Water Abstractions and Associated Impoundments

Registration and Licence Application Guidance Document

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AMENDMENTS TO THIS GUIDANCE

Version No.	Date	Amendment since previous version	Reason
1.1	03.07.2025		Clarify EIA and AA related requirements
1.2	11.11.2025		Clarify licence application acceptance criteria
1.3	04.02.2026		Clarify fee refunds, requirements where the owner of an impoundment is unknown and impact assessment requirements
1.4	18.11.2026		Clarify a licence application covering two or more abstraction points from different water bodies. Clarify application of Section 29 and 37.

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Glossary of Terms

AA	Appropriate Assessment
Agency	Environmental Protection Agency
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
rEIAR	Retrospective Environmental Impact Assessment Report
EPA	Environmental Protection Agency
EU	European Union
NIS	Natura Impact Statement
RBMP	River Basin Management Plan
WFD	Water Framework Directive

1.0 INTRODUCTION

1.1 Abstractions and Associated Impoundments Regulation

The regulation (registration or licensing) of water abstractions and associated impoundments gives effect to the Water Framework Directive (2000/60/EC) requiring prior authorisation of abstractions and impoundments. Regulation is to ensure sustainable use and management of our water resources and to protect and, where necessary, restore water quality.

The detail of the registration and licensing processes is set out in the Water Environment (Abstractions and Associated Impoundments) Act 2022 and Water Environment (Abstractions and Associated Impoundments) Regulations 2024. The EPA Principles of Water Abstractions and Associated Impoundments Authorisation provides an overview of this new regulatory system.

In this guidance, unless the context otherwise requires, a reference to an abstraction which cannot be carried out without an impoundment includes a reference to its associated impoundment.

An abstraction that involves two or more abstraction points in the same waterbody serving the same person is a single abstraction (i.e. an abstraction).

All abstractions ≥25m^3/day (registration threshold) are required to be registered with the EPA unless otherwise exempt.

All abstractions ≥2000m^3/day (licensable threshold) are required to be licensed by the EPA.

Abstractions between 25m^3/day and 1999m^3/day determined by the Agency to require a licence, must be licensed.

A proposed new abstraction or an increase to an existing abstraction (revised abstraction) cannot commence until a licence has been granted or the Agency has determined that a licence is not required, as the case maybe.

The licensing process **does not regulate**:

- the purpose to which the water abstracted is used;
- the plant and premises connected to the abstraction; and
- odour, noise, and discharges associated with the abstraction.

The Agency is the competent authority for the purposes of registration and licensing water abstractions.

A contravention of a provision of the Act and / or the conditions of a licence is an offence under the Water Environment (Abstractions and Associated Impoundments) Act 2022.

1.2 Legislative Requirements

The Water Environment (Abstractions and Associated Impoundments) Act 2022 and Regulations of 2024 set out the duties of the Agency and applicants and the procedural requirements for the registration and licensing processes. Of note, the Act sets out the environmental requirements that are core to the Agency's decision on an application for a licence. Agency obligations in relation to these requirements are summarised as follows:

Section 20 Grant of licences

(1) The Agency may decide to grant or refuse to grant a licence under section 27, 35 or 44 on an application being made to it and—

(a) the Agency may attach such conditions to the licence as it considers appropriate, and

(b) the licence shall, subject to any conditions concerning its duration, remain in force for an indefinite period, subject to its surrender, suspension or revocation.

(2) In considering an application for a licence, the Agency shall have regard to—

(a) the environmental objectives for the water body concerned,

(b) the water resources plan prepared by Irish Water for the purposes of the water services strategic plan prepared under section 33 of the Water Services (No. 2) Act 2013,

(c) any directive issued by the Minister under section 110 concerning the grant of licences,

(d) the matters specified in section 18(4)(a), in the case of an abstraction from a body of surface water,

(e) the matters specified in section 18(4)(b), in the case of an abstraction from a body of groundwater,

(f) the matters specified in section 18(4)(c),

(g) in the case of an application relating to a public abstraction or an abstraction that may affect a public abstraction, the functions of Irish Water,

(h) in the case of an application relating to a public abstraction from a reservoir of the ESB, or an abstraction by the ESB, the functions of the ESB referred to in section 87(8), and

(i) in the case of an application relating to an abstraction from a canal or navigable water, the functions conferred on Waterways Ireland under the Canals Act 1986 and the Act of 1990.

(3) The Agency shall not grant a licence unless it is satisfied that the abstraction, carried out in accordance with such conditions as may be attached to the licence will not—

(a) cause a deterioration in the status of the body of surface water concerned or the body of groundwater concerned, and

(b) compromise compliance with any standards and objectives established for a protected area, where applicable.

