The Abstraction Report

Foreword by Nick Measham (WildFish CEO)

Our rivers are under threat. Right now, in 2025, we have one of the driest springs since records began.[1] That means we are putting extra demands on water resources when the rivers are running dry. And when it does rain after persistent dry periods, we often return our water polluted. That means that river habitats for animals and plants are in serious trouble.

Rivers and streams that were once teaming with life are now labelled as “water stressed”.

Nowhere is the impact on rivers more obvious than now, in times of drought, when the water company pumps are running through the heat of the day. Depleted and polluted, rivers that were once abundant in fish and home to myriad invertebrates, mammals and birds, turn to a line of fetid pools that eventually dry out completely. And we can see those impacts right across the South of England in particular, where the human population is increasing and there has been a woeful lack of forward thinking to cope with demand.

[1] According to the MET Office, “rainfall was well below average, with the UK receiving just 56% of its typical April total” Why has spring been so warm and dry so far this year? - Met Office

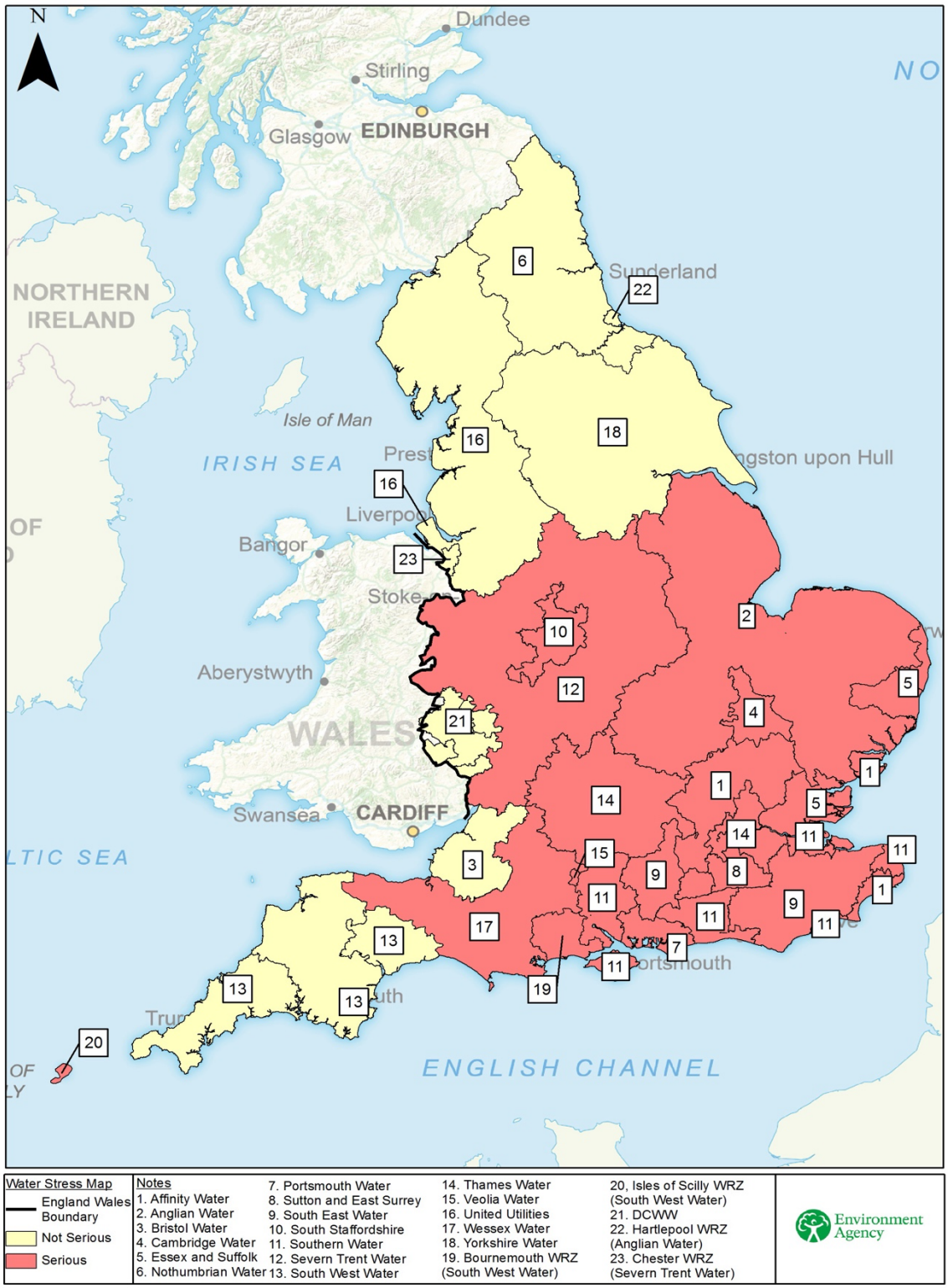

Fig.1: Water stressed areas – designated by the Environment Agency in their document Water stressed areas – final classification 2021 (1 July 2021)[2]

[2] https://www.gov.uk/government/publications/water-stressed-areas-2021-classification

