for example, we have concerns about flood risks, fisheries, conservation and recreation. You may also need planning permission and permission to enter other people's land.

7 Next Steps

Please send the form and any supporting information to:

Permitting Support Centre
Water Resources Team
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF.

If you are sending the form to us by email, please send it to: PSC-WaterResources@environment-agency.gov.uk.