

Planning For Abstraction Licences and Discharge Consents

All instances of dewatering potentially require a permit for the subsequent discharge, and an abstraction licence for the removal of the water from the ground – both are issued by the EA (England) or Natural Resources Wales.

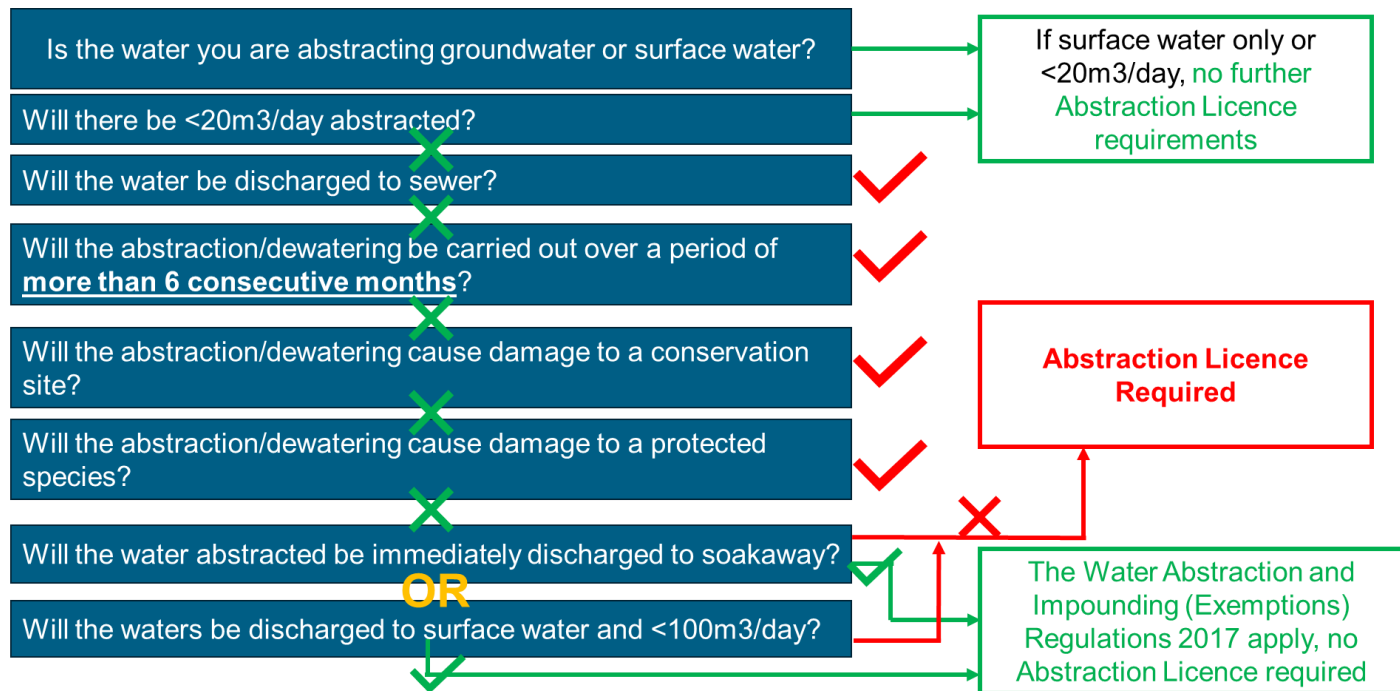


In normal circumstances, the EA have a 4-month determination period for both applications, however, due to on-going delays, applications are now taking approximately 10 months from application to permit/licence issue.

The EA have advised no applications will be given priority and applications should be submitted in light of the delays (i.e. a 10-month determination period, rather than the usual 4 months).

When is an Abstraction Licence required?

An Abstraction Licence is potentially required when removing any groundwater from the ground or excavations, usually via dewatering. However, there are a number of exemptions:



[EVFR05-10 Project Dewatering Meeting Proforma \(Eng and Wales\)](#) works through the above questions to identify what the abstraction licence requirements are and should be completed as early as possible, but when sufficient information is available (e.g. design, construction method, site investigation). This meeting is to be arranged by the Environmental Planner and chaired by an Environmental Advisor.

When excavations are required on site, the completion of EVFR05-10 Project Dewatering Meeting Proforma (Eng and Wales) is a MANDATORY requirement.

When is a Discharge Permit required?

The discharge of waters from excavations and groundwater dewatering legally requires a Water Discharge Activity Permit.

However, there is a Regulatory Position Statement (RPS 261) which provides exemptions from this requirement, subject to a number of conditions.



These conditions include the following (all of which **must** be complied with for discharges under the RPS to be valid/legal):

- Uncontaminated water (wholly or mainly rainwater) from an excavation to surface water
- Discharge only to surface water
 - Discharge for no more than 3 consecutive months (*note the difference with the Abstraction Licence exemption period of 6 months*)
 - Discharge must not be within or less than 500m upstream of a: SSSI, SAC, SPA, Ramsar Site, Conservation Site, or Local Wildlife Site (plus others)
 - Discharge must not contain silty water
 - Discharge must not cause pollution
 - Discharge must not spread non-native invasive plants
 - Discharge must not contain water containing any chemical dosing agents, flocculants or coagulants
- Discharge must not cause flooding
- Discharge must not cause erosion.



As a general rule, **groundwaters cannot be discharged to surface waters under this RPS** and as such a Discharge Permit from the EA is likely to be required.

There are some instances where an Abstraction Licence may be required but not a Discharge Permit and vice versa, for example:



- Abstraction of less than 100m³/day for less than 6 months discharged to a surface water = Abstraction Licence not required, but Discharge Permit potentially required.
- Discharge of abstracted waters to sewer = Abstraction Licence required, but Discharge Permit not required (sewerage undertaker consent/permission required though)

Actions:

- For all future projects, ensure that [EVFR05-10 Project Dewatering Meeting Proforma \(Eng and Wales\)](#) is completed early enough in the design of the project to allow for the 10-month permit/licence application determination period.
- Always complete a Permit to Pump for any instances of dewatering or pumping.
- Evidence how the Abstraction Licence and Discharge Permit exemptions are being complied with throughout construction through monitoring and records.
- If design or methodology changes, consider the implications upon dewatering and permit/licence requirements ASAP.

