

## DECISION STATEMENT

### ABSTRACTION/IMPOUNDMENT LICENCE APPLICATION(S)

#### Worstead Farms Limited

**Application number:** NPS/WR/035201

**Licence number:** 7/34/09/\*G/0092

**EA Area:** East Anglia

**Date of Application:** 18 March 2021

#### **Applicant details:**

Worstead Farms Limited  
Holly House  
Smallburgh  
Norwich  
Norfolk  
NR12 9NB

**Summary of the proposal:** This application is to add the purpose of trickle irrigation to the existing licence. The licence authorises Worstead Farms Limited to abstract water from a borehole drilled into the chalk aquifer at Church Farm, Smallburgh, Norfolk, for the purpose of spray irrigation between April and September inclusive each year.

This proposal is located in the Broadland abstraction licensing strategy area.

**Source of supply:** Underground strata comprising of Chalk at Smallburgh.

#### **Points of abstraction and quantities:**

At National Grid Reference TG 33189 24021.

68.4 cubic metres per hour  
1,500 cubic metres per day  
44,300 cubic metres per year

**Means of abstraction:** A borehole not exceeding 84 metres in depth and 300 millimetres in diameter with a submersible pump.

**Purpose of abstraction (abstraction only):** Spray irrigation.

**Abstraction period (abstraction only):** From 1 April to 30 September inclusive each year.

#### **Case history:**

This licence has been in place since 1977.

On 20 December 2012 a cessation condition was placed on the licence in accordance with Section 52 of the Water Resources Act 1991, as the Review

of Consents process for Smallburgh Fen SSSI had found the site to be at risk from fully licensed abstraction. The licence was also time-limited to 31 March 2024 at this point.

18 March 2021- An application to add the purpose of trickle irrigation to the licence, was submitted.

23 June 2021- Letter sent to Licence Holder, confirming that licence would not be renewed on expiry (31/03/2024).

**Justification of quantities:**

Under Section 38(3)(b) Water Resources Act 1991, we have a duty to consider the requirements of the Licence Holder, in so far as they are reasonable.

The Applicant confirmed that the area of land to be irrigated is approximately 38 hectares, comprising salad crops and potatoes. The Water Resources Optimum Use Manual (WROUM) calculates that in an average year a total of around 38,650 cubic metres of water would be required, and a dry year would require approximately 57,000 cubic metres of water.

The Applicant, in their application form, calculated a total annual water requirement of 44,600 cubic metres.

<b>Year (Nov - Oct inclusive)</b>	<b>Quantity used (m<sup>3</sup>)</b>	<b>% of total authorised quantity</b>
<b>2015- 2016</b>	<b>43,358</b>	<b>97</b>
2016- 2017	36,184	82
2017- 2018	43,269	98
2018- 2019	44,035	99
2019- 2020	40,356	91
2020- 2021	22,270	50
2021-2022	41,790	94

The returns from 2015 show that a high percentage of the licence quantity was abstracted annually, showing continued need for the licence.

Given the facts presented, the quantities applied for are considered sufficient to meet the applicant's water requirements.

**Resource assessment:** The Broadland Rivers Chalk & Crag (GB40501G400300) groundwater unit currently has a water availability status of 'No Water Available' meaning this catchment is closed to further consumptive abstraction.

**Impact assessment of proposal:**

Using the Batched Abstraction Modelling (BAM) methodology, impact assessments were carried out for each application within the Ant, Bure and Thurne (ABT) area which determined the potential reduction in groundwater levels in the shallow groundwater table as a result of the abstraction. Using these data it was determined whether adverse effect could be concluded by the abstraction on designated sites.

**Statutory consultation:** As the application was not advertised, it was not necessary to notify any statutory bodies other than Natural England.

**External representations:** No representations were received as the application was not advertised..

**Protected rights:** As this is application to add an additional purpose without adding additional quantities of water we would not expect any additional impact on existing protected rights or lawful uses.