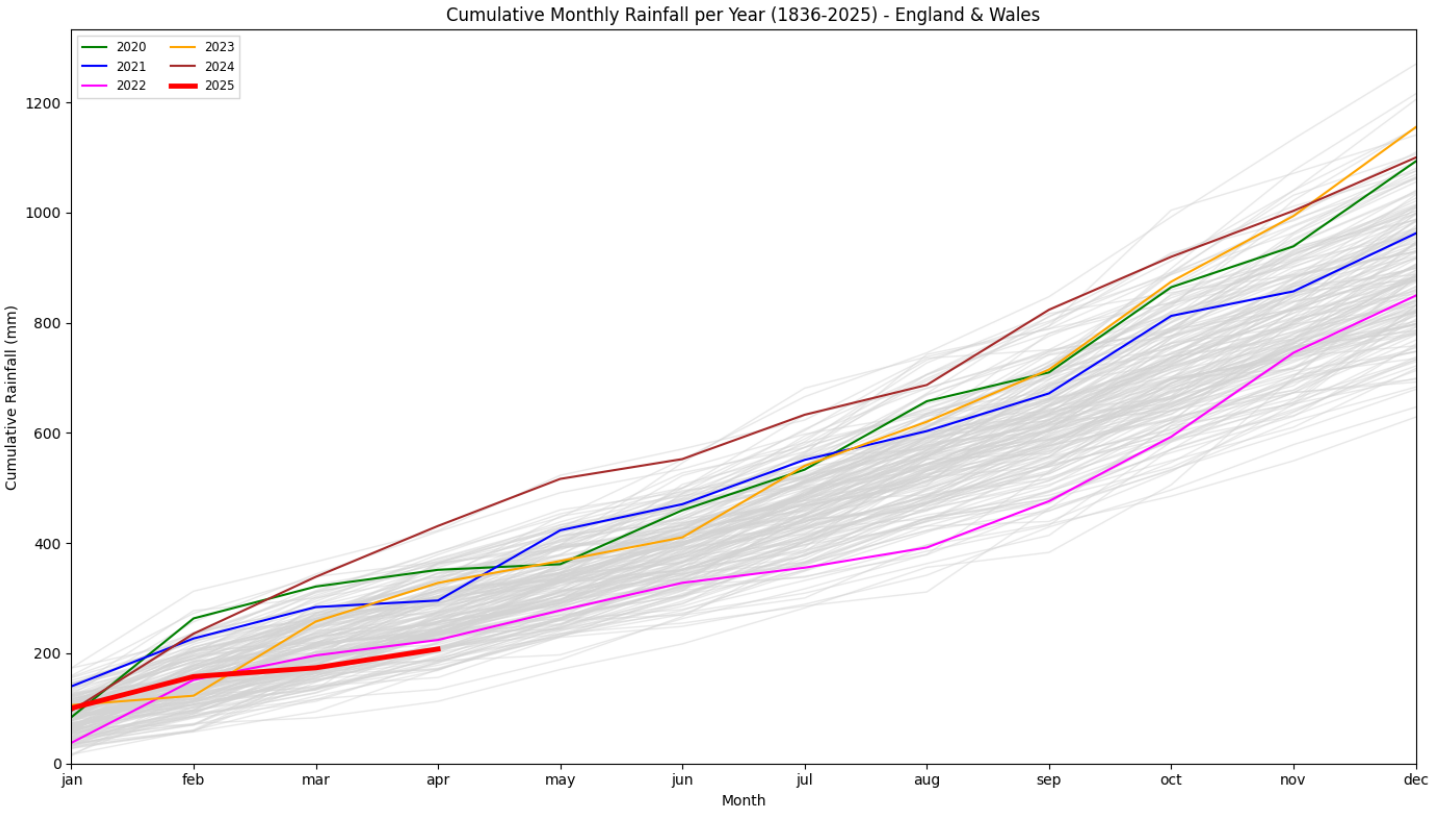

Fig.2: Cumulative yearly rainfall (mm) per month in England & Wales between 1836-2025. Last 5 years and 2025 Jan-April highlighted. Data taken from Met Office UK and Regional Series.

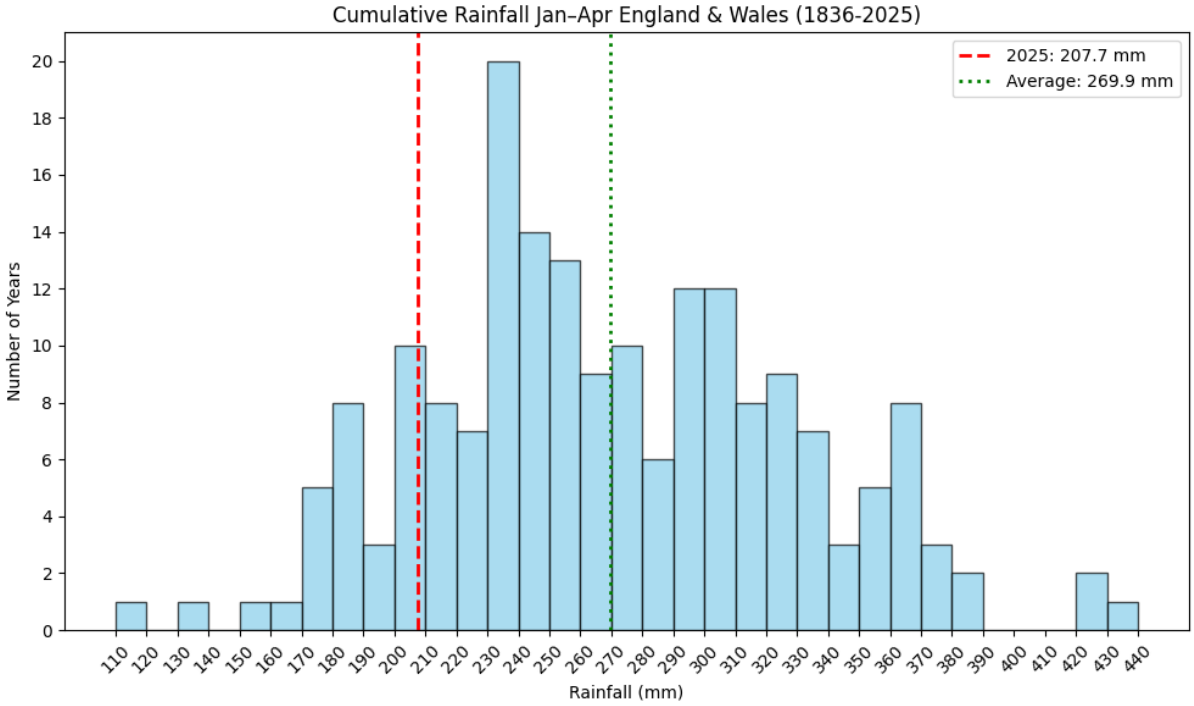

Fig.3: Cumulative rainfall (mm) between Jan-April in England and Wales between 1836-2025. 2025 is well below the average expected precipitation levels at this time of year. Data taken from Met Office UK and Regional Series.

We currently abstract 14 billion litres of water per day.

That's 5,600 Olympic swimming pools per day.

But the government also predicts that there will be a shortfall of 5 billion litres per day by 2050

[from A summary of England's revised draft regional and water resources management plans - Updated 21 March 2024]

WildFish sees these impacts at first hand. Our SmartRivers river monitoring project helps fill the evidence gap in regulatory assessments of rivers by investigating the diversity and abundance of invertebrate life to help pinpoint the pressures impacting the river.

Due to the demands of public water supply and other uses (such as in agriculture), as well as the impact of climate change, our rivers do not have sufficient water to dilute pollution and for fish and other wildlife to thrive. Most obviously, insects that live in these waters and the fish that depend on them are often depleted in terms of both their diversity and abundance.

We need actions aimed at restoring rivers throughout the UK, making sure that there is always adequate flow in rivers and putting an end to excessive exploitation of rivers by water companies.

In some years, we may indeed have higher rainfall, such as in 2023 and 2024. But the general outlook is for more dry years. So why, if we have so much rain, can't this be stored and used when we need it? Do we need to pump our river systems dry when the weather heats up? Can't the law stop this from happening?

This report looks at the pressures caused by the taking of water (known as "abstraction"), with a focus on the impact this is having and proposes some solutions that could really make a difference. It looks at the way it is regulated and the solutions for ending the pressures on some of our most vulnerable rivers.

How does abstraction affect rivers?

- It stops migration of fish. If there isn't enough water, species such as Atlantic salmon cannot travel upstream to feed and spawn. That means that the population declines and the species may even become locally extinct.
- Rivers with less flow cannot support all the typical life you would expect to see.
- Dried-out riverbeds cannot support aquatic life. The river becomes narrower and shallower with a reduced wetted area meaning that it is less ecologically productive.
- When water heats up in low-flow rivers in summer, oxygen levels decrease. This can lead to mass fish mortalities.
- Low-flow rivers cannot dilute pollution, including the discharges from sewage works or agriculture. This can cause lethal and sub-lethal impacts on wildlife.
- Where there is heavy rainfall following drought, sewers flood and rivers fill with raw sewage and polluted surface run-off from roads or agriculture. The result is often a disaster for river life.
- When there is low flow, sediment that would ordinarily be washed out of the river settles on the river bed, smothering gravels, making rivers shallower and particularly affecting fish reproduction. Sediment accumulation also acts as a sink for pollutants which bind to sediment particles, such as microplastics and heavy metals.

The law

Water in rivers, streams and lakes is a natural asset; a resource that supports an incredible range of aquatic life. But it can be taken for granted[3].

The way our legal system works, water ceases to be a natural resource when it is "*abstracted"* or taken in measurable quantities to be used for domestic or other purposes.

Then it becomes a commodity that can be transferred in pipes and infrastructure owned and controlled by water companies and sold to consumers or industries - whether that means the public and businesses being billed in arrears for water

received through taps – or water being bottled and sold on by retailers. It becomes, to some extent, "property".[4]

But whatever the status of water as an asset, the relentless demand requires proper regulation, particularly where there is a limited or diminishing resource, as in the South of England.

There have been some disputes in the past as to what constitutes abstraction, particularly where users find ways to circumvent control. But the legislative definition of "abstraction" is vital, because it underpins the regulatory controls by which water use is managed and conserved.

