



Old Bedford including Middle Level abstraction licensing strategy

A strategy to manage water resources sustainably

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8 May 2017

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1. About the licensing strategy

This strategy sets out our approach to managing new and existing abstraction and impoundment within the Old Bedford including Middle Level catchment in the Anglian river basin district.

The Old Bedford including Middle Level ALS catchment comprises an area of approximately 921km² stretching from the village of Stilton in the west, to the village of Sutton in the east, and from Upwell in the North, to the edge of Huntingdon in the south.

The catchment comprises the Ouse Washes, Counter Drain, Hundred Foot and the Middle Level rivers and drains and is predominately below sea level. Few of the water courses are natural; the majority being artificial drains with the movement of water principally relating to pumping and drainage operations.

The CAMS area can be split into three main drainage systems or Level Dependent Management Units (LDMU). See section [3.2](#) for more information.

Responsibility for control of water in the Middle Level is shared between the Middle Level Commissioners and the Internal Drainage Boards. The Middle Level Commissioners are responsible for operating and maintaining the high level drains and have responsibilities for maintaining navigation between the two main rivers; the River Nene and the Tidal River Ouse. The Internal Drainage Boards are the authorities responsible for operating and maintaining the low level drains.

Our approach ensures that River Basin Management Plan (RBMP) objectives for water resource activities are met and we avoid deterioration within this catchment.

We apply this approach to the water body in which the abstraction is located. It also applies to all downstream surface water bodies that may be affected by any reduction in abstraction-related flow, or adjacent groundwater bodies affected by any reduction in groundwater level.

Please see [managing water abstraction](#) on GOV.UK for the technical explanation, legal and policy requirements behind the Abstraction Licensing Strategy (ALS).

Please see the [abstraction pages](#) on GOV.UK for advice on who needs an abstraction or impoundment licence, and how to apply.

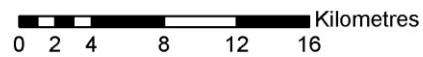
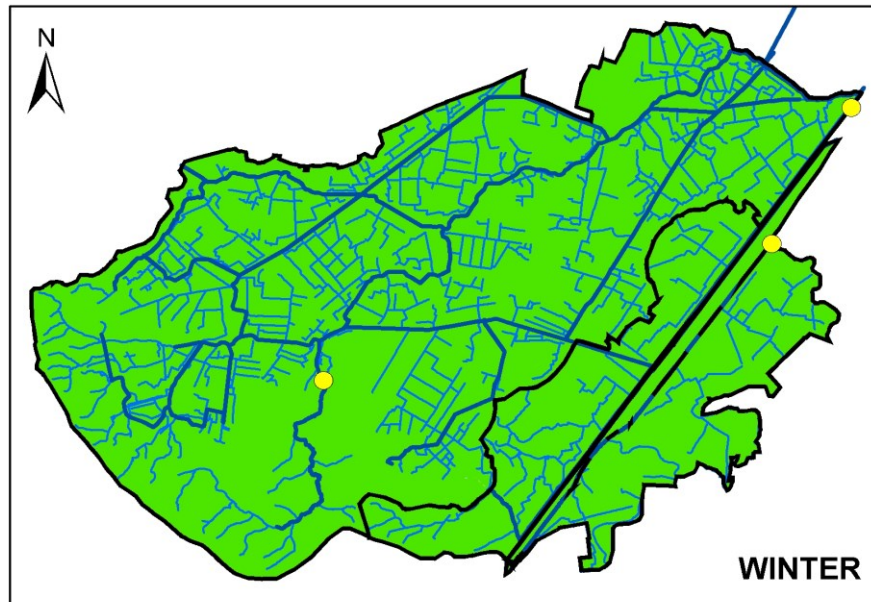
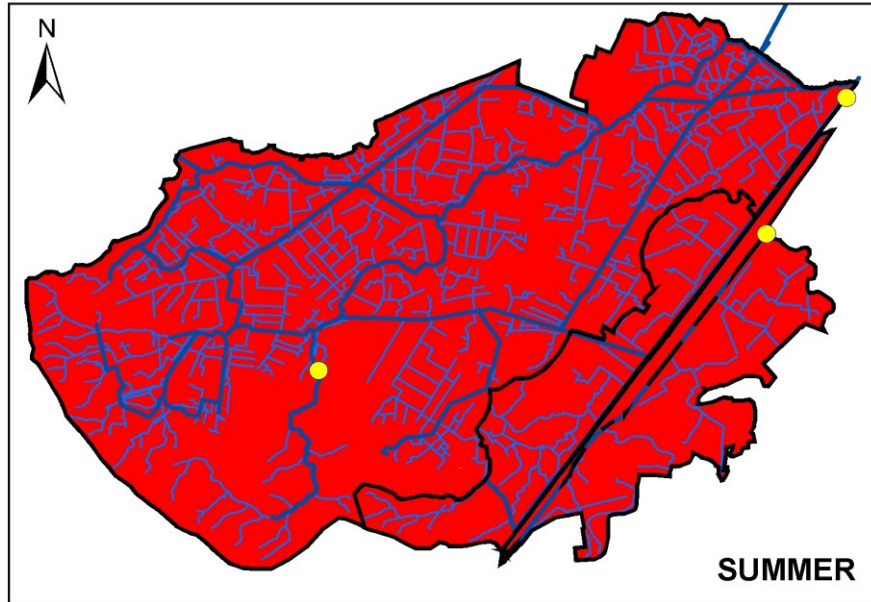
2. Water resource availability of the Old Bedford including Middle Level ALS

