

# **Wear Abstraction Licensing Strategy**

(296\_14) A strategy to manage water resources sustainably

March 2019

Version 3

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We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

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Published by:

Environment Agency Horizon House, Deanery Road, Bristol BS1 5AH

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# 1. About the licensing strategy

This strategy sets out our approach to managing new and existing <u>abstraction</u> and <u>impoundment</u> within the Wear <u>catchment</u> in the Northumbria river basin district. The Wear ALS catchment covers an area of approximately 1300km2. This area includes the catchments of the River Wear, River Browney and the River Gaunless.

Our approach ensures that River Basin Management Plan objectives for water resources activities are met and we avoid deterioration within this catchment.

We apply this approach to the <u>water body</u> in which the abstraction is located. It also applies to all downstream <u>surface water</u> bodies that may be affected by any reduction in abstraction-related flow, or adjacent <u>groundwater</u> bodies affected by any reduction in groundwater level.

Please see <u>Managing Water Abstraction</u> for the technical explanation, legal and policy requirements behind the Abstraction Licensing Strategy (<u>ALS</u>).

Please see <u>abstraction pages on gov.uk</u> for advice on who needs an abstraction or impoundment licence, and how to apply.

# 2. Water resource availability of the Wear ALS

#### 2.1. Resource availability

The water resource availability, calculated at four different flows, Q95 (the flow of a river which is exceeded on average for 95% of the time i.e. low flow), Q70, Q50, and Q30 (higher flow) for this ALS are presented and explained in Maps 1-4 and section 2.1.1 below.

Upper Wear

Gauntess

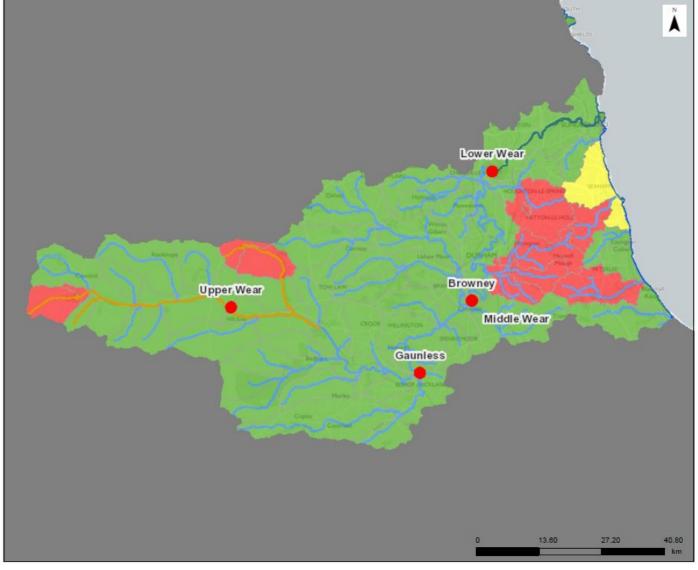
O 1150 2720 4400

Map 1 - Water resource availability colours at Q30 for Wear ALS.

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Legend:
Assessment Points
Heavily Modified and Artificial Rivers
Heavily Modified Artificial lakes
Rivers
Water Availability at Q30:
Water available
Restricted water available
Water not available

Map 2 - Water resource availability colours at Q50 for Wear ALS.



