

BAA PRESS RELEASE

To: Elliot Morley 23rd October 2003

Dear Minister

I forward to you correspondence with Tom Levitt MP concerning the "Water Bill" as representatives of the smaller SME quarry companies (BAA has 55 operating companies in the UK as members representing 10% of output; and also 16 associate members).

We have already expressed our concerns to your officials in the Environment Agency and DEFRA, and at a meeting on 5th September.

Specifically we believe that the Bill should extend the 20m³/day abstraction exclusion to include dewatering activities where nett abstraction is less than this and the water returned to the same aquifer.

This would certainly be consistent with, and meet the intention of the Bill (and as outlined in the Agency's briefing note on Dewatering") - and also the EU Water Framework Directive.

Yours Sincerely,

Peter Huxtable

17th October 2003

Tom

Further to our brief discussion yesterday I append the relevant section of the Water Bill. Certainly at our BAA meeting with DEFRA and EA on 5th September we emphasised (and they acknowledged) that their (EA) briefing note on dewatering was only intended to catch significant abstraction - and that 90% of activity resulted in effectively nil or little nett abstraction.

If this clause could be clarified to include the word nett as part of the 20m³/day exclusion this would be of considerable benefit to the industry and to smaller operators.

If you require any further clarification ahead of the meeting with Elliott Morley next Thursday please do contact me further

Regards Peter

WATER BILL

6 Rights to abstract small quantities

(1) For section 27 of the WRA (rights to abstract small quantities) there is substituted—

"27 Rights to abstract small quantities

(1) The restriction on abstraction shall not apply to any abstraction of a quantity of water not exceeding twenty cubic metres in any period of twenty-four hours, if the abstraction does not form part of a continuous operation, or of a series of operations, by which a quantity of water which, in aggregate, is more than twenty cubic metres is abstracted during the period.

(2) For the purposes of this Chapter, a person who is in a position to carry out an abstraction of water which—

(a) falls within subsection (1) above; and

(b) also falls within subsection (3) or (4) below, shall be taken to have the right to do so.

(3) An abstraction falls within this subsection if it is an abstraction from inland waters carried out by or on behalf of an occupier of land contiguous to those waters at the place where the abstraction is effected ("contiguous land"), and—

(a) the water is abstracted for use on a holding consisting of the contiguous land with or without other land held with that land; and

(b) it is abstracted for use on that holding for either or both of the following purposes—

(i) the domestic purposes of the occupier's household;

(ii) agricultural purposes other than spray irrigation.

(4) An abstraction falls within this subsection if it is an abstraction from underground strata and the water is abstracted by or on behalf of an individual as a supply of water for the domestic purposes of his household.

(5) In the case of any abstraction of water from underground strata which falls within subsection (1) above, the restriction imposed by section 24(2) above shall not apply—

(a) to the construction or extension of any well, borehole or other work; or

(b) to the installation or modification of machinery or other apparatus, if the well, borehole or other work is constructed or extended, or the machinery or apparatus is installed or modified, for the purpose of abstracting the water.

(6) Where a person is authorised by a licence under this Chapter to carry on a particular abstraction operation (or series of operations), this section does not permit him to carry it on beyond the authorisation conferred by the licence.

27A Variation of small quantity threshold 15

(1) The Secretary of State may by order made by statutory instrument provide that section 27(1) above is to have effect in relation to—

(a) a geographical area; or

(b) a class of inland waters; or

(c) a class of underground strata; or

(d) a class of inland waters or of underground strata within a geographical area, (in each case as specified in the order) as if for "twenty cubic metres" there were substituted another quantity specified in the order.

(2) The Secretary of State shall not make such an order except upon the application of the Agency; but he may direct the Agency to make such an application.

(3) Such an order may—

(a) make different provision in relation to the different paragraphs in subsection (1) above; and

(b) make different provision for different areas, waters or underground strata.

(4) Schedule 6 to this Act shall have effect with respect to applications for orders under subsection (1) above and with respect to the making of such orders.

(5) An order under subsection (1) above which specifies a greater quantity than the one which previously had effect in relation to the area, waters or strata in

question may make provision for a licence to abstract water granted under this Chapter—

(a) which is for the time being in force; but

(b) which by virtue of the order has become wholly or partly unnecessary, to cease to have effect, or to cease to have effect to the extent specified in the order.

(6) Paragraphs (e) and (f) of section 219(2) below apply in relation to orders under subsection (1) above as they apply to regulations made under this Act.

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(7) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(2) Section 28 of the WRA shall cease to have effect.