

Briefing for Paul Hammett, NFU

25 January 2018

Delays in determining abstraction licences in the Ant, Bure & Thurne, Norfolk

Determining licence applications already received and those due by 31 March 2018 will take much longer to determine than normal.

Together with Natural England, we have identified the Ant, Bure and Thurne catchments as the area (map overleaf) for which there is potential for hydrological impact on a SSSI (which is part of the Broadland SAC) with known concerns. Therefore, this means our permitting team, NPS, need to carry out a new Habitats Regulation assessment (HRA) in order to determine licences and ensure compliance with the Habitats Directive. This examines the abstraction proposed against the relevant 9 criteria for this SSSI (based on its designated features). The 9 criteria are: changes to ground water levels; changes to ground water chemistry; changes to surface water flows; impact on surface water levels; impact on Surface water chemistry/dilution; impact on freshwater flows to the estuary; salinity regime changes; risk of entrapment/impingement; and risk of habitat loss.

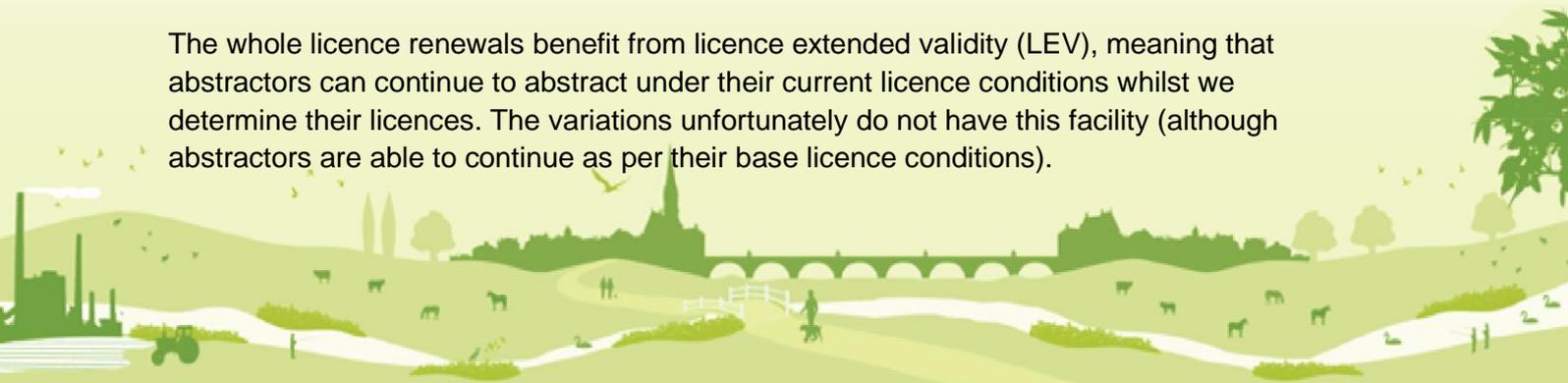
What is causing the delay is the need to consider both the 'alone' impacts of the abstraction proposed as well as the 'in-combination' impacts. This assessment is now required for the Ant, Broads and Marshes SSSI following the Catfield Fen enquiry that added to our understanding of the hydrology of this site, the evidence of serious damage and the precautionary approach that we need to follow. We do not as yet have the methodology for all parts of the in-combination assessment as it is a complex and significant piece of work for us and we are seeking best practice and inputs into this methodology as well as trying to identify whether there are acceptable threshold levels for any of the criteria.

We have so far only communicated a delay to the 31 March, but our emerging timeline, considering the technical work we have identified and the benefits of involving others who might wish to contribute to this work, means that it is unlikely we can determine any licences until September at the earliest. We will now need to seek agreement from all affected abstractors with whole licences and variations due to expire about extending the determination period to September 2018.

