

Response ID ANON-M2QA-P9QC-E

Submitted to Reserving water abstraction rights
Submitted on 2026-02-16 15:04:22

Foreword

Introduction

About you

We welcome your views on our proposals. If you would like to receive emails acknowledging your response and/or telling you when we have published the consultation response document, please select from:

Yes, I would like to receive an email to let me know the consultation response document is published

Email:
andrew.curtis@ppauk.org

Can we publish your response? We will not include personal information.

Yes

If you answered 'No', please tell us why below as we will need to understand this when responding to any Freedom of Information requests. :

Please tell us if you are responding as an individual or on behalf of an organisation or group.

Responding on behalf of an organisation or group

Name of Organisation (if applicable):
Potato Processors Association Ltd

If 'Other', please specify:

What sector do you represent?

Other

If you selected 'Other', please tell us your sector:
Food processing businesses and associated GB agricultural supply chain

Legislative context

The Independent Water Commission

What is the current approach to determining abstraction licences and protecting water abstraction rights?

Why does the current approach need enhancing?

Question 1. To what extent do you agree with the need to have a transparent approach which allows for water abstraction rights to be reserved?

strongly disagree

Why do you think this? (Optional):

The Environment Agency (EA) has a legal responsibility to ensure the sustainable and appropriate use of water resources across England.

The proposed approach seems to favour (prioritise) the interests of water companies over those of other abstractors.

As a result, the EA may be prevented from carrying out its statutory duties in an equitable and accountable manner.

The proposed decision-making framework for reserving water abstraction rights

Question 2. To what extent do you agree with the expectation that the proposers of strategic schemes should apply for licences early?

do not know / not applicable

Why do you think this? (Optional):

The responsibility for determining the most suitable time to submit a licence application would rest with the scheme proposer(s)

Question 3. To what extent do you agree that, for a public water supply scheme, the “need for water” is justified if it is included in a final Water Resources Management Plan, including in its adaptive pathways?

strongly disagree

Why do you think this? (Optional):

Not every scheme included in a WRMP is ultimately required, and there is currently no cap on the number of schemes within an adaptive pathway for which water may be reserved. Relying on WRMPs and adaptive plans as evidence of need would mean that:

- Water companies would be incentivised to reserve water for as many schemes as possible. Under the proposed approach, this would likely be done to reduce future supply–demand risk and limit increases to customer bills. The associated risks and costs would, in practice, be borne by abstractors in other sectors.
- Water companies would have little incentive to engage meaningfully in regional water resources planning, given that they would effectively be assured access to any water they identify as required.

If implemented, the proposal is highly likely to hinder effective cross-sector planning and collaboration.

The suggested mitigation—permitting short-term licences for reserved water—would create uncertainty, discourage investment, and risk stranded assets. As such, it would not provide an effective solution.

Question 4. To what extent do you agree that, for a non-public water supply scheme, the “need for water” is justified if it is included in a strategic plan for the sector of water use?

strongly disagree

Why do you think this? (Optional):

For the agricultural sector, no equivalent plans are currently in place, and there is no agreed framework for developing them.

The purpose and value of a strategic water plan for agriculture will depend on how the recommendations of the Independent Water Commission on regional planning are ultimately implemented.

There is a significant risk that the proposal to reserve water rights could undermine these regional planning recommendations, as it would remove the incentive for water companies to collaborate effectively with other sectors.

Consideration of any requirement to reserve water rights should therefore take place only after the new regional planning process has been established, when it will be clearer how the two approaches can best align.

Question 5. To what extent do you agree with our expectation that national critical infrastructure needs for all sectors of use should be identified and accounted for in strategic plans (such as Regional Energy Strategic Plans) which include an appraisal of options for meeting that need?

strongly disagree

Why do you think this? (Optional):

Under the proposals, agricultural abstractors would be unjustly penalised due to the absence of strategic planning in relation to the EA's statutory duty to ensure the proper use of water.

The National Framework for Water Resources 2025 calls for cross-sector planning on a “best endeavours” basis; however, this approach is unlikely to provide a sufficiently robust foundation for assessing national critical infrastructure linked to food security.

Given that the EA holds the statutory responsibility, it should take the lead in driving and coordinating strategic planning.

