

IN THE MATTER OF

SECTION 52 OF THE WATER RESOURCES ACT 1991 (AS AMENDED BY SECTION 22 OF THE
WATER ACT 2003) ANDREGULATION 31 OF THE WATER RESOURCES ACT (ABSTRACTION AND IMPOUNDING)
REGULATIONS 2006PROPOSAL BY THE ENVIRONMENT AGENCY TO VARY ABSTRACTION LICENCE NO.
14/46/004/0685 HELD BY MR MILES R. FURSDON IN RELATION TO OLD WALLS HYDRO

OBJECTION BY MILES R. FURSDON

EXHIBIT MRF1

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creating a better place



Our Ref: 04/0685/NP
Your Ref:

Date 12 October 2006

Mr M R & Mrs G Fursdon
Lowertown Farm
Poundsgate
Newton Abbot
Devon. TQ13 7PQ

Dear Miles & Gail,

Just a short note to thank you both for your time in showing us round the Old Walls Hydro installation last Wednesday. Thank you also for your explanations of 'how it all works'. It was very useful to see how a scheme such as yours has spin-off benefits beyond the obvious generation of power.

John Aldrick and Junier Browne asked me to pass on their appreciation - I know they found the experience of significant use in gaining a perspective of HEP sites across the England & Wales.

It was good to meet you again and trust it won't be another 10 years!

Sincerely,

A handwritten signature in blue ink, appearing to read "N Prall".

N PRALL

Please ask for: Mr Prall, extn: 6070; direct line 01392 316070

The Environment Agency

Exminster House Miller Way Exminster EX6 8AS
Tel: (08708) 506506 Fax: (01392) 316044



MRF1/2

Video of Smolts at Old Walls Forebay 2026

This is a video exhibit and will be provided separately

Smolt recording 2026

27/03/2026

2 cameras set at forebay

NB video data lost until 19-04-2026

Date		Smolts released	NB written records
01/04/2026		2	
02/04/2026		3	
04/04/2026		3	
07/04/2026		9	
08/04/2026		6	
09/04/2026		13	
11/04/2026		3	
12/04/2026		23	
15/04/2026		11	
16/04/2026		8	
17/04/2026		11	
18/04/2026		8	
19/04/2026		33	NB video records
20/04/2026		8	
21/04/2026		7	
22/04/2026		8	
23/04/2026		13	
24/04/2026		11	
25/04/2026		10	
26/04/2026		5	
27/04/2026		5	
28/04/2026		5	
29/04/2026		4	
30/04/2026		4	
01/05/2026		9	
02/05/2026		9	
03/05/2026		5	
04/05/2026		6	
05/05/2026		12	
06/05/2026		3	
07/05/2026		6	
08/05/2026		3	
09/05/2026		2	
10/05/2026		5	
		273	Total seen

**The Eels (England and Wales) Regulations 2009
Regulation 17(5)(a)**

EEL SCREEN EXEMPTION NOTICE

To:
Mr M R Fursdon
Waterleat Lodge
Widecombe-in-the-Moor
Newton Abbot
TQ13 7PN

Under Regulation 17(4) of the Eels (England and Wales) Regulations 2009, on or after 1 January 2015, a responsible person must ensure an eel screen is placed in a diversion structure that:

- (a) is capable of abstracting at least 20 cubic metres of water through any one point in any 24 hour period; or
- (b) returns water to a channel, bed or sea.

This notice exempts you, as the responsible person, from the requirement to place an eel screen at Old Walls Farm, Widecombe-in-the-Moor SX700749, abstraction reference number 14/46/004/0685 subject to the conditions set out in Schedule 1 to this notice. The reason for this exemption is:

The Environment Agency does not consider your diversion structure has the potential to damage, injure, harmfully entrain or impede free passage of eel.

This exemption takes effect on 1 January 2015 and expires on 1 January 2020.