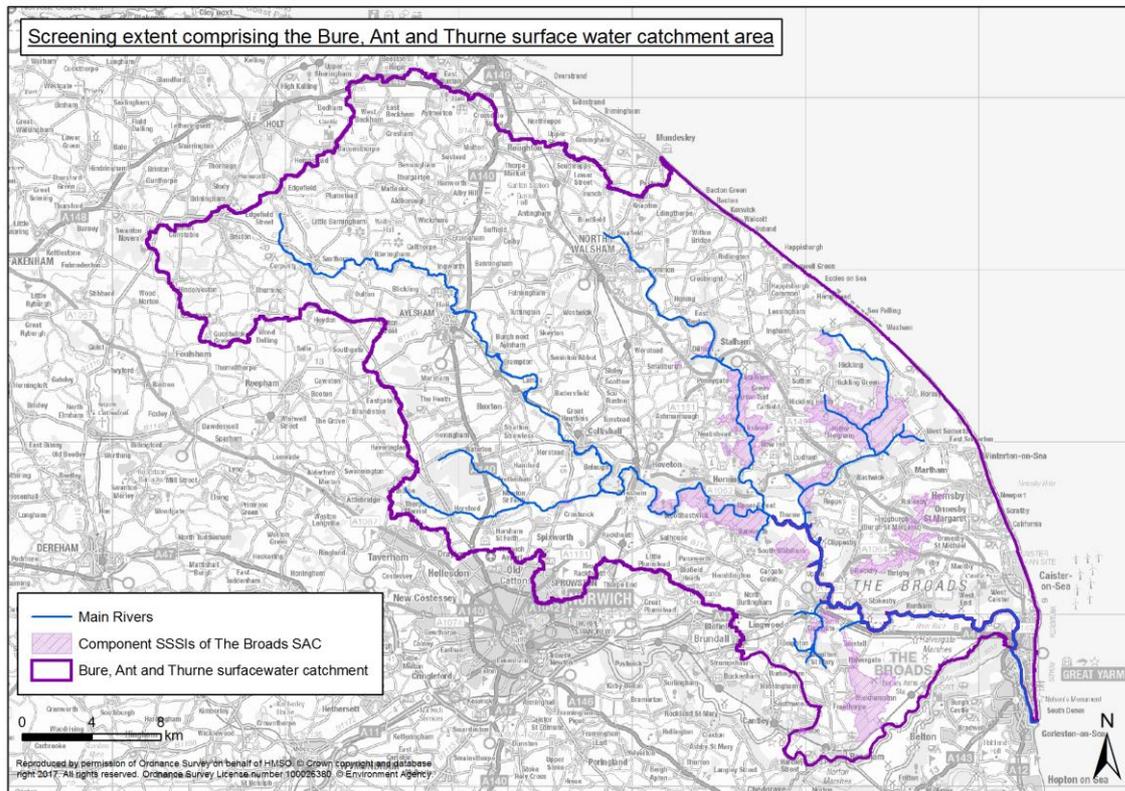
By September we are hoping to have the in-combination assessment results and there *could* be an opportunity to determine some licences, but it is impossible to pre-judge the outcomes from this assessment. It may well be that further work to explore different scenarios with licence holders is required before any determinations can be made.

The number of licences this affects is as follows: 42 whole licence renewals; 12 variation renewals; 2 whole new licences; and 5 new variations.

The whole licence renewals benefit from licence extended validity (LEV), meaning that abstractors can continue to abstract under their current licence conditions whilst we determine their licences. The variations unfortunately do not have this facility (although abstractors are able to continue as per their base licence conditions).



We do recognise that this delay means uncertainty for abstractors and impacts on their business planning. We will be providing more information to licence holders to tell them about how long they may have to wait and why, and we will keep people, our partners and other interested parties updated on progress with this matter as we move through the determination process. We invite technical input and evidence and will be outlining the best way for people to get involved if they wish to. We are also using a ShareFile system for submitted applications and other information.



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