Question 6. To what extent do you agree that the proposed framework provides adequate environmental safeguards?

do not know / not applicable

Why do you think this? (Optional):

Environmental protections are already established under existing legislation.

Question 7. The proposed approach aims to manage the uncertainty in a scheme's environmental impact through the abstraction licensing system, using self-destruct clauses, rather than being based on policy alone. To what extent do you agree with this approach?

do not know / not applicable

Why do you think this? (Optional):

Environmental protections are already established under existing legislation.

Once a licence reserving water abstraction rights is issued

Question 8. The proposed approach uses derogation agreements to enable short-term licensing of the "reserved" water to other users ahead of the "effective date" of strategic scheme licences, thereby allowing ongoing access to water resources. To what extent do you agree with this?

strongly disagree

Why do you think this? (Optional):

In the not too distant future, agriculture may be expected to rely primarily on winter surface water, which will be captured and stored in reservoirs for use during the following summer. To enable this, many abstractors will need to invest in constructing new reservoirs.

However, without assured access to water, securing finance for these reservoirs will be very difficult. Even if they are built, there remains a risk that the abstraction licence could be withdrawn, leaving the asset stranded.

In either scenario, non-public water supply abstractors would bear a disproportionate share of the risks associated with a water company's Water Resources Management Plan (WRMP), which is clearly unreasonable.

Question 9. To what extent do you agree that catchment reviews should be used to determine the ongoing sustainability of licensed abstraction for strategic schemes?

disagree

Why do you think this? (Optional):

Licensed abstraction volumes in over-licensed or over-abstracted catchments should be reduced in line with principles developed by the EA in consultation with abstractors and other stakeholders.

These principles must align with any framework designed to address competing demands and, unlike proposals to reserve water rights, should not automatically prioritise the interests of water companies.

A more comprehensive approach is needed — one that assesses the costs and benefits of different licence-reduction options and determines how available resources should be allocated. This goes beyond the current scope of catchment reviews and would require the establishment of a new process.

Question 10. To what extent do you agree that short-duration licences should be included in the catchment reviews where possible?

do not know / not applicable

Why do you think this? (Optional):

The proposed approach for reserving water abstraction rights when there are competing demands

Question 11. The proposed framework suggests that the regional tier of water resources planning should be used to coordinate and facilitate collaborative solutions, in order to reduce competing demands. To what extent do you agree with this?

disagree

Why do you think this? (Optional):

The current regional planning process is dominated by water companies and, given the associated conflicts of interest, is not well suited to addressing this task. Until the purpose and structure of any new regional planning framework are clearly defined, its role in managing and reducing competing demands will remain uncertain.

Question 12. The proposed framework uses a hierarchy to support licensing decision-making across scheme categories to allocate water abstraction rights when competing demands could not be fully mitigated. To what extent do you agree with the need for a hierarchy?

strongly disagree

Why do you think this? (Optional):

There should be no automatic prioritisation of any sector. It is highly unlikely that a fixed hierarchy would be appropriate in every location or across the full 25 to 50-year water resources planning horizon. If the EA chooses to pursue a hierarchy model, it should at the very least allow for regular review and adjustment.

Question 13. To what extent do you agree that the hierarchy should reflect the needs of public water supplies first?

strongly disagree

Why do you think this? (Optional):

Water companies are under a statutory duty to prepare WRMPs demonstrating how they will balance supply and demand over a minimum 25-year period. These plans set out the schemes required and the anticipated timing for their delivery. Water companies are resourced to assess whether sufficient water is available for their preferred schemes and to manage related risks, including deciding when to submit licence applications.

It is the role of the Environment Agency to advise the Secretary of State for Environment, Food and Rural Affairs on whether a WRMP should be approved.

Rather than relying on a rigid, rules-based mechanism to secure water resources, the regulator should assess whether the proposed schemes serve the public interest. Where concerns remain, the Secretary of State has the power to refer the WRMP to a Public Inquiry.

A proposed hierarchy that automatically favours water company interests should not displace this established, fair, and transparent process. The EA should regulate without any presumption in favour of one sector over another.

Question 14. To what extent do you agree that the hierarchy should place national critical infrastructure above other schemes (not including schemes for public water supply)?

strongly disagree

Why do you think this? (Optional):

Decisions about how available water resources are allocated should explicitly examine the associated trade-offs, including whether alternative approaches could deliver better overall outcomes. These choices must be taken in the context of wider government priorities and objectives, working where appropriate with bodies such as the National Infrastructure and Service Transformation Authority (NISTA).

