



Making your views count

A guide to making a representation about applications for licences to abstract or impound water

The Environment Agency has the power to decide whether or not to grant licences to abstract or impound water in England. Anyone concerned about a proposal for a licence can make representations to us about it. A representation is usually a written communication supporting, objecting to or commenting on a proposal. This leaflet explains how you do this.

The Environment Agency's responsibilities

We have duties to:

- secure the proper and efficient use of water resources;
- conserve, redistribute, augment and protect water resources;
- protect and enhance the environment, taking into account costs, so as to contribute towards sustainable development;
- promote conservation and enhancement of the natural beauty and amenity of inland and coastal waters and associated land, and promote the conservation of flora and fauna that depend on aquatic environments;
- encourage the use of such waters and land for recreation;
- help protect and conserve buildings, sites and objects of archaeological, architectural, engineering or historic interest;
- consider the effect of proposals to abstract water on the economic and social well-being of local communities in rural areas.

We study and investigate all new proposals to abstract or impound water before deciding whether or not to grant a licence. We may ask for testing to be carried out to assess the effect of abstraction from wells or boreholes. Applicants are encouraged to discuss their proposal with us before submitting a formal application. We do not prejudge the outcome, or make a formal decision, until we have completed the required procedures and have all the information to assess the proposal.

Where can I find details of a licence application?

When a proposal for a new licence (other than temporary licences) or a variation to an existing licence needs to be advertised, we publish notice of it on our website and in a local newspaper. You can view published notices on our website for up to 28 days following publication at www.environment-agency.gov.uk A copy of the application form, map and other documents submitted with the application can be viewed at the Environment Agency office specified in the notice. Summary details of the application can also be found on our public register, normally within 14 days of receiving a complete and valid application.

How do I make a representation?

Representations must be made in writing and sent to: Environment Agency, Water Resources Permitting Support Centre, Quadrant 2, 99 Parkway Avenue, Sheffield, S9 4WF. If you do this within the period specified in the press notice (28 days), we will consider your views before making a decision.

What should my representation say?

You can make a representation to us about any aspect of an application, and we will consider it when reaching our decision. We cannot advise you what to say in your representation, but we can tell you that the matters of most relevance to us include the following:

- the likely environmental effects of the proposal and its impact on designated sites and habitats;
- the likely effect of the proposal on the protected water rights of existing licence holders and other lawful water users;
- the reasonable requirements of the applicant for water and its efficient use. We are not entitled to make a value judgement about the purpose for which the water is to be used;
- the proposal's consistency with the Environment Agency's strategy for water resources and the relevant Catchment Abstraction Management Strategy (CAMS);
- the effect of the proposal on the social and economic well-being of local communities in rural areas;
- the sustainability of the proposal and any effects on biodiversity;
- the relative costs and benefits of the proposal.

It will help us to consider and assess your representation if you can be specific about the aspects of the proposal that are of most interest to you. All representations are considered on their merits.

What will happen to my representation?

We will acknowledge receipt of your representation in writing and advise you of the date when a decision is due to be made. We aim to determine licence applications within four months of receiving a completed application, unless a longer period is agreed with the applicant. A longer period is sometimes necessary to consider complex applications or technical issues. We may need to contact you or visit your property to clarify any details given in your representation. We encourage you to accept the possibility of the disclosure of your representation. This ensures an open and transparent debate about the issues among all parties. If you do not want your representation to be disclosed, you must have a good reason and confirm this in writing to us. We may in any event be required to disclose your representation by law or in the interests of natural justice under any subsequent appeal.

We will write to tell you of our decision on the application, explaining our reasons for it. You have no right of appeal against the decision we make. However, you do have a legal right of action against us, or may be entitled to compensation, in the unlikely event that we grant a licence that results in the loss of your water supply or protected right (as defined in sections 39 and 39A of the Water Resources Act 1991 as amended by the Water Act 2003).

If we refuse an application, or the applicant is dissatisfied with the conditions of any licence that we may grant, the applicant has a right of appeal. If you have made a representation in writing to us, you will be notified of any appeal. You will then have an opportunity to make a further representation in writing to the Planning Inspectorate, or possibly a statement at a subsequent hearing or inquiry. The conduct of an appeal hearing or inquiry will be a matter for the Planning Inspectorate. Hearings or inquiries are intended to be informal and do not require legal representation, but you may, at your own expense, engage the services of someone to represent you if you wish.

What should I do if I want to withdraw my representation?

If you made a representation to us but, in the light of this guidance, now think that it is

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
0845 988 1188

www.environment-agency.gov.uk

inappropriate simply write to us confirming that you wish to withdraw it. You may wish to direct your comments to another body such as your local council (for example, if you are concerned about planning permission for a building development rather than the use of water associated with it). Representations can be withdrawn at any time before the determination date of the application.

Who can I contact for further information or advice?

Our Water Resources Permitting staff will be able to assist you with any further advice you may need. Please call us on 03708 506 506. Or visit www.environment-agency.gov.uk/contactus.

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