2.1. Resource availability

The water resource availability for this ALS are presented and explained in Map1 and Table 1 below.

Licence renewals will continue to be considered with regard to environmental sustainability, justification of need, and efficient use of water. We must ensure that the licensing of abstraction is sustainable and won't cause deterioration in the ecology of our rivers, wetlands and estuaries or deplete groundwater resources. Section 4.2 contains more information on how our approach to renewing time limited licences will manage the risk of deterioration.

Old Bedford Including Middle Level CAMS Resource Colours



Legend

- Assessment Points
- Level Dependant Management Units
- High Level Carriers
- Low Level Drains
- Water Available for Licensing
- Water Not Available for Licensing

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Map 1 Water resource availability colours for Old Bedford including Middle Level ALS

Water resource availability colour	Implication for licensing
Water available for licensing	<p>There is more water than required to meet the needs of the environment.</p> <p>New licences can be considered depending on local and downstream impacts.</p> <p>Some time limited licence renewals may require changes to reflect historic annual usage in order to manage the risk of deterioration to the environment.</p> <p>Abstractions for non-consumptive uses can still be permissible in catchments where there are sustainability issues.</p>
Restricted water available for licensing	<p>Full Licensed flows fall below the Environmental Flow Indicators (EFIs).</p> <p>If all licensed water is abstracted there will not be enough water left for the needs of the environment. No new consumptive licences would be granted. Some time limited licence renewals may require changes to reflect historic annual usage in order to manage the risk of deterioration to the environment. It may also be appropriate to investigate the possibilities for reducing fully licensed risks. Water may be available if you can ‘buy’ (known as licence trading) the entitlement to abstract water from an existing licence holder.</p> <p>Abstractions for non-consumptive uses can still be permissible in catchments where there are sustainability issues.</p>
Water not available for licensing	<p>Recent actual flows are below the EFI.</p> <p>This scenario highlights water bodies where flows are below the indicative flow requirement to help support Good Ecological Status/Potential (GES/GEP) (as required by the Water Framework Directive</p> <p>Note : we are currently taking action in water bodies that are not supporting GES / GEP). No further consumptive licences will be granted. Some time limited licence renewals may require changes to reflect historic annual usage in order to manage the risk of deterioration to the environment. Water may be available if you can buy (known as licence trading) the amount equivalent to recently abstracted from an existing licence holder.</p> <p>Abstractions for non-consumptive uses can still be permissible in catchments where there are sustainability issues.</p>
HMWBs (and /or discharge rich water bodies)	<p>These water bodies have a modified flow that is influenced by reservoir compensation releases or they have flows that are augmented. These are often known as ‘regulated rivers’. They may be managed through an operating agreement, often held by a water company. The availability of water is dependent on these operating agreements. More detail if applicable can be found in section 4.2.1 Surface Water.</p> <p>Some time limited licence renewals may require changes to reflect historic annual usage in order to manage the risk of deterioration to the environment.</p> <p>There may be water available for abstraction in discharge rich catchments, you need to contact the Environment Agency to find out more.</p> <p>Abstractions for non-consumptive uses can still be permissible in catchments where there are sustainability issues.</p>

Table 1 explains the water resource availability colours and their implications for licensing

Groundwater availability is guided by the surface water resource availability colours unless we have better information on Primary aquifers or are aware of local issues we need to protect.

