



# ABSTRACTION & IMPOUNDMENT

LICENSING SCHEME

# NEED FOR NEW REGULATORY SCHEME

- Current position
- Compliance with EC Directives
  - The Habitats Directive
  - The Water Framework Directive
- Legislative powers

# THE NEW REGULATORY SYSTEM

## Key objectives

- Effective and risk based Regulations
- Directive compliance in sensitive areas

## Rights

- Will not confer rights
- Will introduce controls over the exercise of existing rights

# PROPOSED HIERARCHY OF REGULATORY CONTROL

- General binding rules
- Registration
- Licence
- Charging scheme
  - will only apply to registrations or licences
  - will be consulted on separately

# GENERAL BINDING RULES

- Simplified general controls
- Registration not required
- Reduces regulatory burden
- Applies to:
  - abstractions of  $< 10$  cubic metres of water per day
  - impoundments of  $< 1$  metre high that do not affect fish passage

# REGISTRATION

- Minimal risk activities
- Location required to enable assessment of cumulative risk
- Risk assessment carried out by EHS
- EHS may impose simple conditions

# LICENCES

- Activities posing the greatest risk to the water environment
- Tailored to the particular circumstances of the operation

# AUTHORISATIONS

- Regulations will provide for:
  - review
  - variation
  - transfer
  - surrender
  - suspension
  - revocationof authorisations
- Public register of information

# ENFORCEMENT

- Works notice
- Offences

# RIGHT OF APPEAL TO THE WATER APPEALS COMMISSION

- Refused grant of authorisation
- Granted authorisation which differs from application
- Terms & conditions attached to authorisation
- Variation notice or conditions attached
- Refusal of variation
- Application for transfer of authorisation refused
- Application for surrender of authorisation refused
- Conditions attached to transfer or surrender of authorisation
- Revocation or suspension of authorisation
- Notice served or terms of notice

# COMPENSATION

- No legal requirement for compensation for the variation or revocation of an authorisation

## NEXT STEPS

- Discuss policy proposals with major stakeholders
- Spring 2006 – Formal Consultation
- April 2007 – Regulations come into operation