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Assessment Points

Heavily Modified and Artificial Rivers

Heavily Modified Artificial lakes

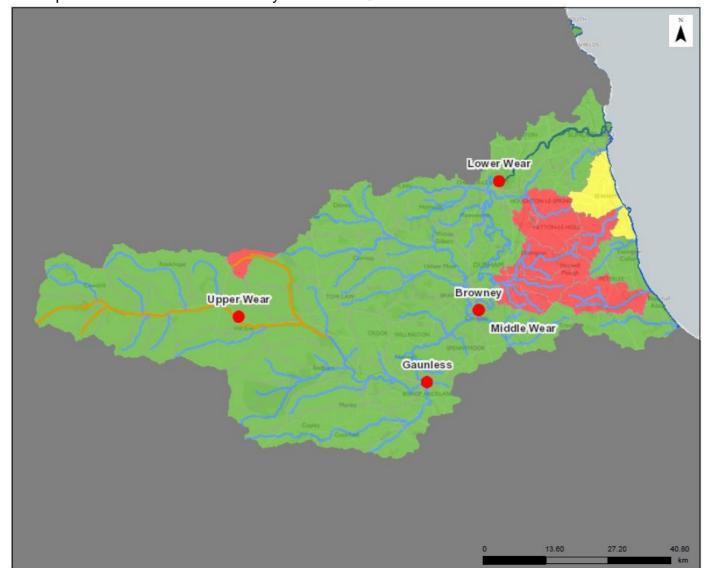
Rivers

Water Availability at Q50:

Water available

Restricted water available

Water not available



Map 3 - Water resource availability colours at Q70 for Wear ALS.

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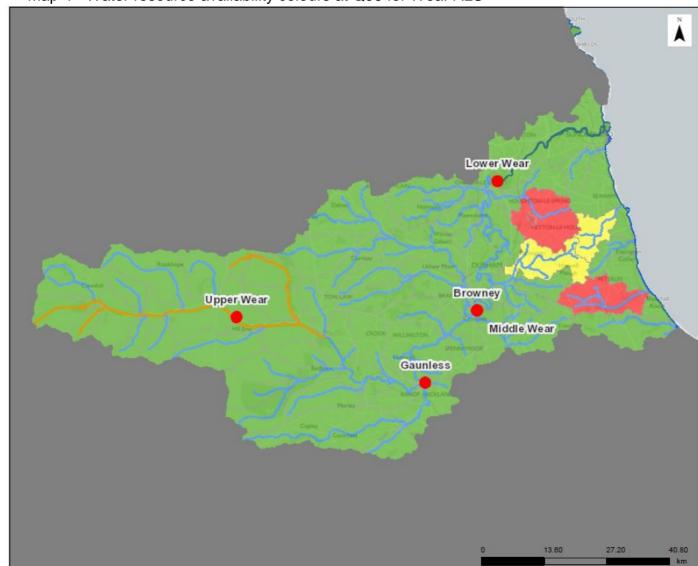
#### Legend:

Assessment Points
Heavily Modified and Artificial Rivers
Heavily Modified Artificial lakes
Rivers
Water Availability at Q70:

Water available

Restricted water available

Water not available



Map 4 - Water resource availability colours at Q95 for Wear ALS

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#### Legend:

Assessment Points
Heavily Modified and Artificial Rivers

Heavily Modified Artificial lakes

Rivers

Water Availability at Q95:

Water available

Restricted water available

Water not available

# 2.1.1. Water resource availability colours and implications for licensing Water available for licensing Green There is more water than required to meet the needs of the environment.

New licences can be considered depending on local and downstream impacts.

#### Restricted water available for licensing

Yellow

Full Licensed flows fall below the Environmental Flow Indicators (EFIs).

If all licensed water is abstracted there will not be enough water left for the needs of the environment. No new consumptive licences would be granted. It is likely we'll be taking action to reduce full licensed risks. Water may be available if you can 'buy' (known as licence trading) the entitlement to abstract water from an existing licence holder.

#### Water not available for licensing

Red

Recent actual flows are below the EFI.

This scenario highlights water bodies where flows are below the indicative flow requirement to help support a healthy ecology in our rivers. We call this 'Good Ecological Status' (GES) or 'Good Ecological Potential' (GEP) where a water body is heavily modified for reasons other than water resources.

Note: we are currently taking action in water bodies that are not supporting GES or GEP. We will not grant further licences. Water may be available if you can buy (known as licence trading) the amount equivalent to recently abstracted from an existing licence holder.