Section 221(1) of the main piece of legislation controlling abstraction in England, the Water Resources Act 1991, clarifies that:

> *""abstraction", in relation to water contained in any source of supply, means the doing of anything whereby any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply. . ."*

The question then arises, does abstraction need authorisation?

The answer must be 'yes'.

For instance, a water company, farmer or other business taking water from a river *is* abstraction, and that requires licensing to make sure the volumes taken are controlled.

There are exemptions. For example, for obvious reasons, the fire brigade does not need a licence to take water for firefighting purposes.[5]

The temporary and non-consumptive use of water for, say, driving a turbine in a hydroelectric facility, before that water is returned down a leet, *is abstraction* which still requires a licence.

---

[4] The government broadened the model for water companies in the Water Act 2014, introducing a new trading authorisation regime (in section 17A of the Water Industry Act 1991) providing for licences for wholesale and retail sale of water. Water thus became fully commoditised.

[5] Section 32 Water Resources Act 1991 Water Resources Act 1991 (legislation.gov.uk)

So too is the use of water taken from a river to use in a fish-farm, before it is returned.[6]

However, taking water from a saline source – for instance the sea – does not usually require a licence.

Before abstraction was regulated, common law "riparian" principles applied (as they still do – but now subject to legislative control put in place by Parliament). These are closely entwined with riverbed and riparian ownership rights, which often entitle an owner to be able to expect the natural flow of a river, as long as his use of the water does not then conflict with other owners. While those principles still subsist, they are subject to an overlying modern regulatory regime which is inevitably necessary where there are so many pressures on water resources from a variety of different users.[7]

Regulation

Today, abstraction is subject to regulation at two levels. One is at a strategic level and the other is permissive, tied in with the regulation of the water industry and the investment programme overseen by Ofwat and the Environment Agency (EA), under two main pieces of legislation: the Water Industry Act 1991 (WIA) and the Water Resources Act 1991(WRA).

Chapter II of the WRA provides for several different kinds of licence, the most important being a full abstraction licence for water over 20 cubic metres per day.

Section 24 WRA sets restrictions on abstraction by making it an offence to abstract water *"from any source of supply. . .except in pursuance of a licence. . .granted by the Environment Agency*" and the abstraction, if licensed, needs to be "*in accordance with the provisions of that licence*". It is an offence to abstract without a licence or to breach a condition of a licence. Under section 25A, the EA can serve an enforcement notice on those abstracting without a licence or in breach of a condition.

---

[6] Even if it is non-consumptive, passing the water through a process may have effects on water quality; any pollutants then discharged with the returned water would need to be permitted under the Environmental Permitting Regulations 2016.

[7] For instance, see *Chasemore v. Richards (1859)* or *Young and Co. v. Bankier Distillery Co (1893*). Almost all of these early cases demonstrate the tension between different users which, to some extent, the regulatory regime is there to resolve. But economic rather than environmental issues are to the fore, although angling cases are good examples of where environmental factors have come into play, even if they are expressed in terms of amenity.

There are exceptions– as touched on above. Quantities of up to 20 cubic metres per day do not require licensing (section 27) – but this limit does not take into account the size of the source stream or even the situation where there is a drought (though the EA can limit such exceptions in drought conditions).

WildFish has seen evidence of over-use of exemptions (where pumps are running throughout the day and night in some agricultural areas) and there is no regulatory intervention. Although the quantities abstracted by one farm may not be anywhere near as much as the amount a water company takes each day for domestic consumption, many abstractions for farming in England's agricultural areas cause flows in rivers to drop steeply or even dry out rivers completely in the summer and during times of drought.

Under the government's Water Abstraction Plan (latest version 2021) the Restoring Sustainable Abstraction (RSA) Programme targets licences that are already known by the EA to be unsustainable. However, the programme currently has only 150 licences listed – see the Abstraction Plan – which is a massive underestimation of the extent of the problem. Apparently one quarter are agricultural, and two thirds are held by the water company, though no section 27 exempt abstractions, which go un-reported, are considered.[8]

What is interesting is that even quite recently in 2022, the EA's less than satisfactory role in overseeing abstraction, including the review process (required under the Habitats Directive, as well as driven by the RSA process), has come under criticism in Norfolk.

Catfield Fen, for instance, has been subjected to terrible over-abstraction resulting in damage to the notified features and the EA's review was found to be inadequate.[9]

Water is also taken under some protected rights which have survived the regulatory changes. But most of these rights have now been brought into line with the abstraction regime. The Water Resources (Transitional Provisions) Regulations 2017 removed some of the exemptions which had been immune from regulatory control such as irrigation used to maintain field water levels.

But the regulatory situation is still unsatisfactory and there are loopholes in the law which lead to a failure to adequately oversee and regulate abstraction.

---

[8] See the Abstraction Plan - Water abstraction plan: Environment - GOV.UK (www.gov.uk)

[9] See *Harris v EA [2022] EWHC 2264 (Admin)*

Process for applications and for appeals

The regulatory regime is intended to provide some certainty and control for the whole system of abstraction. Anyone who wants to take more than 20 cubic metres of water per day will need to apply for a licence. The process is that the application notice needs to be published with 28 days for comments. If there is significant objection, the application may go to a hearing. If the decision is appealed, there will be a right for third parties to be heard (see below for drought order process).

Licences are time-bound – and it is important to realise that they will need to be renewed. There is then the opportunity for reconsideration of the licence and its impact. For instance, Southern Water's licences on the River Itchen are due for renewal in 2025 and the Test abstraction environmental protection thresholds, based on hands off flow, are due to increase in 2027. Such renewals need to be made by way of application, providing opportunities for campaigners to have their say.

For drought permits, there is a pre-application stage where the water company, in anticipation of need, should approach the EA (the EA guidance suggests contact is also made with NE where appropriate – i.e. where the abstraction point is within a protected site). Discussions are with local teams but "processed" by the national permitting office (always a problem for accessibility).

When the application is submitted it needs to contain information including a statement of why a permit is necessary and *evidence* that this is due ESOR which threatens supplies; an environmental report; evidence the company is following the drought plan and that there has been a proper consultation.

When an application is made for a drought order or a permit, it needs to be publicised and notice served on particular bodies such as local councils.[10] That provides an opportunity for comments and objections – usually within a very tight timeframe (7 days). Indeed, if an objection is received, then the application should be decided by an inspector rather than the EA at a hearing – though it is possible for the hearing to be conducted by EA staff.

In urgent applications the EA can refer the water company to the Secretary of State to dispense with the need for a hearing.

For an emergency decision where the protection of the environment is the goal, WildFish supports the process – especially where it reduces demand. But measures to increase abstraction from wholly depleted sources, we believe, is controversial and often the result of poor forward planning.

---

[10] Schedule 8, Water Resources Act 1991. This ostensibly applies to orders – but s 79A (8) applies it to permits too.

The EA Guidance says that the EA will aim to publish a decision within 12 days of the notice or where there has been an objection and hearing, within 7 days of the hearing report from the inspector.

Compliance and Enforcement

Typically, an abstraction licence under the Water Resources Act 1991 includes conditions relating to the amount of water that can be taken from a source per day or per hour.

But having a licence does not mean that there is compliance. This is complicated by the fact that water companies and other businesses are only intermittently required to produce evidence or measurements of the amount of water they have actually taken.

The system relies on self-reporting, with (arguably) rare inspections by the EA. When breaches are identified (i.e. when too much water is abstracted) the regulator will only be given very basic details of an exceedance, probably just a snapshot reading that does not tell the regulator for how long the exceedance has continued (i.e. the volume of illegally abstracted water).

WildFish has uncovered data that shows that where there have been exceedances, these are rarely followed up by the EA and no sanctions applied, which means that water companies (the main offenders) go scot-free.