Date 22/10/14

Signed Jay Rowntree

Jay Rowntree
**Team Leader Fisheries, Biodiversity &
Geomorphology**

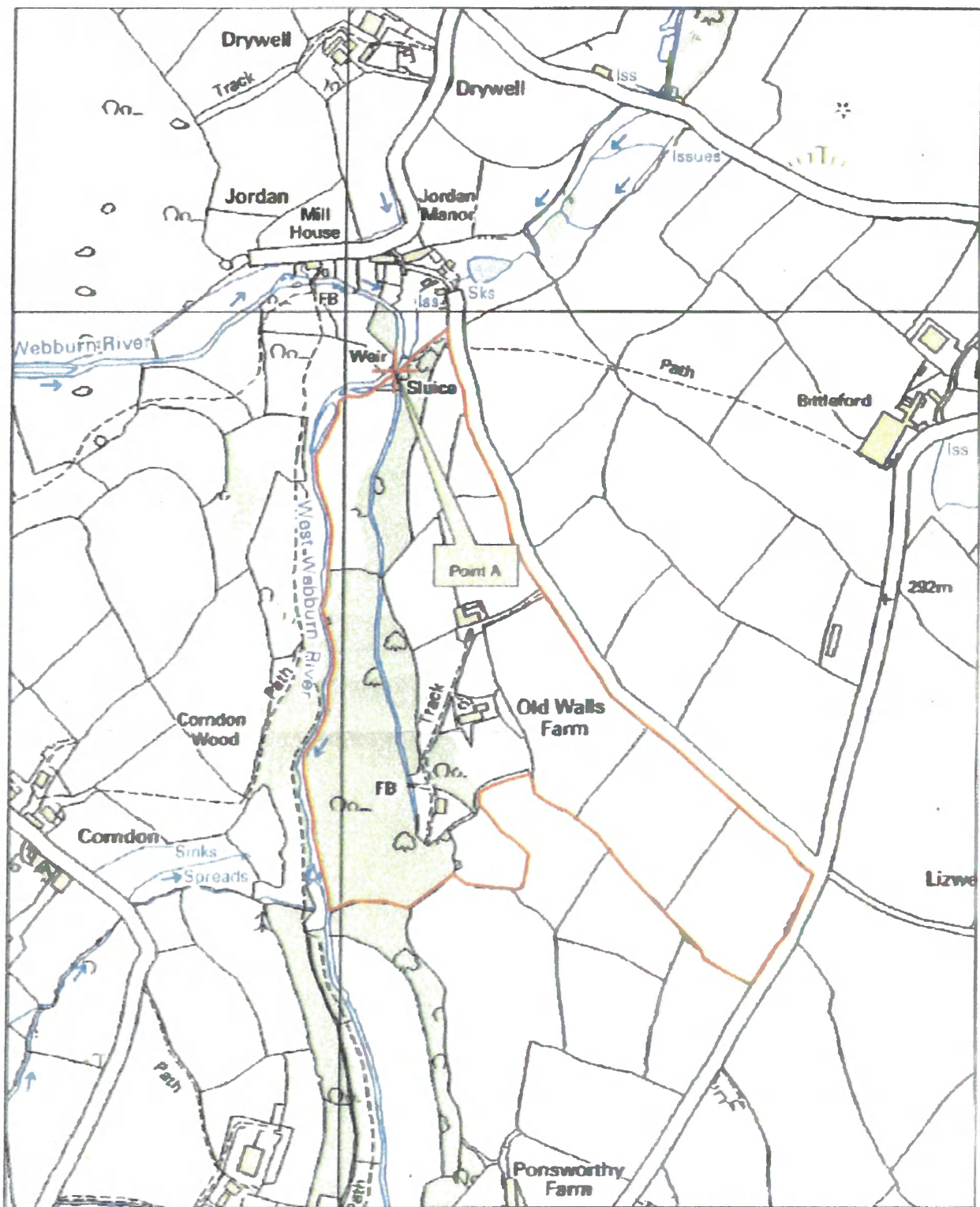
The Environment Agency
Manley House
Kestrel Way
Exeter
EX2 7LQ