**Conservation issues:**

The abstraction subject to this application has the potential to impact The Broads SAC, Broadland SPA, and Broadland Ramsar and we were unable to conclude no likely significant effect when assessing its implications for the sites **in combination** with other plans, permissions and projects.

We therefore completed an Appendix 4 and joint Habitats Regulations Assessments Stage 1 and 2 (HRA1 and 2) appropriate assessment **which concluded that an alone and in combination adverse effect cannot be ruled out or avoided**, even with conditions or restrictions. Therefore, we are refusing the application.

Natural England responded on 20 October 2023 and confirmed that they agree with our conclusion of adverse effect.

Natural England were therefore consulted via an Appendix 4 on 28 September 2022 and by HRA1 and HRA 2 on 6 October 2023. Natural England responded on 20 October 2023 and confirmed that they agree with our conclusion of the appropriate assessment that the plan or project (adding the purpose of trickle irrigation) will adversely affect the integrity of the Broads SAC, Broadland SPA, Broadland Ramsar, alone or in-combination with other plans or projects and should therefore be refused.

**Biodiversity and sustainable development:** We have had regard to Government guidance issued under section 4(2) of the Act, namely 'The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002)'. Regarding the exercise of our water resources functions, we are required:

'To plan to secure the proper use of water resources by using strategic planning and effective resource management which takes into account environmental, social and economic considerations, and in particular:'

'To ensure that the abstraction of water is sustainable, and provides the right amount of water for people, agriculture, commerce and industry and an improved water-related environment; and to develop and maintain a framework of integrated water resources planning for the Agency and water users.' The principles of sustainable development and biodiversity have been considered as part of our refusal of this application and no impacts on sustainable development are anticipated. Biodiversity is expected to be adversely affected by this proposal, as current abstraction levels are already causing damage to the biodiversity of the designated sites of the Norfolk Broadland river valleys.

**Social and economic welfare of rural communities:** We have carefully considered the effects on economic and social wellbeing of local communities in rural areas under section 7(1)(c)(iii) Environment Act 1995 but given the obligation to determine a licence application so as to ensure no adverse effect on integrity of European sites in combination with other plans, permissions and projects, we have refused the application to meet that obligation having had regard to effects on rural communities.

We have taken into account the statutory requirement in our regulatory decision to have regard to the Regulators' Code and considered the impacts of the decision on the applicant. However, this requirement does not override our other statutory duties and in particular our duties under the Conservation of Habitats and Species Regulations 2017 to ensure a conclusion of no adverse effect on site integrity.

We have considered whether it is proportionate to refuse this application recognising the impact of the refusal on the applicant's business and concluded that it is in the general interest to refuse the application in order to ensure no adverse effect on European sites.

**Costs/ Benefits:** Refusing this application represents a cost to the applicant through not being granted the purpose of trickle irrigation, meaning that the applicant will need to seek an alternative method of irrigation, which may incur additional costs and may not be as suitable as the method applied for. We have taken this into account in our decision in accordance with Section 39 Environment Act 1995 but the refusal of this proposal has been deemed necessary for the purposes of protecting the environment, and, in particular, removing the contribution that this abstraction will continue to make to the adverse effects (which is considered to be serious damage) which are occurring to The Broads SAC and Broadland SPA and Broadland Ramsar.

**Conclusion and recommendation:**

It is not possible to ascertain that this abstraction is not having an alone and in-combination adverse effect on Smallburgh Fen and Broad Fen, Dilham SSSIs, which are both components of The Broads SAC and Broadland SPA and Ramsar site.

Therefore, applying the requirements of the Habitats Regulations we cannot consider the application to vary the licence to add a new purpose of trickle irrigation.

**Contact the Environment Agency:** Water Resources Team, 99 Parkway Avenue, Sheffield, S9 4WF. Email: [PSC-WaterResources@environment-agency.gov.uk](mailto:PSC-WaterResources@environment-agency.gov.uk)