



Stuart House, Hargham Road, Shropham, Norfolk NR17 1DT
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INFORMATION SHEET

Summary of Dewatering – Environment Agency & Utility Licence Requirements & Process (England Only)

Dewatering operations by their very nature involves the **abstraction** of groundwater and in turn the **discharge** of this abstracted water. There have been recent changes and clarification by the Environmental Agency (EA) regarding both abstraction and discharge regulatory arrangements and charges for England that are applicable from 1st January 2018. We summarise our interpretation and the process to gain licences as follows.

Principle Sources of Information:

1. The Water Abstraction and Impounding (Exemptions) Regulations 2017. Part 2 - Small scale dewatering in the course of building or engineering works http://www.legislation.gov.uk/ukxi/2017/1044/pdfs/ukxi_20171044_en.pdf
2. Environmental Agency Dewatering Abstraction Licence Guidance https://consult.environment-agency.gov.uk/environment-and-business/removing-previously-exempt-abstraction-activities/user_uploads/dewatering-application-advice-1.pdf
3. Environmental Agency Guidance - Temporary dewatering from excavations to surface water: RPS 261 <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water>
4. EA fees and charges and can be found on the following link: <https://www.gov.uk/government/publications/abstraction-charges-scheme>

Most Construction Dewatering operations are invariably either:

1. **Reactionary** – Where groundwater issues are not foreseen and a dewatering system needs to be installed promptly. Our understanding is that this would be considered an emergency situation, and subject to the objective of the dewatering system being to prevent immediate danger to engineering, building or other operations. Works can be undertaken provided notice is given to the EA within 5 days. Unless the operation is within the exemptions, https://consult.environment-agency.gov.uk/environment-and-business/removing-previously-exempt-abstraction-activities/user_uploads/dewatering-application-advice-1.pdf the process of obtaining a licence will need to be started.

Emergency exemptions relating to the abstraction of flood waters from inland (surface) water and groundwater The Water Resources Act 1991 says:

- 29 Rights to abstract for drainage purposes etc
- (1) The restriction on abstraction shall not apply to any abstraction of water from a source of supply in the course of, or resulting from, any operations for purposes of land drainage.
- (5) In this section, “land drainage”—
- (a) includes the protection of land against erosion or encroachment by water, whether from inland waters or from the sea; but
- (b) does not include warping, irrigation (including spray irrigation), or transferring water from one source of supply to another (whether with or without intervening use) solely or mainly in order to augment the latter.
- S29(5)(a) therefore allows provision to abstract without a licence for the purposes of land drainage resulting from encroachment by surface water.



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Regarding water contained in underground strata, the Water Resources Act 1991 says:

- 29 (2) The restriction on abstraction shall not apply to any abstraction of water from a source of supply in so far as the abstraction (where it does not fall within subsection (1) or (1A) above) is an emergency abstraction and the person abstracting the water complies with subsection (2B) below.[1]
- (2A) An abstraction of water is an emergency abstraction if, in the opinion of the abstractor, an emergency has arisen which makes the abstraction necessary to prevent immediate danger of interference with any mining, quarrying, engineering, building or other operations (whether underground or on the surface) or, in relation to such operations, to an immediate risk—
- (a) to a human being of death, personal injury, or harm to health;
 - (b) of serious damage to works resulting from any such operations; or
 - (c) of serious damage to the environment.
- (2B) In the case of any emergency abstraction, the person abstracting the water shall before the end of the period of five days beginning with the date on which the abstraction started give notice to the Agency of—
- (a) the abstraction and of the source of supply in question; and
 - (b) the reasons for the abstractor's opinion that an emergency had arisen and that the abstraction was necessary.
- (2C) The Agency may give notice to the person referred to in subsection (2B) above that in the Agency's opinion an emergency had not arisen, or that the abstraction is not , or is no longer, necessary for any of the reasons set out in subsection (2A) above; and, if the Agency does so, the restriction on abstraction shall apply to the abstraction from the time when the notice is served (and, if applicable, the restriction imposed by section 24(2) above shall apply accordingly).

2. Planned - Where a groundwater issues is highlighted and a dewatering scheme is proposed. In these cases the task of obtaining an abstraction licence will need to form part of the planning process, unless exemption conditions can be met.

Types of Abstraction Licences & Costs – There are two types of abstraction licences which depend on the discharge arrangement. Actual cost of abstraction charges are built up on a case by case basis and can be found at: <https://www.gov.uk/government/publications/environmental-permits-and-abstraction-licences-tables-of-charges>

- a). A Full Abstraction Licence – This would be the case where we are discharging to a utility sewer for more than 28 days, or as the EA would deem not back into their environmental resource network (i.e. removing water from their system).
- b). A Transfer Licence – This would be the case where we are discharging to a water course, or as the EA would deem transferring the water from one environmental resource (groundwater) back into another environmental resource (river etc.. Or soakaway/recharge wells if the dewatering operation runs for more than 6 months) without intervening use. abstracted.