The Eels (England and Wales) Regulations 2009
Regulation 17(5)(a)

SCHEDULE 1: CONDITIONS
This exemption will stay in force provided no modifications are made to the abstraction point, weir or screening arrangements

Licence Serial No:

14/46/04/0685



Environment
Agency

MAP ACCOMPANYING LICENCE NUMBER
14/46/04/0685

Scale 1:5,000

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MRF1/8

Video of draining and dredging of intake and spillway

This is a video exhibit and will be provided separately



D WALLS
HYDRO

Inspection report

Licence No. (or Application No. or GIC No. etc.) 14/46/04/0685		Inspection Class: Highly Critical	
Name and address: Miles Fursdon, Waterleat Lodge, Widecombe in the Moor, Newton Abbot, Devon, TQ13 7PN.		Telephone No: [REDACTED]	
Site address (if different):			
Met with: M Fursdon (MF)		Position: Licence Holder	
Inspecting Officer: P Ball (PB) / C Hitchings (CH)		Inspection Date: 21/6/16	Time: 1435
Licence provisions (mark as appropriate – tick if in order, X if not in order, or n/a etc.)			
Source of supply: ✓	Quantities: ✓	Land (only if specified): ✓	
Point of abstraction: ✓	Means of measurement: ✓	Charging factors: n/a	
Means of abstraction: ✓	Records: ✓	Other provisions (specify below): 10.7 – to be confirmed by EA.	
Purpose(s): ✓	Provision of information: n/a		
Period: ✓	Special conditions:		
Measurement details (as appropriate); if possible, include any meter readings etc.			
Meter make: Taken by measure and look-up.		Serial number:	
Reading: 19/6/16 - 31,104 m ³ (weekly total)		Units:	
Other:			
Certificates or records available for:			Date of certificate or record:
Calibration:	Conformance:	Flow verification:	Meter verification:
Maintenance:	Y: N:	Frequency:	By whom:
Readings taken:	Y: ✓ N:	Frequency:	By whom:
Where kept: On site.			

General comments, details / dates of occupation changes, actions required etc.

Contextual information: weather: dry; local river levels: c.0.5m on River Dart at Austins Bridge gauging station (typical range 0.29m – 1.8m) – river in recession from previous days peak storm discharge (1.35m) following rainfall.

Site inspection made in company of Licence Holder (MF) and Catchment Fisheries Officer (CH). This appears to be a well managed site which has been operating in its current set-up for c.20 years. The current licence has been effective since 1/6/2010 (date of original licence – 21/7/92) and MF has managed the site during all this period, so understands and consistently complies with the conditions on the licence as agreed.

The non-consumptive abstraction quantities are managed by means of a level sensor, ensuring abstraction is reduced automatically and a consistent prescribed flow within the deprived reach. A kelt screen at the intake is manually deployed in winter by the Licence Holder to prevent larger fish entering the leat.

The discharge-point back in to the main river (the West Webburn) is made via a short tail race, which benefits from the seasonal deployment of a drum screen (not a licence requirement) during the autumn/winter to prevent the ingress of migrating fish to the subsequent attraction flow.

No adverse environmental impacts were observed at time of inspection. The licence requires that the 'intake must be adequately screened against the ingress of fish' (condition 10.7). The intake screen was moved downstream 20 years ago (with EA knowledge) to the forebay tank due to the presence of incoming grit/stone causing adverse mechanical damage/wear (Fig.1).

