

DECISION STATEMENT

ABSTRACTION LICENCE APPLICATION

Trading as R & J M Place Ltd.

Application number: NPS/WR/023642

Licence number: 7/34/09/*G/0150A

EA Area: East Anglia

Date of Application: 9 November 2017

Applicant details:

R & J M Place Ltd

Church Farm

Tunstead

Norwich

Norfolk

NR12 8RQ

Summary of the proposal:

This application is for renewal of licence number 7/34/09/*G/0150A held by R & J M Place Ltd. The licence is for the abstraction of water from a borehole at National Grid Reference TG 3130 2210. Water is abstracted from the Broadland Rivers Chalk & Crag (GB40501G400300). The expiring licence is for commercial water supply and vegetable washing, all year.

Source of supply:

Broadland Rivers Chalk & Crag

Point of abstraction and quantities:

Point of abstraction TG 3130 2210

For the purpose of commercial water supply:

40 cubic metres per day

4,000 cubic metres per year

For the purpose of vegetable washing:

300 cubic metres per day

85,600 cubic metres per year

Means of abstraction:

A borehole.

Purpose of abstraction (abstraction only):

Commercial water supply and vegetable washing.

Abstraction period (abstraction only):

All year.

Case history:

Date	Event
6 October 2017	Application submitted for a same-terms renewal.
5 January 2018	Application advertised
12 October 2018	The Environment Agency wrote to the Licence Holder advising that the renewal of their licences could not be determined at the time due to consideration of abstraction impacts on the Ant Broads & Marshes SSSI. Letter indicated possible reductions in abstraction rates to historical maximum usage based on current East Anglian groundwater policies
25 January 2019	Meeting with the licence holder in Norwich to discuss the implications of the groundwater modelling on their abstraction licences.
26 February 2019	Meeting with the licence holder in Norwich to create an understanding around the use of the NEAC model.
23 June 2021	EA letter to licence holder detailing RSA investigations and licence changes.
15 July 2021	Meeting at Place UK to discuss the licence holders licence quantities.
7 July 2023	Application amended to apply for reduced volumes as outlined in section 1.1.
25 October 2023	Extension to determination deadline until 31 March 2024 as requested.
23 May 2024	Settlement agreement made as part of Public Inquiry
4 August 2025	Defra direction received approving Inspector's decision report and settlement agreement

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, this consideration will be to look at historic uptake of the licence and any future plans that the licence will be used for.

The applicant has provided information showing volumes of water abstracted in previous years. The information shows that volumes of water abstracted across the two purposes between 2014 and 2018 are between 38,739 to 48,211 cubic metres per year.

Year	Purpose	Return (m3 per year)	Year	Purpose	Return (m3 per year)

2018	Veg washing	43,223	2018	Commercial water supply	1,412
2017	Veg washing	46,406	2017	Commercial water supply	1,805
2016	Veg washing	47,018	2016	Commercial water supply	925
2015	Veg washing	38,739	2015	Commercial water supply	0
2014	Veg washing	43,506	2014	Commercial water supply	0

Figure 3: Returns for years 2014 – 2018. No returns or nil returns submitted before this date

The applicant's information highlighted the use of up to 71% of the licensed quantities being used over the last 10 years. As well as this, they provided a business case for the increased requirement for the water and the variation in volumes due to higher crop outputs.

During the RSA investigation lower quantities were considered based on reasonable requirements. This was examined as part of the options appraisal stage however it would still not allow the targets to be reached. See section 6.6.4.

As this application is being refused, further justification is not being considered in this case.

Resource assessment:

The abstraction point is within the Broadland Rivers Chalk & Crag, GB40501G400300 groundwater unit in the Broadland Rivers Abstraction Licensing Strategy (ALS). The water availability is no water available.

According to the Broadland Rivers Abstraction Licensing Strategy, the semi-confined chalk groundwater in the Broadland area is fully committed and no further consumptive abstraction can be considered. As this is a licence renewal, we normally follow the renewals approach as detailed in the Broadland ALS.

The strategy states that time-limited licence renewals may require capping to reflect historic annual usage to manage the risk of deterioration to the environment. However, this policy is not applicable here because this application is being refused.

Section 3.5 of the Broadland ALS refers to protected areas such as Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSIs). This states that if the proposal falls within or is relevant to one of these areas, such as is the case with this application, that they will be dealt with on a case-by-case basis with specific requirements of the protected site being applied where necessary.

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 this data it was

determined whether adverse effect could be concluded by the abstraction on designated sites.

Statutory consultation:

This application is to renew a licence on the same terms which has met the statutory exemption from advertising.

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

External representations:

Protected rights:

As this application is for a same-terms renewal we would not expect any additional impact on existing protected rights or lawful uses.

Conservation issues:

The abstraction subject to this application had 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 (HRA 1 and 2) appropriate assessment which concluded that an in combination adverse effect cannot be ruled out or avoided, even having considered mitigation measures and conditions. As mitigation we considered whether a lower annual quantity could be licensed however modelling showed that this would not remove the potential for adverse effect. Therefore, we are refusing the application to renew licence

Natural England were consulted via an Appendix 4 and joint HRA1 and 2. Natural England responded on 21st October 2024 and confirmed that they agree with our conclusion of adverse effect.

Biodiversity and sustainable development:

We have considered whether additional requirements should be imposed in relation to our principal aim of contributing to attaining the objective of sustainable development under section 4 of the Environment Act 1995, the existing requirements are sufficient in this regard and no other appropriate requirements have been identified.

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.

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 over-ride 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:

We have taken into account the likely costs and benefits of our decision on this licence application ('costs' being defined as including costs to the environment as well as financial costs of the decision) as required by section 39 Environment Act 1995. We have considered this duty against the obligation to meet Habitats Regulations and Water Environment (Water Framework Directive) Regulations requirements but note the duty to take account of costs and benefits does not affect our obligation to discharge any duties, comply with any requirements, or pursue any objectives, imposed upon us under these Regulations [section 39(2) Environment Act 1995].

We considered the information the applicant provided regarding impacts to their business as a result of refusing their licence renewal application. These issues have been taken into account however these considerations do not override our statutory duties which include those under Regulation 63 of the Habitats Regulations to assess effects of abstraction on the integrity of European sites and which prevents licences being issued when there is a link between abstraction and adverse effects on the European site.

This refusal has been deemed necessary for the purposes of protecting the environment, and, in particular, removing the contribution that this abstraction has to the potential adverse effects identified within The Broads Special Area of

Conservation (SAC), Broadland Special Protection Area (SPA) and Broadland Ramsar.

Conclusion and recommendation:

It is recommended that the application is refused for the following reason:

The abstraction is contributing to an adverse effect on Smallburgh Fen SSSI, a component of The Broads SAC, Broadland SPA and Broadland Ramsar. Applying the requirements of the Habitats Regulations, we cannot consider renewing abstraction under this licence.

Contact the Environment Agency:

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