Section 46 General provisions relating to licensee

(2) The Agency shall only grant a licence under this Part to a person who—

(a) has not been convicted of an offence under this Act or any other enactment or rule of law relating to environmental objectives or other standards relating to protection of water quality in circumstances which are, in the opinion of the Agency, of such seriousness as to warrant a refusal to grant the licence,

(b) has not come to the attention of the Agency in respect of a breach of a licence under this Act or other licence or authorisation howsoever called granted by the Agency under another enactment where the breach is, in the opinion of the Agency, of such seriousness as to warrant a refusal to grant the licence,

(c) in the opinion of the Agency has, or any individual employed by the person to direct or control the carrying out of the abstraction has, the requisite technical knowledge or qualifications to carry out the abstraction in accordance with the licence and requirements of this Act, and

(d) in the opinion of the Agency, is likely to be in a position to meet the financial commitments or liabilities that the Agency reasonably considers have been or will be entered into or incurred in carrying out the abstraction to which the licence relates or will relate, in accordance with the conditions to which the licence is likely to be subject or in consequence of ceasing to carry out the abstraction.

(3) Subsection (2) applies—

(a) in a case where more than one person applies for a licence, to each of the persons who applies for the licence, and

(b) in a case where a person applies for a licence on behalf of persons who may include the first mentioned person, to the person who applies for the licence and each of the persons on behalf of whom the application is made.

(5) In subsection (2), where the person applying to be the licensee is a body corporate, the Agency shall only grant a licence to that body corporate where each of its directors, managers, secretary or other officers of the body corporate purporting to act in that capacity would, if an applicant, satisfy the Agency in relation to the requirements specified in subsection (2).

Section 47 Application for joint licence

(3) The Agency may take account of the terms and conditions contained in an agreement referred to in subsection (2) when determining an application for a joint licence.

(4) The Agency shall only grant a joint licence in respect of an application referred to in *subsection (1)* where the Agency is satisfied, taking the terms and conditions of any agreement referred to in *subsection (2)* into account, that—

(a) the person operating the associated impoundment has agreed to the abstraction,

(b) the person operating the associated impoundment is aware that any joint licence granted by the Agency will be subject to conditions, which will apply to the associated impoundment, and

(c) there is agreement between the person carrying on the abstraction and the person operating the associated impoundment—

(i) concerning the cesser of the abstraction, and

(ii) to ensure that the cesser or amendment of the abstraction, including by operation of section 49, 50, 51, 52 or 53 will not affect the continued operation of the associated impoundment concerned as an associated impoundment to which a joint licence (other than the joint licence the subject of the application under subsection (1)) applies.

(5) Where, on an application for a joint licence, the associated impoundment is the subject of an existing licence or joint licence relating to a different abstraction, the Agency may only grant a joint licence on foot of the application where the Agency is satisfied that the grant of the joint licence—

(a) will not give rise to any alteration to the impoundment concerned, including its operation, such as to cause the water body concerned to fail or be likely to fail to meet its environmental objectives, and

(b) will not affect the continued operation of the associated impoundment concerned as an associated impoundment to which the existing licence or joint licence applies.

(6) Notwithstanding subsection (1), the Agency may, having considered an application for a joint licence, require on the grant of the licence that one only of the joint holders of the licence shall be responsible for the licence or for one or more than one condition to which it is subject, where the Agency is satisfied that such requirement will not affect the need to protect environmental objectives and—

(a) where one of the joint holders of the licence is a public authority, the requirement is necessary for the proper performance of the public authority's functions, or

(b) on the basis of the application, that compliance with the joint licence and the conditions to which it is subject will not be affected.

Section 84 Abstraction from navigable waters

(6) The Agency shall, having considered any opinion of Waterways Ireland and the main reasons for it, information provided by Waterways Ireland, any further information referred to in *subsection (4)* and the results of any consultation under *subsection (5)*, make a decision under *Part 5* in respect of an application referred to in *subsection (1)*—

(a) to grant the licence subject to any conditions it considers appropriate for the purpose of protecting navigation of the navigable water concerned, or

(b) to refuse to grant the licence where it is satisfied—

(i) that the abstraction under consideration would pose a material risk or impediment to navigation of the navigable water, and

(ii) that no reasonable condition that the Agency could attach to the grant of the licence would be sufficient to protect navigation while allowing the abstraction to take place.

Section 85 Abstraction from canals

(6) The Agency shall, having considered the agreement referred to in *subsection (1)*, any further information referred to in *subsections (3)* and *(4)* and the results of any consultation under subsection (5), make a decision under *Part 5* in respect of an application referred to in *subsection (2)*—

(a) to grant the licence subject to any conditions it considers appropriate for the purpose of protecting navigation of the canal concerned, or

(b) to refuse to grant the licence where it is satisfied—

(i) that the abstraction under consideration would pose a material risk or impediment to navigation of the canal, and

(ii) that no reasonable condition that the Agency could attach to the grant of the licence would be sufficient to protect navigation while allowing the abstraction to take place.

Copies of Irish statutory enactments referred to above and throughout this document can be obtained from the Government Publications Sales Office, Molesworth Street, Dublin 2, Ireland, and on the Irish Statute Book website at www.irishstatutebook.ie.

Copies of EU Directives referred to in this document can be downloaded from the website of Eur-Lex (portal to European Union law) at http://eur-lex.europa.eu/homepage.html.

1.3 Purpose of this Guidance Document

This guidance document aims to assist any person carrying out or intending to carry out a water abstraction to register or apply for a licence or a review of conditions attached to a licence.

It should be read in conjunction with the EDEN Water Abstraction web form, available at https://www.edenireland.ie.