This partly due to the difficulties the EA has in juggling enforcement roles with limited funding and its application of a “risk-based” approach which, in the words of the EA, “targets efforts towards the highest risk licences”.[11]

There is almost never any assessment of the harm caused to the rivers from which the water has been taken unlawfully.

Overall, the way the regulatory system is managed means that it lacks teeth.

---

[11] See EA letter to WildFish dated 17 March 2025. The letter explains that most modern licensing of abstraction which contain conditions for specifying frequency of readings of volume abstracted. Water companies, for instance, are required to record volume abstracted daily. The problem, as we see it, is that there are too few checks. The water companies send their returns to the EA once a year. Some abstractors with “less critical licenses” are inspected every 20 years! But with the water companies the EA says that it conducted 826 inspections of “circa 1500 water company licences” in 2023/ 2024. What is interesting is that “All water companies use electromagnetic flow meters that records continuous water abstraction data for most of their abstractions and choose “real time” data.”

But there is a fact which is often overlooked about the monitoring of abstraction by water companies. Although they submit yearly data for the amount abstracted, which as far as we can see does not always indicate whether there is compliance but ticker-tape style snapshots over the year, water companies – according to the EA – have continuous real time monitoring of abstraction. A simple and transparent solution to the EA's lack of staffing for inspection would be to make that data publicly available in real time to give full transparency.

Where there are breaches of condition, the EA's guidance explains that they should be investigated for their impact on the environment.[12] But it is common knowledge that the law on abstraction is rarely enforced.[13]

WildFish has seen evidence that there have been multiple breaches of licence in England over the past 10 years. For example, within the sensitive catchments of the Test, Itchen and Avon, which are home to vulnerable chalk streams, there were 46 breaches of licence between 2019 and 2023 by water companies with no prosecutions. It is uncertain how long these breaches lasted for, so the question arises, what was the quantity that was removed and how has it impacted the rivers?

Neither the EA nor the water companies are able to say.

It is unclear whether the lack of enforcement is down to an absence of information on the extent of breaches (e.g. the duration and the impact) or just the lack of capacity within the EA to inspect, monitor and enforce as against the licences it issues.

Private rights and licences

In some circumstances, those suffering loss or damage due to water abstraction can sue in private proceedings (but not where the use is in compliance with a licence – see section 48[14]) and even then, licences can end up being modified by the EA or the Secretary of State (section 52).

---

[12] See EA Enforcement and Sanctions Policy March 20025. "We will also consider prosecution, formal caution or a variable monetary penalty where it may not be obvious that an offence has a detrimental environmental impact, but it undermines the environmental objectives of the regime. For example, water abstraction or producer responsibility offences." Environment Agency enforcement and sanctions policy - GOV.UK

[13] See ENDS report: "Just 17 water abstraction licence breaches punished by regulator in past decade "EXCLUSIVE: In the past ten years just 17 abstraction licence breaches have resulted in a financial penalty despite hundreds of infractions recorded, according to Environment Agency (EA) data obtained by ENDS Report."

[14] Under section 48A (1) of the Water Resources Act 1991 (added by the Water Act 20030 a "person who abstracts water from any inland waters or underground strata (an "abstractor") shall not by that

Someone with fishing rights where “no minimum flow” has been set (i.e. the minimum required to keep a river healthy) can apply to the Secretary of State for revocation or variation of the licence (section 55).

However, it appears that minimum flows have not been set under that heading for most rivers (though see below where “natural flow” is approximated for the purposes of WFD), section 55 has potentially broad reach.

It is possible for the fishing rights to be bought out (compulsorily purchased) in lieu of variation or revocation in some circumstances, though the edict to buy-out rather than revoke a licence may have weakened as the duty to compensate an abstractor where a licence is revoked does not include water companies (a change brought in by the Water Act 2014 – see section 61 WRA). After 2028, there will be no compensation payable to licence holders for any revocation or variation where the modification is to protect the environment (section 61ZA inserted by the Environment Act 2021).

Emergency and drought

Nowhere is abstraction more controversial than when water is scarce. Questions of scarcity are becoming more and more common with increasingly persistent droughts, especially in the south of England. It is happening right now.

The water companies are under a duty to maintain a water supply and to connect a domestic supply to consumers (see for instance sections 37 and 41 WIA 1991), but whether through poor regulation, poor investment or both, the sources of water are limited, so attention turns to rivers including those which are already over-abstracted.

When drought threatens, the first step in dealing with reduced rainfall and scarcity of water should be (though not always) for the water company to exercise its powers under section 76 Water Industry Act 1991 to prohibit uses of water when they think that a serious deficiency of water supplies exists or is threatened.

For instance, right now in May 2025, authorities in England and Wales are aware of the real risk of shortages as rivers and reservoirs are below their normal yearly averages for flow and water level. So, the first step should be for the water companies to step in to prohibit or reduce certain uses of water (for instance, a

---

abstraction cause loss or damage to another person.” Under subsection (2), “ A person who suffers such loss or damage (a “relevant person”) may bring a claim against the abstractor.” Subsection 3 continues, “such a claim shall be treated as one in tort for breach of statutory duty”.

hosepipe ban). This would help to reduce demand. But it should also be stepping up its efforts to end leakage.

The Water Use (Temporary Use Bans) Order 2010 outlines the activities subject to restrictions, and water companies can seek additional powers through a drought order to further limit water use as specified in the Drought Direction 2011. These include hosepipe bans, but also using water from the tap to wash cars or fill private swimming pools.

But drought orders and permits also provide for supply-side measures, in common language, taking more water from rivers, when river flow is already much reduced. In effect, this may allow the taking of water where there is little left and could be the final straw in terms of environmental impact. This can be particularly bad for the ecology of chalk streams.

At a higher administrative level, the previous government published its Water Resources Planning Guideline (WRPG), which effectively "guides" the water companies in how to make provisions for such extreme conditions for inclusion in their Water Resource Management Plans (WRMP), which require water companies to maintain supplies in a drought without having to rely on damaging drought permits and orders – but the target for achieving this is 2039 – a long way in the future.[15]

Section 39B Water Industry Act 1991 also requires water companies to prepare, maintain and publish drought plans. Drought plans cover the range of actions necessary to deal with various drought situations and should include detail on possible drought permits and drought orders options with assessments of likely environmental impacts and proposals for environmental monitoring and mitigation. It is expected that when drought strikes, the water company should follow its drought plan.

But the story on the ground is usually one of an overly slow reaction from water companies to changing conditions, with an emphasis on taking more from rivers and aquifers rather than reducing usage.

The detail of the drought provisions is found in Chapter III of the WRA (sections 73-81) and cover the process for the creation of "drought permits" and "drought orders" as well as "emergency" drought permits.

In euphemistic terms, the EA describe drought permits and drought orders in their guidance to the water companies as "*drought management actions that, if granted,*

[15] See the Water Resource Planning Guideline, section 4 Water resources planning guideline - GOV.UK (www.gov.uk) "Planning to be resilient to a 1 in 500 drought".

can allow more flexibility to manage water resources and the effects of drought on public water supply and the environment."[16]

In short, the ordinary (i.e. non-emergency) permits are generally the means by which the water companies are able to supplement their provision of water to the consumer where there is a deficit. The deficit may well be due not only to a lack of rainfall but also a failure to plan ahead and provide long-term solutions for sourcing water.

For a drought permit to be approved by the EA, it must be satisfied that there is a "serious deficiency of supplies of water in any area exists or is threatened"[17] and the reason for the deficiency is an exceptional shortage of rain.

