

# Principles of Water Abstractions and Associated Impoundments Authorisation





# Principles of Water Abstractions and Associated Impoundments Authorisation

**2025**

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## Introduction

This document sets out the background, principles and processes to be followed for the registration or licensing of water abstractions and associated impoundments in line with the Water Environment (Abstractions and Associated Impoundments) Act 2022 and its associated Regulations (2024).

### What are water abstractions and associated impoundments?

Water abstraction is the removal or diversion of water from, for example, a river, lake, stream, spring, groundwater well or borehole. An associated impoundment means a structure (including a dam or weir) situated in the water that is to be 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.



*Regulating water abstractions and their associated impoundments is important to ensuring sustainable use and management of our water resources and aims to protect and improve the water environment.*

### The legislative framework

The environmental requirement to regulate abstractions is clear and has been mapped out in EU and national policy and legislation for some time.

The Water Framework Directive (2000/60/EC) requires controls over the abstraction of fresh surface water and groundwater, and impoundment of fresh surface water, including a register or registers of water abstractions and a requirement of prior authorisation for abstraction and impoundment. These controls shall be periodically reviewed and, where necessary, updated. Member States can exempt from these controls abstractions or impoundments that have no significant impact on water status.

The Water Environment (Abstractions and Associated Impoundments) Act 2022 and its associated Regulations<sup>1</sup> transpose the Water Framework Directive (2000/60/EC) by introducing a **registration, licensing** and **control** regime for water abstractions and associated impoundments (an impoundment where an abstraction cannot be carried out without an impoundment).

The system of registration and licensing is administered by the EPA. The current [Register](#) contains information on water abstraction exceeding 25m<sup>3</sup>/day and is publicly available.

This document sets out the principles and processes to be followed for registration or licensing of water abstractions and associated impoundments.

### Current EPA guidance

The EPA has published [guidance on water abstraction registration](#) on the EPA website. These documents should be referred to for any queries in relation to the estimation of abstraction volumes and registering on the Environmental Data Exchange Network (EDEN) System.

<sup>1</sup> [S.I. No. 418 of 2024: Water Environment \(Abstractions and Associated Impoundments\) \(Licensing Fees\) Regulations 2024](#) and [S.I. No. 419 of 2024: Water Environment \(Abstractions and Associated Impoundments\) Regulations 2024](#)

## Sources and Use of Water



### What are the different sources of water?

Water can be abstracted from either groundwater or surface water sources.

#### GROUNDWATER sources include:

- Wells/boreholes; and
- Springs.

#### SURFACE WATER sources include:

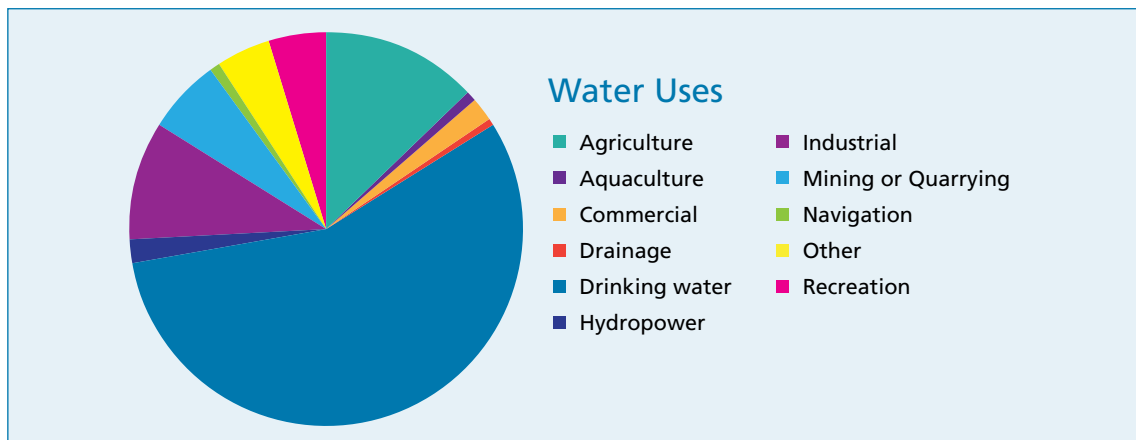
- Rivers/streams/canals;
- Lakes; and
- Reservoirs.