Neither the EDEN Water Abstraction web form nor this guidance document purport to be, and should not be considered, a legal interpretation of the provisions and requirements of the Water Environment (Abstractions and Associated Impoundments) Act 2022 and Regulations of 2024.

2.0 REGISTERING A WATER ABSTRACTION WITH THE EPA

2.1 How to register an abstraction

Step 1: Verify the abstraction volume

Before registering an abstraction, it is important to verify that the maximum volume abstracted is 25 cubic metres (25,000 litres) or more in any 24 hour period. Abstraction volumes can be measured or estimated. Two or more abstraction points drawing water from the same body of surface water or groundwater, and which join to form one abstraction serving the same person, are considered to be a single abstraction for the purposes of the registration threshold. Refer to some worked examples in the Appendix of the Principles of Water Abstractions and Associated Impoundments Authorisation.

Step 2: Create a profile/login on EDEN

Registration needs to be done online via the Environmental Data Exchange Network (EDEN) System (https://www.edenireland.ie). If you are not set up as an EDEN user, see the guide on creating a profile: Access-to-EDEN-and-Water-AbstractionModule.pdf (epa.ie). Further information on EDEN is available here.

Step 3: Give notice to the EPA of the abstraction

Details of the water abstraction are entered onto the Water Abstractions Module on EDEN. Refer to the guide on how to register a water abstraction on the EDEN system: Registering-an-Abstraction-in-the-WaterAbstractions-Module.pdf (epa.ie). Refer to section 4.0 for guidance on completing the web form. Please note that two or more abstractions removing or diverting water from different water bodies (e.g. river and groundwater abstraction) must be registered separately even if they are for the same purpose or use or by the same person.

Next steps

Once a notice has been submitted, the EPA, under the Act, is obliged to carry out assessments (significance assessment and assessment of certain abstractions for retrospective EIA or EIA) to

determine if an abstraction between 25m^3/day and 1,999m^3/day requires a licence. The Act requires the EPA to review its significance assessment every six years. The EPA (2025) *Water Abstractions and Associated Impoundments -Methodology to Assess and Identify Significant Abstractions in Ireland* details the significant assessment criteria for determining that an abstraction between 25m^3/day and 1,999m^3/day requires a licence. Where the Agency determines you do not require a licence then a registration number will be issued.

3.0 MAKING A WATER ABSTRACTION LICENCE APPLICATION TO THE AGENCY

3.1 How to apply for a licence

Step 1: Timeframe in which to apply

For existing abstractions of ≥2,000m^3/day, a licence application must be made by 28 February 2025. Where the EPA determines that a licence is required, an application must be made within six months of the determination. An extension may be approved by the EPA following a request by the applicant. You can apply for an extension to the timeline to make a water abstraction licence application under Section 15(7), by filling in **this form** and returning it to licensing@epa.ie.

A proposed abstraction that exceeds the licensing threshold or has been determined by the EPA to require a licence cannot commence until an application has been made and a licence granted by the EPA.

Step 2: Create a profile/login on EDEN

A licence application needs to be done online via the Environmental Data Exchange Network (EDEN) System (https://www.edenireland.ie). If you have not registered on EDEN, see the guide on creating a profile: Access-to-EDEN-and-Water-AbstractionModule.pdf (epa.ie). Further information on EDEN is available here.

Step 3: Give notice to the public

PUBLISH A NEWSPAPER NOTICE – Within the period of two weeks before the date of making an application for a licence/review of the conditions attached to a licence. See guide and template for newspaper notices.

ERECT SITE NOTICE – No later than the date of making an application, erect site notice on the land or structure concerned. See guide and template for site notices. The site notice must be maintained for 1 month from the date of making a valid application.

Step 4: Make an application for a water abstraction licence

Prepare information and complete the online Water Abstractions Module on EDEN (web form) and upload to EDEN with the necessary supporting documentation (attachments). Once a valid application has been submitted, the EPA determination process will commence. Refer to 3.2 on preparing for an application. Refer to section 4.0 for guidance on completing the web form. All applications will need

to be accompanied by uploads of template documents and some applications will require substantial reports such as an Environmental Impact Assessment Report.

Applicants are advised that the provision of information in an application for a licence which is false, or misleading is an offence under Section 102 of the Water Environment (Abstractions and Associated Impoundments) Act 2022.

The Act and Regulations set out the statutory requirements for information to accompany an application and the applicant must be aware of all statutory requirements.

Step 4: Pay the licence application fee

An application must be accompanied by the correct fee. The application fees that shall accompany an application are listed in the Water Environment (Abstractions and Associated Impoundments) (Licensing Fees) Regulations 2024 S.I. No. 418/2024. Payment of the correct fee is one of the Agency's acceptance criteria for complete applications. Application fees can be paid by cheque or Electronic Fund Transfer (EFT). The Agency's bank details can be requested by contacting accountsreceivable@epa.ie. The Agency may, at its sole discretion, having had regard to the circumstances of the case, reduce or waive, by whatever amount it considers appropriate, a fee payable.

It is not possible to determine, in advance of assessing a licence application, what resources will be required in determining the application. Accordingly, the relevant fee should be paid in full by applicants. Following a final decision on the licence application, an applicant can apply for a full or partial refund of the fee by filling in this **form** and returning it to licensing@epa.ie. Please cite "Water Abstraction" in the email subject line.

