

Apply for a drought permit

From: Department for the Environment, Food & Rural Affairs, Environment Agency, Welsh Government and Natural Resources Wales

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Part of: Apply for a drought permit, drought order or emergency drought order

How to apply for a drought permit if you're a water company.

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You must apply to the Environment Agency or Natural Resources Wales for a drought permit. Send your application to the Environment Agency if the abstraction point is in England and to Natural Resources Wales if the abstraction point is in Wales. Drought permits are valid for up to 6 months and can be extended for a further 6 months.

Make sure you're ready to apply

Before applying for a drought permit you should:

- check that you're eligible to apply
- check that your drought plan supports your application – you should provide a reason for your application if it doesn't
- carry out the measures to reduce demand for water set out in your drought plan – you should explain why if you haven't carried them out
- write an environmental report

When you're preparing your application you must contact:

- the relevant navigation authority for its advice on whether consent is needed - you may need consent if your application is likely to affect inland navigation
- the relevant Environment Agency area office to discuss your proposals if you're applying to use a permit in England
- the Water Resources Planning team in Natural Resources Wales if you're applying to use a permit in Wales
- both the Environment Agency and Natural Resources Wales if the permit could affect both England and Wales

- Natural England or Natural Resources Wales (and National Parks authorities, if relevant) if your application is likely to affect a statutory designated site - eg a Habitats Directive site, Ramsar site or site of special scientific interest (SSSI)

If you need a navigation authority's consent

Your application will be refused by the Environment Agency or Natural Resources Wales if you need consent and the navigation authority doesn't give it. You can apply for a drought order as an alternative if this happens.

Send any written consent from the navigation authority with your application. If you don't need consent from a navigation authority, you must say so on your application form.

Check if you need other consents

You may also need to apply for other consents that the drought permit doesn't cover, such as:

- land drainage consent
- an environmental permit
- planning permission

You should make sure you get any necessary consents as soon as possible, to prevent delays in processing your permit application.

Tell others about your application

You must send written notice of your application to any organisations likely to be affected by it. This will usually be:

- local authorities (except English county councils) responsible for areas affected by the permit
- local authorities (except English county councils) and internal drainage boards with water sources in areas affected by the permit
- other abstractors and water companies operating in areas affected by the permit
- any organisations protected by a statutory requirement (eg for compensation water) that the permit suspends or modifies
- navigation authorities responsible for any watercourse affected by the permit

Your notice must:

- state the effects of the permit
- identify the land the application relates to (if the permit authorises the occupation and use of land)
- state that all relevant maps or plans can be inspected free of charge for a period of 7 days from the date the notice is served
- state that objections to your application should be made to the Environment Agency or Natural Resources Wales within 7 days of the notice being served

Any objections relating to England should be sent to the water resources permitting support centre.

Water resources permitting support centre
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
psc-waterresources@environment-agency.gov.uk

Any objections relating to Wales should be sent to the permit receipt centre at Natural Resources Wales.

Permit receipt centre
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP
permitreceiptcentre@naturalresourceswales.gov.uk

You should also consider:

- timing your application so people aren't prevented from raising their objections (eg public holidays may give them fewer days to respond)
- using the words 'drought permit' in both the title and text of your notice
- including grid references in your notice
- including details of any practical measures you've taken or will take to deal with the effects of the drought permit

Advertise your application

You must advertise your drought permit application in one or more local newspapers circulating in the area affected by the permit. You must also advertise it in the London Gazette.

London Gazette
PO Box 7923
London
SE1 5ZH
Telephone: 020 7394 4517
gazettecomments@tso.co.uk

To avoid delays you can use regional daily papers instead of weekly ones. Free newspapers often have limited circulation, so you should only advertise in these if no other local newspapers circulate in the area.

If the drought permit affects Wales you must publish your advertisements bilingually. If your company has a Welsh language scheme, you should follow its requirements.

You must make a complete copy of your drought permit application available for inspection by anyone for 7 days from the date it was advertised. You must not charge anyone to inspect it. Make it available at each of the following places:

- an appropriate place (eg a local Post Office), no more than 8km by road (or as near as possible in remote areas) from either the point of abstraction or the point of compensation discharge
- your head office and your office most local to the relevant area
- the Environment Agency or Natural Resources Wales local office

What to include in your application

Your application must include:

- a draft copy of the permit
- a description of how you'll use the permit
- a map clearly showing where you'll use the permit
- an explanation of why you need the permit

Your explanation of why you need the permit must set out:

- evidence of an exceptional shortage of rain - include monthly rainfall figures compared with the long-term average for the area
- the effects of the current water shortage
- how many people are affected by the shortage
- daily demand on the affected water source
- alternatives to drought permits that you've considered and why you've rejected them
- what could happen if you don't get a drought permit

It must also set out:

- what you've done so far to reduce demand and conserve supplies
- what you've done to comply with any relevant water resource management arrangements
- any operational changes you could make to avoid future drought-related problems

Your application must also include:

- your environmental report
- a copy of the notices and advertisements relating to your application
- a description of your arrangements for the public inspection of the application
- a copy of any existing abstraction licence you hold - plus a copy of any statutory instrument or local act connected to it or to a discharge permitted by the drought permit
- any written consent you've had from the navigation authority
- details of the water quality for proposed new sources of water

Also include:

- comments from anyone you've consulted about the application
- details of any objections you've already received or agreements you've reached with objectors

You must also provide details of your plans for dealing with water shortages in both:

- the area covered by the permit
- the wider supply area (or the Environment Agency or Natural Resources Wales area)

Also include information on timings, publicity activities and how you'll work with any interested people or organisations.