For drought orders, the Secretary of State must be satisfied that either there is a serious deficiency of supplies of water in any area, or one is threatened, *or* there is such a deficiency in the flow or level of water in any inland waterway that it poses a serious threat to any dependent flora or fauna. Crucially, the reason for the deficiency must be "an exceptional shortage of rain" ("ESOR").

For emergency drought orders, the Secretary of State must be satisfied that because of an ESOR, "a serious deficiency of supplies of water in any area exists or is threatened and that the deficiency is such as to be likely to impair the economic or social well-being of persons in the area".[18]

The water companies cannot just ask for a drought order or a permit out of the blue- there needs to be some forethought and public scrutiny. The Secretary of State (for drought orders) or the EA (for drought permits) must be satisfied that these conditions have been met (and they need to be set out in a "Statement of Need" that accompanies the application). Otherwise, an application should not be granted. Even if a serious deficiency of supplies exists, no drought order should be made, and no drought permit should be granted if the serious deficiency of supplies has not been caused by ESOR.

Section 39B Water Industry Act 1991 requires that water companies publish drought plans which should identify possible drought options, environmental impacts with arrangements for environmental monitoring and mitigation – so that a water company should then follow this plan in times of drought.

---

[16] Para 1.1.1, "Drought permits and drought orders - May 2019 "Supplementary guidance from the Environment Agency and Department of Environment, Food and Rural Affairs."

[17] S 79A WRA 1991 for permits; s 73 for Orders.

[18] S 73 WRA 1991

As such preparation is required, the water company would be unlikely to succeed in getting a permit approved unless the source has been included in the Drought Plan due to the amount preparatory work such as baseline monitoring and environmental assessment.

The EA guidance to the water companies (para 1.2) says that *“The expectation is that during the pre-application stage the environmental assessments, monitoring and mitigation detailed within drought plans are refreshed and updated to make them relevant to the current situation. These can then be submitted as an 'environmental report' with drought permit or order applications to enable a proper determination of the proposal.”*

So, the pre-application assessments, in the drought plans and so on, should not be the end of the regulator’s inquiries. Those assessments need to be updated if and when an application is actually made.

Sensitive habitats: aquifers and groundwater abstraction

As well as being abstracted from surface water, our aquifers in England, particularly where there is porous rock such as chalk – store huge quantities of water. The water table rises and so fills the rivers.

But for probably 80 years or more, borehole abstractions from aquifers have exploited reserves in the South East, leading to decreasing levels of water to refill the rivers. That is especially the case in chalk streams, some of which are so afflicted by over-abstraction that they have become “ephemeral” or disappearing temporary streams. The groundwater around them is increasingly exploited leaving them without the basal flow which they would use in times of low rainfall in summer.

Abstraction and conservation do not make good bed fellows. The greatest impact of abstraction is felt in the chalk streams – particularly in the south of England. But most chalk streams are not protected or “notified” as Special Areas of Conservation (SAC) or Sites of Special Scientific Interest (SSSI).

But where – as with the Itchen – the river is given SAC status, that means that strict conservation duties apply and activities that are likely to impact the status must be properly assessed first.

In each of the nations of the UK, the applicable regulations require that the appropriate authority, the nature conservation body, and any competent authority “*must exercise their functions. . .so as to secure compliance with the requirements of the Directives.”*

In *Harris & Anor v EA [2022] EWHC 2264 (Admin)*, it is made absolutely clear that "*the scope for departure"* from such obligations *" is considerably narrowed"*.[19]

Under Article 6(2) of the HD, "*appropriate steps"* should be taken:
"*to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive".*

Harris confirms that this duty carries across, post-Brexit, to the various public authorities involved, both as a direct applicability of the HD, but also through the various implementing Regulations.

The duty includes the degree of oversight that needs to be exercised. Article 6(3) requires that appropriate assessments are carried out where plans or projects not directly connected with the management of the site are likely to have a significant effect *"either individually or in combination with other plans or projects*". The authority should then only agree to a plan or project where there will be no "*adverse effect"* on the "*integrity of the site*".

So, how do these laws on protected sites affect abstraction?

In theory, it should be difficult for a water company to rely on drought permits in times of drought and low flows, to take more water from a protected river such as the Itchen Special Area of Conservation (SAC) where there should be Habitats Regulations Assessments (HRAs) or full Appropriate Assessments (AAs) prepared (see above for ordinary abstraction licences). Where a water company is going to apply in circumstances where it cannot demonstrate that the drought permit will not have an adverse impact on the site, it will need to show it has been through all the alternative options but if there are none then the Secretary of State (drought orders) or the EA (drought permits) have to be clear that there are what are called "Imperative Reasons of Overriding Public Interest" (IROPI) and that compensatory measures have been clearly planned.

Review of licences in protected sites

Where there are existing abstraction licences, Conservation law says that there should be regular reviews of those licences.

[19] Johnson J in *Harris* confirmed that the Habitats Regulations which transcribe the Directive are retained EU Law. This should be read across into the various versions of the Habitats Directive implementing laws in Scotland, Wales and Northern Ireland.

In England and Wales, this is Regulation 65:

"*(1) Where before the date on which a site becomes a European site or a European offshore marine site a competent authority has decided to undertake, or has given any consent, permission or other authorisation for, a plan or project to which regulation 63(1) would apply if it were to be reconsidered as of that date, the authority must, as soon as reasonably practicable —*
(a) review its decision or, as the case may be, the consent, permission or other authorisation; and
(b) affirm, modify or revoke it.
(2) The authority must for that purpose make an appropriate assessment of the implications for the site in view of that site's conservation objectives; and the provisions of regulation 63(2) to (4) and (8) apply, with the appropriate modifications, in relation to such a review.

The meaning is clear. The European and domestic authorities are also clear. There must be a review of plans or projects as soon as reasonably practicable.

But we find that reviews of permits are infrequent and often the EA is beholden to the water companies with limited positive outcomes (i.e. it is unlikely that a licence will be varied or revoked to favour the environment).

Chalk streams and abstraction

Most chalk streams remain un-protected by statutory designation; some that have national domestic designations are poorly protected – see Test; Kennet – SSSIs. Most have no effective designation at all - e.g. Pang (though there may be some related AONB / BAP issue). There are only 4 protected chalk streams in existence.

All are Priority Habitats. But it means little when it comes to regulation and enforcement. Rivers such as Itchen are in a minority as SACs.[20]

The reason designation is important is that an appropriate assessment must be carried out for plans or projects likely to have a significant effect on the site. In the light of the assessment may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site. There also has to be with level of certainty (beyond all reasonable scientific doubt) as to the extent of such impact. Where there is no avoiding impacts on the integrity of a site, the plan or

[20] Some SACs have metapopulations of salmon or are connected with compensatory measures relating to SACs and thus those sites not formally or officially designated must be treated as SACs.

project – including most importantly abstraction – can only proceed on an IROPI basis

But where the river is an SSSI only, the situation is not as clear with a lack of scrutiny and protection for SSSIs or indeed un-notified sites.

Take for instance the River Chess. Like most chalk streams it isn't protected in any special way. It isn't, for instance, designated as a Site of Special Scientific Interest (SSSI) or a Special Area of Conservation (SAC). That means that in terms of conservation, it is undervalued and under-protected. Its value is more readily measured in terms of how much water it has to offer for consumers and how much sewage it can take before its ecological status collapses.

It has a history of over-exploitation and there are real concerns, not surprisingly, that it will not meet its environmental targets. But in 2020, abstraction from the river at Chesham ceased. That seemed to be a very sensible decision.

Last year, however, the EA quietly suggested to the water company (Affinity Water) that abstraction should recommence from Chesham pumping station to control flooding. Anyone who understands chalk streams would know that is a bad idea. Aquifers take time to fill over a number of seasons and you can't just switch the abstraction switch when it rains hard.