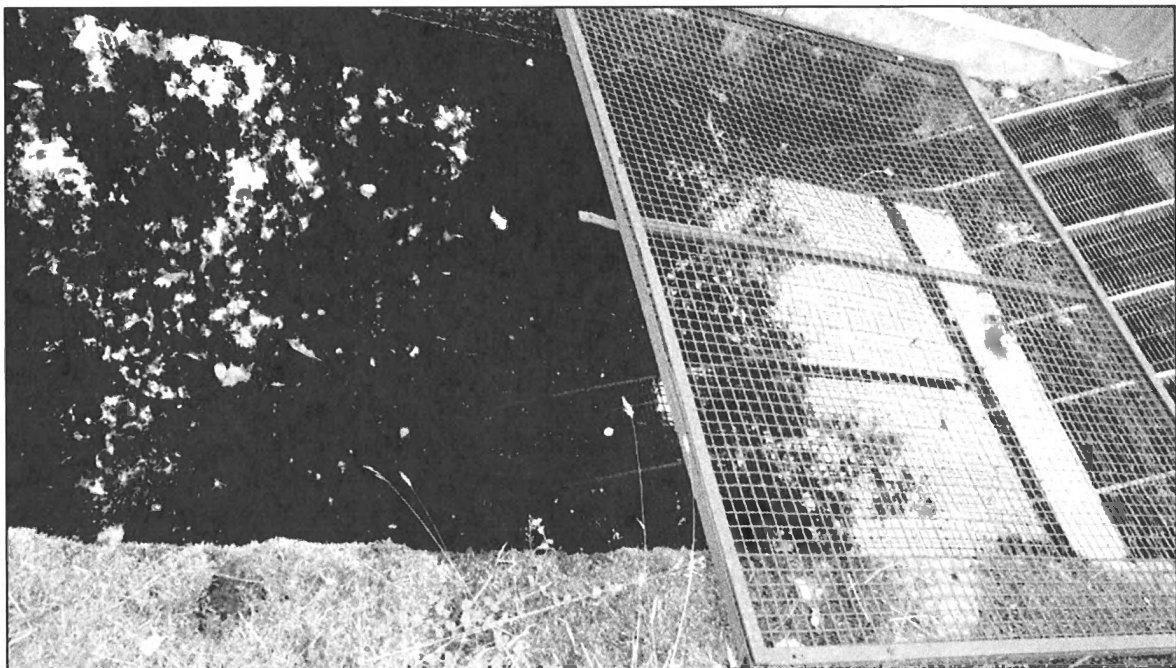


Figure 1 – photograph of screen in forebay tank (taken 21/6/16)

PB will make enquiries with our Permitting Team in to this aspect of licence compliance, e.g. whether a change to the screen location is required or a change to the licence etc.

Form sent to: Miles Fursdon

Date: 22/06/16

Inspection report



Licence No. (or Application No. or GIC No. etc.) 14/46/04/0685		Inspection Class: HC	
Name and address: Miles R Fursdon, Waterleat Lodge, Widecombe-in-the-Moor, Newton Abbot, Devon, TQ13 7PN.		Telephone No: [REDACTED]	
Site address (if different): As above			
Met with: Miles & Gail Fursdon		Position: Owners	
Inspecting Officer: Miles & Gail Fursdon		Inspection Date: 21/6/17	Time: 1330
Licence provisions: mark box as appropriate - tick if in order, X if not in order, NC (not checked), or n/a etc.			
Source of supply	☒	Quantities	☒
Point of abstraction	☒	Means of measurement	☒
Means of abstraction	☒	Records	☒
Purpose(s)	☒	Provision of information	N/a
Period	☒	Special conditions	N/a
Measurement details (as appropriate); if possible, include any meter readings etc.			
Meter make:	N/a – taken by measurement of opening and look-up rating table from Cink crossflow turbine.		Serial no: N/a
Reading:	38,275 cumecs (18/5/17)		Units: N/a
Other:			
Calibration certificate?	Yes: ☐	No: ☒	Calibration Date: By EA
General comments, details / dates of occupation changes, actions required, etc.			
General comments –			
Annual compliance inspection of Old Walls Farm micro-hydro scheme, made in the company of the site owners, Miles and Gail Fursdon. There was a good stream-flow passing forward through the notch in Jordan Weir and also within the deprived reach.			
The smolt-screen was in place and found to be in operational working order, as too was the additional tail-race drum screen (a supplementary environmental control measure, over and above the licence conditions).			
Checked records of the weekly readings, which were found to be in good order. No adverse compliance issues identified at time of inspection.			
Secondary draft 'site agreement' (of agreed site operating measures) to follow soon.			