In the Old Bedford including Middle Level CAMS catchment there are no significant principle aquifers and there is therefore little groundwater available. Groundwater may be available from Secondary aquifers (localised areas of sands and gravels). Applications for abstractions from the Secondary aquifers will be assessed on a case by case basis. It is likely that any groundwater is in continuity with the surface water in this catchment in which case the surface water resource status and licence conditions would apply.

2.2. Resource reliability

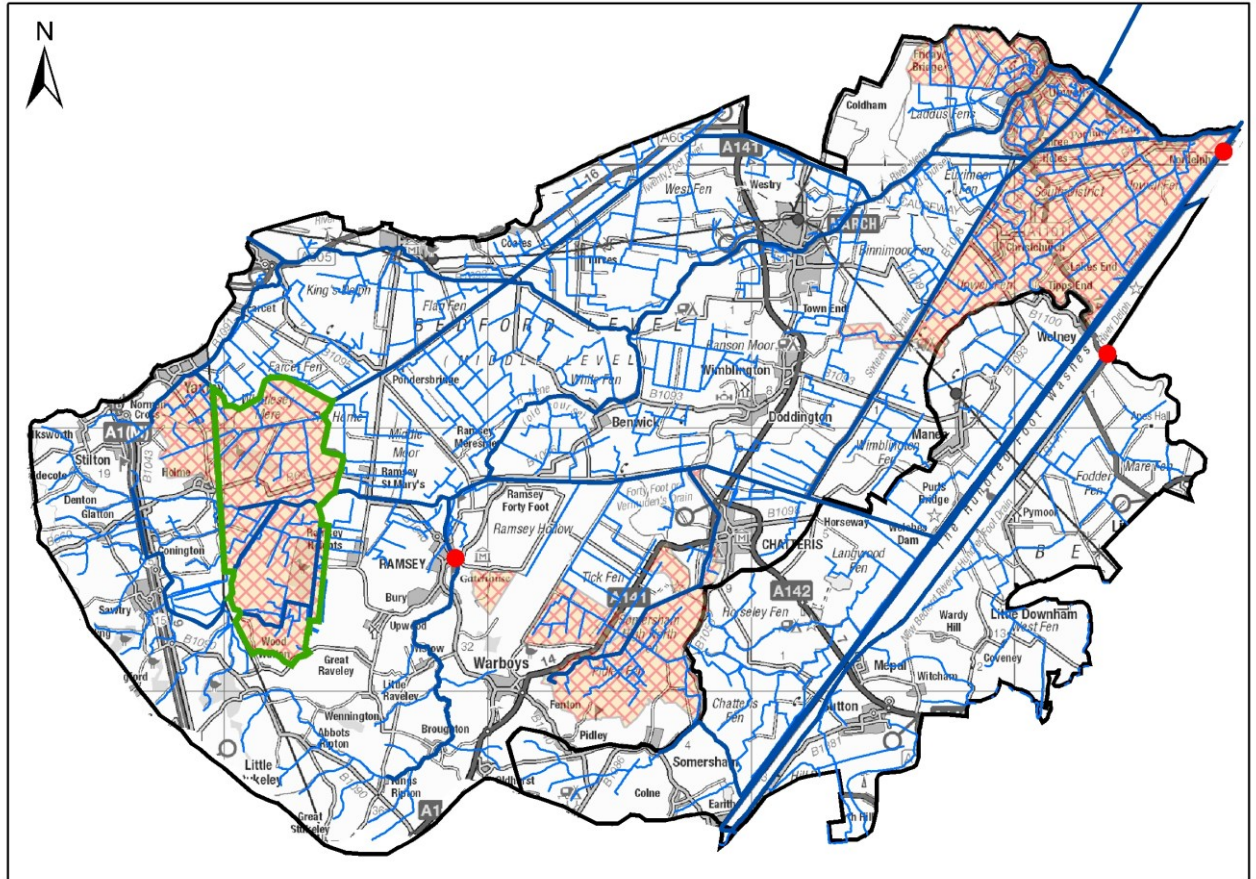
If you want to apply for a licence, it's worth considering the reliability of your abstraction.

The availability of water for abstraction within a fenland drainage system varies greatly throughout the year depending on water levels and demand. In the Old Bedford including Middle Level ALS water is only available for new abstractions in the winter season, between November and February. The actual reliability of a new winter licence will be discussed on application.







