

## SCHEDULE

Application for, and determination of, licences

### PART 2

Determination of applications

#### Interpretation

5. In this Part, “valid application” means an application that complies with the provisions of paragraphs 1 to 3.

#### Provision of additional information in support of the application

6. The appropriate agency may, following receipt of a valid application, require the applicant to submit any further information or reports that it considers necessary to determine that application.

#### Provision of information to the applicant

7.—(1) The appropriate agency must, by 30th June 2021, provide the applicant with the following information in relation to a valid application—

- (a) whether a notice of the application has been or is to be published in accordance with section 37(1) <sup>M1</sup>;
- (b) the date by which the applicant must be notified of the appropriate agency's decision on the application;
- (c) the applicant's entitlement to appeal, in accordance with section 43(1)(b), against any failure by the appropriate agency to give notice, within the time period prescribed by paragraph 10(1), of its decision on the application.

(2) But if, when it receives the application, the appropriate agency serves a notice on the applicant under section 36A <sup>M2</sup>, and the applicant appeals against that notice, the appropriate agency must provide the information referred to in sub-paragraph (1) by 30th June 2021 or within 28 days of the final determination of that appeal, whichever is the later.

#### Marginal Citations

**M1** Section 37 was substituted by section 14(1) of the 2003 Act, and amended by [S.I. 2013/755](#) (W. 90).

**M2** Section 36A was inserted by section 13(1) of the 2003 Act.

#### Publication of an application

8.—(1) For the purposes of section 37(1), notice of an application must be published in at least one newspaper circulating in the locality of the proposed point of abstraction and on the appropriate agency's website.

(2) The notice must be published by—

- (a) 30th June 2021, or
- (b) if there is an appeal under section 36A in relation to the application, within 28 days of the determination of that appeal or by 30th June 2021, whichever is the later.

(3) The notice must specify—

- (a) the name of the applicant;
- (b) the type of licence being applied for;
- (c) the purpose of the abstraction;
- (d) the point of abstraction;
- (e) the period over which abstraction will take place;
- (f) in the case of an application for a full licence, the quantity of water to be abstracted;
- (g) where and when the application documents and the register containing details of the application may be inspected, and that such inspection is free of charge;
- (h) the address to which any representations in relation to the application should be sent.

(4) The notice must not include any information that is to be excluded from a register by virtue of section 191A or 191B <sup>M3</sup>.

(5) The requirements of section 37(1) and (2) do not apply to any application if the appropriate authority notifies the appropriate agency that complying with those requirements in relation to that application would be contrary to the interests of national security.

(6) The requirements of section 37(1) and (2) may be dispensed with if it appears to the appropriate agency that the proposed abstraction would have no appreciable adverse effect on the environment.

#### Marginal Citations

**M3** Sections 191A and 191B were inserted by paragraph 170 of Schedule 22 to the 1995 Act and amended by S.I. 2013/755 (W. 90). Section 191B was amended by S.I. 2010/675.

### Abstraction in National Parks or the Broads

**9.—**(1) This paragraph applies in the case of a valid application relating to abstraction in the area of a National Park or the Norfolk or Suffolk Broads.

(2) The appropriate agency must serve notice in writing of that application on the National Park authority for that Park or the Broads Authority, as the case may be, by 30th June 2021.

(3) The notice must include—

- (a) a copy of the application;
- (b) a statement that the National Park authority or the Broads Authority may make representations in writing to the appropriate agency in relation to the application within three months, beginning on the date on which the notice is served.

(4) The appropriate agency—

- (a) must not decide on the application before the end of the three month period referred to in sub-paragraph (3)(b);
- (b) must have regard to any representations made by the National Park authority or the Broads Authority when deciding on the application.

(5) This paragraph does not apply if the appropriate authority notifies the appropriate agency that giving such notice would be contrary to the interests of national security.

### Notification of a decision

**10.—**(1) The appropriate agency must, by [F13 1st December 2022][F1the determination end date], notify the applicant in writing of its decision on an application for a licence.

(2) If the appropriate agency grants a licence on terms that are different in any material respect from the application, or refuses an application, the notification must—

- (a) include a statement of the appropriate agency's reasons for doing so;
- (b) state the applicant's entitlement to appeal under section 43(1).

[<sup>F2</sup>(3) In this paragraph, “determination end date”, in relation to England, means 30th June 2023.]

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**Textual Amendments**

- F1** Words in Sch. para. 10(1) substituted (E.) (31.12.2022) by The Water Abstraction (Transitional Provisions) (Amendment) (England) Regulations 2022 (S.I. 2022/1302), regs. 1(1), **2(2)(a)**
- F2** Sch. para. 10(3) inserted (E.) (31.12.2022) by The Water Abstraction (Transitional Provisions) (Amendment) (England) Regulations 2022 (S.I. 2022/1302), regs. 1(1), **2(2)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Abstraction (Transitional Provisions) Regulations 2017, PART 2.