Application to the EA for an Abstraction/Transfer Licence

As from January 2018 the regulatory position on groundwater abstraction from construction activities (be it dewatering or sump pumping) changed, with the requirement to have an abstraction licence from the EA. It's a statutory requirement, not having one is breaking the law, with unlimited fines as a penalty. However, there are exemptions for an EA licence if the following conditions can be met:

- A. Abstraction is temporary and undertaken within a period of less than 6 months.
- B. Does not cause or is likely to cause damage to a conversation site, specific feature, and protected. species.

And either:

- C. A total abstraction rate of less than 100 m³/day (1.15 lts/sec) or:
- D. Abstracted groundwater is immediately discharged to a soakaway or back to ground via recharge wells.



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Requires the completion of the following forms to be submitted to the Environment Agency (EA)

- Form WR328 (Part A),
- Form WR330 (Part B), and
- Form WR332 (Part C).

Please note the application process normally takes 2 to 3 weeks to prepare with the EA currently taking 6 to 9 months to approve.

Please note in support of the application process the following may be required:

Water Features Survey (WFS)

If the Environment Agency requests a Water Features Survey (WFS) would comprise the following:

- Desk Study; and
- Site Walkover (photos).

The information obtained from the desk study and site walkover would be presented in a report, which would include a summary of anticipated ground conditions, hydrogeology, summary of water features including groundwater abstractions, surface water abstractions, source protection zones, water network, and surface water features within the vicinity of the study area. As well as a photographic record of the findings of the site walkover.

Hydrogeological Impact Assessment (HIA)

If the Environment Agency requests a Hydrogeological Impact Assessment (HIA) would be undertaken to support the permit applications, it comprises of the following:

- Regional Water Resource Status,
- Conceptual Model,
- Summary of Temporary Dewatering Design,
- Identification of potential receptors susceptible to flow impacts,
- Assessment of temporary dewatering activities upon potential receptors,
- If applicable, mitigation measures and monitoring strategy.
- Conclusions.

Pumping Test

The EA may request a pumping test to establish impact of the groundwater abstraction, together with information on water quality. To enable a pumping test to be undertake an EA Groundwater Investigation Consent (GIC) will be required from the EA. This includes permission to construct the borehole(s), and undertake the proposed pumping test, which may include additional monitoring or flow conditions. With completion of the following forms:

- Form WR32 - Water Abstraction: application or a consent to investigate a groundwater source.

Please note the application process normally takes 2 weeks, with the EA taking minimum 4 weeks to approve.

Discharge to Water Course

If the event that final discharge is via an existing site water course, an EA bespoke environmental permit (water discharge activity) will be required. Completion of the necessary forms to be submitted to the Environment Agency (EA)

- Form EPA (Part A),
- Form EPB (Part B2),
- Form EPB (Part B6) and
- Form EPF (Part F1).

Please note the application process normally takes 2 to 3 weeks to prepare with the EA currently taking 4 months to approve.



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Details required to Enable Environmental Applications

The following information is required in support of any Environmental Application process:

- The applicant Company name, company number, registered address.
- Confirmation and site plan drawing of the applicant's site access rights.
- Drawing and grid reference of the discharge points
- Drawing and grid references of abstraction and monitoring well(s)
- Letter signed by a director (stated at companies' house) giving consent if someone is to act as an agent to the client

Discharge to Utility Outfall

If a site utility outfall is required to enable discharge of abstracted groundwater for either the pumping test or main works dewatering, then a Discharge Consent would be required. With completion and submission of an application for a Discharge Consent for Trade Effluent to the relevant utility owner or their representative, and/or Applicant's Wastewater Retailer, who will directly contact the Wholesaler. The application would be made in the client's name. Please note there would be additional rates/cost per m³ to discharge. Please note the application process normally takes 10 to 12 weeks.

Fees

Application fees, license fees, volumetric charges or annual charges, which can only be confirmed once the application is complete. Note that some licenses may need to be advertised by the statutory authority which would attract administration fees plus the advertising costs.

Permissions and consents are likely to require an agreed regime for monitoring, sampling and laboratory testing and reporting. Note also that constraints on flow rates, water levels and water quality will almost certainly apply and may be subject to seasonal variation or subject to additional flood or drought condition constraints.

EA fees and charges and can be found on the following link:

<https://www.gov.uk/government/publications/abstraction-charges-scheme>

18th May 2023