Abstraction from coastal water is not regulated under this Act and does not require registration or licensing.

Most of the water abstracted in Ireland is taken from surface water sources.

### What are the different uses of water?

Water abstraction is undertaken for many different uses. A non-exhaustive list is indicated here. In the order of 56% and 13% of all registered abstractions relate to drinking water and agriculture respectively. While smaller in number, the 2% of registrations relating to hydropower account for approximately 90% of all water by volume currently abstracted.





## Water Abstractions Registration

The EPA Abstraction Register currently contains approximately 1,800 registered abstractions. A large number of water abstractions, however, still need to be registered.

Have you registered?

Registering all water abstractions that exceed the minimum threshold is a critical step in responsible water use and ensuring the long-term sustainability of water resources. All water users abstracting  $\geq 25\text{m}^3/\text{day}$  are required to register their abstractions with the EPA.

## Exempt abstractions

The following prescribed categories of water abstractions (subject to compliance with specified criteria) are exempt from General Binding Rules and registration:

Domestic borehole/well to provide drinking water to a domestic dwelling
Temporary abstraction to facilitate carrying out of works
Abstraction stored in impoundment or artificial storage pond built for the purpose of storing water which receives its inflow from an abstraction entered in the register
Abstraction for testing or investigative reasons
Temporary abstraction to facilitate any works or operations authorised by or under an enactment
Abstractions for firefighting
Works relating to associated impoundment of exempted abstraction

Refer to the [Act](#) and the [Regulations](#) for further details on these exempt abstractions.

## What if I have more than one abstraction point?

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.

Refer to Appendix for some worked examples.

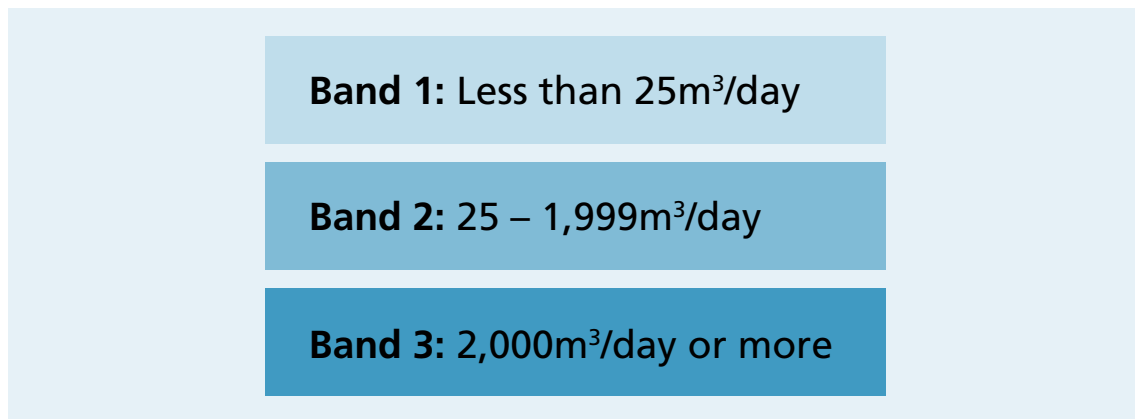
## Abstraction Bands and Obligations

*Abstractions of 25m<sup>3</sup>/day or more are required to be REGISTERED with the EPA and abstractions of 2,000m<sup>3</sup>/day or more are required to be LICENSED by the EPA.*

### What abstraction band applies to me?

The Act applies a graduated approach to the regulation of abstractions, allowing for a licensing regime that permits proportionality to the level of risk presented by abstractions of different volumes and significances.

