

DEPARTMENT OF THE AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

A SCHEME OF FEES AND CHARGES TO RECOVER THE COSTS OF PROCESSING LICENCE APPLICATIONS UNDER THE WATER ABSTRACTION AND IMPOUNDMENT (LICENSING) REGULATIONS (NORTHERN IRELAND) 2006.

The Water Abstraction & Impoundment (Licensing) Regulations (Northern Ireland) 2022 (Fees and Charges).

The Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 were made under Article 20 of the Water (Northern Ireland) Order 1999. The Department of the Agriculture, Environment and Rural Affairs, in exercise of the powers conferred on it by Article 21 (1) and (2) of the Water (Northern Ireland) Order 1999, makes the following scheme of fees and charges for these Regulations.

Citation and commencement

1. This scheme may be cited as the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2022 (Fees and Charges) and shall come into operation on 1 April 2022.

Interpretation

2. In this scheme:

“Order” means the Water (Northern Ireland) Order 1999

“the Regulations” means the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006;

“the Department” means the Department of the Agriculture, Environment and Rural Affairs;

“application for a licence” means an application under Part 4 paragraph 8 of the Regulations;

“review of licence” means an application under Part 4 paragraph 12 of the Regulations;

“modification of licence” means an application under Part 4 paragraph 13 of the Regulations;

“transfer of licence” means an application under Part 4 paragraph 14 of the Regulations;

“surrender of licence” means an application under Part 4 paragraph 15 of the Regulations;

“revocation of licence” means an application under Part 4 paragraph 16 of the Regulations;

“year” means a period of 12 months commencing on 1 April.

Other expressions used in this scheme have the same meaning as in the Order and Regulations.

Application Fees and Annual Charge Factor

3. (1) The standard application fee for a licence shall be £170.
- (2) The annual charge financial factor shall be £394.
- (3) (a) The fee for transfer of an existing licence shall be £38 - payable by the acquiring person or company.
- (b) The fee for the modification of a licence shall be £38.
- (c) The fee for the technical variation of a licence shall be £38.
- (d) The fee for the surrender of a licence shall be £38.
- (e) The fee for the revocation of a licence will be at the discretion of the Department but in any case shall not exceed £38.
- (4) Authorisations granted subject to notification to the Department will not attract an application fee (i.e. abstractions of between 10 and 20 cubic metres per day or an impounding works less than 1 metre in height that is not associated with an abstraction).

Application fees

4. (1) For each application for a licence there shall be payable by the person making the application the standard application fee.

Annual charge

5. (1) Subject to sub-Paragraph (4) and in respect of applications that exceed a volume of 100 cubic metres per day, there shall be payable, annually, by each abstractor a charge for a full year which is the product of the following five factors related to the licence under which the abstraction/impoundment is made:-

- a. The volume factor
- b. The source type factor
- c. The seasonality factor
- d. The consumptiveness factor
- e. The financial factor

- (2)(a) Hydropower schemes with a designed installation generation capacity of 2 megawatts or less will not be subject to annual subsistence charges.

- (b) The annual subsistence charge for fish farms will be set at the minimum charge of £38.

- (b) Where the calculated annual charge (using this scheme) is less than £38 the minimum charge will apply (£38).

- (3)(a) Where a condition of a licence prohibits abstraction from taking place for a period of the time within a year, then the amount payable is calculated by apportioning the annual charge pro-rata to the period during which the abstraction is permitted.

- (b) Subject to sub-paragraph (a), no reduction in charges is made where an abstraction is

made in part or parts of the year under a licence which is in force for the whole of the year.

- (4) If a licence is reviewed during the year, the factors will be re-assessed for the remainder of the year and, where appropriate, the annual charge adjusted.

The Factors

Volume factor

6. (1) The volume factor relates to the maximum daily volume abstracted and licensed as follows:

	Cubic Metres per day		Cubic Metres per day	Volume Factor
Equal to, or more than	20	up to but not including	100	0
Equal to, or more than	100	up to but not including	500	2.0
Equal to, or more than	500	up to but not including	1,000	5.0
Equal to, or more than	1,000	up to but not including	2,000	10.0
Equal to, or more than	2,000	up to but not including	10,000	15.0
Equal to, or more than	10,000			25.0

Source Type Factor

7. The source type factor relates to the source of the water that is being abstracted as follows:

Category	Factor
Coastal and estuary	0.1
Inland water (river, lough, wetland, groundwaters)	1.0

Seasonality Factor

8. (1) The seasonality factor has two categories which focus upon either the period of the year during which water is abstracted and licensed, or whether the abstraction is continuous as follows:

Category	Factor
Seasonal	0.3
All year	1.0

(2) The reduced charge band factor used for seasonal activities will only be applied if the use is intrinsically seasonal and the abstraction is constrained to specific periods of the year, which will be reflected, by a condition of the licence.

Consumptiveness Factor

9. (1) The consumptiveness factor relates to whether the water is removed and not returned directly to the same aquifer or waterbody.

Category	Factor
Non-consumptive	0.05
Consumptive	1.0

Financial factor

10. The financial factor in respect of the annual charge is the charge rate set in accordance with paragraph 3 (2).

Payment of charges

11. (1) The application fee shall be due and payable in full on the making of an application.

- (2) Payment of the annual charge shall be due on the 1st of April each year.
- (3) In the year where a new, or previously unmonitored, abstraction or impoundment activity is licensed, the invoice will be issued within 28 days. In these cases, the initial amount invoiced will be reduced pro-rata relative to the number of months remaining in the invoice period.

Payment and liability for payment

12. The application fee payable under paragraph 4 or 12 shall be due and payable in full on the making of an application. In the case of an application being withdrawn by the applicant, or refused by the Department, no refund of the application fee will be made. The annual charges payable under paragraph 5 shall be due and payable in full, or pro-rata depending on the time of the year on the addition of any new licence.

Revocation

13. The scheme entitled the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2020 (Fees and Charges) which came into operation on 1 April 2021 is hereby revoked.

Sealed with the official seal of the Department of the Agriculture, Environment and Rural Affairs 8 July 2022.

Paul Donnelly

A senior officer of The Department of the Agriculture, Environment and Rural Affairs

(L.S)