Some areas in the Old Bedford including Middle Level ALS are particularly sensitive to abstraction due to a variety of reasons including the close proximity of protected sites and restricted water supply as a result of obstructions, land height and infrastructure limitations. New abstractions or variations in these areas may not be granted. Particularly sensitive areas are (also shown on Map 2):

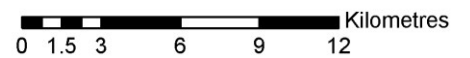
- drains upstream of Holme Fen SSSI – limited resources from inlet slackers
- drains in the southern part of Warboys, Somersham and Pidley IDB – in the Broadpool area supply only from water overtopping dams. Also, some areas are higher than the main Middle Level pond so are not easily resourced
- part of March East IDB near Stoney Grange – not supported from the main pond and has an overflow weir
- Fenton Lode – higher level watercourse that drains into the Forty Foot River. Fed from run-off only so limited resource
- the following IDBs are predominately higher than the main pond, sourced from run-off and gravity feed to high level carriers - they may have limited or no resource
- the Needham, Burial and Birdbeck IDB
- the Churchfield and Plawfield IDB
- the Nordelph IDB
- the Upwell IDB
- the sensitive areas to the west of the catchment includes Woodwalton Fen SSSI and the area designated for the Great Fen Project

Areas sensitive to abstraction in the Old Bedford Including Middle Level catchment



Legend

-  Areas sensitive to abstraction
-  The Great Fen Project area
-  Assessment Points (APs)
-  High Level Carriers
-  Low Level Drains
-  Level Dependant Management Units



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Map 2. Areas sensitive to abstraction in the Old Bedford including Middle Level ALS

2.3. Other considerations for availability and reliability

When we grant a licence, it doesn't mean that we guarantee a supply of water. Because we have to protect the environment and the rights of other abstractors, we may have to add constraints to licences such as 'hands off flow' (HoF) conditions. These conditions specify that if the flow in the river drops below what's needed to protect the environment, abstraction must reduce or stop. So, in dry years, restrictions are likely to apply more often, which will affect the reliability of supply.

Whilst this document may say that water is available for abstraction, this doesn't guarantee that all applications will be successful. This is because we have to determine each application on its own merits, and local factors may mean we're either unable to grant a licence as applied for, or even at all.

New licences within an ALS are usually given a Common End Date (CED), which allows them to be reviewed at the same time. The next CED for this ALS is 31 March 2025 and the subsequent one is 31 March 2037.

2.4. Impoundments

Applications for impoundments will be dealt with on a case by case basis. Find more information on [GOV.UK](https://www.gov.uk).

3. How we manage abstraction in the Old Bedford including Middle Level ALS

3.1. Assessment points

The availability of water for abstraction in the Old Bedford including Middle Level ALS has been determined by a water level based strategy based on the relationship between the water available in the system, fully licensed and recent actual abstractions and environmental requirements. We have used current operations and an understanding of the system in consultation with the Middle Level Commissioners and key stakeholders to produce the strategy.

The strategy results are represented by different water resource availability colours showing the availability of water resource for further abstraction for each water body. The water resource availability colours are green, yellow and red.

We will add any conditions necessary to protect water levels to a new licence (which includes any renewal) during the licence determination procedure. In the Old Bedford we will continue to use the existing cessation conditions, explained in section [3.2](#). Table 2 lists the implications for licensing for each water resource availability colour.

Table 2 - Summary of the Licensing Strategy for the Old Bedford including Middle Level

LDMU	CAMS SW colour - Summer	CAMS SW colour - Winter	Licensing Strategy	Additional Comments
Middle Level	Red	Green	No surface water available in the summer.	Existing licences that are time limited will be treated with a presumption of renewal with the same terms and conditions subject to the renewal tests. See section 3.2 for further details.
Counter Drain	Red	Green	Surface water may be available in the winter subject to conditions. See section 3.2 for further details.	
Hundred Foot	Red	Green	Trading of licensed quantities may be possible. See section 4.1 for further details. Groundwater may be available from Secondary aquifers and will be assessed on a case by case basis.	

