

DECISION STATEMENT

ABSTRACTION LICENCE APPLICATION

J W Spencer Farms (Limited)

Application number: NPS/WR/039353

Licence number: 6/33/37/*G/0416/R02

EA Area: East Anglia

Date of Application: 16 November 2023.

Applicant details:

J. W. Spencer (Farms) Limited
Lancaster Park
Methwold
Thetford
Norfolk
IP26 4PE

Summary of the proposal: This application is for a new licence on the same terms to replace an expiring abstraction licence 6/33/37/*G/0416/R02 that was time limited and expired 31 March 2024. The application was received ahead of the expiration date so a limited extension to licence validity (LEV) applied until the renewal was determined.

Source of supply: Cam and Ely Ouse Chalk.

Points of abstraction and quantities:

National Grid Reference: TL 81616 76451

Abstraction volumes:

- 65.88 cubic metres per hour.
- 1,581 cubic metres per day.
- 20,450 cubic metres per year.
- Instantaneous rate: 18.3 litres per second.

Means of abstraction: A borehole not exceeding 111.25 metres in depth and 305 millimetres in diameter with a pump.

Purpose of abstraction: Spray Irrigation.

Abstraction period: From 1 April to 30 September inclusive.

Case history: The licence was originally transferred to the applicant in 2007 and was time limited until 31 March 2015. In 2015 the licence was renewed for a short time limit until 31 March 2018. The shortened time limit was given as the catchment required further modelling to identify how abstractions could be controlled to prevent the risk of deterioration.

The licence renewed again in 2018. Returns data for the preceding licences were analysed and this licence had been used at its maximum rate twice. A shorter time limit until 31 March 2024 was given to allow for further review of the catchment.

The applicant applied to renew the licence on the same terms on 16 November 2023.

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. In the case of applications made to renew historic existing licences, we look at the historic uptake of the licence and any future plans that the licence will be used for.

The applicant applied to renew the licence on the same terms, stating that the justification of need for water is to supply their cropping rotation. According to the Water Resources Optimum Use Manual the applicant's figures were appropriate for the area of land and crops given. However, no abstraction has occurred by the applicant since 2007 (the year they took over the licence from the previous licence holder) and the licence has not been in use since 2003. The applicant does not intend to abstract at the current location but intends to vary the licence in the future to change the location of the abstraction.

The water authorised under the current licence cannot be traded or changed to a new location because the licence has not been used in recent years. In the immediate catchments to the abstraction there is no surface water available at low flows and the groundwater unit balance displays there is more water being abstracted than the amount available. The chalk aquifer is very water stressed. If the applicant were to start abstracting their fully licenced quantities after their historic lack of abstraction this could further contribute to the over abstraction of the chalk aquifer and increase the risk of deterioration to groundwater resources and connected surface waterbodies. We have a legal requirement under the Water Framework Directive (Regulations 3 and 33 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017) to prevent waterbodies deteriorating in status. The trade would not be acceptable under our East Anglian Trading, Aggregation and Variation Policy. Therefore, to protect the water environment a variation to the licence would not be considered.

As the applicant's justification of need for this renewal is based on their intention to apply for a variation, we cannot accept the business case as sufficient evidence of need and the licenced quantities are not justified.

Conclusion and recommendation: The Environment Agency have refused the application to renew the existing abstraction licence due to insufficient justification of need.

Contact the Environment Agency:

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