Three abstraction bands are provided for in the Act, which are determined by the volume of water being abstracted in any 24-hour period.



Abstractions of  $\geq 25\text{m}^3/\text{day}$  are required to register.

Under the Act, the EPA is obliged to carry out assessments (significant assessment and assessment of certain abstractions for retrospective EIA or EIA) to determine if an abstraction between  $25\text{m}^3/\text{day}$  and  $1,999\text{m}^3/\text{day}$  requires a licence. The Act requires the EPA to review its significance assessment every six years. The EPA 'Methodology to assess the impact of abstractions on waterbodies and identify significant abstractions in Ireland' (under preparation) details the significant assessment criteria for determining that an abstraction between  $25\text{m}^3/\text{day}$  and  $1,999\text{m}^3/\text{day}$  requires a licence.

A public authority may, where it considers it necessary for proper regulation of an abstraction, ask the EPA to form an opinion on the need for the abstraction to be subject to a licence.

Approximately 20% of abstractions on the register exceed the  $2,000\text{m}^3/\text{day}$  licensing threshold. The image to the right shows the existing abstraction points within Ireland.



<sup>2</sup> General binding rules do not apply to exempted abstractions.

## What are my obligations if I abstract water (general binding rules)?

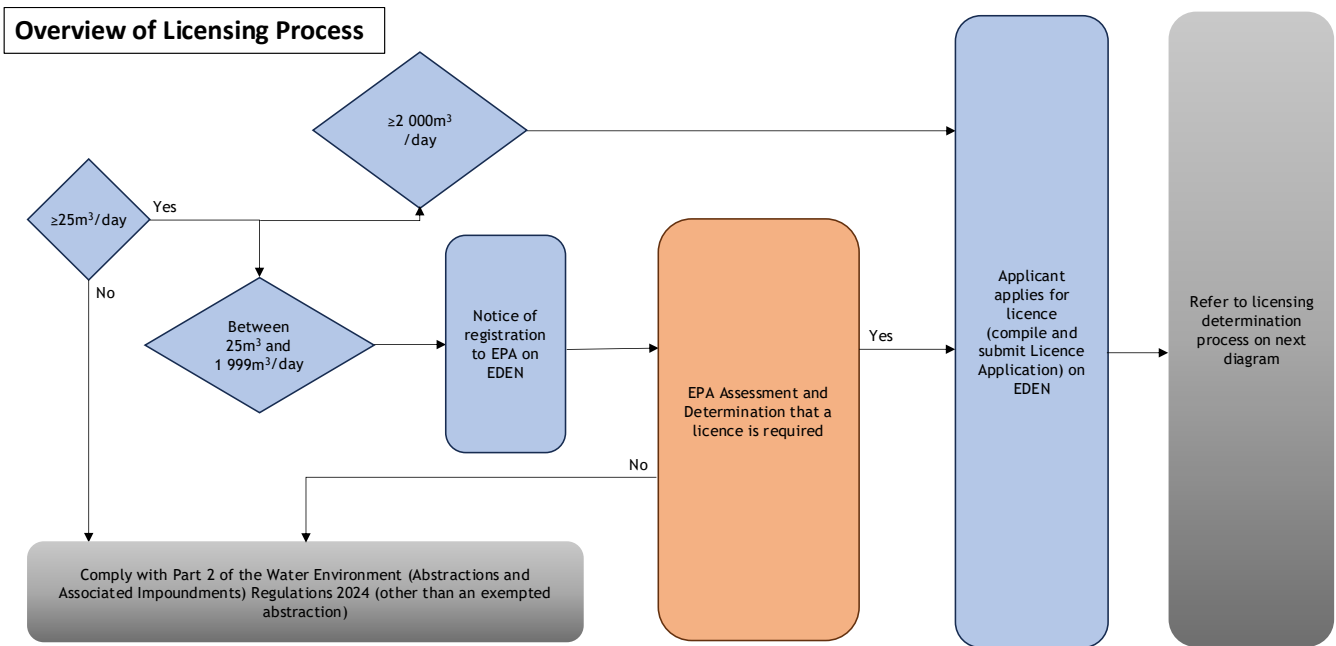
Any person abstracting water<sup>2</sup> must:

- **Measure** or, where appropriate, estimate the daily rate of the abstraction. Refer to the [guidance documents](#) (quick abstraction estimates, frequently asked questions and more) on the EPA website to assist in the estimation of the abstraction volume;
- **Maintain records** of the results of all measurements or estimations;
- Not carry out an abstraction at a rate that is likely to cause a barrier to the passage of fish or interfere with the transport of sediment within a body of surface water;
- Maintain any pipework, storage tanks or other equipment associated with an abstraction to keep water leakage to a minimum; and
- For abstractions on the EPA register, give notice to the EPA of any changes to the entry on the register of abstractions (e.g. material change, transfer, cessation of abstraction).

If you intend to carry out or to increase an existing abstraction, you cannot commence the abstraction/revised abstraction until it is approved by the EPA. Notify the EPA of your intention to undertake an abstraction that exceeds the registration threshold in writing, via EDEN.

<sup>2</sup> General binding rules do not apply to exempted abstractions.

## Registration and Licensing Overview



### How to register an abstraction

#### Step 1: Verify the abstraction volume

Before registering an abstraction, it is important to verify that the daily maximum volume abstracted is 25 cubic metres (25,000 litres) or more per day. Abstraction volumes can be measured or estimated.

#### Step 2: Create a profile/login on EDEN

Registration needs to be done online via the Environmental Data Exchange Network (EDEN) System. If you have not registered on EDEN, see the guide on creating a profile: [Access-to-EDEN-and-Water-Abstraction-Module.pdf \(epa.ie\)](#).

#### Step 3: Register the abstraction

Details of the water abstraction need to be uploaded to 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-Water-Abstractions-Module.pdf \(epa.ie\)](#).

On completion of the necessary steps within the Water Abstractions Module, a registration number will be issued.

### How to apply for a licence

#### Step 1: Timeframe in which to apply

For existing abstractions of  $\geq 2,000\text{m}^3/\text{day}$ , a licence application must be made by 28 February 2025 (unless an extension is approved by the EPA following a request by the applicant). Where the EPA determines that a licence is required, an application must be made within six months of the determination.

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

#### Step 2: Create a profile/login on EDEN

#### Step 3: Make an application for a licence

Complete the online Abstraction Licence Application Form and upload to EDEN with the necessary supporting documentation. Once an application has been submitted, the EPA determination process will commence.

## Preparing a Licence Application

### What do I need to apply for a licence?

The EPA cannot grant a licence unless it is satisfied that the requirements of the relevant Directives and implementing Irish legislation have been complied with.

The following needs to be undertaken when preparing a licence application:

**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.

**ERECT SITE NOTICE** – No later than the date of making an application, erect site notice on the land or structure concerned.

**COMPLETE ONLINE APPLICATION FORM** – Give details of the abstraction, mitigating measures and person carrying out the abstraction by completing the online application form on EDEN.

**COMPILE REPORTS** – Compile and upload to EDEN the necessary documentation and evidence to support the application for a licence. When preparing a licence application, the applicant must demonstrate that the relevant requirements of the following Directives and implementing Irish Regulations/Act, as appropriate, are complied with:

- Water Framework Directive (2000/60/EC) (as amended) and its associated regulations,
- Habitats Directive (92/43/EEC) on the conservation of natural habitats and of wild fauna and flora,
- Birds Directive (2009/147/EC) of the European Parliament and of the Council on the conservation of wild birds,
- EIA Directive (2011/92/EU) on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU.