Provide extra information about statutory designated sites

If your permit is likely to affect a statutory designated site you must provide enough information with your application for an environmental assessment to be made. Designated sites include Ramsar sites, special protection areas (SPAs), special areas of conservation (SACs), sites of special scientific interest (SSSIs), local nature reserves (LNRs), national nature reserves (NNRs) and marine conservation areas (MCAs).

It's usually more appropriate to apply for a drought order than a drought permit if a Habitats Directive site is likely to be affected. You must show you've looked into all other options for public water supply before applying for a permit that's likely to damage a Habitats Directive site (or if you can't prove it won't damage one).

You can only get a permit that affects a Habitats Directive site if there's a reason of overriding public interest. You'll also have to agree on any compensation needed before the permit is issued. Find out more in [Habitats and Wild Birds Directives: guidance on the application of article 6\(4\)](#).

You should identify whether your application is likely to affect a Habitats Directive site in your drought plan.

Send your application

You must send your application to the Environment Agency's Permitting Support Centre or the Natural Resources Wales Receipt Centre. You should do this by letter, email, on a CD-ROM or DVD, or via a file share site (for sites in England only – contact the Environment Agency). You should:

- provide 2 complete sets of documents if you're sending a paper submission
- send any electronic documents in Microsoft Office or an equivalent format
- send any confidential or sensitive information separately, using encryption if necessary
- check that the Environment Agency or Natural Resources Wales has received your application

Withdraw your application

Call the Environment Agency or Natural Resources Wales as soon as possible if you want to withdraw a drought permit application. You should also:

- send the Environment Agency or Natural Resources Wales written confirmation of your decision to withdraw your application
- send out a press release about your decision to withdraw your application
- tell anyone who objected to your application that you're withdrawing it

Get a decision on your application

Once your application has been received you'll usually get the Environment Agency or the Natural Resources Wales decision within:

- 12 calendar days of the date of your last advertisement, if no objections are received or all objections are resolved and you identified your permit application in your drought plan
- 7 calendar days of the receipt of a hearing report if a hearing takes place

You'll receive an email and letter containing:

- a written report on your application
- a hearing report if a hearing takes place
- a drought permit if one is granted

To get a decision quickly, you should:

- provide proof that you've published your application - send this to the Environment Agency or Natural Resources Wales as soon as possible
- respond promptly to any questions from the Environment Agency or Natural Resources Wales
- provide any other information that the Environment Agency or Natural Resources Wales asks for - send this by email and, if asked for, as a letter
- show that the drought permit is identified in your drought plan and that any objections have been resolved

What to do if there's a hearing

You'll get a letter from the Environment Agency or Natural Resources Wales after you've submitted your application.

The letter will tell you:

- what happens if there's a hearing
- what documents you'll need to provide for the hearing

Resolve objections

The Environment Agency or Natural Resources Wales will send you a copy of each objection they receive. You may then resolve issues with the objectors to reach an agreement and avoid a hearing.

Before negotiating with objectors, send them a statement setting out your reasons for making the application. This should include:

- a list of any documents, maps or plans that you'd rely on at a hearing, with advice on where these can be inspected and copied
- your application documents
- any other documents from relevant statutory bodies (eg Natural England or Natural Resources Wales)

When a hearing is needed

A hearing will take place if:

- a person or organisation makes a reasonable objection with clearly stated grounds
- no agreement is reached between you and the objector
- the objection isn't withdrawn
- the Environment Agency or Natural Resources Wales decide that the objection can't be dealt with by compensation instead

Object to the decision to hold a hearing

You can't appeal against the decision of the Environment Agency or Natural Resources Wales to hold a hearing. However, you can withdraw your drought permit application and apply for a drought order from the Secretary of State for the Environment, Food and Rural Affairs or the Welsh ministers instead.

If there's an urgent need for a drought permit the Secretary of State or the Welsh ministers may decide that a hearing shouldn't go ahead. You should send a full supporting case to the Environment Agency or Natural Resources Wales proving there's an urgent need for a permit if you wish to request this.

Who will run the hearing

The Environment Agency or Natural Resources Wales will appoint one of the following to run the hearing:

- an inspector from the [Planning Inspectorate](#)
- a member of its own staff
- a suitable third party

Get a date for your hearing

The Environment Agency or Natural Resources Wales will arrange a suitable venue for a hearing. A hearing can take place any time after the 7 day limit for lodging objections, but it should take place relatively quickly.