Step 5: Submit the application

When the application is complete and all required uploads made, the applicant should click on the 'Submit' button. This will submit the application to the Agency.

If any validation issues remain, they will be displayed on the screen. If this occurs, please address the issues indicated and repeat the submission process. An application can only be submitted when all validation issues have been resolved.

When the application has been successfully submitted, a confirmation message will be displayed.

3.2 Preparing for a licence application

The applicant should start preparing by working through each section of the webform on EDEN. Some applications may need to be accompanied by specific reports, e.g. EIAR, retrospective EIAR, Natura Impact Statement (NIS). Such reports must be prepared in advance.

Advice is provided below in relation to preparing attachments.

Preparation of attachments

All relevant supporting documentation, including any information beyond that which is explicitly requested in the form, should be provided as attachments.

Applicants should note the following in relation to attachments submitted:

- Attachments accompanying the application must be named and numbered.
- Sequential page numbers must be assigned within each attachment.
- File(s) must be in PDF Formatted Text and Graphics (also known as PDF Normal).
- Each PDF file should be no larger than 50MB in size.
- All files must be provided in searchable PDF format.
- A Table of Contents with Page Number details must be provided for all supporting information, attachments and the EIAR if necessary. (A table of contents is not required to be included for template attachments).
- Where the applicant discovers that an attachment file exceeds 50MB, the file should be split at a logical break in the Attachments (e.g. Attachments B.5 -1 EIAR (Part 1) in one file, Attachments B.5-1 EIAR (Part 2) in a separate file). Only where a single Attachment is up to 50MB, should the Attachment be contained in a separate PDF file.
- Optical Character Recognition (OCR) needs to be performed on all files (excluding maps, plans and drawings) before attaching and submitting to the EPA. This is a requirement which enables the electronic document to be word searched. Scanned documents (excluding maps and drawings) must also be in PDF Text and graphics format.
- Maps/Drawings/Photographs should be submitted in PDF format only. Only where a single Map/Drawing is up to 50MB, should it be contained in a separate PDF file.
- Drawings / maps should also be provided as geo-referenced digital drawing files (e.g., ESRI Shapefile, MapInfo Tab, AutoCAD or other upon agreement) in Irish National Grid Projection.
- All pages (including maps/plans/drawings) should be readable at a maximum size of A3.
- Maps must be numbered uniquely in numerical sequence (starting at 1) (i.e., Map 1, Map 2, Map 3, etc.), indicate a scale and the direction of north.
- All drawings should be titled and dated, and have a unique reference number.
- Any references quoted should be supported by a bibliography.

Preparation of an Environmental Impact Assessment Report (EIAR) or retrospective EIAR attachment

For applications that require an Environmental Impact Assessment (EIA) / retrospective EIA to be carried out, the following additional instructions should be followed by the applicant in the preparation of the EIAR or retrospective EIAR for submission with the application:

- The EIAR / retrospective EIAR should be produced in accordance with the EPA's 'Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR)', available to download from the EPA website.
- The main body of the EIAR/retrospective EIAR (if applicable) must be contained in one PDF attachment. If the contents of the file exceed 50MB, the file should be split at a logical section break in the EIAR with the parts named accordingly (Part A and Part B)
- Numerical headings should be applied to sections in the main body of the EIAR/ retrospective EIAR (e.g., Section 1, Section 2, etc.) and page numbers assigned.
- A Table of Contents with Page Number details must be provided for the main body of the EIAR/ retrospective EIAR.
- A Table of Contents must be provided for Attachments to the EIAR/ retrospective EIAR.

Preparation of Confidential Information

Should the applicant consider any information intended for submission to the Agency to be confidential, the information should be clearly identified and submitted, in hard copy, in a separate enclosure by post. Each page should clearly bear the following text in the banner/header with the applicant's name and return postal address inserted:

"In the event that this information is deemed not to be held as confidential, it must be returned to ....".

The nature of this information, and the reasons why it is considered confidential (with reference to the "Access to Information on the Environment" Regulations) should be stated in the cover letter to the confidential submission.

In the event that the Agency decides to withhold information from public access, the nature of the information withheld and the reason why it is considered confidential will be published and available for inspection.

3.3 After submitting an application

All licence applications received by the Agency are checked for completeness. An application will only be considered valid once it has passed the initial acceptance criteria and the correct fee has been paid. When these conditions are met, the application will be assigned a register number via EDEN. The official date of making an application is the later of the two events: payment of the fee or submission of a valid application. Applicants should arrange both fee payment and application submission promptly, as a newspaper notice must be published within two weeks of the application date. Applications that fail the initial inspection—such as missing required reports or supporting evidence—will be returned and not accepted.

Subsequent to receipt of an application, the Agency may request further information if it considers that its provision is material to the assessment of the application. Any request for further information sent by the EPA will be issued via EDEN. Advice should be sought from the Agency where there is doubt about the type of information required or the level of detail. It should be noted that the Agency cannot process or determine the application until the further information has been provided in sufficient detail and to a satisfactory standard.

Unsolicited information (e.g. to support/clarify information already provided) may also be submitted by the applicant at any time.