Actions required – none at present time.

Form sent to

M Fursdon

Signature: - N/a

Signature of Inspecting Officer:

Pete Bael

Inspection report

Licence No. (or Application No. or GIC No. etc.) 14/46/04/0685		Inspection Class: HC	
Name and address: Miles Fursdon Waterleat Lodge Widecombe in the Moor Newton Abbot Devon TQ13 7PN		Telephone No: [REDACTED]	
Site address (if different):			
Met with: Mr and Mrs Fursdon		Position: Owners	
Inspecting Officer: Catherine Lockwood and Daniel Griffiths		Inspection Date: 22/8/18	Time: 15:10
Licence provisions (mark as appropriate – tick if in order, X if not in order, or n/a etc.)			
Source of supply: ☒	Quantities: ☒	Land (only if specified):	
Point of abstraction: ☒	Means of measurement: ☒	Charging factors: n/a	
Means of abstraction: ☒	Records: ☒	Other provisions (specify below):	
Purpose(s): ☒	Provision of information: n/a		
Period: ☒	Special conditions:		
Measurement details (as appropriate); if possible, include any meter readings etc.			
Meter make: Measurement taken on sight glass and calculated weekly		Serial number:	
Reading:		Units:	
Other:			
Certificates or records available for:			Date of certificate or record:
Calibration:	Conformance:	Flow verification:	Meter verification:
Maintenance:	Y:	N:	Frequency:
Readings taken:	Y:	N:	Frequency:
Where kept:			
General comments, details / dates of occupation changes, actions required etc.			
Annual compliance visit carried out with the owners and EA Fishery Officer Daniel Griffiths. At the time of the inspection rivers in the region were suffering from low flows due to prolonged dry weather. There were low levels in the leat at the time of the visit as repairs and maintenance were being carried out. Compliant with the quantity of water going over the weir and carrying on down the main river. Smaller of the 2 turbines was in use due to low flows. Fish screening is put in place at the inlet and outlet of the site when required. Weekly records kept of water abstracted. I gave the owners information regarding the RSA scheme. No action required at the present time.			
Form sent to: Mr and Mrs Fursdon		Date: 6/9/2018	

Inspection report

Licence No. (or Application No. or GIC No. etc.) 14/46/04/0685		Inspection Class: Highly Critical	
Name and address: Miles R Fursdon, Waterleat Lodge, Widecombe-in-the-Moor, Newton Abbot, Devon, TQ13 7PN		Telephone No: [REDACTED]	
Site address (if different):			
Met with: Miles Fursdon and Gail Fursdon		Position: Licence Holder	
Inspecting Officer: Matthew Sleep & Rick Boulding		Inspection Date: 05/06/2024	Time: 10:30
Licence provisions (mark as appropriate – tick if in order, X if not in order, or n/a etc.)			
Source of supply: ✓	Quantities: ✓	Land (only if specified): n/a	
Point of abstraction: ✓	Means of measurement: ✓	Charging factors: n/a	
Means of abstraction: ✓	Records: ✓	Other provisions: ✓	
Purpose(s): ✓	Provision of information: n/a		
Period: ✓	Special conditions: n/a		
Measurement details (as appropriate); if possible, include any meter readings etc.			
Meter make:		Serial number:	
Reading: 02/06/2024 - 41,472 m3 (Weekly Total)		Units: m3	
Other: Quantities obtained through measurement and look up table methodology calibrated by Hydro Logic.			
Certificates or records available for:			Date of certificate or record:
Calibration:	Conformance:	Flow verification:	Meter verification:
Maintenance:	Y: N:	Frequency:	By whom:
Readings taken:	Y: ✓ N:	Frequency: Weekly	By whom: Miles Fursdon
Where kept: Two copies securely stored in turbine house and home office.			

