



THE WATER ACT 2004 – FRIEND OR FOE?

Andrew Izod, Secretary of Peterborough Milton Golf Club, writes about the Irrigation Association's Seminar.

Secretary At Work: March 2004 *(reviewed December 2011)*

On 24th February, Andy Izod, Secretary of Peterborough Milton Golf Club attended a Seminar on behalf of the GCMA. This day was organised by Melvyn Kay of the UK Irrigation Association, entitled "Water Act, water trading, efficiency and beyond". This is Andy's report:

The Seminar was held at the Orton Hall Hotel, Peterborough, a venue local enough for me to check into the office early, sort out the inevitable problem or two, read and respond to the growing number of daily emails and be at the hotel in time to check in at 9.30am.

Over 130 delegates were attending and I guess I was not too surprised to be outnumbered by around 120 local farmers plus a smattering of Environmental Association staff with yours truly being the lone Golf Club Secretary. Not surprisingly, the main thrust of the information put forward was directed towards the agricultural side of the community although there was much to keep my attention.

The reality is clear however....The 2003 Water Act has received Royal Assent and will be upon us within the next couple of years.

Background

Seven years ago, after the severe drought of 1995, John Prescott, called together a meeting of minds at a Water Summit and this took place in 1997. The 1963 Water Act had served the country well for most of its 40 years, introducing licensing for the first time, but as pressure on resources increased, it failed to either satisfy abstractors or protect the environment.

The first speaker, Keith Weatherhead*, Senior Lecturer at the Institute of Water and Environment, advised that whilst the Water Act 2003 is not in force yet, it will become operative over the next couple of years. It is not a stand-alone document however, and will be integrated with several other pieces of legislation which are also in the pipeline (no pun intended!).

He explained that the new legislation was required for a number of reasons including:

- ⌘ Changes in technology in respect of the equipment we use
- ⌘ To break down the bureaucracy of the old system
- ⌘ Investigation of land definitions
- ⌘ Changing systems of agriculture

- ⌘ Environmental legislation from both the UK and Europe
- ⌘ A host of other Environmental directives

PRINCIPAL CHANGES

Licences

All abstractions, with the exception of those relating to small volumes, will now require a licence. The types of licences available are to change with the vast majority being issued with time limits. Current holders of Permanent Licences will be ‘encouraged’ to change to ‘Time Limited’ licences. This transformation was jokingly referred to as ‘The Siberian Option’ with the incentives suggested being higher costs for Permanent Licences coupled with financial incentives to change to a Timed Licence with a presumption of renewal at expiry.

Some methods of abstraction previously did not require a licence, such as ‘Trickle Abstraction’, but these will now attract a licence.

Two new types of licence are to be introduced. These being Temporary licences for periods of up to 28 days and Transfer licences for movement of water from one location to another (eg Reservoir to canal).

In the event that an abstractor uses less than 20 cu meters per day, no abstraction licence will be required. It is anticipated that this will account for a reduction on over 25,000 licences currently in force.

Depending on the type of licence presently in place, an additional incentive to change to the new licensing system will be the offer of compensation payments and these may be available up to 2012.

If a licence has not been used for seven years, the authorities will have the power to revoke it without compensation. This time period is also scheduled to be reduced to four years.

Applications

A streamlining of the applications process is intended to speed-up the system so that where previously it could take months from start to finish, this will be reduced to weeks. Some cynics will say we need to take a rain check on that issue!

But there will be some fundamental changes to the application process and the onus of responsibility will be on the applicant to demonstrate a number of criteria by providing:

- ⌘ The reason for the abstraction.
- ⌘ The efficiency of the system in place to distribute the water.
- ⌘ An assessment of the effect the abstraction will have on the Environment.
- ⌘ An assessment of the cost/benefit ratio in respect of the abstraction.
- ⌘ An assessment of the impact on the Rural Countryside.
- ⌘ Due consideration of other local parties has been considered.

Ian Barker, Head of Water Resources for the Environment Agency said that even though the Act has now been passed, there are still many questions as to the How's, What's and When's. He stated that the management of water in the Environment was a very fine balancing act and takes into account not only the Environment itself but also the Human and Industrial factors.

He stated that much of the area covering the South and East of the UK is already covered by Summer licences and that Winter storage licences are all that are available.

Water Trading

In the summer of 2003, the government issued a consultation document entitled Trading Water Rights. This contained proposals on how abstraction licence* trading could be facilitated

Maev Whyte, the Environment Policy Advisor of the NFU, stated that placing a tradable value on water resources would encourage water rights to move to the person who places the highest economic and social value on them.

Miss Whyte stated that a process known as Catchment Abstraction Management Strategies (CAMS) will have an important role to play and will categorise each area based on the available water resources and would contain the principles for trades in each catchment area based on this categorisation. Short-term trades could be of interest to Golf Clubs in order to gain seasonal access to water resources. This water could be used directly in the summer or to fill reservoirs in the winter.

There was some consternation about Water Trading and particularly as to how agriculture (and probably Golf Clubs) can possibly compete with the purchasing power of large corporates. Trading proposals will however be subject to an assessment comparable to the normal licence application.

Summary

Friend or Foe? Well, plenty of questions must be asked and answered before this is fully revealed. Where geographically are you? Do you currently hold an abstraction licence? If so, what kind is it? How much water do you need? When do you need it?

One thing is certain: Many will not see an impact for a year or two and there is a great deal more talking to be done and information to be gathered between now and then. You might, however, like to suggest to your Head Greenkeeper that he start looking a little more carefully at the information he receives with the annual abstraction notification.

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References:

*K Weatherhead: Trickle Irrigation in England & Wales <http://www.ukia.org/Newsletter/tricklereport.pdf>

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