3.2. Level dependent environments

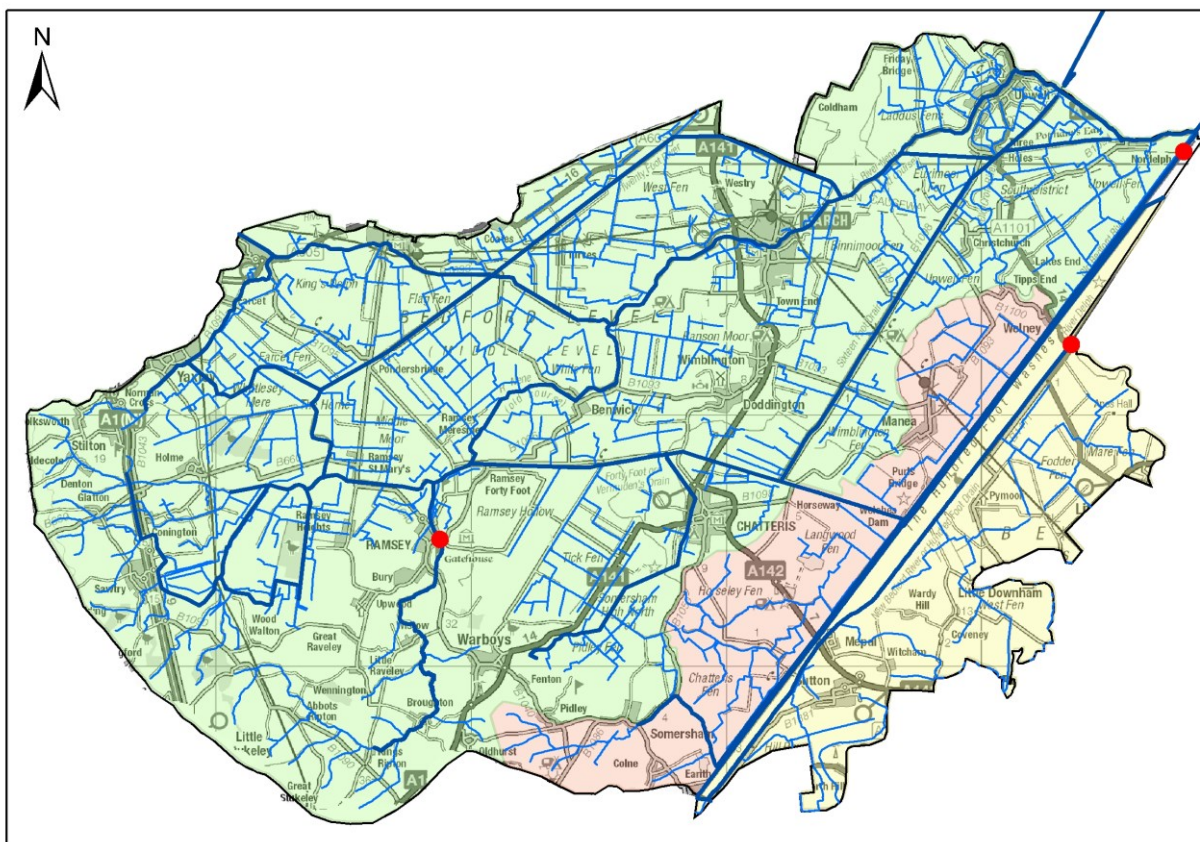
The Old Bedford including Middle Level ALS catchment is made up of three distinct Level Dependent Units (LDMUs) and two small areas of 'normal' hydrological system where the land elevation is higher.

The three LDMUs are known as the Middle Level, Counter Drain and the Hundred Foot, as detailed on Map 3. The two small areas with flowing watercourses act as feeder catchments to the level dependent areas and have therefore been grouped into the water resource management unit with the level dependent area that they support (Cranbrook Drain with the Counter Drain catchment and the Broughton/Bury Brook with the Middle Level catchment).

We have divided the area into units, shown on Map 3, known as level dependent management units. We have completed an assessment on each of these units. Table 3 lists restrictions which may be applied to the different level dependent management units.

Map 3 - Level Dependent Units in the Old Bedford including Middle Level ALS

Old Bedford Including Middle Level CAMS Level Dependent Management Units



Legend

- APs
- High Level Carriers
- Low Level Drains
- Level Dependant Management Units
 - Hundred Foot
 - Counter Drain
 - Middle Level

0 1.5 3 6 9 12 Kilometres

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Table 3. Licence restrictions on abstractions in relation to Level Dependent Environments in Old Bedford Including Middle Level Abstraction Licensing Strategy area.

