

DECISION STATEMENT

ABSTRACTION LICENCE APPLICATION

David Sunderland

Application numbers: NPS/WR/031511

Licence numbers: NE/027/0012/034

EA Area: Yorkshire

Date of Application: 07/06/2019

Applicant details:

Mr David Sunderland
Chathill Farm,
Chathill Road,
Thornton,
Bradford,
BD13 3AR

Summary of the proposal:

We received an application from a landowner David Sunderland to abstract water from the Strines Beck via a 16 metre level pipe that feeds into a pond. The pond is located at the southern mouth of the Queensbury tunnel, a disused railway cutting that has been filled in to create an artificial pond.

The purpose of the application is to fill and maintain the pond to offer local amenity and to protect the ecology within the pond.

In light of our obligations, when determining the application, to have regard to all relevant circumstances and our duties under the Water Resources Act 1991 we have decided to refuse this application for an abstraction licence.

Source of supply:

The Strines Beck, near to Queensbury, Bradford. The abstraction is within the Aire and Calder abstraction licensing strategy.

Points of abstraction and quantities:

Abstraction point 1 - NGR SE 08707 29233
255,000 cubic metres per year.
700 cubic metres per day.
29 cubic metres per hour.

Means of abstraction:

The applicant has installed a 16 metre long, level pipe that gravity feeds the water to the pond. It has a 450mm diameter and has a smooth internal bore.

Purpose of abstraction:

Topping up and filling of a pond to maintain water level to protect ecology and for amenity value.

Abstraction period:

All year.

Case history:

The application was accepted as valid on the 07/06/2019, the relevant date was set on the 28/06/2019. The application was advertised between the 1st of August and the 29th of August in the Halifax courier. 2 representations were received relating to the application.

Justification of quantities:

The applicant has provided insufficient justification for the proposed abstraction quantities.

Resource assessment:

The Agency has completed spot gauging's along the Strines Beck. The flow measurements suggested the flow in Strines Beck upstream of the abstraction was 0.009m³/s (or approximately 780m³/d); the abstraction was 0.008m³/s (or approximately 700m³/d); and the flow in Strines Beck downstream of the abstraction was 0.001m³/s (or approximately 80m³/d to 90m³/d).

Therefore if we assume that the surrounding area, including Strines Beck, was experiencing similar flow conditions, the flow in Strines Beck upstream of the abstraction of 0.009m³/s, or approximately 780m³/d, was around the Q95.

The proposed quantities would take up to 90% of the flows available in the Strines Beck.

There is insufficient resource available in the Strines Beck to licence this quantity.

Statutory consultation:

The statutory water undertaker, Yorkshire Water was consulted on 01/08/2019. No objections were received relating to the proposal.

External representations:

Two representations were received objecting to this application surrounding the following points.

1. The ongoing removal of water from the tunnel (dewatering), and 2. Managing the health and safety risk of the historic structure. They state that these two elements go hand in hand; too much water weakens certain parts of the structure causing a collapse risk which could affect anyone within the tunnel, or perhaps on the surface should a sinkhole or cavity appear there.

The health and safety risks of the tunnel, and the works undertaken there, are those of the owner and their contractors, not the Agency. However, we are mindful that a risk of collapse exists, accepting that we have not received any specific evidence nor technical detail on the likelihood or severity of such a scenario, such that introducing additional water into the tunnel is not going to reduce that level of risk

Protected rights:

No protected rights are considered to be at risk from this application to abstract.

Conservation issues:

No designated sites are considered at risk from this application to abstract.

Biodiversity and sustainable development:

By refusing this licence, we are exercising the Environment Agency's duty to protect and enhance the environment and biodiversity in order to achieve sustainable development.

Water Framework Directive (WFD) section:

The Agency has concluded that his application gives rise to a significant risk of deterioration to the WFD status of the Strines Beck and prevent it from being able to achieve its objectives to achieve good potential by 2027.

Social and economic welfare of rural communities:

There are no anticipated impacts on the social and economic welfare of rural communities.

Costs/Benefits:**Cost:**

The applicant has incurred costs applying for the licence and the construction of the means of abstraction already in place at the site.

Benefit:

The Agency fulfils its duty to secure the proper use of water resources and prevent a deterioration to the WFD status in the source of supply.

Conclusion and recommendation:

- The Agency has concluded that there was insufficient justification provided to demonstrate the need for the water.
- The Agency has concluded that there is not enough water resource available in the Strines Beck to provide a sustainable abstraction.
- The Agency has concluded that this application is an inefficient use of water.
- The Agency has concluded that this application gives rise to a significant risk of deterioration to the WFD status of the Strines Beck and prevent it from being able to achieve its objectives to achieve good potential by 2027.

The Agency has decided to refuse this application.

Contact the Environment Agency:

Water Resources Team, 99 Parkway Avenue, Sheffield, S9 4WF
Email: PSC-WaterResources@environment-agency.gov.uk