Once the Agency is satisfied that the application is complete, it will be acknowledged in a notice issued via EDEN.

Your licence application may be returned to you (via EDEN) where the Agency considers that an application for a licence does not comply with any or all of the requirements which relate to the application.

4.0 COMPLETING THE ON-LINE WEB FORM

This section provides advice on the information to be provided in the EDEN web form and templates.

The EDEN web form has four tabs where information is provided for registration and licensing. The Organisation, Abstraction Details and Submission tabs must be completed when registering an abstraction. The Supplementary Info tab is completed for licence applications only. In addition to the information gathered in the web form, there are templates to be downloaded, completed and uploaded to the webform under the Abstraction Details and Supplementary Information tabs as follows:

1. Organisation
2. Abstraction Details
    a. Associated impoundment template
    b. Monitoring template
3. Supplementary Information (**for licence applications only**)
    a. Supplementary Information template
    b. Fit and Proper person template
    c. Declaration template
4. Submission

There is upload functionality under Abstraction Details and Supplementary Info tabs to provide additional supporting information.

Organisation

Organisation Details

The organisation is the name of a natural person or legal entity (sole trade or body corporate (a limited company)) that carries out or intends to carry out a water abstraction. A trading/business name is not acceptable. The organisation gives notice of a water abstraction for entry on the register to the Agency or applies for a licence or applies for a review of conditions attached to a licence.

In the event of the Agency deciding to grant a licence, this will be the name that will appear on the licence and will be thereafter referred to as 'the licensee'.

Primary Contact for Correspondence on this abstraction

Communication will be conducted through EDEN using the correspondence name and address provided. The correspondence contact is populated from details held in the EDEN portal. To update it please visit the EDEN Portal.

Where the primary contact is an agent/consultant acting on behalf of the organisation, then correspondence will be with the agent. An agent must check the box if acting on behalf of the organisation. Section 1.3 of the web form must then be completed for an organisation contact who will also receive notifications in relation to correspondence.

Organisation contact details

Even where the primary contact for correspondence is an agent acting on behalf of the organisation, a contact for the organisation must be provided. This is a person responsible for directing or controlling the abstraction and to carry out the abstraction in accordance with any licence and requirements of the Act.

Licence application only

Body corporate

Where the applicant for a licence is a body corporate, a certified copy of the Certificate of Incorporation must be uploaded as supporting evidence with an application for a licence (for companies or organisations that are registered with the Companies Registration Office (CRO) Ireland). In the case of a foreign based legal entity a certified copy of the company's registration in the Overseas Companies Registration Office (Dublin) is required to be uploaded.

Fit and proper person

Section 46(2) of the Water Environment (Abstractions and Associated Impoundments) Act 2022 requires the Agency to only grant a licence to a person where the Agency has formed an opinion with respect to specified criteria known as fit and proper person. This provision also applies to transfers of licences. The fit and proper person template gathers information to assist the Agency to form an opinion. The criteria evaluated are:

a) convictions of offences;

b) breaches of an EPA licence;

c) requisite technical knowledge or qualifications; and

d) financial commitments or liabilities.

The requirements apply to all persons applying for a licence and in the case of a body corporate, each of its directors, managers, secretary or other officers (purporting to act in the capacity of an applicant).

Abstraction Details

Abstraction Name, Location and Purpose

The location of the abstraction site is sought by providing an address. The name of the abstraction is the name of scheme or the name it is commonly known by in the area.

Abstraction Points and Discharge Points

Two or more abstraction points removing or diverting water from the same body of surface water or groundwater, and which join to form one abstraction serving the same person, are considered to be a

single abstraction for the purposes of registration and licensing. Refer to the Appendix of the Principles of Water Abstractions and Associated Impoundments Authorisation for some worked examples.

Two or more abstractions removing or diverting water from different waterbodies (e.g. river and groundwater abstraction) must be registered separately even if they are for the same purpose or use or by the same person.

Two or more abstractions removing or diverting water from different waterbodies (e.g. river and groundwater abstraction) can be the subject of a single licence application where they constitute a sufficiently coherent abstraction e.g. a groundwater abstraction and surface water abstraction serving an industrial installation. The Agency expressly prohibits arbitrary aggregation of separate abstractions under a single licence application.

A waterbody is a unit of surface water or groundwater assigned a unique European code. You can find these codes and the extent of a waterbody on the EPA maps: https://gis.epa.ie/EPAMaps/Water. A river over its length can be divided into several waterbodies.

A discharge associated with an abstraction is water returned to a waterbody such as cooling water or an exit from a mill race. The water discharged may have undergone some form of treatment or change in character prior to discharge. Provide summary details of any treatment or changes in characteristics such as temperature.

Associated Impoundment

An associated impoundment means a structure (including a dam or weir) situated in the water that is maintained for the purpose of the abstraction whereby the water level or flow in surface waters or the continuity of the morphological condition is changed.

Where the abstraction and its associated impoundment are carried out and operated by different persons, the information submitted as part of a registration or licence application shall be made:

a) by the person carrying out the abstraction, on the persons own behalf and on behalf of the person operating the associated impoundment, or
b) jointly by both of those persons,

and in both cases each person shall be responsible jointly and severally for the accuracy of the information submitted, any licence granted and for compliance with any conditions attached to the licence.

