

'Water water everywhere but can you use a drop?'

Like much else in agriculture, the rules relating to water abstraction are about to change. The Environment Agency is introducing new rules under the auspices of the Water Act 2003, which comes into force in April.

At present, it is an offence for a person to abstract water from a water 'Source of Supply' without a licence from the Environment Agency or in contravention of the terms of such a licence.

A 'Source of Supply' means any inland waters apart from independent bodies of water such as ponds, lakes, bodies of water and groups of bodies (including their correcting waterways) which, crucially, do not lead or discharge into other inland waters.

There is an exception to this rule. An owner of land next to an inland waterway, may abstract water from that waterway for use on that land if the use is of less than 20m³ per day. Use must be for normal household or agricultural purpose, and not spray irrigation.

From 1 April 2008, a licence will be required for abstraction of more than 20m³ per day for any purpose, including those previously exempt. Small abstractions beneath a stated threshold may be exempt. However, the Environment Agency can vary the threshold up or down in response to local conditions. People with exempt abstraction rights may need to register them at the Environment Agency.

There will be three types of licence: full, temporary and a transfer licence. Full will not normally last beyond 10 years; temporary would be a maximum of 28 consecutive days.

Each licence will have its own requirements: duration and amount of water permitted for abstraction being individual to each scenario. A further and separate licence will be required for impounding water from a watercourse e.g. creating a reservoir for storage.

A transfer licence will be required to transfer water from one place to another, with no intervening use.

The Environment Agency is to facilitate "Water Rights Transfers" between parties where possible and new rules relate to those. The starting point to consider these is the Catchment Area Management Strategy for each part of the country.

The new regime is not yet complete in all its details, but as climate change stays high on the agenda, we can expect more regulation of the use of water.

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