Level Dependent Management Unit	Licence restriction
Middle Level/ Bodsey Clause - Summer	<p>The restrictions are stepped as follows: when levels at Bodsey Bridge (TL 295 876) fall below -</p> <p>99.49m SLD – Statutory restriction - abstraction constrained to 4 nights a week</p> <p>99.45m SLD – Statutory restriction - abstraction forbidden.</p> <p>When flows in the River Nene at Orton gauging station at TL 166 972 is equal or less than 170,000 cubic metres per day OR levels in the River Nene at Dog in a Doublet Sluice at TL 275 994 are equal to or less than 2.80m ODN abstraction may be constrained to 4 nights a week or forbidden.</p>
Middle Level/ Bodsey Clause - Winter	<p>When levels at Bodsey Bridge (TL 295 876) fall below 99.45m SLD – abstraction forbidden.</p> <p>The summer clause and/or a slacker clause may be applied to summer re-abstraction at the request of the Middle Level Commissioners.</p>
Counter Drain/ Manea and Welney IDB	<p>Abstraction forbidden when the level is at or below 6ft South Level Datum (10ft below Ordnance Datum Newlyn) on the gauge board at the Purls Bridge drain at (TL 476 881)</p>
Counter Drain/ Sutton and Mepal IDB	<p>Abstraction forbidden when the level is at or below 94.6ft SLD in the IDB drain at Sutton and Mepal pumping station (TL 441 821)</p>
Counter Drain	<p>Abstraction forbidden when the level is at or below</p>

	100.91m SLD** in the Counter Drain at the Sutton and Mepal pumping station/at Welches Dam***.
Hundred Foot	Abstraction forbidden when the level within the IDB drain at TL 508 891 is at or below 97.25m SLD

Discharge and re-abstraction in the Old Bedford including Middle Level ALS

In very broad terms the Middle Level high level drain system can be considered to be a large 'pond' during the summer months. In general, discharge in to the high level drain system at one point will support a re-abstraction anywhere on the high level system. Where this is the case a compensatory discharge will be required to account for losses in the system. However, there are certain areas where it is unlikely that re-abstraction would be granted without a compensatory discharge being made upstream of the re-abstraction point. These are:

- high level drains upstream of the Middle Level Commissioners' boundary
- Well Creek
- areas where a change in level occurs (special/additional compensatory arrangements may be required)

Discharge and re-abstraction arrangements within the low level IDB drain system are more complicated and will be controlled more closely.

3.3. Heavily modified water bodies

The drains within the catchment have been classified under the Water Framework Directive as Artificial water bodies (AWBs) due to the presence of flow control structures such as sluices and gauges. You can find more information in our [River Basin Management Plan](#).

3.4 Protected areas

European law provides a very high level of protection to two types of designated sites due to their special environment. These are:

- Special Areas of Conservation (SAC), which contribute to biodiversity by maintaining and restoring habitats and species
- Special Protection Areas (SPA), which provide protection to birds and their nests, eggs and habitats

Ramsar sites and Sites of Special Scientific Interest (SSSI) also carry a high level of environmental importance.

Ouse Washes

The Ouse Washes are a SAC, SPA, SSSI and Ramsar site. The Ouse Washes are designated a SPA and Ramsar for the seasonally flooded wet grasslands between the Old Bedford and Hundred Foot Rivers that support significant numbers of waterbirds, particularly the Bewick's Swan.

The Ouse Washes are also designated as a SAC because of the presence of spined loach *Cobitis taenia* populations within the Counter Drain and Old Bedford/Delph. The Counter Drain LDMU is sourced from the Counter Drain. The Habitats Directive Review of Consents investigations concluded that it could not be shown that abstraction authorised by licences without the Counter Drain cessation condition would not adversely affect the habitat of the spined loach. As a result the four existing licences without the cessation condition have been varied to include the condition.

Any new abstractions licensed will be subject to the cessation condition to protect the integrity of the Ouse Washes SAC.

Woodwalton Fen

Woodwalton Fen is designated as a SSSI and a component of the Fenland SAC. The Habitats Directive Review of Consents concluded that licensed abstraction has such a small influence on water levels in Woodwalton Fen that they can be shown not to have an adverse effect on the integrity of the site.

The Great Fen Project

The Great Fen is a visionary plan to transform in excess of 3,000ha of largely arable land into a 'super-reserve'- an area of wildlife-rich and publicly accessible fenland landscape. The Great Fen area lies in Huntingdonshire, with Peterborough to the north and Huntingdon to the south, and encompasses two National Nature Reserves – Holme Fen and Woodwalton Fen, two of the only remaining fragments of our fenland natural heritage. For more information see the [Great Fen website](#).

In 2001, a partnership was established for the development of conservation in the Middle Level between the Environment Agency, Huntingdonshire District Council, Middle Level Commissioners, Natural England and the Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough.

