

DECISION STATEMENT

ABSTRACTION/IMPOUNDMENT LICENCE APPLICATION(S)

South East Water Limited

Application number: NPS/WR/043914

Licence number: 28/39/24/0108/R02

EA Area: Thames West

Date of Application: 27/03/2025

Applicant details:

South East Water Limited

Rocfort Road

Snodland

Kent

ME6 5AH

Summary of the proposal:

South East Water (SEW) abstract from wells and boreholes from a chalk aquifer for public water supply from their Greywell Pumping Station at Greywell, Hook, Hampshire. The licence had an expiry date of 31/03/2025 and SEW applied on 27/03/2025 to renew the expiring licence on the same terms. Initially, they indicated they needed the licence for a further two years, until 31/03/2027, but later confirmed that until 31/03/2031 is actually required. Limited Extension of Validity (LEV) has been granted to the application, meaning SEW can continue to abstract under the terms and conditions of the expired licence until the Agency makes a decision on the renewal application.

We have assessed the proposed replacement licence against the three tests for renewal (environmental sustainability, justification of need and water efficiency). We have concluded the test for environmental sustainability was not met – prevention under the Water Framework Directive (WFD) to achieve WFD Quantitative Status objectives - and so we have decided to refuse the application, meaning the licence expires, (is cancelled.)

Source of supply:

Underground strata comprising Chalk at Greywell Pumping Station, Hampshire.

Point of abstraction and quantities:

National Grid Reference: SU 72 51.

477.34 cubic metres of water (m³) per hour,

6,819.14 m³/day,

2,495,806 m³/year.

Means of abstraction:

Two wells not exceeding 52 metres in depth and 2.5 metres in diameter with adits and pumps.

Two boreholes not exceeding 46 metres in depth and 462 millimetres in diameter, each with a pump.

Purpose of abstraction (abstraction only):

Public water supply.

Abstraction period (abstraction only):

All year.

Case history:

The expectation, following the assessment and conclusion of the Restoring Sustainable Abstraction (RSA) programme and a series of National Environment Programme investigations and an Options Appraisal in Assessment Management Period 5 (AMP 5) from 2010-2015 was that abstraction under the Greywell Licence would cease (be revoked) in 2020 due to the impact it was having on Greywell Fen Site of Special Scientific Interest (SSSI). However, the infrastructure required to replace Greywell as a supply was not in place by 2020, as originally intended.

The Agency agreed an extension for the infrastructure works to be completed, and, as part of this, the Greywell Licence was amended to include an expiry date of 31/03/2023.

In 2023, SEW applied to renew the licence rather than letting it expire as expected. At this time, SEW confirmed that the infrastructure was in place to replace abstraction from Greywell. SEW set out a case in 2023 for completing some Covid-delayed investigations on the likely impacts and/or future management of the Greywell Fen SSSI when abstraction ceased. This was agreed and the Greywell Licence re-issued with an expiry date of 31/03/2025 for when abstraction would finally cease. (Note: though requested a number of times, the findings and conclusions of SEW's Greywell Fen investigation have not been provided to the Agency or used to support the 2025 renewal.)

In 2025, SEW applied to renew the licence rather than letting it expire as expected. The licence renewal was requested due to recent nitrate-related groundwater quality issues, particularly at West Ham and Cookham treatment works, reducing the supply of water in SEW's Water Resources Zone 4 (WRZ4) area. While a solution was put in place, SEW needed to continue abstraction at Greywell to maintain supply and offset further supply reductions caused by a reduction in licence quantity at Lasham (for environmental protection reasons) and the delay in installing the Surrey Hills to Greywell main pipeline infrastructure.

A SEW Options Appraisal showed an existing and worsening water supply versus water demand shortfall, especially under drought conditions, with the Greywell abstraction identified as a necessary part of the solution. As a result of these issues, the licence renewal period was extended from two to five years, until 30/03/2031.

Justification of quantities:

The applicant provided information to support continued need for the abstraction licence at the time of application. The maximum annual abstraction over the last 5 years (2020/21 – 2024/25 - the period when this licence was expected to be revoked) was 1,719,761 m³ (69% of the maximum annual quantity), with an average annual over the same period of 1,645,055 m³ (66% of the maximum annual.) SEW confirmed that no growth in recent actual abstraction quantities was proposed and late in the process they offered to remove the licence headroom with a reduction to 6,000 m³/day and 2,028,000 m³/year. The Agency does not dispute that recent actual quantities are required for public water supply, but from 2020 on it was expected this would not be from the Greywell source to prevent WFD failures and impact on Greywell Fen SSSI.