If the abstraction is of a class specified in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001 as amended, the application for a licence may need to be accompanied by an Environmental Impact Assessment Report (EIAR)/retrospective Environmental Impact Assessment Report (rEIAR). Refer to the aforementioned Regulations, and the following EPA documents: 'Technical Guidelines on the categories of abstraction that are likely to require a retrospective EIA or a retrospective screening determination' (under preparation) and '[Guidelines on the information to be contained in Environmental Impact Assessment Reports](#)' (EPA 2022), and advice notes.

Refer to the EPA 'Water Abstraction Licence application guidance' (under preparation) for further information on compiling the relevant reports to support the application.



### CLIMATE CHANGE

The [Climate Action and Low Carbon Development \(Amendment\) Act 2021](#) provides for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a climate-resilient, biodiversity-rich and climate-neutral economy.

The management of abstractions in the context of a changing climate is addressed in the Government's Climate Change [Sectoral Adaptation Plan on Water Quality and Water Services Infrastructure](#), part of the National Adaptation Framework. The Climate Change Adaptation Plan states that '*Appropriate water resources planning frameworks (e.g. abstraction licensing and/or drought planning) are crucial to maintain and manage the water supply and demand balance in a sustainable way.*'

It identifies specific impacts related to water abstractions. The plan notes that changes in the consumptive pattern of water resources arising from climate change could lead to increased competition for water resources and behavioural changes in the way people access water supplies. It is therefore important that water abstractions are regulated and that their impacts are monitored.

## EPA Licence Determination Process

### What happens once I have submitted an application for a licence?

Once an application for a licence has been submitted to the EPA, there are a number of stages in the determination process before a final decision can be made.

After the application has been received, the EPA will carry out an examination to ensure that it contains the necessary information. If additional information is needed to support the application, the EPA will contact the applicant to request this be submitted before moving forward. The EPA will notify and consult local authorities/navigation authorities where applicable regarding the abstraction.

If the application is found to be complete, the EPA will issue an acknowledgement to the applicant and publish the application on its website.

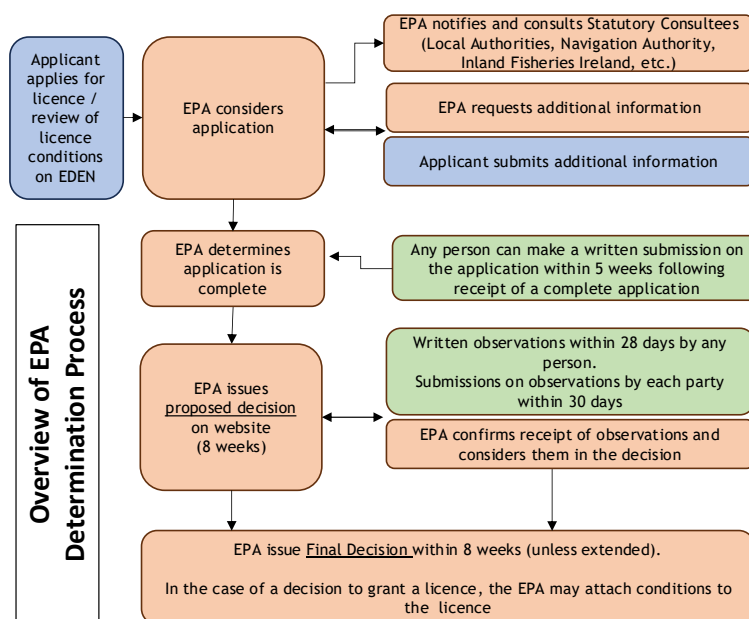
In considering the application the EPA will have regard to specified matters including the environmental objectives for the water body, the National Water Resource Plan and the functions of Uisce Éireann, ESB and Waterways Ireland.

Anyone can make a submission on the application.

Submissions are made in writing, by email or online. Submissions will be considered by the EPA as part of the licence application consideration.

The EPA will issue a proposed decision within eight weeks of receipt of a complete application. The EPA may extend the period of eight weeks if deemed necessary. Anyone (including the applicant) can make an observation on a proposed decision within 28 days of the EPA notice of the proposed decision. All observations on the proposed decision and submissions on observations will be considered prior to the EPA issuing a final decision regarding the application.