The project's 60-year vision is to:

- safeguard our vital natural heritage by protecting remaining fragments of the ancient fenland landscape
- contribute to climate change adaptation and mitigation by creating large areas for wildlife and preventing the loss of peat soil
- provide for enhanced flood storage, protecting surrounding land and property
- provide fantastic opportunities for people to enjoy and learn about the natural and cultural heritage of the region
- provide new opportunities for tourism, the local economy and local businesses

4. Managing existing licences

4.1. Water rights trading

We want to make it easier to trade water rights. A water rights trade is where a person sells all or part of their water right, as defined by their abstraction licence(s), to another person on a permanent or temporary basis. In the majority of cases a trade will involve a change in abstraction location and/or use which we will need to approve through the issue or variation of abstraction licences.

In licensing trades, as with new abstraction licences, we need to make sure that we don't cause any deterioration in water body status both within the water body or bodies where the trade will take place or to downstream water bodies. The table below provides a guide to the potential for trading in water bodies of a particular ALS water resource availability colour, as shown on map 1.

Table 4: Water resource availability colours and their implications for trading.

ALS water resource availability colour	Our approach to trading
High hydrological regime	Opportunities for trading water rights will be limited
Water available for licensing	Allow trades of recent actual abstraction and licensed abstraction, but little demand for trading expected within water body as water available for new abstractions. Please contact the local Environment Agency office to discuss any potential trades in this area.
Restricted water available for licensing	There may be limited opportunities for licence holders to trade their quantities, but the quantities of water available to trade may be restricted. We will not permit licence trades in water bodies where we are taking action to prevent deterioration unless the trade is consistent with achieving water body objectives. Please contact the local Environment Agency office to discuss any potential trades in this area.
Water not available for licensing	We will only trade recent actual abstraction but no increase in recent actual abstraction is permitted in water body. Licensed abstraction will be recovered for the environment. Please contact the local Environment Agency office to discuss any potential trades in this area.
HMWBs	Opportunities for trading will depend on local operating agreements and local management.

To find out more about licence trading go to GOV.UK.

4.2. Taking action on unsustainable abstraction

Actions to tackle unsustainable abstraction in surfacewater waterbodies where flow does not support ecological status, or potential if the waterbody is heavily modified include:

- actions under the water industry national environment programme
- revocations of licences for non-use
- reductions of under-used and unused licences
- changes to licences time-limited until 2018 as detailed in the paragraphs below:

Surface water renewals

Surface water licence renewals would be approached with the following broad principles:

Where there are no sustainability issues in the surface water bodies influenced by the abstraction, the quantities are justified and the applicant has demonstrated that the water is being used efficiently, then the application would be renewed on same terms to the relevant ALS common end date.

Abstractions for non-consumptive uses can still be permissible in catchments where there are sustainability issues.

Where there is a sustainability issue in surface water bodies influenced by the abstraction, any renewal would have an appropriate hands off flow (HoF) applied or other management arrangement to suit specific areas, for example level dependent systems. Sustainability issues can include:

- a failure of the downstream surface water body status at recent actual levels of abstraction and where hydrology is a reason for not achieving good ecological status
- a deterioration of the downstream surface water body status at full licence levels of abstraction. Regardless of whether hydrology is a reason for not achieving good ecological status at recent actual levels
- a more local sustainability issue on the water course, for example a flow-related Habitats Directive site downstream

A minimum level 'no deterioration HoF' of the Environmental Flow Indicator 95%ile flow requirement (EFIQ95) will be applied to any renewal, please refer to Table 3. Renewals with only EFIQ95 HoFs would be time limited until 2024 where there are residual sustainability issues at higher flows. Further changes may be required after 2024 to protect the whole flow profile.

If there is evidence that the EFI Q95 level of protection is not sufficient to prevent deterioration, then an appropriate alternative (higher) HoF will be applied upon renewal.

Groundwater licence renewals

Groundwater Licence renewals would be approached with the following broad principles where the groundwater abstraction affects any water body where hydrology is a reason for not achieving good ecological status:

If the ground and/or surface water bodies that the groundwater abstraction influences are compliant at recent actual and fully licensed then licences would be renewed on the same terms to the common end date subject to other licensing tests.

If the ground and/or surface water bodies that the groundwater abstraction influences are compliant at recent actual but fail at fully licensed then licences would be capped at their historic maximum annual rate (based on abstraction returns) to manage the risk of deterioration. The historic maximum will be taken from the 10 years (2005-15) except for spray irrigation purposes where the period will be 2000 to 2015 to reflect the sector's unique weather dependent usage.