The arrangement for the abstraction at the once mothballed pumping station at Chesham was through a s 20 Water Resources Act 1991 agreement without consultation or any kind of assessment of impact. Indeed, we hadn't seen the document and had to ask the EA for a copy. It then emerged that the Chess wasn't the only river being used in this way. It appeared that the EA was entering similar agreements elsewhere on chalk streams to control flooding.

After WildFish wrote to the EA in September last year, we finally received a copy of the s 20 agreement – and a Water Resources Impact Assessment – which was drafted after the agreement and after we had written to the EA. We pointed out that their assessment just didn't make sense: re-introducing abstraction does not "protect" the river. No one can understand how "Sustainability reductions in Chess catchment will contribute towards pathway to good". Whatever that means.

The good news was that after the kerfuffle, the EA sensibly "paused" the s 20 agreement and said it will put the arrangement out to consultation. We said terminate the agreement because it is unlawful.

But there seems to be a happy ending for the Chess. The EA is now proposing to revoke the licence for abstraction from Chesham Pumping Station, with a promise that there will be no further abstraction and an admission that flow and flood risk are "particularly complex".

It remains to be seen how the EA is using s 20 arrangements to leverage flood risk control. It is clearly a bad idea – especially when one considers just how complex chalk stream aquifers are which makes the use of an on-off switch for flood control all the more difficult and pretty much hopeless. That means water levels in aquifers maybe lowered without justification or efficacy.

Sensitive chalk streams: the Test & Itchen Inquiry

The Test and Itchen are subjected to over-abstraction and, effectively, sacrificed in times of drought, despite the fact that they are in the minority of chalk streams in England that are regarded as "sensitive" for the purposes of conservation law and designated as protected sites. WildFish believe that it is unacceptable to abstract beyond hands off flows in times of drought is unacceptable. The situation would not have arisen if water companies – for instance, Southern Water - had been forced to put in place effective long-term water supply measures. As for how local structures can effectively manage abstraction in times of drought, we believe that the system is chaotic, poorly managed and overwhelming dictated by the water companies.

In 2018, WildFish took part in an inquiry sparked by the EA's intended "variation" of abstraction licences on the Test SSSI and Itchen SAC – iconic chalk streams.

Under pressure from WildFish and others, the EA had said it needed to vary the licences as they could not be certain that the existing abstraction limits weren't having a significant adverse effect on these protected rivers.

Southern Water's position was, conversely, that it was under a statutory duty to provide water to consumers and without taking that water there would be a risk to supply under section 37 Water Industry Act 1991.

However, as the Inspector chairing the Inquiry made clear, the laws dedicated to the protection of such sites as the Test and Itchen *"take precedence over conflicting domestic legislation and, as is relevant in this case, this would include the WIA supply duty.. . ."* It was partly with the purpose of compliance with conservation law that an agreement was finalised.

That agreement (made under section 20 Water Industry Act 1991) was reached between the EA and Southern Water to allow the EA to reduce the amount the water company could abstract from the Test and Itchen and from groundwater. But the bargain struck maintained that the water company could continue to use drought permits and orders on condition that it had in place long term measures, such as desalinisation, so that the need to take extra water above normal abstraction levels would end by 2027. But it would also need to make the "*urgent and necessary investment*" and "*to use all best endeavours to implement the long-term scheme for alternative water resources".* But 7 years later, we are still some distance from the promised long term schemes. The threatened use of drought permits and orders remains for the time being.

The solution for over-abstraction

WildFish believes that the current web of law covering abstraction can be made to work – with a few tweaks. The last government proposed moving the regulation of abstraction into the Environmental Permitting Regime so that the system could be standardised. Although streamlining regulation so that, for instance, water companies can have discharge permits for sewage and abstraction under the same regulatory process, it is not certain whether that would make a difference to the environment other than assisting the water companies in having their applications expedited.

What is certain is that without regular inspection of existing permits and continuous, publicly available, volumetric monitoring of actual abstractions, there will be a real gap in regulation and over-abstraction will continue to be the norm.

WildFish has proposed several changes to the way regulators such as the EA regulate abstraction:

1. The EA should properly regulate existing licences which should include regular and frequent inspection and, preferably, continuous monitoring.
2. There should be a review of licences at least every five years for non-sensitive river abstractions and at least every other year for protected rivers.
3. The EA should properly investigate the impact of breaches (usually volume exceedances) to establish their seriousness and take enforcement action.
4. Alternative sources of water (such as reservoirs, water recycling plants, desalination, etc.) need to be planned, established and built now and in line with ambitious, enforceable targets (see below).
5. All applications for drought permits or orders should be heard by way of an inquiry and the application must come prepared with all impact and appropriate assessments.
6. As they are the most valuable of our aquatic habitats, and are important on a global basis, WildFish believes that water companies should end abstraction from chalk streams and take steps to find other sources.

Water Framework Directive

As mentioned above, licensing and permitting are all part of a wider regime which is supposed to predict demand for water and actions in times of shortage as well as providing longer terms solutions. But there are also several plans which provide oversight in cycles including investment and business planning, price reviews and so on. These sit sometimes uncomfortably with the more directly environmental plans and processes.

Probably the best place to start is with the list of environmentally-focused regimes supervening in the water sector.

Under the Water Framework Directive (WFD) and its implementing regulations the regulator – the EA – must set out the pressures and the measures to deal with them in the River Basin Management Plans (RBMPs). These are run on a 6-year cyclical basis (unlike the 5-year cycle for high level investment and water industry management plans, so not synchronised – see below)

Under regulation 3 of the WFD Regulations, the EA must “determine an authorisation” (i.e. decide whether to grant, vary or revoke, or impose conditions on a licence for an abstraction under the Water Resources Act 1991) so as to prevent deterioration and otherwise to support the achievement of the environmental objectives set for a body of water.

The River Basin Management Plans (RBMPs), drafted to support the investigation, and assessment of waterbodies, should set out the programme of measures to meet environmental targets. One of the key elements is “flow” which, of course, indicates the amount of water in rivers and groundwaters. The question arises, what is a healthy flow? What is the ‘safe’ level for groundwaters? The EA does not usually set out the “minimum flow” for rivers (as it able to do under the Water Resources Act 1991). Instead, it relies on a form of generic river typology and characterisation of “natural flow conditions” measured against actual flow to determine status. Based on that, the EA should describe pressures such as abstraction in the RBMP programme of measures for each waterbody, with explanations of the kinds of measures necessary to achieve better flow and, therefore, good ecological status.

Where the waterbody is a protected site under the Natura 2000 regime, it would need to achieve the relevant target for favourable status. Unfortunately, there is little evidence of the necessary detail in the programmes of measures that WildFish has seen. Take for instance the Itchen, a chalk stream which receives sewage pollution

and is over-abstracted – yet is classified as “good ecological status” by the EA. As the Itchen is protected as an SAC, it is failing under WFD, as it is not meeting its protected conservation status target of ‘favourable’ due to anthropogenic pressures.

There is, we are told, without detail, a programme for the Test and Itchen that is “ambitious” and refers to the “FReSH Water Programmes”, the Test and Itchen Restoration Strategy and the Site Improvement Plan (SIP). The programme of measures is effectively a few paragraphs in an Excel file. (“Summary of the measures planned for each river basin district” [SE]).