If the final decision is to grant the abstraction, a licence will be issued containing conditions that need to be complied with.



## How to get involved

Any person can be a part of the licensing process by making a submission on an application or observation on a proposed decision to the EPA.

The EPA will consider all submissions or observations received.



## Applicable Fees

### What fees apply?

Fees payable are summarised in the table below and further detailed in the [Water Environment \(Abstractions and Associated Impoundments\) \(Licensing Fees\) Regulations 2024](#).

Abstraction band	Fee to accompany an application for a licence	Fee to accompany an application for review of conditions to which licence is subject	Fee to accompany an application for surrender of a licence or revised licence	Fee to accompany an application for transfer of a licence or revised licence	Fee for enforcement of licence
Band 1 <25m <sup>3</sup> /day	N/A	N/A	N/A	N/A	N/A
Band 2 ≥25m <sup>3</sup> -1 999m <sup>3</sup> /day	€2,000	€1,500	€500	€500	For licence – charge determined by EPA
Band 3 ≥2 000m <sup>3</sup> /day	€5,000	€3,500	€500	€500	Charge determined by EPA

## Licence Reviews, Amendments, Surrenders, Transfers

### Review of licences and amendments

Abstraction licences are issued for an unspecified duration and remain valid until the licence is reviewed, amended, revoked, suspended, or surrendered.

#### LICENCE REVIEWS BY THE LICENSEE

The licensee can apply for a review of their licence (i.e. new licence) or for a review of the conditions attached to a licence by submitting an application to the EPA that includes the grounds for the review, specifies the licence reference number, and includes supporting data such as monitoring results. Where an EIAR accompanies or is required to accompany an application, the licensee must make an application for a new licence.

#### REVIEW BY THE EPA

The EPA may carry out a review of a licence and amend the conditions attached to a licence under prescribed circumstances. The EPA will issue a notice to the licensee of the proposal to review.

#### LICENCE AMENDMENTS

The EPA may amend a licence or a revised licence for the purposes of:

- a) correcting any clerical error therein,
- b) facilitating the doing of any thing pursuant to a condition attached to the licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the licence taken as a whole but which was not expressly provided for in the condition, or
- c) otherwise facilitating the operation of the licence, where the making of the amendment does not result in the requirements of Part 5 of the Act ceasing to be satisfied.

The EPA shall, where appropriate, consult with the licensee before amending a licence.

A licensee can make an application to amend the conditions or terms of their existing licence. This process involves submitting a change request to the EPA via EDEN, detailing the specific changes sought and the reasons for the amendment requested. The EPA will review the request and notify the licensee of its decision.

### Licence surrender and transfer

#### LICENCE SURRENDER

A licensee who has ceased or who intends to cease carrying out an abstraction may surrender their licence by applying to the EPA. In any event, the licensee must notify the EPA on the occurrence of the cessation.

#### LICENCE TRANSFER

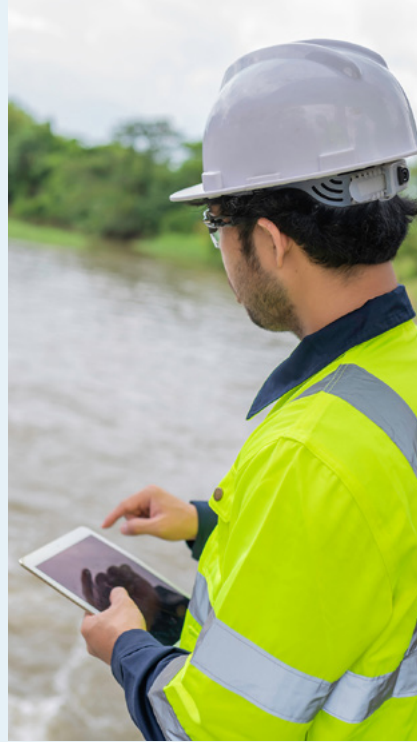
The transfer of a licence refers to the process by which the rights and responsibilities associated with a licence are moved from a licensee (the current holder) to another person or entity (the proposed transferee). This is done when both parties submit a joint application to the EPA to have the existing licence transferred. The EPA will then evaluate the proposed transferee as if an applicant for a licence before approving the transfer.