If the ground and/or surface water bodies that the groundwater abstraction influences are non-compliant at recent actual and fully licensed then licences would be renewed with measures required to meet the RBMP objectives for those water bodies. Measures required to restore water bodies to good status will be applied on the basis of that licence's fair share. Such "pathway to good measures" could include licence reduction, hands off flow/level and catchment management arrangements. We will aim to reissue licences to the ALS common end date as standard where all the sustainability issues in the catchment are resolved. We may need to reissue licences for a shorter period (31 March 2024) where there are residual sustainability issues.

In circumstances where the 'pathway to good measures' are not known at the time of renewal, then we would issue a short term renewal linked to any ongoing investigations capped at maximum peak to manage the risk of deterioration in the interim.

4.3. Regulating currently exempt abstraction

As the abstraction licensing system in England and Wales developed over the past 50 years, certain abstractions have remained lawfully exempt from licensing control. This means that unlimited supplies of water can be abstracted, even in areas that are water stressed.

Defra, the Welsh Government, the Environment Agency and Natural Resources Wales have consulted jointly on an intended approach to remove most exemptions from abstraction licensing and to bring these abstractions under licensing control (New Authorisations).

A light-touch, risk based approach is proposed to bring the majority of exempt abstractors into the licensing system to help balance the needs of all abstractors and the environment. This will enable more effective water management by ensuring that all significant activities influencing the availability of water and its impact on the environment are undertaken in a sustainable way. Defra propose to begin bringing New Authorisations into the licensing system in 2016. Some abstractions that are considered low risk will remain exempt.

The main activities that will be impacted by the changes include:

- transferring water from one inland water system to another by a navigation, harbour or conservancy authority
- abstraction of water into internal drainage districts
- dewatering mines, quarries and engineering works
- warping
- all forms of irrigation (other than spray irrigation, which is already licensable), and the use of land drainage systems in reverse (including transfers into managed wetland systems) to maintain field water levels
- geographically exempt areas
- the majority of abstractions covered by Crown and visiting forces exemptions

Defra are still developing their policies to resolve some of the issues raised during the consultation process. They will publish their proposals before new regulations are implemented and expect to do this at least 3 months before commencement so that we can issue guidance to those affected by the changes.

Where we have details of these abstractions, we've included them in our assessments to consider how they impact on the catchment.

5. List of abbreviations

ALS	Abstraction Licensing Strategy
AP	Assessment Point
CED	Common End Date
Defra	Department of Environment Fisheries and Rural Affairs
EFI	Ecological Flow Indicator
GEP	Good Ecological Potential
GES	Good Ecological Status
GW	Groundwater
HMWB	Heavily Modified Water Body
HoF	Hands off Flow
HoL	Hands off Level
MI/d	Megalitres per day
Q95	The flow of a river which is exceeded on average for 95% of the time.
SAC	Special Areas of Conservation
SPA	Special Protection Areas
SSSI	Sites of Special Scientific Interest
UKTAG	United Kingdom's Technical Advisory Group
WB	Water body
WFD	Water Framework Directive

6. Glossary

Abstraction	Removal of water from a source of supply (surface or groundwater).
Abstraction licence	The authorisation granted by the Environment Agency to allow the removal of water.
Assessment Point	A significant point on a river, often where two major rivers join or at a gauging station.
Catchment	The area from which precipitation and groundwater will collect and contribute to the flow of a specific river.
Consumptive abstraction	Abstraction where a significant proportion of the water is not returned either directly or indirectly to the source of supply after use. For example for the use of spray irrigation.
Discharge	The release of substances (such as water and sewage) into surface waters.
Environmental flow indicator	Flow indicator to prevent environmental deterioration of rivers, set in line with new UK standards set by UKTAG.
Groundwater	Water that is contained in underground rocks.
Hands off flow	A condition attached to an abstraction licence which states that if flow (in the river) falls below the level specified on the licence, the abstractor will be required to reduce or stop the abstraction.
Hands off level	A river flow or borehole (groundwater) level below which an abstractor is required to reduce or stop abstraction.
Impoundment	An impoundment is a structure that obstructs or impedes the flow of inland water, such as a dam, weir or other constructed works.
Surface water	This is a general term used to describe all water features such as rivers, streams, springs, ponds and lakes.
Water body	Units of either surface water or groundwater at which assessments are completed for WFD.

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