#### Heavily Modified Water Bodies (<u>HMWB</u>s) and/or <u>discharge</u> rich water bodies

Orange ———

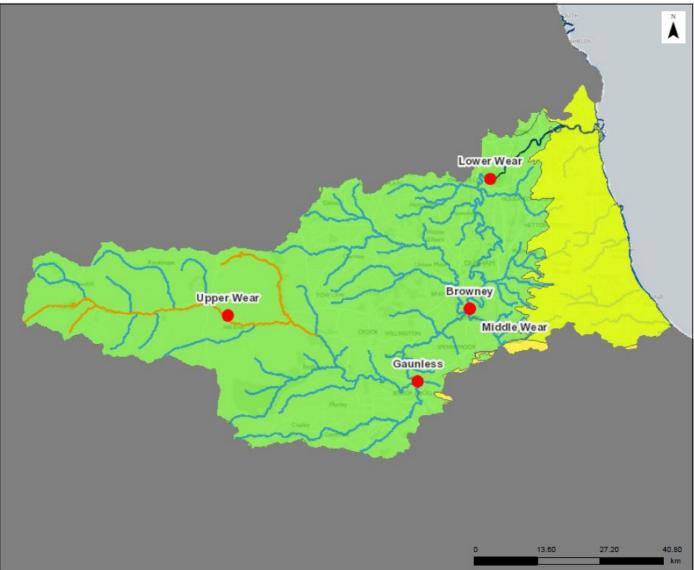
These water bodies have a modified flow that is influenced by reservoir compensation releases or they have flows that are augmented. These are often known as 'regulated rivers'. They may be managed through an operating agreement, often held by a water company. The availability of water is dependent on these operating agreements. More detail if applicable can be found in section 4.2.1 Surface Water

There may be water available for abstraction in discharge rich catchments, you need to contact the Environment Agency to find out more.

#### 2.2. Groundwater resource availability

In certain areas, resource concerns over groundwater mean that the standard water resource availability colours have been overridden. Section 2.2.1 explains the groundwater resource availability colours, and Map 5 shows these colours for groundwater in Wear area.

Map 5 - Groundwater Resource Availability for Wear ALS.



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# 2.2.1. Groundwater resource availability colours and implications for licensing

#### Water available for licensing

Green



Groundwater unit balance shows groundwater available for licensing. New licences can be considered depending on impacts on other abstractors and on surface water.

#### Restricted water available for licensing

Yellow



Groundwater unit balance shows more water is licensed than the amount available, but that recent actual abstractions are lower than the amount available OR that there are known local impacts likely to occur on dependent wetlands, groundwater levels or cause saline intrusions but with management options in place.

In restricted groundwater units no new consumptive licences will be granted in impacted areas. It may also be appropriate to investigate the possibilities for reducing fully licensed 10 of 26

risks. Water may be available if you can 'buy' (known as licence trading) the entitlement to abstract water from an existing licence holder.

In other units there may be restrictions in some areas e.g. in relation to saline intrusion

#### Water not available for licensing

Red



Groundwater unit balance shows more water has been abstracted based on recent amounts than the amount available.

We will not grant further licences.

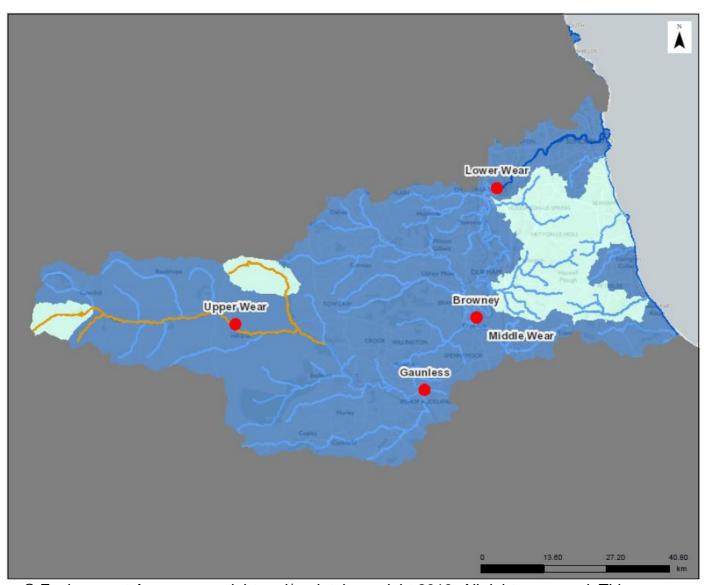
#### 2.3. Resource reliability

If you want to apply for a licence, it's worth considering the reliability of your abstraction.

