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Progress report: Abstraction licensing in the Ant, Bure and Thurne

Introduction

The Environment Agency is reviewing abstraction licences in the Ant, Bure and Thurne catchment to ensure that they comply with two separate regulations:

1. Water Framework Directive (WFD) 'no deterioration' licensing policy applies across East Anglia and has the effect of constraining some Time Limited groundwater irrigation licences at renewal to annual volumes based on peak use during the period 2000-2015
2. Ongoing assessment of all licences (both time limited licences and licences of right) as part of Habitats Regulations requirements – the Habitats Regulations Assessment (HRA). This programme is assessing the impact, or risk of future potential impact, of abstraction on specially designated sites such as Special Areas of Conservation (SAC), and – for the purposes of this note - is specific to licences in the Ant, Bure and Thurne catchment.

Furthermore, as a result of the Catfield Fen public inquiry which tested the application of the 'precautionary principle' to sites protected by the Habitats Directive, the Environment Agency is reviewing the adequacy of the licence determination process which, it believes, must be more methodical, transparent and precautionary when addressing consents (such as abstraction licensing) against Habitats Directive requirements.

Impact of licensing review

The immediate impact on farm businesses is uncertainty about future access to water and the implications for local food production. Licences face the risk of future constraint, primarily but not solely, in terms of annual abstracted volumes.

For licences that expired in March 2018, the Agency has indicated that it will not be in a position to take firm decisions until the end of September 2018; rules permit that abstractions can continue as usual until a decision is taken.

NFU activity

The NFU is fully engaging in the Agency's licensing review and determination process by:

- Setting up a group to act on behalf of the local farming community (in partnership with BAWAG) comprising Tim Place, Tim Papworth, Will Sands and Paul Hammett
- Funding professional experts to represent members on the technical aspects of the licensing review, namely James Dodds of [Envireau Water](#) (hydrogeologists) and Mike Harding of [Hummingbird](#) (ecologists). Our experts are representing the farming community on a set of technical groups that the Agency has formed to help and support its review programme.

Representing members

The joint group has so far been effective in engaging with decision makers on this issue in meetings with:

- Norman Lamb MP who is trying to arrange for us to meet with Defra Environment Minister Therese Coffey MP
- Environment Agency Directors which gave Andrew Clark (NFU Policy Director) the opportunity to emphasise that the NFU considers this issue to be of national importance
- Environment Agency chief executive Sir James Bevan on farm in Suffolk to discuss the application of the 'precautionary principle' to abstraction licences

Context

The Ant, Bure and Thurne catchments sit at the heart of a complicated abstraction licensing conundrum. The status of most of the Broads as a Special Area of Conservation (SAC) or similar means that the Environment Agency must have high regard for the Habitats Directive, which removes a significant degree of flexibility when considering the impact of abstraction.

This is coupled with a heavy local reliance on groundwater for public water supply, and a lack of genuine field evidence on impacts (or lack of impacts). The Agency's impact assessments rely almost entirely complex groundwater modelling, not designed to look at site specific issues; problems are exacerbated by poor, sparse data collected by environmental NGOs designed to highlight problems but not to identify solutions.

These circumstances create a climate in which the Agency is potentially *forced* to apply the 'precautionary principle' to its decisions.

Environment Agency work programme

To help it make decisions on individual licences, the Agency is in the process of developing a set of standard assessment criteria against which the real or predicted effects of abstraction can be measured. To help this process, it has created a set of expert groups (hence the importance of commissioning our own experts to represent us on these groups) with the ambition of reaching consensus on relevant criteria for taking action (if any) on licences.

Anglian Water

Anglian Water (and other abstractors) is equally subject to the licensing review. However, Anglian Water has a duty to supply water for domestic use and we have become increasingly concerned that this gives Anglian a special status in terms of future abstraction.

We are demanding a fair share of water for farming, and we do not think that agricultural abstraction, which is caught up in this review because of its 'in combination' effects with public supply should be unfairly treated.

Measuring and monitoring the impacts of abstraction

Irrespective of licensing decisions taken this year, it is clear that abstraction in the Broadland Rivers catchment will become increasingly complicated in future. All members will need to become more proficient in their collection of evidence and data.

We will provide more advice in due course on the type of evidence that should be collected, and grant availability for monitoring apparatus.