Such a lack of necessary detail is not going unnoticed. Recently, the Office for Environmental Protection published its “Review of Implementation of the Water Framework Directive Regulations and River Basin Management Planning in England” which was highly critical of the EA/DEFRA’s implementation of the WFD Regulations.[21] As the High Court has also suggested, the Programmes of Measures for waterbodies are not detailed enough.[22]

The good news is that there are mechanisms in the WFD regime which allow for reviews of existing abstraction permits where the waterbodies are unlikely to meet WFD targets, though it is rarely if ever invoked. Take, for instance, Regulation 25 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017:

> “*Where monitoring or other data indicate that the environmental objectives set for a body of water under regulation 12 are unlikely to be achieved, the appropriate*
> *agency or, where relevant, the appropriate authority must ensure that— [. . .] (b)relevant permits and authorisations are examined and reviewed as Appropriate*

Effectively, this is the self-policing mechanism for the EA and DEFRA, to ensure

---

[21] There was found to be a wholesale use of *"low confidence"* labels to avoid taking action through measures to meet WFD objectives; as the High Court has also suggested (*Pickering Fishery Association v SSEFRA*), the Programmes of Measures for waterbodies are not detailed enough; there is a lack of funding for work required to meet WFD objectives; the justifications for exemptions are misused; data and other RBMP materials are difficult to access; public participation and consultation on certain aspects of the RBMPs is problematic at best; water bodies have declined, in contravention of the basic ‘no deterioration’ requirement of the Regulations. There is insufficient investment in measures to address all major pressures. There is a “*lack of pace and certainty*” where timings “*appear drawn out, or in certain instances unknown or open ended";* there is a “*lack of clear governance arrangements for practical delivery*”. There are gaps in monitoring.

[22] R (on the application of Pickering Fisheries Association) v Secretary of State for Environment, Food and Rural Affairs [2023] EWHC 2918 (Admin)

action is taken to ensure that the objectives are met. In fact, the OEP in its report has suggested that the EA and Defra can use that mechanism to review permits and then act to put in place appropriate and effective measures.

There are several drivers for this. A key requirement is that the EA, from time to time, needs to review abstraction licences, though there is no date by which this must be done. The EA tends to be very reactive in this sense. Recently, WildFish suggested that new laws proposed by the Government ought to include a compulsory statutory duty for the EA to review permits every 5 years. There are also sensitive habitat drivers that mean the EA should review abstraction licences, particularly under the Water Framework Directive, where waterbodies are not meeting targets.

In 2016-2019, the government introduced its Water Abstraction Plan (updated 2021) to reform abstraction and to deal with over-abstraction on a step by step basis with a target date for full reform by 2027.

This was supposedly in synch with the RBMPs to deal with pressures such as unsustainable abstraction and changes to regulation. The plan deals with generalities over measures to resolve environmental issues caused by taking too much water from rivers including obvious licence varying measures such as volume reduction, redistribution of pressures to other sources, redistribution of abstraction among existing sources, as well as practical changes such as river restoration. These are all, in essence, suggested solutions and not plans for real action.

Surprisingly, the Environmental Permitting Regulations (which govern water company discharges of treated and untreated sewage into rivers) require that permits be reviewed from time to time, there is no such equivalent requirement in the Water Resources Act 1991; the drivers are rather found in the WFD and under the Habitats Directive where the abstraction licences effect protected streams and rivers.

The drivers for review in WFD etc are less absolute and more procedural – which means that there is too much leeway to simply continue as normal.

A way round this may be to amend the Water Resources Act 1991 to make it a statutory requirement that licences are reviewed every 5 years for abstractions from non-protected rivers – and in alternate years for abstraction from protected sites. That is unless the government does indeed streamline the discharge and abstraction authorisations by bringing abstraction under the EPR (see above).

Other "drivers"

The WFD regime sits alongside a confusing array of other "drivers" such as the Restoring Sustainable Abstraction programme (RSA) (a programme which seeks to identify over-abstraction and find solutions – which pre-dates WFD) that feeds into and the Water Industry National Environment Programme (WINEP) (a programme for environmental improvement schemes that the water companies agree with the EA and OFWAT and is then fed into the investment plans). There is also a CAMS process which where the EA divides England into catchment areas to assess water availability and demand. The government in its document "Managing Water Abstraction" (updated 2021) explains that "*we use the CAMS process to translate the RBMPs and the Water Abstraction Plan into the licensing policy. CAMS is a standard approach to assess the amount of water available for further abstraction licensing, taking into account what the environment needs."*

It does that by looking at water availability and the amounts required to sustain river ecology in three parts (Resource Assessment and Management (RAM) – a method that very often underestimates the required amount of water in a healthy river); interpreting the results to achieve "sustainable abstraction" and to produce an Abstraction Licensing Strategy (ALS).

As part of the RAM process, the EA assesses the required flow in a waterbody using the "Environmental Flow Indicator" (EFI). It is calculated on a typology basis and following advice from the UK Technical Advisory Group (UKTAG) with levels of EFI set to correlate with achieving Good Ecological Status (GES) so it feeds back into the WFD process.

But there is a problem: not all rivers behave in the same way. The measurement of surface flow at any one time may not indicate how much water is available, especially where the waterbody is spring fed. Measuring flow can therefore give false readings especially when determining how much water can be safely abstracted. This is most obviously the case in chalk streams which do not immediately respond to changes in seasons and rainfall but are fed by the porous aquifers around them.[23]

The EFI very basically tells the EA that more water can be taken when there is more water in the river. It might work for surface-waters where the amount of water available is what can be seen in the river and responds directly to rainfall. But chalk streams are different. Trying to manage groundwater abstraction is hard because the

[23] The Catchment Based Approach Strategy Report has an excellent discussion of the limitations of the application of EFI to chalk rivers and streams. See for instance p. 38 CaBA CSRG Strategy MAIN REPORT FINAL 12.10.21

reactions are not immediate. A healthy chalk stream flows when the aquifer is replenished. It responds to rainfall, but unlike water in clay soils that runs off the impermeable surface into rivers, rainfall in a chalk stream catchment is absorbed into the aquifer. The river is then fed by springs and percolation from the aquifer—essentially, as the aquifer rises, the river begins to flow. In a winterbourne – an ephemeral stream which flows most readily in the winter months, the measurement does not take into account the capacity of the aquifer. Where on the river flow is measured is also important given the route the water takes in the substrate permeable rock. Sometimes it's the distance between the chalk stream, the point of abstraction from groundwater boreholes and the point of measurement of flow.

On the River Chess, a chalk stream subject to strategic control of flows by abstraction, flow is as assessed at the downstream boundary which is *"a long way from the source and is downstream of sewage discharges. Even if the flow at that point is compliant (on the River Chess it is not) this does not mean that the flow in the headwaters is also compliant*".[24]

The CABA report suggests that a more useful way of assessing what can be abstracted is to look not just at flow but the groundwater levels ("**Abstraction as % of recharge (A%R)"[25]**

Wild Fish believe that this is sensible approach, given that using flow alone to judge when it is safe to abstract is likely to lead to more dried our streams and rivers.

Economic planning: Asset management plans (AMP)

Behind all water resource planning is the Price Review process and the Asset Management Plan (AMP).

Ofwat bases its price setting and other targets in the AMP – successive five year periods setting out the water companies' investment programmes. To make its decision on what a water company can spend, the water companies are required to produce Business Plans and the regulators draft a Water Industry National Environment Programme (WINEP) report which then helps OFWAT to perform the Price Review (and hence set the percentage by which water bills can rise over the next 5 year period).

WINEP is a programme of investigations and actions for environmental improvement schemes, apparently to make sure water companies meet environmental and legal

[24] P 38 CaBA CSRG Strategy MAIN REPORT FINAL 12.10.21

[25] P 39 CaBA CSRG Strategy MAIN REPORT FINAL 12.10.21

obligations and national targets. It forms part of the AMP that determines investment made over a 5 year period, set by Ofwat. Companies incorporate these requirements into their proposed business plans, which inform Ofwat's decision on price limits.

Other requirements and drivers include the Water Resource Management Plans, the 25 Year Plan and (through WINEP) – now the Environmental Improvement Plan - CAMS process outcomes, WFD drivers and so on. A complex mix of conflicting drivers.