## Compliance and Enforcement

The EPA ensures compliance with the Act and its associated regulations by conducting environmental inspections. This includes monitoring activities to prevent or limit failures in meeting environmental objectives, issuing compliance notices to licensees when necessary, and maintaining records of inspections and compliance actions. The EPA also collaborates with local authorities to promote consistent enforcement and may impose penalties for violations of the regulations, thereby ensuring that water resources are managed sustainably and in accordance with environmental standards.

The local authority also plays a role in ensuring compliance with the Act. This includes issuing compliance notices, conducting inspections, investigating incidents that may lead to failures in meeting environmental objectives, maintaining records of their inspections, and monitoring compliance.

The consequences of non-compliance with the Act and its regulations can include fines, imprisonment, issuance of compliance notices, and potential legal action by the regulatory authorities to enforce compliance.



### Where to find Additional Information

The EPA has published guidance and templates related to abstraction registration and licensing on its website: [www.epa.ie](http://www.epa.ie)

## Roles and Responsibilities

### Applicant/Person Abstracting/Licensee

- Comply with General Binding Rules for abstractions regardless of abstraction volume (unless exempt).
- If the abstraction is  $\geq 25\text{m}^3$  in any 24-hour period, register it with the EPA.
- If the abstraction  $\geq 2,000\text{m}^3$  in any 24-hour period or deemed to require a licence by EPA, apply to the EPA for a licence.
- Inform EPA of changes to relevant particulars.
- May continue with existing abstractions provided that it has been included in the Register of Abstractions.
- Where a licence is granted, comply with the conditions attached to the licence.
- Comply with other agreements or legislative requirements.

### EPA (the Agency)

- Establish and maintain a register of all abstractions  $> 25\text{m}^3/\text{day}$ .
- Determine if an abstraction  $\geq 25\text{m}^3/\text{day}$  and  $\leq 1,999\text{m}^3/\text{day}$  requires a licence.
- Process licence applications to decision (grant a licence subject to conditions or refuse a licence).
- Publish related guidance.
- Statutory consultee to the Minister and other authorities.
- Compliance inspections and enforcement.

### Uisce Éireann

In addition to items listed under Applicants/Person Abstracting/Licensee, Uisce Éireann has the following roles and responsibilities:

- Carry out a public abstraction and undertake any ancillary operations.
- May carry out temporary abstraction if immediate and serious risk to the supply of public water or to human health, due to prolonged drought, another severe weather event(s) or damage to infrastructure.
- May carry out an emergency abstraction if the immediate and serious risk gives rise to a civil emergency.
- For emergency abstraction, can apply to the Minister for an exemption from licensing requirements.
- Pay compensation to a person materially adversely affected by the carrying out of a public abstraction, where determined by an arbitrator.
- May enter into a water abstraction agreement with the ESB for the abstraction of water from an ESB reservoir.

### Waterways Ireland

- If abstracting or proposing to abstract water, items listed under Applicants/Person Abstracting/Licensee apply.
- Give notice of opinion to EPA if a proposed abstraction would pose a material risk or impediment to navigation of the navigable water.
- Can appeal to District Court against notice of temporary abstraction if carrying out of the abstraction from a canal or navigable water would interfere or is interfering with navigation on the canal or navigable water.
- Enter into an agreement with a person carrying out an abstraction from a canal.