Where more than one abstraction carried out by different persons relies on the same impoundment, identify whether the associated impoundment is already subject to a joint licence or joint licence application for a different abstraction.

Where the owner of an impoundment is not known, please state so. The owner of an impoundment is the person who is the holder of a right, title or interest in the associated impoundment. **For a licence application**, the applicant must:

a) provide evidence of searches made to establish the identity, existence or whereabouts of the impoundment owner and

b) agree, by means of a signed statement, to be liable under the abstraction licence, if granted, for the operation of the associated impoundment and compliance with any conditions under the licence relating to the associated impoundment.

The vertical **height** is the height of the impoundment as measured from the downstream toe of the impoundment structure to the crest, or top of the spillway.

Data has been collected by Inland Fisheries Ireland (IFI) under the National Barriers Programme on impoundments. Using the IFI dashboard, please link the associated impoundment with the barrier on the IFI dataset where relevant.

In the case of an **application for a joint licence**, any agreement between the parties (person carrying out the abstraction and the impoundment operator) should be uploaded.

Other Authorisations and Assessments

List all authorisations under other legislation associated with the abstraction such as planning permission, hydro-electric scheme approval order, authorisation from the state or court orders and upload copies of same. Identify any restrictions set in authorisations or court orders that relate to the abstraction.

Monitoring

All abstractions must be monitored by measurement or estimation. A flow meter is the most accurate way of measuring quantities. All applicants for a licence should have, or propose, a flow meter with digital output. Records of monitoring results must be maintained for three calendar years. Measurements and estimates must be done in accordance with EPA guidance.

Supplementary Information

The supplementary information tab of the web form is only required for providing additional information required when making an application for a licence. This tab is not available to those registering an abstraction.

Additional Application details

Section of the Act under which the Application is made

The applicant must identify the section of the Act under which the application for a licence is being made. There are three sections; ***section 21, 29 and 37*.** The Agency will process the application according to the consequential provisions of the Act relating to the section under which the application was made. **Section 29 relates to an existing abstraction and section 37 relates to an existing and revised abstractions.**

Section 29 or 37 application is only relevant where the abstraction including any associated impoundment falls within an EIA class (project type) having regard to the EPA *Technical Guidelines on the categories of abstraction that are likely to require a retrospective EIA or a retrospective screening*

determination. See the Environmental Impact Assessment section of this guidance for further information.

Where the application requires rEIA screening and/or rEIA, the application should be made under section 29 for existing abstractions (and any associated impoundments) and under section 37 for an existing and revised abstraction in one application (combined application). The applicant should refer to the EPA *Technical Guidelines on the categories of abstraction that are likely to require a retrospective EIA or a retrospective screening determination* for more information.

All applications for proposed abstractions are made under *Section 21*. All existing abstractions and revised abstraction applications that do not fall under *Section 29* and *section 37* respectively, are made under *section 21*.

Application type

There are three subcategories of application:

- a **'proposed abstraction'** application –a person or body corporate applies for a licence where it is intended to carry out an abstraction.
- an '**existing abstraction'** application – where a person or body corporate carries out an abstraction. The abstraction must have existed prior to the commencement of the Act in August 2024.
- A '**revised abstraction'** application - where a person or body corporate carries out an abstraction and intends to increase or vary the existing abstraction.

The application information must be consistent with the category selected.

Application Proposal

Provide a summary of the proposal to which the application relates e.g. increase in abstraction.

In the case of first-time application for a licence for an existing abstraction, give summary details of the abstraction that requires a licence.

If the application is being made for the review of conditions attached to a licence, the application shall state the grounds for which the review application is being made.

The application information must be consistent with the application proposal.

Additional abstraction and associated impoundment controls

You (the applicant) need to set out clearly what you propose to be authorised by a licence in terms of quantities and controls. In effect you are requesting limits and controls to be specified in a licence.

A description of the operational regime provides context to proposed controls and explains any unusual feature of your water usage, local factors, inter-relationships between abstractions or agreements with other stakeholders.

A straightforward licence application seeks a maximum daily and maximum yearly quantity in cubic metres as a limitation.

A more complex licence application may involve additional controls such as a median abstraction rate or periods of no/reduced abstraction.

Where there is an associated impoundment, the application should set out the controls/measures in place or proposed that are for the purpose of protecting or restoring the surface waterbody. Controls may include downstream flows, fish pass and sediment management.

The proposed quantities and controls must be consistent with the impact assessment carried out by the applicant under the Water Framework Directive.

If there are fish screens on the intake abstraction points, give the screen size.

If the impoundment has, or is to have, a fish pass, please consult with Inland Fisheries Ireland on the design and operation of the fish pass. The fish pass should be to the IFI's satisfaction. If there is no fish pass on the impoundment, justify in your impact assessment under the Water Framework Directive. Provide details of the fish pass controls and the results of the consultation as attachments to their application.

Prior to making an application consult with Inland Fisheries Ireland on sediment management of an associated impoundment. Sediment management should be to the satisfaction of IFI. If there is no sediment management on the impoundment, justify in your impact assessment under the Water Framework Directive. Provide details of sediment management and the results of the consultation as attachments to their application.