By assessing the quantity of water available at different flows it's possible to see when there is a surplus or deficit of water and the associated reliability of an abstraction. This is an indication only; actual reliability of a licence will be discussed when you apply.

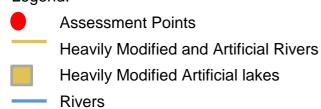
Map 6 gives an indication of the resource availability for <u>consumptive abstraction</u> in Wear area expressed as a percentage of time.

Map 6 - Water resource reliability of the Wear ALS expressed as percentage of time available



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#### Legend:



Percentage of the time additional consumptive resource may be available:

- Consumptive abstraction available less than 30% of the time
  Consumptive abstraction available at least 30% of the time
  Consumptive abstraction available at least 50% of the time
  Consumptive abstraction available at least 70% of the time
- Consumptive abstraction available at least 95% of the time

#### 2.4. Other considerations for availability and reliability

We may have to add constraints to licences such as 'hands off flow' (HoF) conditions to protect the environment and the rights of other abstractors. As a result, when we grant a licence, it doesn't mean that we guarantee a supply of water. These conditions specify that if the flow in the river drops below what's needed to protect the environment, abstraction must reduce or stop. So, in dry years, restrictions are likely to apply more often, which will affect the reliability of supply.

There may also be restrictions on new groundwater abstractions in some locations if they pose a risk to existing water users or groundwater dependent features. For example, we may impose a "Hands Off Level" (HoL). A HoL restricts abstraction when water levels drop below a certain level in a borehole or well

Whilst this document may say that water is available for abstraction, this doesn't guarantee that all applications will be successful. This is because we have to determine each application on its own merits, and local factors may mean we're either unable to grant a licence as applied for, or even at all.

New licences within an ALS are usually given a Common End Date (CED), which allows them to be reviewed at the same time. The next CED for this ALS is 31st March 2026 and the subsequent one is 31st March 2038.

#### 2.5. Impoundments

Applications for impoundments will be dealt with on a case by case basis. More information may be found on our <u>water management web pages on gov.uk</u>.

# 3. How we manage abstraction in the Wear ALS

#### 3.1. Assessment points

We assess surface water flows at <u>Assessment points</u> (<u>AP</u>s), which are significant points on a river, often where two major rivers join or at a gauging station. APs cover multiple surface water bodies.

Where groundwater abstractions directly impact on surface water flows, the impact is measured at the surface water AP.

Table 1 gives an indication of how much water is available for further abstraction and the associated restrictions we may have to apply to new and varied <u>abstraction licence</u>s from the main river. Tributaries to the main river may be subject to different restrictions and quantities and will be assessed locally on a case by case basis.

Each HoF is linked to an AP and is dependent on the resource availability at that AP. In some cases additional restrictions may apply to licences where there is a more critical resource availability downstream to protect the ecological requirements of the river. This is detailed in the last column of Table 1 if applicable.

All abstraction licence applications are subject to an assessment to take account of any local and downstream issues and may be subject to further restrictions.

Reading from top to bottom in Table 1 are the APs in the Wear ALS area. Reading across the columns you can see the potential HoF that may be applied to a licence, the number of days water may be available under this restriction and the approximate volume of water in MI/d that may be available etcetera. In cases where there is water available at all flows

we may apply a Minimum Residual Flow (MRF) to protect very low flows. We'll decide this on a case by case basis.

AP	Name	Water Resource Availability	HOF Restriction (MI/d)	Number of days per annum abstraction may be available	Approximate volume available at restriction (MI/d)	Is there a gauging station at this AP?
1	Upper Wear	Water Available for Licensing	5.6 (MRF)	365	23.4	No
2	Middle Wear	Water Available for Licensing	58.7 (MRF)	365	133.1	Yes (Sunderland Bridge)
3	Gaunless	Water Available for Licensing	4.7 (MRF)	365	5.3	No
4	Browney	Water Available for Licensing	3.5 (MRF)	365	16.7	No
5	Lower Wear	Water Available for Licensing	63.8 (MRF)	365	208.3	No

Table 1 Summary of licensing approach for the assessment points of the Wear ALS.