General comments, details / dates of occupation changes, actions required etc.

Routine Compliance visit undertaken alongside Rick Boulding (Technical Fisheries Officer) met with Miles Fursdon (License Holder) and Gail Fursdon.

This licence was last inspected on **22/08/2018** by Environment Agency Officers Catherine Lockwood and Daniel Griffiths. No compliance actions were listed at the time. The infrastructure on site has not been changed or altered since the previous inspection.

An automated level sensor at the intake ensures the abstraction is controlled in relation to the prescribed flow (Fig 1.0).



Fig 1.0 Level sensor location at intake.

A seasonal kelt screen at the intake is manually deployed, this prevents larger fish from entering the leat (Fig 2.0).



Fig 2.0 Kelt screen and intake sluice.

A self-cleaning screen is present downstream in the leat providing adequate protection against the ingress of fish as specified in permit condition **10.7**. There is a bywash channel which can be manually opened at the appropriate time, this feeds back into the West Webburn River (Fig 3.0).



Fig 3.0 Screen and bywash channel opening (white cap).

Water discharges back into the West Webburn River via a short tail race (Fig 4.0), again utilising seasonal deployment of a drum screen to prevent the ingress of fish into the attraction flow (Fig 5.0).



Fig 4.0 Discharge, tail race and drum screen fixing channels.



Fig 5.0 Drum screen.

Returns for 2023-2024 completed on **30/04/2024**. **15,953,336 m³** abstracted for the period. Condition 7.1 Maximum Quantity **16,054,984 m³** per year. Quantities are calculated using a measurement and look up table method originally calibrated by Hydro Logic. Weekly records are taken manually by the licence holder and stored in the appropriate manner.

The licence holder is **compliant** with all conditions specified within the permit. Upon inspection I found this to be a very well managed operation, with a knowledge and understanding of the importance of continued compliance.

Form sent to: Miles Fursdon and Gail Fursdon

Date: 05/06/2024

Mr Fursdon
Lowertown Farm
Poundsgate
Newton Abbot
Devon
TQ13 7PQ

Our ref: pp6245
Date: 15 February 2008

Dear Mr Fursdon

OLD WALLS HYDROELECTRIC PLANT

Thank you for your letter dated 19 January 2008, addressed to Jonathan Shaw MP, which has been passed to me for a response as the matters you raise relate to the Environment Agency's operational activities.

I have spoken with the local Environment Agency manager who explained how the trial came about, that is because your abstraction licence requires the intake to be adequately screened to prevent the entry of fish.

Normally, the responsibility for monitoring the effectiveness of such arrangements rests with the licence holder. However, as we have been working with you and the Dart Fisheries Association on a range of projects we were pleased to take the opportunity with you to make use of the large tank currently on site to undertake some basic monitoring. The trial was a good opportunity to satisfy ourselves that we are content for the existing smolt bypass arrangements to continue.

I understand that you have already received the results of the trial and that you have prepared your own report based upon these results which you have asked us to sign. I can confirm that the data you have received from us is accurate, and that you may use it as you see fit, but clearly it is not for us to sign your report.

We agree that the results from this trial have been very encouraging and will play a part to our formally agreeing that we are content with the operation of the site as a whole. It is not our intention to produce a formal report of this monitoring, but we will retain the information gained on the licence file.