Where controls are proposed to be implemented on a future date, please include this in the application.

Navigation controls

An abstraction from a navigable water or canal should not pose a material risk or impediment to navigation.

A navigable water means:

(a) the Shannon navigation;

(b) the Ballinamore and Ballyconnell navigation;

(c) the Erne and Lough Oughter navigation, and

(d) the Barrow navigation.

Where an abstraction is from a navigable water, the applicant should consult with Waterways Ireland on appropriate controls sufficient to protect navigation and provide details of the controls and the results of the consultation as attachments to their application.

A person shall only carry out an abstraction from a canal having entered into an agreement with Waterways Ireland. The applicant must provide a copy of **the agreement** with Waterways Ireland with their application for a licence.

Abstraction by Uisce Éireann from reservoirs of ESB

With respect to an application by Uisce Éireann for a licence for an abstraction from a reservoir owned or operated by the ESB, Uisce Éireann must provide a water abstraction agreement with their application.

Impact Assessment under Water Framework Directive

The applicant must assess the impact of the abstraction and any associated impoundment on the water environment and conclude whether the relevant requirements of the Water Framework Directive (WFD) and implementing Irish regulations are complied with or not. The key requirements to be met are that the abstraction:

a) cannot cause a deterioration of waterbody status;
b) cannot compromise the achievement of Good/ High/ Good Ecological Potential environmental objective of the waterbody;
c) cannot compromise the objectives and standards for associated protected areas, and
d) implement measures for significant pressures (restoration measures) where relevant.

The impact assessment must address the hydromorphological elements (hydrological regime, river continuity, morphology) of water quality status.

The EPA (2025) *Water Abstractions and Associated Impoundments -Methodology to Assess and Identify Significant Abstractions in Ireland* details methodologies and hydrological limits that must be used to assess the impact of abstractions and associated impoundments on waterbodies. The hydrological limits contained therein have been established in accordance with Regulation 8 of the Water Environment (Abstractions and Associated Impoundments) Regulations 2024.

The NPWS website contains conservation objectives for designated natura sites with water dependant qualifying interests.

The National Water Resource Plan is relevant to the protection of designated drinking water protected areas.

In the case of first-time licence application and the applicant is seeking a revised abstraction, the applicant must carry out an assessment of the impact of the existing abstraction in addition to an assessment of the revised abstraction.

The impact assessment must be consistent with the proposed quantities (limits) and controls set out in the application (section 2.2 Abstraction Points of the web form and section 3.1(v) Abstraction and associated impoundment controls of the supplementary information attachment). The impact assessment must identify the mitigation measures in place or proposed to meet the WFD requirements. The applicant must outline a timeframe for the implementation of any proposed measures to protect or restore the waterbody. Where there are data gaps and a need for further assessment, provide a proposal on measures including a timeframe for implementation.

Additional Documents

Evidence of Notices

An application must be accompanied by a copy of the newspaper notice and a copy of the site notice. Information on the location of the site notice must be provided.

The EPA has prepared guidance, available on its website, on site notices and newspaper notices to assist applicants.

The application must contain a scanned copy of the newspaper in which the advertisement was placed. This newspaper must be widely circulated in the local area, and it is advised to use the approved list of newspapers for the purposes of making a planning application (this list is available on each planning authority website). A scanned/digital copy of the newspaper notice should clearly identify the advertisement and the name and date of the newspaper. For data protection purposes, no other text should be visible on the scanned copy (i.e., all other text should be covered or redacted).

Non- technical summary

A non-technical summary of the application should be included to assist the public in understanding what the application is about. This should include a copy of site plans and location maps (no larger than A3 size), and such other particulars, as are necessary to identify and describe the activity.

The non-technical summary should address the following, as appropriate:

- the purpose of the abstraction,
- the number of abstraction points and volumes to be abstracted,
- a description of an associated impoundment (if any),
- a description of the features and measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset the significant adverse effects on the environment
- summary details of the affected waterbody / waterbodies,
- a description of the likely significant effects of the abstraction on the environment,
- measures planned to monitor,
- in the case of a review application, state the grounds for which the review application is being made.

Additional details on Environmental Impact Assessment and Appropriate Assessment

Some applications may need to be accompanied by specific reports (e.g. EIAR, rEIAR, EIA screening report, Natura Impact Statement, AA screening report).

Environmental Impact Assessment

To determine whether the abstraction (and any associated impoundment) is of a class (project type) specified in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, the applicant should refer to **the relevant project types** included in the EPA *Technical Guidelines on the categories of abstraction that are likely to require a retrospective EIA or a retrospective screening determination*. These project types are relevant to EIA as well as rEIA.

If the abstraction does not fall within a directly relevant EIA project type, the applicant should provide a statement on the consideration of EIA class (project type) and upload to Section 3.2 additional documents.

The EPA will carry out EIA and/or retrospective EIA in respect of an application for a licence where the abstraction or associated impoundment equals or exceeds the threshold of a relevant class/project type and, in the case of Part 2 project types where the abstraction or associated impoundment is subthreshold, and it has been determined that EIA or retrospective EIA is required. **Please do not upload an EIAR or EIS for other EIA class/ project types**.