Question 15. To what extent do you agree that government should set out its priorities in a water plan?

strongly agree

Why do you think this? (Optional):

Preparation of the plan should be grounded in robust evidence, with cross-sector trade-offs clearly identified and assessed. Wherever possible, these should be quantified in monetary terms to facilitate engagement with NISTA and other government departments that have responsibilities for, or an interest in, strategic water resources planning. As part of this assessment, the costs and benefits associated with progress towards Environmental Destination should also be evaluated.

Question 16. To what extent do you agree that regional water planning authorities should be involved in translating government priorities into tier 3 of the proposed hierarchy so that they are reflected locally?

strongly disagree

Why do you think this? (Optional):

When translating national priorities into regional plans, Tier 1 and Tier 2 activities must also be taken into account. There should be no automatic prioritisation of any sector.

Question 17. To what extent do you agree that this framework allows for fair consideration of schemes from other sectors or local projects?

strongly disagree

Why do you think this? (Optional):

The proposed framework appears to favour water company interests over those of other abstractors, including the energy sector. One example is the inclusion of schemes within adaptive plans as part of need justifications. In practice, some of these schemes may never be required and are included primarily to remove risk from water company planning assumptions. This approach is unrealistic and can unfairly transfer costs and constraints to other sectors.

Question 18. Do you think any other sectors should be prioritised in the decision-making hierarchy?

No

If you selected 'Yes', please provide specific comments below.:

Allocation of water within any region should be guided by government priorities, as articulated in a national water plan, and by the principle of the proper use of water resources—without presumption in favour of any single sector.

Seeking your views - free text questions

Question 19. With regards to the allocation of water resources, what changes to the future landscape of water resources planning and abstraction licensing would you like to see to better enable access to water resources while protecting the environment and existing abstractors?

Please provide specific comments below.:

Catchment reviews should adopt a genuinely holistic approach: first restoring abstraction to sustainable levels and then determining how remaining resources are to be shared. The EA must lead this work. The proposal to reserve water rights should be withdrawn to ensure all abstractors have an equal stake and are properly incentivised to engage in cross-sector planning.

Question 20. Do you foresee any challenges with the proposed approach?

Yes

If so, what are they?:

As the implications of the proposed approach become clearer, it is likely to face challenge. Concerns are expected to focus on the preferential treatment of water companies by regulators, the limited scrutiny of WRMPs in assessing potential adverse impacts on other sectors, and the failure to reflect those impacts within option appraisal processes.

Question 21. Do you foresee any unintended consequences with the proposed approach?

Yes

If so, what are they?:

There is a risk that schemes proposed under WRMP29 could be approved before abstraction licence reductions are implemented through the 2028–35 catchment permit review programme. This includes schemes identified within adaptive plans. If water companies are allowed to reserve water rights on this basis, they would secure protected abstraction rights before other abstractors affected by catchment reviews have the opportunity to demonstrate a justified need.

As there is no limit on the number of schemes that may be included within an adaptive plan, water companies could effectively reserve much of the available resource within a catchment, leaving other abstractors without access to water.

Constraints relating to borrowing and finance, together with the risk of creating stranded assets, mean that short-term or temporary licensing of reserved water would not provide a meaningful solution.

Question 22. Are there any specific sectors or types of projects that you believe should be given additional consideration?

Please provide specific comments below.:

No comment.

Question 23. Do you see any potential conflict of this proposed framework with other policy goals and objectives?

Yes

If 'Yes', please provide specific comments below. :

Significant reductions in irrigated agriculture, arising from the preferential treatment of water companies and other sectors, would likely lead to increased food imports and reduced opportunities for growth in the food and farming sector. This would weaken Great Britain's food security and have adverse consequences for rural economic development.

Question 24. Do you have any other comments or suggestions regarding the proposed approach?

Please provide specific comments below.:

The proposal fails to address whether water companies should also be charged for holding reserved water rights. IN our view, those reserving such rights should pay an appropriate subscription fee, with the proceeds used to strengthen water resource management planning capacity in sectors—such as agriculture—that currently lack equivalent resources. This would help to offset the risks and costs transferred to other sectors if the proposals proceed in their current form.