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## Changes to the regulatory framework for abstraction and impounding licensing in England: Moving into the Environmental Permitting Regulations regime

The NFU represents 55,000 members across England and Wales. In addition, we have 20,000 NFU Countryside members with an interest in farming and rural life. Our trade association is the largest farming organisation in the UK, providing a strong and respected voice for the industry and employing hundreds of staff to support the needs of NFU members locally, nationally, and internationally. The NFU champions British agriculture and horticulture, to campaign for a stable and sustainable future for our farmers and

**The NFU does not believe that the environmental permitting regime is a good fit for abstraction licensing** and is concerned about the potential implications that this move will have for its members, whose businesses are often heavily dependent on access to a secure supply of water. The majority of environmental permitting focuses on regulating activities which cause emissions to the environment whereas abstraction involves taking water - an essential input for agricultural and horticultural production - from the environment. Therefore, the environmental impacts are quite different and the manner in which the activity needs to be regulated is also different. The fact that there is a need to lift so much of the existing abstraction licensing regime into environmental permitting demonstrates that the regime is not a good fit for this activity. Furthermore, as we will explain in more detail below, the NFU does not believe that the environmental permitting regime is a good fit for this activity because the impacts of abstraction need to be considered at a water body or catchment level, not at an individual farm/business level. Consequently, the NFU urges government to reconsider this proposal. **We believe that there are significant benefits to retaining a separate, bespoke regime for regulating abstraction activities.**







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be able to continue their businesses, so it is important that the regime allows time for businesses to identify and implement alternative arrangements for access to water, and/or to review their business plans/cropping cycles. With that in mind, the NFU would like to see the review process incorporate the following key elements:

1. **At least six years notice should be given before any regulator-initiated variations to an Environmental Permit take effect**, especially where the effect of those changes would be to reduce the volume of water which could be abstracted under the permit. This period TJETQ088i5(es)13(.).



consultation that the regulator could use the permitting regime to further change the conditions of





The NFU does not believe that there is a need for off-site monitoring activities within the abstraction and impounding regime. This power does not currently exist within the abstraction licensing regime, and the consultation does not provide any explanation of how this power would be used or why it is needed in the context of abstraction and impounding licensing. In the absence of a clearly identified need, the NFU does not consider that there is any benefit for including this requirement the abstraction regime.





**12. Do you agree with the proposal to include an EMS requirement in all new Environmental Permitting Regulations permits for a water abstraction or water impounding activity?**

Disagree

The imposition of the EMS requirement on a relatively large number of small businesses will be a significant challenge for the sector and for the regulator, which the NFU believes will be disproportionate to the environmental benefits delivered by the requirement. The NFU is concerned about the costs and administrative burdens associated with moving abstraction licensing into the environmental permitting regime, at what is already a challenging and uncertain time for the sector and believes that it is important to ensure that the implementation is proportionate and that the impacts on the sector are limited.

In the event that an EMS is to be required, it must be implemented in a proportionate manner which is appropriate for the nature of the activities being authorised under these permits. For example, the consultation refers to EMS being linked to demonstrating operator competence, which we agree should not be a component of abstraction regulation. This suggests that the EMS requirement would need to be reviewed and implemented in a manner which is appropriate to these specific activities. Clear and comprehensive guidance regarding the content and format of these documents will be necessary, and a detailed communication plan will be needed to ensure that farmer and grower abstractors understand what they need to do.

is because abstraction licensing applies to the activity of *abstraction* whilst the EMS could be applied to various elements of water use after the water has been abstracted from the environment. The NFU believes that farmers and growers have a role to play in using water more sustainably and efficiently, but these are matters for the adoption of voluntary good practice measures and not the expansion of the regulatory framework surrounding abstraction.

**13. Do you agree with the proposal to set out the principles to help determine the extent of a site within guidance?**

Disagree

Mapping of irrigated land that benefits from an abstraction licence is not currently a requirement of abstraction licensing regulation, beyond recording the location of the point of abstraction and we see no benefit in creating maps and plans in the transition to EPR. The location of the abstraction point is fundamental because it dictates the impact of abstraction on the environment (and the impact on existing derogated rights) and so it is logical that the abstraction point should be recorded in the permit; a national grid reference number should continue to suffice for that purpose. With this in mind, the NFU questions abstraction and believes that there is considerable merit in retaining the current approach of basing abstraction licensing on a single point of abstraction.

While the NFU can see that there are potential benefits of being able to include multiple points of abstraction on a single permit, in reality this may be difficult to achieve (and will rarely be of interest to small businesses). Farmers will manage their agricultural units as a whole, considering their water supply and needs across their holding. So, the agricultural holding may be the













Agree



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