

## **Angling Trust Response to Defra and WAG consultation on Time Limiting Abstraction Licences.**

This response is from the Angling Trust, the single national body which represents all anglers in England.

### **General statement.**

Angling Trust is of the firm view that abstraction from rivers, lakes and groundwater is potentially as damaging as pollution. It welcomes the proposal to apply the 'Polluter Pays Principle' to abstraction but believes that this principle would be more effectively expressed as the 'Abstractor Pays Principle'. This would make it clear that both of society's main use of inland waters, ie disposal of waste and provision of water, are equally threatening to the water environment. This is especially important in the context of the Water Framework Directive with its requirement to achieve Good Ecological Status and its default of no deterioration.

Given the potential for excessive abstraction to cause environmental damage we would wish Defra and the Environment Agency to examine the possibility of using time limiting to incorporate changes to the charging regime for licences. We welcome the initiatives by some Water Companies to use innovative charges such as Rising Block Tariffs to reduce water demand. Similar innovative thinking could incentivise abstractors to reduce abstraction whilst maintaining the Agency's income.

The capacity of waters to absorb pollution, both from consented discharges and acute events, is dependent on adequate flows and levels. This is compromised by abstraction and the proposal to time limit licences will enable this capacity to be protected and, where necessary, enhanced.

Fish are especially dependent on river flows and water levels and are the second most common reason for current failure to meet Good Ecological Status. In many cases inadequate flows or water levels are a factor in these failures.

We believe there is now a strong case for introducing universal time limiting of abstraction licences to achieve the following objectives, listed below in priority order:

1. to reduce or remove abstractions which currently damage, or may in the future damage, the environment and risk failure to allow protected sites to achieve favourable condition and all waters to meet the Water Framework Directive (WFD) objective of Good Ecological Status.
2. to play a part in bringing about a change in attitudes to water use and thus to encourage a significant reduction in demand – it is in this context that use of the 'Abstractor Pays Principle' and innovative charging would be most useful
3. to accommodate and adapt to the effects of climate change
4. to allow for changes in population and water use patterns since many of the permanent licences were issued

We support the Environment Agency's position that all licences (existing as well as new) should have expiry dates in line with Catchment Abstraction Management Strategy (CAMS) end dates. We agree there should be a target date of 2021 by which licences should expire.

## **Response to the consultation questions.**

*Q1 Do you agree with our assessment of the pressures on water resources and the rationale for time limiting?*

Yes for the reasons outlined in the document in section 3. A further reason is that if water resources are used more efficiently in future and particularly if public demand is reduced then there will be a reduction in the carbon cost of water supply and a contribution made towards climate change mitigation.

### **Option 1-“Do Nothing”.**

*Q2 Do you agree with the limitations? Are there other consequences of the “Do Nothing” option?*

Yes we agree. The environment would deteriorate further under this option and create unacceptable economic and environmental costs.

### **Option 2-Mandatory Targeted Time Limiting.**

*Q3 If you agree that targeted time limiting is the right option, which of the criteria would you support and why?*

We do not support this option.

*Q4 Are there any other options that you think should be considered for targeted time limiting?*

No.

*Q5 What are your views on implementing targeted time limiting of abstraction licences through new legislative powers?*

We do not support this option for several reasons. Firstly, because of the difficulty of defining fair and effective criteria for targeting. Secondly, the inability to change either the criteria or the balance of abstraction within catchments in a timely fashion in order to meet unpredictable future changes in rainfall and evaporation rates. Thirdly, because this option would take a long time to implement, and be expensive and complex to implement for both the regulator and the regulated.

*Q6 How do you think mandatory targeted time limiting would affect an abstractor with a licence which is not time limited, in particular:*

- i) those abstractors with Long Duration Licences*

ii) *small and medium sized business abstractors*

Both would have a commercial advantage over competitors with time limited licences and without additional measures would have no incentive to improve their own efficiency nor that of customers.

### **Option 3- Mandatory Universal Time Limiting**

*Q7 Are there any other options that you think should be considered for universal time limiting?*

We support Mandatory Universal Time Limiting as described in the consultation. For the water industry OFWAT, through the Price Review process, imposes pressures on companies to use water efficiently. It would be an advantage if incentives could be built into new legislation to encourage other abstractors also to use less water. It might benefit water companies if these incentives replaced the current burden of regulation imposed by OFWAT. Again it is in this context that changes to the charging regime should be considered.

*Q8 How do you think mandatory universal time limiting would affect an abstractor with an abstraction licence which is not time limited, in particular;*  
i) *those abstractors with Long Duration Licences*  
ii) *small and medium sized business abstractors*

It would introduce a much greater pressure for both to use water efficiently and this should feed through to their customers. It should begin to bring about a whole shift in the way people view the availability and value of water.

*Q9 Since there is limited information available to assess the impacts of time limiting on small and medium sized businesses that may be impacted, we are seeking the views of those affected in groups such as agriculture, fish farming and private water supplies, in order to prepare a more complete assessment. Therefore we would welcome case studies to demonstrate how such businesses would be affected by the proposed policy changes in terms of business, financial administrative and other costs.*

### **Options for implementation timescales.**

*Q10 If there are known unsustainable licences in the Restoring Sustainable Abstractions Programme that have been dealt with by the time they reach their new expiry date, how do you think we should deal with their applications for a replacement licence?*

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*Q11 Which method of expiry date selection do you prefer and why?*

Expiry of all permanent licences in line with the CAMS common end dates is superficially attractive as it would conform to a strategy that has been the subject of wide and lengthy consultation already and was based on careful estimation of the state

of water resources on a catchment by catchment basis. It would allow the Environment Agency to deal with various types of licences in a fair way while at the same time affording good environmental outcomes.

However the risk of common end dates for all licences is the massive increase in workload at infrequent intervals leading to superficial examination of the conditions needed for both environmental protection and resource management. There would be parallel peaks in the investigations necessary to assess the impact of licences.

CAMS common end dates should only be considered if they can be staggered from catchment to catchment to enable effective resourcing of licence reviews.

*Q12 How should we deal with licences that have time limited variations.*

As above.

### **Comparison of options.**

*Q13 Which is your preferred option for mandatory time limiting, targeted time limiting using existing powers (s52) or universal time limiting through legislative change? Why is this your preferred option?*

We prefer option 3, universal time limiting through legislative change. This is the only option that delivers all the objectives we list in our general statement. Moreover, it is the fairest option for all abstractors and offers the best value for money and the most effective and flexible means by which the regulator can manage water resources for the benefit of people and the environment. It will also enable England and Wales to meet duties under EU legislation and regulation and so avoid infraction costs.

*Q14 Which option for time limiting is more likely to enable the environmental impacts of water abstraction to be managed and reduced?*

Option 3 for the reasons given above in answer to Q13.

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