Please note:

In the case of an existing abstraction that falls within a directly relevant EIA project type and is a category of abstraction listed in **Section 5 of the technical guidelines**, the licence application is not likely to be subject to rEIA considerations. In this scenario, the application should include evidence of authorisation from the State and/or evidence that the abstraction (and any associated impoundment) has been subject to a valid EIA screening determination and/or EIA. In this regard, the evidence being sought is either of authorisation from the State and/or the EIA or EIA screening completed by the consenting authority. **Do not upload the historical EIS**. In this scenario, when completing a licence application, the applicant should upload the authorisation documentation under Section 2.4 of the webform and in Section 3.3, select 'no' to the question 'is this application accompanied by an EIAR' and 'no' to the question 'is this application accompanied by a retrospective EIAR' on the webform.

An **existing abstraction** of a directly relevant EIA class/ project type, that is not a category listed in Section 5 of the technical guidelines, must be accompanied by a retrospective EIA Screening Report or retrospective EIAR.

A **proposed abstraction or revised abstraction** of a directly relevant EIA class/ project type must be accompanied by an EIA Screening Report or EIAR.

EIA/ retrospective EIA Screening Report

Where a licence application is subject to EIA/ rEIA considerations and it is not accompanied by an EIAR/ rEIAR, the screening report must include the following information:

a) a description of the nature and extent of the abstraction;
b) its characteristics;
c) its likely significant effects on the environment (including the information specified in Schedule 7A to the Regulations of 2001); and
d) where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to any enactment or under European Union legislation (other than the EIA Directive) have been taken into account.

In addition to the information specified above, the screening report may contain a description of the features, if any, of the abstraction and the measures, if any, incorporated or envisaged to avoid or prevent what might otherwise be or have been significant adverse effects on the environment.

EIAR

Where an EIAR accompanies an application, the applicant shall ensure that an EIAR:

(a) is prepared by competent experts,

(b) contains the following information:

(i) a description of the abstraction comprising information on the site, design, size and other relevant features of the abstraction;

(ii) a description of the likely significant effects of the abstraction on the environment;

(iii) a description of any features of the abstraction and of any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;

(iv) a description of the reasonable alternatives studied by the applicant which are relevant to the abstraction and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the abstraction on the environment;

(v) any additional information specified in paragraph 2 of Schedule 6 to the Regulations of 2001 that is relevant to the specific characteristics of the abstraction and to the environmental features likely to be affected;

(vi) a non-technical summary of the information referred to in subparagraph (i) to (v);

(vii) a reference list detailing the sources used for the descriptions and assessments included in the report,

and

(c) takes into account the available results of other relevant assessments carried out pursuant to European Union legislation or any enactment with a view to avoiding duplication of assessments.

The EIAR shall be based on any Agency opinion on the scope and level of detail of the information to be included in the EIAR and shall include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the abstraction on the environment, taking into account current knowledge and methods of assessment.

Retrospective EIAR

Where a retrospective EIAR accompanies an application, the applicant shall ensure that a retrospective EIAR:

(a) is prepared by competent experts,

(b) contains the following:

(i) a statement of the significant effects, if any, on the environment, which have occurred or which are occurring or which can reasonably be expected to occur because of the abstraction;

(ii) details of—

(I) any appropriate remedial measures undertaken or proposed to be undertaken by the applicant to remedy any significant adverse effects on the environment, and

(II) the period within which any proposed remedial measures will be carried out by or on behalf of the applicant;

(iii) the information specified in section 23(2)(b), subject to any necessary modifications, and

(c) takes into account the available results of other relevant assessments carried out pursuant to European Union legislation or any enactment with a view to avoiding duplication of assessments

The retrospective EIAR shall be based on any Agency opinion on the scope and level of detail of the information to be included in the retrospective EIAR and shall include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the abstraction on the environment, taking into account current knowledge and methods of assessment.

Exceptionality Test

Where an application for a licence requires rEIA, the Agency must first be satisfied that exceptional circumstances exist so that it is appropriate to carry out rEIA and consider the licence application.

In considering whether exceptional circumstances exist, the Agency shall have regard to the following matters:

(a) whether carrying out a retrospective EIA would circumvent the purpose and objectives of the EIA Directive;
(b) whether the ability to carry out an EIA and the ability of the public to participate in that process has been substantially impaired;
(c) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the abstraction;
(d) whether the abstraction is being or has been managed and operated in accordance with a previous authorisation, if applicable;
(e) whether the applicant has complied with previous licences issued by the Agency under any enactment;
(f) such other matters as the Agency considers relevant.

To assist the Agency, the applicant should provide information with respect to these specified matters and submit them in support of your application.

Appropriate Assessment

Undertake a screening for Appropriate Assessment and state whether the abstraction, either individually or in combination with other plans or projects, is likely to have a significant effect on a European Site(s), in view of best scientific knowledge and the conservation objectives of the site(s).

Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an abstraction, either individually or in combination with other plans or projects, will have a significant effect on a European Site, provide a Natura Impact Statement, as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended .

Refer to the document 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities', issued in 2009 by the Department of the Environment, Heritage and Local Government, and revised in 2010, for more information.