We have worked closely with you to develop the Old Walls site, and I hope that this will continue in the future. As you have operated the existing arrangements for a number of years, we should now be in a position to address any outstanding areas of concern with a view to formalising arrangements. Chris Lawson will contact you

Environment Agency
Manley House, Kestrel Way, Exeter, EX2 7LQ
Tel: 08708 506506 Fax: 01392 444238

Regional Director: Dr Richard Cresswell MBE
Direct tel: 01392 442085 **Direct fax:** 01392 442005
e mail: richard.cresswell@environment-agency.gov.uk

shortly to take this matter forward. In the meantime if you want to speak with Chris he can be contacted at our Exminster office on telephone 01392 316037

Yours sincerely

K. Trengrave

pp **RICHARD CRESSWELL**
Regional Director

Signed and approved in absence of Regional Director.

Mr Miles R Fursdon
Waterleat Lodge
Newton Abbot
Devon
TQ13 7PN

Our ref: 14/46/004/0685

Date: 11 February 2020

Dear Mr Fursdon

Restoring Sustainable Abstraction Programme: Abstraction Licence Number 14/46/004/0685

We are writing to you about your licensed abstraction from the West Webburn River in the area of Widecombe-in-the-Moor. This abstraction is one of the sites on our 'Restoring Sustainable Abstraction' (RSA) programme. The intention of the RSA programme is to improve environmental sustainability of existing abstraction licences.

We have now completed our review and the decision has been made to make some changes to your licence. We plan to complete this process by 30 March 2020, with the implementation of required changes to your abstraction to follow after this date.

Our proposals to change your licence are as follows:

- No change to maximum annual abstraction quantity
- Removal of daily maximum quantity
- Increase of maximum instantaneous abstraction to 1.18 m³/s
- Hands off flow at the abstraction point of 0.148 m³/s (Q95)
- 35% take all year when flows above HoF at a rate up to the maximum instantaneous abstraction rate
- Sweetening flow abstraction of 0.02 m³/s to maintain leat flows when HoF condition prevents abstraction for the HEP use. This sweetening flow abstraction to cease if the river flow upstream is below 0.04 m³/s.
- Permanent 6mm screen at point of abstraction to the leat from the river
- Add existing seasonally deployed drum screen at the discharge point to the licence as a condition for long term sustainability
- Automated monitoring of river levels to control abstraction.

These proposals have been informed, in part, by previous discussions between you and the Environment Agency regarding potential changes to your abstraction licence. Removal of the maximum daily abstraction condition will enable you to maximise the flows available during high flow events which may partly offset the restriction imposed by the 35% take and hands off flow conditions.

We would like to arrange to meet with you on Wednesday 4 March 2020 at 1:30pm to discuss matters in more detail. This can be at our Exeter office (Manley House, Kestrel Way, Sowton Industrial Estate, Exeter, EX2 7LQ) or we can arrange to meet with you at site.

Please contact Alison Clode in the first instance to confirm that this date and time is convenient (contact details at the bottom of this letter) and your preferred meeting location.

Things you will now need to consider;

You will need to decide if you wish to change your licence voluntarily. If so, you need to apply to change your licence under section 51 of the Water Resources Act 1991. Application forms can be found on Gov.uk, we will also bring the relevant forms with us when we meet with you.

If you decide not to apply to change your licence we will need to change your licence using section 52 of the Water Resources Act 1991. The section 52 process gives you the right to object to our proposal and to request a hearing. Under such circumstances the case would then be referred to the Secretary of State for a decision. You might wish to seek legal advice and/or representation about an objection or hearing in relation to a section 52 licence change proposal.

If the Secretary of State decides that your licence should be changed, you may be able to claim compensation under section 61 of the Water Resources Act 1991.

We have enclosed a short guide outlining and summarising your options and some compensation guidelines. If, after reading this information you have any questions, then we can discuss these issues further when we meet you.

Please note we cannot discuss your individual licence with any third parties unless you have notified us that they are acting on your behalf.

If we do not hear from you with respect to the proposed meeting by 24 February 2020, we intend to serve notice under Section 52 by 30 March 2020.