#### Comment 1 - Water Availability at AP 5 (Lower Wear) and Lower Wear Tributaries

Maps 1 - 4 show restricted water available for licensing for some of the tributaries of the River Wear upstream of AP5 e.g. the catchments of Lumley Park Burn / Herrington Burn catchment, and, Old Durham Beck / Pittington Beck. The assessments for these surface waterbodies include some uncertainty in respect of the representation of abstractions pressures in the upper reaches of these catchments. Previous investigations have concluded that groundwater abstractions have limited impact on the surface waterbodies. However, these catchments are known to have been impacted by physical modification which has resulted in reduced flows. Further, measures to address water quality issues, associated with pollution from historic coal mining, have lowered groundwater levels across parts of the Wear ALS and reduced the available base flow in these watercourses. Ongoing work aims to represent these issues more accurately and improve the confidence in the Water Availability Assessments for these catchments. Applications for new licences will be dealt with on a case-by-case basis.

#### 3.2. Groundwater

For principal aquifers we may reclassify the assessment areas as groundwater management units (GWMU). In these cases we use the information and assessments on these units to determine water availability and licence restrictions.

Where groundwater abstractions directly impact on surface water flows, including reduction of base flow, the impact is measured at the surface water AP. In these cases, restrictions may be applied to licences, such as Hands off Level (<u>HoL</u>) conditions. The HoL is a groundwater level below which an abstractor is required to reduce or stop abstraction.

Other restrictions may apply where availability is limited or to protect the environment, for example to prevent saline intrusion.

There are two groundwater bodies within the Wear catchment; Wear Carboniferous Limestone and Coal Measures (GB40302G701600) and Wear Magnesian Limestone (GB40301G703900).

The Wear Magnesian Limestone groundwater body forms the northerly half of the Magnesian Limestone GWMU. At present only the Wear Magnesian Limestone is thought to be at risk of being impacted by existing abstractions (fully licensed quantities), restricting water availability in some areas. The southerly half of the Magnesian Limestone GWMU is contiguous with the Skerne Magnesian Limestone in the Tees ALS Area.

# 3.2.1. Licence restrictions on groundwater abstractions in the Wear ALS area Wear Magnesian Limestone (GB40301G703900)

The Wear Magnesian Limestone extends across the eastern boundary of the Wear ALS area. The water body has been assessed as having Restricted Water Available and the following restrictions apply:

Water Quality Impact from Coal Measures Connectivity	Due to concern about the dissolution of minerals into groundwater from the mixing of water from the coal measures, applicants will need to demonstrate that new abstractors will not cross connect aquifers. Such connectivity would increase the risk of deteriorating the water quality of the overlying Magnesian Limestone aquifer and reduce the effectiveness of mitigation measures already in place to protect water quality.
Yield Limitation	Applicants will need to demonstrate that yields are sustainable and are not restricted by local conditions.
Saline Intrusion	A 5km buffer zone is in place along the coast. The groundwater body is at risk from saline intrusion. The buffer is to mitigate groundwater abstraction causing saline intrusion and to protect groundwater status. New applications should be located outside this zone or demonstrate that new

	abstractions will not result in saline intrusion.
Connection with Surface Water	New and existing licences should not cause a detrimental impact to the ecology of surface waters from a reduction in flow. Existing abstractions may be capped at Recent Actual volumes rather than Fully Licensed volumes if the risk of environmental impacted is unacceptable.

Table 2 - Summary of Licence Restrictions associated with the Wear Magnesium Limestone.

#### 3.3. Heavily modified water bodies

Tunstall Reservoir is a regulating reservoir as it can release water when required to support river flows at Chester-le-Street. This support ensures that NWL's Public Water Supply (PWS) abstraction can operate with no restriction. In addition, Burnhope Reservoir releases compensation water into the River Wear and Tunstall Reservoir releases compensation water into the Waskerley Beck.