Impact assessment of proposal:

The Greywell abstraction is directly linked to the quantitative failure of the Basingstoke Chalk groundwater body. Continued abstraction prevents the groundwater body from achieving “Good” for Quantitative Status by 2027 through the impact it has on the supporting Groundwater Dependent Terrestrial Ecosystems (GWDTE) element achieving its individual objective of “Good” status by 2027, as required by WFD objectives and as set out in the 2019 River Basin Management Plan (RBMP). This WFD failure is specifically tied to the ongoing impact the Greywell abstraction has on the Greywell Fen Site of Special Scientific Interest (SSSI), which is also a GWDTE, as evidenced through previous Restoring Sustainable Abstraction (RSA) and Water Industry National Environment Programme (WINEP) investigations.

Statutory consultation:

The Agency consulted Natural England under the regulations using an Appendix 4 assessment with a ‘minded to’ decision to refuse the application due to likely damage to a SSSI (Greywell Fen).

Natural England responded; *Natural England supports the overarching conclusion of the Appendix 4 document, which states within section 13, that continuing this abstraction will likely cause damage to Greywell Fen SSSI. We agree this operation should not be permitted. The ongoing damage and likely deterioration caused by this abstraction threatens the long-term function, processes and integrity of the alkaline fen, and the rare and / or notable groundwater-dependent species (such as within M9 and M22 plant communities) of which it supports. This SSSI is one of the largest remaining examples of alkaline fen in Southern England.*

Natural England Conclusion: Agreement with the Agency that this permission should not be permitted (refused).

We sent the same Appendix 4 assessment to the Hampshire and Isle of Wight Wildlife Trust (HIOWWT) for comment and they confirmed receipt. No further response has been received.

External representations:

The application had a statutory exemption from advertising. However, the Whitewater Valley Conservation Society (WVCS) sent a letter to the Agency’s

Chairman detailing their interest in and concerns for the River Whitewater, adjacent to Greywell pumping station. We replied that we were unable to treat their letter or any further comments or information that might be provided as a formal representation. However, we recognised the local interest and concern that they represented and said that we would appropriately consider any further relevant points they may raise and which they duly presented as a series of questions or options. Refusal of the application meets one of WVCS's options. Out of courtesy, we agreed to inform WVCS of our decision on the application, when it was made.

Protected rights:

We carried out an assessment of protected rights when the original licence was granted, therefore no further assessment is required. We have not identified any existing lawful uses within the area affected by this proposal.

Conservation issues:

Greywell Fen SSSI is adversely impacted by abstraction, with evidence of species loss and extinction. Continued abstraction would delay recovery and further risk deterioration of the SSSI and associated habitats. Natural England and the Agency agree that "Favourable Condition" cannot be achieved or maintained under any ongoing abstraction regime, even if reduced.

Costs/ Benefits:

Refusing the application represents a cost to the SEW through the cost of the refused application and the need to deliver options for the treatment and transfer of existing or alternative water supplies due to the demonstrated supply deficit in the area. We have also had regard to the benefits of refusal, including the avoidance of continued environmental harm to Greywell Fen SSSI, the recovery of a nationally significant groundwater-dependent ecosystem, and the contribution refusal makes to achieving statutory Water Framework Directive objectives for the Basingstoke Chalk groundwater body and connected waters.

However, we have considered our duties to consider the reasonable requirements to water, and we are satisfied that the benefits of refusing this application outweigh the costs.

Conclusion and recommendation:

Granting a renewed licence for Greywell would not meet the Agency's duties under Regulation 13 of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 as doing so would contribute significantly to ongoing WFD Basingstoke Chalk groundwater body failures and would be incompatible with achieving WFD objectives for the Basingstoke Chalk groundwater body.

We therefore refuse the application to renew and re-issue the Greywell licence. This decision means that abstraction from Greywell under Limited Extension of Validity shall cease at the end of the statutory period to appeal this decision.

Contact the Environment Agency:

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