The Environment Agency or Natural Resources Wales will notify all parties of the date, time and venue for the hearing. They will usually provide 7 days' notice, though this may be shortened in more urgent cases. If the Environment Agency or Natural Resources Wales considers the application to be of enough public interest, it will issue a press release or ask you to provide publicity.

Send a statement of fact

You should agree the factual basis of your case with any objectors before the hearing takes place. Set out the factual basis in a document (this is known as a 'statement of fact') and send it to the person running the hearing. This is to prevent disputes during the hearing on factual matters (eg rainfall data).

You should also tell the person running the hearing about anything that occurred after you sent your application that needs to be considered during the hearing (eg a change in rainfall, environmental issues or any other new developments).

What happens at the hearing

The person running the hearing will decide on its structure. However, the procedure is usually as follows:

- you're asked to speak first
- objectors are then asked to speak – they may give evidence or ask questions (questions will normally be channelled through the person running the hearing, who may also ask questions of their own)
- you're given an opportunity to make closing comments

The person running the hearing may make an informal site visit before the hearing to find out more about the affected area.

Fees

The Environment Agency or Natural Resources Wales will recover all the costs of the hearing, including any fees for the venue. This will happen after a decision has been made on your drought permit application. The Planning Inspectorate will also charge a fee for the inspector's time and any travel and subsistence costs incurred.

After the hearing

After the hearing, the person who ran it will submit a report to the Environment Agency or Natural Resources Wales.

The report will set out:

- who objected at the hearing and what they said
- your response to each objection, including answers to any questions
- the decisions of the person who ran the hearing, including findings, suggested modifications and conclusions

The report will not make a recommendation on how the application should be decided. The Environment Agency or Natural Resources Wales aim to make a decision within 7 calendar days of the receipt of the hearing report, though this period can be longer or shorter.

After you've received your drought permit

Advertise a successful application

You must advertise a successful application in:

- the London Gazette
- the same local newspaper where you advertised your application

Your advertisement must specify where the permit can be inspected (these should be the same places where you made your application available for inspection).

Pay compensation

As the applicant you're liable to pay compensation for any loss or damage caused by a drought permit. Any of the following can claim compensation:

- the owners of the water source associated with the drought permit
- anyone with an interest in that source (eg fishing clubs, navigation clubs, biodiversity groups)

Anyone applying for compensation must send you their claim within 6 months of the expiry of the permit.

You should refer any disputes about compensation to the [Lands Tribunal](#). Disputes can't be dealt with at hearings.

Pay back costs

You may have to pay the Environment Agency or Natural Resources Wales for the cost of:

- any monitoring it carried out on your behalf
- local inquiries or hearings
- processing your application (eg staff time, overheads and equipment)

The Environment Agency or Natural Resources Wales will:

- aim to identify in advance the costs it plans to recover
- tell you about these costs at an early stage so financial planning can take place
- record the time it gives to each individual permit, to allow charges to be calculated
- provide an itemised bill or covering letter, to make sure the cost recovery process is transparent

Extend your drought permit

You can apply to extend an existing drought permit for up to 6 months. You must contact the Environment Agency or Natural Resources Wales at least 28 days before the existing permit expires if you plan to do this. Include all supporting materials with your application, including any new evidence, eg from:

- a continued exceptional rainfall deficit
- monitoring the effects of the existing drought permit

You'll receive a decision within:

- 12 calendar days if there's no hearing
- 7 calendar days of the receipt of the hearing report if there's a hearing

The Environment Agency or Natural Resources Wales will consider any objection made against the original application for a permit if the objection is now more relevant due to a change in circumstances.

Drought permits can't be in force for more than 12 months. You must make a new application to renew a permit after this time.

Amend your drought permit

You'll need to send a full application to amend a drought permit. However, the Environment Agency or Natural Resources Wales can make minor amendments to a drought permit, eg to change the precise wording of the permit. You should contact the Environment Agency or Natural Resources Wales for advice on this.

Cancel your drought permit

You can stop using a drought permit at any time, as long as this doesn't go against the permit's conditions or restrictions. Write to the Environment Agency or Natural Resources Wales to cancel your permit. Send out a press release to tell the public that your permit has been cancelled.

Your permit could be cancelled if you don't follow its rules. You'll get a written warning from the Environment Agency or Natural Resources Wales before it's cancelled.

Offences

You must not take, use or discharge water unless you're authorised to.

You must:

- build or maintain any apparatus for measuring water flow that's required by a drought permit - make sure you have the relevant consent to do this (eg land drainage consent or an impoundment licence)
- allow authorised people to inspect the water system or examine or take copies of records connected to it

You could be fined if you can't show that you took all reasonable precautions and did everything you could to avoid committing these offences.

It's also an offence to knowingly or recklessly make false statements to obtain a drought permit.

Contact

Environment Agency
National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY
Telephone: 03708 506 506
enquiries@environment-agency.gov.uk

Natural Resources Wales
c/o Customer Care Centre
Ty Cambria

29 Newport Rd

Cardiff

CF24 0TP

Telephone: 0300 065 3000

enquiries@naturalresourceswales.gov.uk