The Wear ALS area also has artificial connectivity with Kielder Water, located on the River North Tyne, via the Kielder Transfer Tunnel which discharges into the River Wear at Frosterley. Kielder Water is northern Europe's largest man-made lake; it has a surface water of 1086 hectares and a capacity of 200,000 Ml. Water from Kielder Water is released into the River North Tyne and then, via the water abstraction at Riding Mill (River Tyne), and the connection with the Kielder Tunnel, transferred into the Rivers Wear and Tees. Releases are made so that river flows below major abstraction points on the Rivers Wear and Tees are kept above a prescribed minimum known as the Minimum Maintained Flow (MMF). The MMF for the River Wear is under review and may be revised in the future.

As a result of the river regulation benefit from the Kielder transfer system, a section of the main River Wear is considered a Support Source under Schedule 1 of the Scheme of Abstraction Charges (2018 / 2019). Higher charges will be applied to abstractions that are associated with this section of river, unless a Hands Off Flow (HOF) restriction is in place.

Across the Wear ALS area, 5 waterbodies are designated as Heavily Modified as the result of a recognised impact on flows associated with reservoir impoundment, river regulation and / or strategic transfers.

WBID:	Waterbody Name:	
GB103024077430	Burnhope Burn from Source to Wear	Waterbody includes Burnhope Reservoir which is used for direct water supply. As a result of the reservoir the flow regime of the river is impacted. Burnhope Reservoir has a compensation release of 9.1 Ml per day.
GB103024077440	Wear from Wearhead to Middlehope Burn, Ireshope	Waterbody is immediately downstream of Burnhope Reservoir. As a result of the reservoir the flow regime of the river is impacted.

GB103024077441	Ireshope Burn	Waterbody includes two catchwater structures (Greenwell Crags and Wham Pasture), supplementary sources of supply for Burnhope Reservoir. As a result of the structures the flow regime of the river is impacted.
GB103024077461	Wear from Middlehope Burn to Houselop Beck	Waterbody is downstream of Burnhope Reservoir and the Ireshope Burn Catchwaters. As a result of the reservoir the flow regime of the river is impacted.
GB103024077520	Waskerley Beck from Source to Wear	Waterbody includes two linked reservoirs (Waskerley and Tunstall): Waskerley is used for direct water supply, and Tunstall can be used for river regulation to support downstream abstractions. Through a connection to the Kielder Transfer tunnel, the Waskerley reservoir is also a receiving waterbody for transfers from the River Tyne. Tunstall Reservoir has a compensation flow of 5.6 MI per day.

Table 3 - Summary of Heavily Modified Water Bodies within the Wear ALS

#### 3.4. Protected areas

UK law provides a very high level of protection to two types of designated sites due to their special environment. These are:

- Special Areas of Conservation (<u>SAC</u>), which contribute to biodiversity by maintaining and restoring habitats and species;
- Special Protection Area (<u>SPA</u>), which provides protection to birds and their nests, eggs and habitats.

Ramsar sites and Sites of Special Scientific Interest (<u>SSSI</u>) also carry a high level of environmental importance.

In the Wear ALS area, there are over 70 conservation sites that have been designated in relation to the character of the Water Environment. These sites can be identified using the MAGIC mapping interface available at <a href="https://www.magic.defra.gov.uk">www.magic.defra.gov.uk</a>.

The following sites are notable as they comprise distinct areas of riverine environment. Applications for surfacewater abstraction in these locations, if eligible, would require a more restrictive assessment than that described in section 2 of this document.

Feature:	Name:	Sub-catchment:
SSSI	Old Moss Lead Vein	Upper Wear
SSSI	Butterby Oxbow	Wear Lower and Estuary
SAC	Castle Eden Dene	Seaham Peterlee Coast

Table 4 - Summary of designated sites within the Wear ALS that are notable for distinct areas of riverine environment.

Applications for groundwater abstraction would also need to be rigorously considered in relation to the potential impact to any groundwater fed designated sites.

