

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

ANNUAL REPORT FOR 2012

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Regulatory activities undertaken under the Water Resources (Jersey) Law 2007: Annual Report for 2012

Contents

| | Page No. |
|--|----------|
| 1. Introduction | 4 |
| The Water Resources (Jersey) Law 2007 | 4 |
| Licensing and registration | 4 |
| 2 Licence Charges | 4 |
| 3. Licences and Registrations | |
| 5.1 Impoundment Licences | 5 |
| 5.2 Water Resources abstraction licences | 5 |
| 5.3 Licence charge invoicing | 6 |
| 5.4 Registrations | 6 |
| 4. The Water Resources Database | 6 |
| 5. Regulatory activities | 7 |

1. Introduction

This report is the fourth 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 and 2012 are detailed on the table below.

| Licensed abstraction volume range (m³ per 24 hour period) | Licence charge 2010 & 2011 | Licence charge 2012 |
|---|---|--------------------------------|
| Jersey Water | £99,040 | £101,516 |
| between than 15 and 100 | £40.00 | £41.00 |
| between 101 to 250 | £80.00 | £82.00 |
| More than 250 | £120.00 | £123.00 |

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 submitted in 2011, (by Fosse au Bois Growers Ltd. and The Jersey Royal Company Ltd.), remained unresolved during 2012, pending the outcome of planning applications for the reconstruction of the agricultural water storage reservoirs that had also been submitted in 2011.

3.2 Water Resources abstraction licences

A total of 7 applications for water abstraction licences were received during 2012. Notices had been published in the Jersey Gazette for each of these licence applications but only six of the applications had been processed and licences issued by the end of the year. The period for representations specified in the Gazette Notice for the remaining licence will end early in 2013 and the licence application will be assessed, processed and (if granted) issued at that time.

One abstraction licence was transferred to a new licensee, at the written request of both parties, as a result of a change in land (and storage reservoir) ownership.

A total of seven abstraction licences were revoked during 2012. In some cases the licences had never been used to abstract water but in some cases the licences were for borehole abstractions to irrigate greenhouses that had become disused. In one case the borehole yield was inadequate for irrigation requirements and the greenhouse tenant had resorted to tankering water for irrigation use.

There were a total of 211 active Water Resources abstraction licences at the end of 2012. 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 are routinely added to the Water Resources database. The number of licensees that provide the required data at the correct time or with a single prompt continues to improve with time as does the overall quality of the data provided, particularly as it is becoming more common to fit water meters on boreholes. There remains a diminishing number of licensees who maintain few, if any, records but even here there are encouraging signs of improvement with time.

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 2012 charges being posted to licensees during November 2011. 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 2012.

3.4 Registrations

A total of 23 applications to register water abstractions were received and issued during 2012. A total of 3202 registrations were in force by the end of 2012, of which 45 are held by various Departments of the States of Jersey.

The majority of registered water abstractions provide a domestic supply to a single property. The estimated total quantity of water abstracted for domestic household requirements from private sources is almost 510,000 cubic metres (about 112.1 million gallons) per year. About 9.5% of the population of Jersey obtain their household water supplies from private sources (boreholes, wells and springs).

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. Work was carried out by an intern to add recognition codes to relevant sources to permit the linking of the WR Database with the water quality database at some point in the future.

Data from the application forms was processed and entered into the database throughout 2012, whenever new licence or registration applications were received. This allowed the associated GIS system to be kept up to date at all times.

The Water Resources database, together with the associated GIS system provided the basis for the drafting of farm manure waste management and borehole maps. This map shows the location of all registered and licensed boreholes, wells and springs and was produced to assist farmers and other land managers to produce a farm manure and waste management plan and to spread manure, slurries and other organic wastes on land with the minimum risk of causing water pollution.

The map shows the inherent risk of causing water pollution in relation to spreading slurry and other organic manures and green waste to land. The risk has been assessed in relation to slope, proximity to streams, boreholes and wells. The map will be updated on an annual basis and is available to the public on the States of Jersey web site.

5. Regulatory activities

A particularly dry autumn in 2011, combined with unusually low public supply reservoir levels (water storage at only 33% of capacity), prompted concerns that if rainfall in the winter months was also below average, this could result in drought conditions in 2012. In consequence, a Drought Planning Group (DPG), consisting of stakeholders within the States Departments and Jersey Water, was established late in 2011, as a precursor to oversee the management of water resources during any future period of drought. Such a group was also considered essential to co-ordinate the content and timing of any Drought Orders that may be required.

Drought Orders are made under the Water Resources (Jersey) Law 2007 and lie within the Remit of the Department of the Environment. Drought Orders can impose conditions, restrictions and regulate the use of water supplies from any source of supply, including supplies provided by Jersey Water and those abstracted from private surface and sub-surface sources. In the event, heavy rainfall during December 2011, removed the threat of drought and no regulatory action was required.

However, a Drought Plan was drawn up and approved by DPG in the early months of 2012. The Drought Plan provides a structured and flexible framework to deal with droughts of different type (for example droughts impacting groundwater or surface-water) and of changing severity. The plan sets out a system of monitoring and reporting to;

- identify and track the onset of a drought,
- record progress and events during a drought and
- track recovery after a drought has ended.

The Drought Plan will be updated annually and reviewed every three years.

There was no requirement to carry out any enforcement activities under the Law during 2012. 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.