### Electricity Supply Board (ESB)

- If abstracting or proposing to abstract water, items listed under Applicants/Person Abstracting/Licensee apply.
- Enters into a water abstraction agreement with Uisce Éireann for the public abstraction by Uisce Éireann of water from an ESB reservoir.
- Only the ESB may apply for a licence for an abstraction for the purposes of hydroelectric schemes.

### Minister of Housing, Local Government and Heritage

- Make regulations in relation to any matter to give full effect to the Act.
- Can specify registration and licensing thresholds.
- Issue general policy directives to EPA regarding its functions under the Act.
- Can make an order exempting an emergency abstraction by Uisce Éireann from licensing requirements.

### Local Authorities

- Compliance inspections and enforcement of certain abstractions.

## Appendix: Worked Examples

### Example 1: Abstraction from multiple abstraction points and water sources

A farm with 50 dairy cows, 30 calves, 10 sows and a cheese production enterprise. Water for the farm is abstracted from four wells and a river.

**Water abstracted from the four wells (groundwater body) is used for:**

- 50 dairy cows using 125 litres/day per animal = 25,000 litres/day ( $25\text{m}^3/\text{day}$ );
- 30 calves using 20 litres/day per animal = 1,200 litres/day ( $1.2\text{m}^3/\text{day}$ ); and
- 10 sows using 32 litres/day per animal = 320 litres/day ( $0.32\text{m}^3/\text{day}$ ).

Total abstraction from groundwater = 26,520 litres/day ( $26.52\text{m}^3/\text{day}$ ).

Is registration of the abstraction from groundwater required? **Yes** (registration is required as the maximum volume is estimated to be more than  $25\text{m}^3/\text{day}$ ).

**Water abstracted from the river (surface water body) is used for:**

- Cheese production enterprise – water is metered with maximum use of 10,000 litres/day ( $10\text{m}^3/\text{day}$ ).

Total abstraction from surface water = 10,000 litres/day ( $10\text{m}^3/\text{day}$ ).

Is registration of the abstraction from surface water required? **No** (registration is not required as the maximum volume is estimated to be less than  $25\text{m}^3/\text{day}$ : as this is not an exempted abstraction, General Binding Rules must be complied with).

### Example 2: Abstraction from one abstraction point and one water source

A vegetable farm with occasional irrigation by tanker or piped abstraction from a surface water source.

- Abstraction estimation based on tanker volumes or flow rate to be a maximum of approximately 80,000 litres/day ( $80\text{m}^3/\text{day}$ ) for a number of days in the dry period each year.

Total abstraction from surface water = 80,000 litres/day ( $80\text{m}^3/\text{day}$ ).

Is registration of the abstraction from surface water required? **Yes** (registration is required as the maximum volume is estimated to be more than  $25\text{m}^3/\text{day}$ ).

### Example 3: Abstraction from multiple abstraction points and one water source

A quarry has a maximum abstraction of 10m<sup>3</sup>/day, excluding surface water management. It also has dust suppression measures and concrete production. Water is sourced from three wells (groundwater) on the property.

- 10m<sup>3</sup>/day abstraction (10,000 litres/day);
- 10 nozzles for dust suppression (unretrieved) used for 2 hours per day at 1m<sup>3</sup>/hour per 10 nozzles (run 10 minutes per hour) = 2 × 1m<sup>3</sup> per day = 2m<sup>3</sup>/day (2,000 litres per day); and
- 5,000 concrete blocks per day at 500 litres/1,000 blocks made = 5 × 500 litres/day = 2,500 litres/day (2.5m<sup>3</sup>/day).

Total abstraction from groundwater = 14,500 litres/day (14.5m<sup>3</sup>/day).

Is registration of the abstraction from groundwater required? **No** (registration is not required as the maximum volume is estimated to be less than 25m<sup>3</sup>/day: General Binding Rules are however to be complied with).

### Example 4: Abstraction of groundwater for domestic use

An individual has a well on their property. They abstract water from that well for drinking water and domestic use.

Is registration of the abstraction from surface water required? **No** (registration is not required as this constitutes an exempt abstraction).



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