# 4. Managing existing licences

#### 4.1. Water rights trading

We want to make it easier to trade water rights. A water rights trade is where a person sells all or part of their water right, as defined by their abstraction licence(s), to another person on a permanent or temporary basis. In the majority of cases a trade will involve a change in abstraction location and/or use which we will need to approve through the issue or variation of abstraction licences.

In licensing trades, as with new abstraction licences, we need to make sure that we don't cause any deterioration in water body status both within the water body / bodies where the trade will take place and to downstream water bodies. The section below provides a guide to the potential for trading in water bodies of a particular ALS water resource availability colour.

To find out more about licence trading please go to our <u>water management web pages on gov.uk.</u>

# Guide to the potential trading in water bodies of a particular ALS water resource availability colour High hydrological regime Blue Opportunities for trading water rights will be limited. Water available for licensing Green Allow trades of recent actual abstraction and licensed abstraction, but little demand for trading expected within water body as water available for new abstractions. Restricted water available for licensing Yellow There may be opportunities for licence holders to trade up to their full licensed quantities, but the quantities of water available to trade may be restricted once levels of actual

#### Water not available for licensing

achieving water body objectives.

Red

We will only trade recent actual abstraction but no increase in recent actual abstraction is permitted in water body. Licensed abstraction will be recovered for the environment.

abstraction reach sustainable limits. We will not permit licence trades in water bodies where we are taking action to prevent deterioration unless the trade is consistent with

HMWBs
Orange

Opportunities for trading will depend on local operating agreements and local management.

#### 4.2. Taking action on unsustainable abstraction

#### 4.2.1. Action being taken on unsustainable abstraction in the Wear ALS.

#### AP 1: Upper Wear

The upstream reservoirs - Burnhope Reservoir plus the associated catchwaters on Wellhope Burn, Ireshop Burn and Harthope Burn - are known to have an impact on the flow regime at this Assessment Point. Measures delivered by Northumbrian Water Limited, through the Water Industry Environment Program, are aiming to improve the flow regime in the downstream waterbody. This may result in more water being available for licensing at higher flows.

#### AP 2: Middle Wear

A section of the Waskerley Beck is currently impacted by the absence of a compensation flow from Waskerley Reservoir, with flows only provided by reservoir overspill. Measures delivered by Northumbrian Water Limited, through the Water Industry Environment Program, aim to introduce an appropriate compensation release from Waskerley Reservoir and introduce variability to the downstream flow regime. This will result in more water being available for licensing.

# 4.2.2. Action being taken on unsustainable groundwater abstraction Wear Magnesium Limestone (GB40301G703900)

Investigations are ongoing by Northumbrian Water Limited, through the Water Industry Environment Program, to determine the impact of saline intrusion related to Water Company groundwater abstractions near to the Durham coast.

#### Wear Carboniferous Limestone and Coal Measures (GB40302G701600)

Groundwater levels within the Coal Measures are currently being managed by the Coal Authority across much of the Wear catchment to prevent widespread mine water pollution of ground and surface waters. The depression of water levels is likely to be impacting flow availability in some surface waters, however this is preferable to the alternative pollution risks. At present mine water schemes are not incorporated into our Water Availability Assessments, this is currently under review. We will work with the Coal Authority in order to obtain sufficient information to understand the impact of their mine water management and identify where surface water flows are impacted. Any new abstractions in catchments overlying the Coal Measures may need to undertake an assessment to demonstrate availability and reliability of the resource e.g. Valley Burn, Pittington Beck and Lumley Park Burn.

Applicants will need to demonstrate that any new abstraction does not interconnect poor quality groundwater (mine water) with surface water. Treatment may be required if transferring water from groundwater source to a surface water source.

#### 4.3. Regulating currently exempt abstraction

As the abstraction licensing system in England and Wales developed over the past 50 years, certain abstractions have remained lawfully exempt from licensing control. This meant that unlimited supplies of water could be abstracted, even in areas that are water stressed.

This means that those exempt abstractions could potentially take unlimited amounts of water, irrespective of availability and without regard to impacts on the environment or other abstractors.

