

**REGULATORY ACTIVITIES UNDERTAKEN UNDER
THE WATER RESOURCES (JERSEY) LAW 2007.**

ANNUAL REPORT FOR 2011

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**Regulatory activities undertaken under the
Water Resources (Jersey) Law 2007:
Annual Report for 2011**

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1. Introduction

This report is the third in a series of annual reports required under Article 7 of the Water Resources (Jersey) Law 2007 (the Law). The purpose of these reports is to disseminate information regarding activities undertaken by the regulator under the Law during the previous year.

The Water Resources (Jersey) Law 2007

The Water Resources (Jersey) Law 2007 was debated and adopted by the States on the 5 June 2007 and came into force on 1 January 2009.

The Law provides for the protection, management and regulation of water resources in Jersey. It also promotes the conservation of the fauna and flora that are dependant on inland waters and the habitats of those fauna and flora, to the extent that those habitats are themselves dependant on inland waters.

Licensing and registration

Article 11 of the Water Resources (Jersey) Law 2007 (The Law) states that a person shall not cause or knowingly permit the abstracting of water from a source of supply or the impounding of water in a source of supply, unless he or she is acting in accordance with a water resources licence. Article 12(1) details exemptions for which that restriction does not apply but in most cases there is a requirement to register the abstraction (see Section 3.3).

Under the provisions contained in Articles 11 and 12 of the Law, virtually all non-domestic water abstractions that exceed a quantity of 15 cubic metres in any 24 hour period, from surface (streams, reservoirs etc.) or sub-surface sources (wells and boreholes) of supply, must be licensed. Abstractions that are exempt from licensing and registration are detailed in Article 12 of the Law. The abstracting and impounding activities that are subject to registration as specified in the relevant sub-paragraphs of Article 12(1) are as follows;

Exemptions from licensing apply to;

- the abstracting of groundwater not exceeding in the aggregate 15 cubic metres in any period of 24 hours
- the abstracting of water for the domestic purposes of a household
- the abstracting or impounding of water, as far as is reasonably necessary to prevent interference with or damage to any civil engineering works or construction works.

However, the exemptions only apply if such an abstraction is registered.

Strictly speaking, registration only applies to abstractions from the sub-surface (from boreholes and wells). However, a small number of abstractions from springs and streams for domestic use have been registered, as it is considered important to record the existence of abstraction from such sources, particularly since they are likely to be equally (if not more) vulnerable to pollution.

2. Licence Charges

The Water Resources (Charges) (Jersey) Order 2009 came into force on 21 September 2009. The Order provided for an annual charge to be levied in respect of Water Resources licences to abstract water as required under Article 25 of the Water Resources (Jersey) Law 2007. Under Article 25(2) of the Law, total licence charges should meet the regulator's expenditure in carrying out functions under this Law.

The annual licence charge payable for 2010 was determined by the maximum licensed quantity specified on each licence and charges specified to recover to overall cost. It was

not necessary to increase these charges during 2011 but annual estimates of expenditure for 2012 indicated that an increase in charges, in line with inflation, was required.

The maximum water volume range and licence charges for 2010/2011 are detailed on the table below.

Licensed abstraction volume range (m³ per 24 hour period)	Licence charge 2011
Jersey Water	£99,040
between than 15 and 100	£40.00
between 101 to 250	£80.00
More than 250	£120.00

3. Licences and Registrations

A dedicated Help Desk telephone line continued to be operated by Environment Protection to handle requests for application documentation, to provide information regarding the licensing and registration process and to assist people with the completion of application forms.

3.1 Impoundment Licences

Two retrospective impoundment licence applications were submitted in 2011, (by Fosse au Bois Growers Ltd. and The Jersey Royal Company Ltd.) but will not be processed until the outcome of planning applications (also been submitted in 2011) for the reconstruction/modification of the two agricultural water storage reservoirs has been resolved.

3.2 Water Resources abstraction licences

A total of 16 applications for water abstraction licences were received during 2011, of which 3 were subsequently withdrawn after it was determined that the applicant could in fact abstract water under an existing licence held by the land owner.

Notices were published in the Jersey Gazette for each of these licence applications and all of the applications had been processed and licences issued by the end of the year.

No abstraction licences were transferred or revoked during 2011.

There were a total of 212 active Water Resources abstraction licences at the end of 2011. Of these licences, a total of 16 licences were held by States of Jersey Departments, covering a total of 20 abstraction sources (one surface water source and 19 boreholes).

Conditions are included on all licences that require the licensee to maintain records of abstraction and to provide these records to the department on an annual basis. The annual abstraction records provided by Licensees were routinely added to the Water Resources database.

3.3 Licence charge invoicing

Procedures for processing invoices in respect of each licence application were put in place with the Treasury Department during 2009 have continued to work well, with invoices for the 2011 charges being posted to licensees during October 2010. A single invoice was provided to each licensee for all of the licences for which applications had been submitted and approved, together with a breakdown providing relevant details for each licence. All invoices had been paid by early 2011.

3.4 Registrations

A total of 50 applications to register water abstractions were received and issued during 2011. A total of 3179 registrations were in force by the end of 2012, of which 45 are held by various Departments of the States of Jersey.

4. The Water Resources Database

A bespoke database was developed during the summer of 2008 by a States of Jersey Internship Student. The database was populated with all of the data provided by applicants in their registration and licence applications, in addition to selected additional data available for some boreholes (for example aquifer test results or geological logs). The database was also designed to link to other Departmental databases (for example the water quality database) and to allow a link to a GIS system, which will allow the source locations and relevant data to be viewed spatially.

Data from the licence and registration application forms was processed and entered into the database throughout 2011, whenever new licence or registration applications were received. This allowed the associated GIS system to be kept up to date at all times.

5. Regulatory activities

There was no requirement to carry out any enforcement activities under the Law during 2011. No Orders were issued, no notices issued by the regulator under Article 34 (for access to documents and records) and no civil or criminal proceedings under the Law.