

---

ENVIRONMENT (ABSTRACTION OF GROUND WATER)  
REGULATIONS 2007

This version is out of date

Subsidiary  
2007/038

Subsidiary Legislation made under s. 18.

ENVIRONMENT (ABSTRACTION OF GROUND  
WATER) REGULATIONS 2007

(LN. 2007/038)

*Commencement*      **30.4.2007**      (*LN. 2007/060*)

**EU Legislation/International Agreements involved:**

Directive 92/43/EEC

---

**ARRANGEMENT OF REGULATIONS**

Regulation

1. Title and commencement.
2. Interpretation.
3. Restriction on abstraction of ground water.
4. Right to abstract small quantities.
5. Applications for a licence.
6. Issue of licence.
7. Assessment.
8. Licence where negative impact.
9. Amendment etc. of licences.
10. Public consultation.

---

ENVIRONMENT (ABSTRACTION OF GROUND WATER)  
REGULATIONS 2007

This version is out of date

*In exercise of the powers conferred upon it by section 18 of the Environment Act 2005 the Government has made the following Regulations—*

**Title and commencement.**

1. These Regulations may be cited as the Environment (Abstraction of Ground Water) Regulations 2007 and come into operation on the day appointed by the Government by notice in the Gazette.

**Interpretation.**

2. In these Regulations—

“ground water” means any water contained in an underground strata;

“Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, as the same may be from time to time amended;

“Minster” means the Minister with responsibility for the environment;

“Special Area of Conservation” means a site that has been designated as a Special Area of Conservation under section 17C of the Nature Protection Act 1991;

**Restriction on abstraction of ground water.**

3.(1) Subject to the following provisions of these Regulations no person shall abstract ground water or cause or permit any other person to abstract any such water, except in pursuance of a licence under these Regulations granted by the Minister.

(2) A person shall be guilty of an offence if—

- (a) he contravenes subregulation (1); or
- (b) being the holder of a licence under these Regulations he contravenes a condition or requirement imposed by the provisions of that licence.

(3) A person who is guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

---

**ENVIRONMENT (ABSTRACTION OF GROUND WATER)  
REGULATIONS 2007**

This version is out of date

**Subsidiary  
2007/038**

**Right to abstract small quantities.**

4. Regulation 2 shall not apply to the abstraction of ground water in so far as the water is abstracted by or on behalf of an individual as a supply of water for the domestic purposes of his household, unless the abstraction is such that the quantity of water abstracted exceeds twenty cubic metres in aggregate in any period of twenty-four hours.

**Applications for a licence.**

5. An application for a licence under these Regulations shall be made to the Minister in such manner and shall be accompanied by such information as he may require.

**Issue of licence.**

6.(1) Subject to subregulations (2) and (3) and regulations 7 and 8, the Minister may issue licences for the abstraction ground water.

(2) In considering an application for a licence the Minister shall have regard to whether there is likely to be any implications for a Special Area of Conservation.

(3) Where the Minister has reason to believe that the issue of a licence may have implications for a Special Area of Conservation, the Minister shall require the applicant to submit an assessment under regulation 7.

(4) The Minister may issue a licence where he is satisfied that individually or in combination with other abstractions of the same ground water body there are no adverse effects on the Special Area of Conservation's conservation objectives.

(5) Subject to regulation 7 the Minister shall not issue a licence where it is established that the issue of the licence would have a significant negative effect on the Special Area of Conservation's conservation objectives.

**Assessment.**

7. For the purposes of this regulation an assessment of the implications of the proposed abstraction of ground water on the Special Area of Conservation's conservation objectives shall take into consideration the implications of the proposed project individually and also in combination with other abstractions from the same underground strata.

---

**ENVIRONMENT (ABSTRACTION OF GROUND WATER)  
REGULATIONS 2007****Subsidiary  
2007/038****This version is out of date****Licence where negative impact.**

8.(1) Where there are negative implications for the Special Area of Conservation the Minister may subject to subregulation (3) issue a licence if there are imperative reasons of overriding public interest, including those of a social or economic nature.

(2) Where subsection (1) is relied upon for the issue of a licence, that licence must include such conditions as may be required to ensure that all compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

(3) Where a Special Area of Conservation hosts a priority natural habitat type or a priority species or both, the Minister may only grant a licence if–

- (a) the abstraction of water is required for reasons of public health or public safety or both;
- (b) the abstraction of water has beneficial consequences of primary importance for the environment; or
- (c) pursuant to Article 6(4) of the Habitats Directive the European Commission issues an opinion that there are other imperative reasons of overriding public interest.

**Amendment etc. of licences.**

9. A licence issued pursuant to these Regulations may be amended, revoked, renewed, reviewed or issued subject to conditions, either on the application of a person affected by the matters to which the licence relates or, as the case may be, at the Minister's discretion.

**Public consultation.**

10. In any case where the Minister is minded to issue a licence under these Regulations, the Minister shall consider whether it is appropriate to consult with the public and where he deems it appropriate shall consult the public in such a manner as he deems fit.