Following two public consultations Government have introduced new Regulations to take effect from 1st January 2018. The Water Resources (Transitional Provisions) Regulations 2017 have removed the majority of previous exemptions from licensing control, and current exempt abstractors will now require a licence to lawfully abstract water.

The main activities affected are:

- transferring water from one inland water system to another in the course of, or as the result of, operations carried out by a navigation, harbour or conservancy authority;
- abstracting water into internal drainage districts;
- dewatering mines, quarries and engineering works, except in an emergency;
- warping (abstraction of water containing silt for deposit onto agricultural land so that the silt acts as a fertiliser);
- all forms of irrigation (other than spray irrigation, which is already licensable), and the
  use of land drainage systems in reverse (including transfers into managed wetland
  systems) to maintain field water levels;
- abstracting within currently geographically exempt areas, including some rivers close to the borders of Scotland; and
- abstractions covered by Crown and visiting forces (other than Her Majesty the Queen and the Duchies of Cornwall and Lancaster in their private capacity).

The Wear ALS area has previously been considered to be a geographically exempt area. This meant that licences have historically not been required for abstractions from underground strata and springs provided that the quantity abstracted did not exceed 1,000,000 gallons per year (4546 m3/year), with a daily rate not exceeding 50,000 gallons per day (227 m3/day) (Northumbrian Water Act (NWA, 1981). From the 1st January 2018, the controls governing abstraction from ground and surface waters in the Wear ALS area have been the same as those in the rest of England and Wales, with only abstractions that do not exceed 20 m3/day being exempt.

Where we have details of previously exempt abstractions, we will endeavour to include them in our assessments to consider how they impact on the catchment.

#### 5. List of abbreviations

#### **ALS**

Abstraction Licensing Strategy.

#### AP

Assessment Point.

#### **CED**

Common End Date.

#### Defra

Department of Environment Fisheries and Rural Affairs.

#### EFI

Ecological Flow Indicator.

#### **GEP**

Good Ecological Potential.

#### **GES**

Good Ecological Status.

#### **GW**

Groundwater.

#### **HMWB**

Heavily Modified Water Body.

#### **HoF**

Hands off Flow.

#### HoL

Hands off Level.

#### MI/d

Megalitres per day.

#### SAC

Special Areas of Conservation.

#### SPA

Special Protection Areas.

#### SSSI

Sites of Special Scientific Interest.

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#### **UKTAG**

United Kingdom's Technical Advisory Group.

#### **WB**

Water body.

### 6. Glossary

#### **Abstraction**

Removal of water from a source of supply (surface or groundwater).

#### **Abstraction licence**

The authorisation granted by the Environment Agency to allow the removal of water.

#### **Assessment point**

A significant point on a river, often where two major rivers join or at a gauging station.

#### **Catchment**

The area from which precipitation and groundwater will collect and contribute to the flow of a specific river.

#### **Consumptive abstraction**

Abstraction where a significant proportion of the water is not returned either directly or indirectly to the source of supply after use. For example for the use of spray irrigation.

#### **Discharge**

The release of substances (for example, water, treated sewage effluent) into surface waters.

#### **Environmental flow indicator**

Flow indicator to prevent environmental deterioration of rivers, set in line with new UK standards set by <u>UKTAG</u>.

#### Groundwater

Water that is contained in underground rocks.

#### Hands off flow

A condition attached to an abstraction licence which states that if flow (in the river) falls below the level specified on the licence, the abstractor will be required to reduce or stop the abstraction.

#### Hands off level

A river flow or borehole (groundwater) level below which an abstractor is required to reduce or stop abstraction.

#### **Impoundment**

A structure that obstructs or impedes the flow of inland water, such as a dam, weir or other constructed works.

#### Surface water

This is a general term used to describe all water features such as rivers, streams, springs, ponds and lakes.

#### Water body

Units of either surface water or groundwater which we use to assess water availability.

#### Would you like to find out more about us or your environment?

#### Then call us on

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#### floodline

0345 988 1188 (24 hours)

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