The Government has recognised this – though it keeps adding to the raft of processes and reports: "The government highlighted that the current price review cycle, which spans five years, is out of sync with the six yearly RBMP cycle, as a result of the EU legislation. As part of this review into the regulatory system, the government"[26] said it will consider how it can support "better alignment of Ofwat's price review process with other plans and programmes for water".

Water Resource management plans

The water companies are under a general duty **to provide and maintain water supply systems (s 37 WIA),** enforceable under section 18. But water supply goes hand in hand with good planning to ensure that supply meets demand without causing damage to the environment.

A provision was inserted into the WIA by the Water Act 2003 to ensure that the water companies planned how they were going to meet those duties. Water companies are obliged to "*prepare, publish and maintain*" (37A (1)) Water Resource Management Plans (WRMP) which needs to be revised every 5 years, and which should set out how the water company will secure water supply to meet demand. Such plans crucially include long term measures such as the use of new infrastructure and reservoirs with provisions for repairs to leaking infrastructure but also ways of reducing demand such as metering – looking forward 25 years. As with much of the processes overseen by Ofwat and the EA, they are subject to a "best value" metric which to some degree skews results away from the goal of protecting the environment. [27]

Southern Water, as of September 2024, has published its most up-to-date iteration of its WRMP after several attempts which were knocked back for redrafting. Their plan includes long term measures for meeting their duties including provision for the

[26] ENDS Report 11 September 2024

[27] Water Resources Planning Tables – Instructions - https://www.ofwat.gov.uk/wp-content/uploads/2022/03/WRMP24-Table-instructions_2022_Final.pdf

Hampshire Water Transfer and Water Recycling Project – a complicated and layered project which will require planning consent, permitting, compulsory purchase procedures and so on including the building of the Water Recycling Plant (WRP) and infrastructure to support and link it to a new reservoir with underground pipelines from the waste water works and another to a storage reservoir. It will also need sign off for expenditure by Ofwat as well as assessments of environmental impact as it will cross chalk streams (as the water companies' WRMPs form part of the PR24 review – adding extra complexity and uncertainty to the way in which long term measures are managed). Time is not on the water companies' side and the necessity of so many sign offs delays matters considerably. [28]

In Abingdon, Thames Water has plans for a new reservoir in its WRMP which has been met with some local resistance. The reservoir will be built over existing streams and will affect the flow in the Thames – but decisions need to be made on alternative sources of water to meet demand from a growing population.

The long-term measures often take long periods of analysis and assessment in the planning stage followed by a long process of development consent. This is partly fast tracked by the National Policy Statement for Water Resources Infrastructure (the latest iteration of which is April 2023), drafted under section 9(8) of the Planning Act 2008 and will be used in inquiries for water resource infrastructure such as the reservoir near Abingdon or the Havant and water recycling projects.

But the WRMPs continue to also put forward measures for meeting obligations which are controversial – including plans to rely on drought orders and permits where there is a shortage or the over-use of existing and sometimes new abstraction without examining the effects on sensitive rivers such as the Avon. Southern Water has proposed tankering-in water from Norway.[29]

Abstraction and Planning

When a large estate is constructed on land where new infrastructure is required to provide water supplies for domestic use, there are real consequences for water

---

[28] And as for managing demand, water companies can introduce metering but there are an estimated [ ]% still without meters. However, Southern Water, for instance, boasts that their "domestic meter penetration" is close to 88%. Because they introduced metering in Amp5, they are pressing OFWAT to allow the funds to put in new Smart meters to replace ageing stock (https://www.ofwat.gov.uk/wp-content/uploads/2023/06/Cost-Adjustment-Claim-Meter-Replacement-For-submission.pdf) Without Ofwat stepping in and setting enforceable targets for metering or a change in the law to make it compulsory, it is difficult to see how universality can be achieved. There is some irony that although there may be a measure of water delivered to consumers, there is no requirement for volumetric metering of the amount abstracted from rivers.

[29] See SW Draft WRMP 2024

resources. Allowance for these extra demands may not have been made in the Water Resources Management Plan or indeed in the Local Development Plan; planning committees or even a PINS inspector or EA may well never consider such issues.

The NPPF (particularly at Chapter 3) requires that the Strategic Policies required for the Local Plan should *"set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for:. . . . .b) infrastructure for transport. . .waste management, water supply, wastewater. . ".(*para 20 NPPF). The Plan and policies should also:

> *"look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery." [para 22].*

Time and time again, we find that local plans do not address these issues fully or at all. The same is true of planning applications. There may not have been provision made for water supply in the assessment of whether a development should be approved. That means that this issue may well have been omitted from the Environmental Impact Assessment or, where the development is likely to lead to increased abstraction from or near to a protected site, there may well have been little scrutiny through an HRA/AA process.

Equally, a Local Planning Authority cannot rely on the Water Resource Management Plans (WRMPs) from water companies to understand whether there is capacity, partly because the WRMPs do not deal with the detail of individual developments and will be out of step with planning applications.[30] Additionally, the implementation of WRMP's is often not as originally planned; for example, the timing of the provision of crucial, long-term measures to meet demand is often seriously delayed.

The increase in demand for water is material to the grant of planning permission and the process of approval, including scrutiny by planning committees and planning officers.

---

[30] See, for instance, the Draft Water Resources Plan for Southern Water, para 8.2*, "The HRA of the draft WRMP24 provides a strategic, plan-level assessment to support the WRMP. It is not an application-specific ("project" level) assessment. A more detailed, project-level HRA (with Stage 2 Appropriate Assessment where required) will be needed to support any actual planning application and environmental permit or consent. https://www.southernwater.co.uk/media .pdf*

Like issues of pollution, the abstraction of water has the potential to cause significant impacts on both protected and unprotected rivers and should be one of the issues considered when deciding whether to grant planning permission for any domestic and/or industrial development.

Although nutrient neutrality has a statutory footing to protect sensitive sites, water neutrality is a relatively new concept, its application has so far been narrow. For instance, Natural England has published an advisory "Position Statement for Applications within the Sussex North Water Supply Zone September 2021"[31] which says that for all applications which fall within Sussex North's Water Supply Zone, they must demonstrate water neutrality.

There is limited evidence that such requirements have been advised elsewhere and this does not, of course, affect abstraction within non-sensitive sites which may still be over abstracted due to development. That does not, though, remove the requirement for LPAs to take into consideration the impacts of abstraction on local waterbodies.

A way forward

This report is wide ranging, and we have attempted to cover both ends of the abstraction spectrum from licensing to planning.

Along the way, we have suggested some changes to the system to prevent the on-going destruction of rivers through over abstraction

That includes in summary:

- Reforming the way licences function with better conditions on restricting use.
- Proper, real-time, publicly available measurement of volumes abstracted.
- The end to abstraction from chalk streams.
- The enforceability of long term plans by water companies.
- Proper reviews of licences.
- Only to allow housing development where there is an adequate and sustainable supply of water.

In a way, these are quite simple changes that would have far reaching effects. But they are not changes that can occur overnight. With a government in place that favours growth over environmental protection, it may take some persuading.

As of May 2025, we are faced with an impending and likely drought situation which cannot wait for consultations and government reviews. Water companies should be

[31] https://www.horsham.gov.uk/__data/assets/pdf_file/0019/106552/Natural-Englands-Position-Statement-for-Applications-within-the-Sussex-North-Water-Supply-Zone-September-2021.pdf

acting now to apply for measures to reduce and restrict water usage. But there is no sign from the regulators that the preparations are being put in place. Without such measures, water companies are more likely to apply in the near future for permits to increase abstraction in stressed and depleted rivers. that needs to stop. But first, the government and its agencies should be acting now.