Contact details for Alison Clode -

Alison.Clode@environment-agency.gov.uk

Yours sincerely

E. Townsend

Emma Townsend

Restoring Sustainable Abstraction Lead

Emma.Townsend@environment-agency.gov.uk

Enc - Compensation Leaflet

Changing Water Abstraction & Impoundment Licences Leaflet

Mr M Fursdon
Waterleat Lodge
Widcombe in the Moor
Newton Abbot
Devon
TQ13 7FA

Our ref: 14/46/004/0685

Date: 28 April 2020

Via Email – [REDACTED]

Dear Mr Fursdon

CORONAVIRUS: THE ENVIRONMENT AGENCY RESPONSE AND OUR RESTORING SUSTAINABLE ABSTRACTION PROGRAMME

As you are more than aware, Coronavirus is causing concern across the country for everyone, both personally and professionally, and is also impacting on businesses. I wanted to let you know about the steps the Environment Agency is taking at this difficult time and how it will affect the timetable for progressing the proposed changes to your abstraction licence under the Restoring Sustainable Abstraction Programme.

Our key priorities at this time are to protect the health, safety and well-being of our own staff, the public and the businesses and partners we work with; to prevent loss of life and serious harm to the environment; and to keep our critical operations running.

In line with government advice to stay home, most of our teams are now working from home and trying to make the best use of new working arrangements as well as managing caring responsibilities.

While we are aiming to provide the best possible service that we can to customers, please do understand that in these current circumstances we will not be able to operate as normal.

We have been thinking about potential delays to your proposed abstraction licence changes because of the coronavirus. We previously wrote to you advising that if you do not agree to apply to change your abstraction licence voluntarily, the earliest we would issue a Section 52 Notice would be 31 October 2020.

We would like to reassure you that we are continuing to make progress but it is slower than we had intended. I hope you can appreciate that it is difficult at this point in time to suggest any definite revised timescales. What we can say however, is that we do not envisage initiating changes to your abstraction licence via a Section 52 Notice any earlier than 31 March 2021. I apologise that that additional delays to the process may not be welcomed due to the additional period of uncertainty regarding your abstraction licence but this is unavoidable in the current situation.

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

Please do not hesitate to get in touch with me if you need to, otherwise I thank you for your continued patience. Please note that as our offices are shut and I am working from home, I am unable to receive letters sent by Royal Mail. Please could you therefore contact me via my email address provided at the end of the letter.

I wish you all the best during these challenging times.

Yours sincerely

E. Townsend.

Emma Townsend

Restoring Sustainable Abstraction Lead for Devon, Cornwall and Isles of Scilly Area

Emma.Townsend@environment-agency.gov.uk

Our Ref: RSA – SWD0039

Date: 06 February 2025

Via email: [REDACTED] & [REDACTED]

Dear Mr Fursdon

LICENCE TO ABSTRACT WATER NO 14/46/004/0685

I am writing to update you that we intend to re-engage with licence holders as part of the Environment Agency Restoring Sustainable Abstraction (RSA) programme.

Your licence remains on our RSA programme as it allows the abstraction of water from the West Webburn River beyond what we consider sustainable.

As you may recall from previous discussions regarding your abstraction licence, we would like to work collaboratively with you to identify and agree the changes you could make so your abstraction provides a more sustainable balance for both you and the environment.

I will be your single point of contact for the Environment Agency regarding RSA and I would like to start by arranging a telephone call to introduce myself and discuss your licence. This could include any changes in your abstraction arrangements and our regulatory powers under the Water Resources Act 1991 (WRA 91).

Please note that our regulation of your existing licence, including compliance inspection, is separate to the RSA process but will be taken into account.

Previously, you have also advised that any communications with you, as the licence holder, also need to be copied to the following: Chris Elliot, On Stream Energy (chris@on-stream.co.uk), Mike Neason, Stags (m.neason@stags.co.uk) and Tom Biddick, Ashfords (t.biddick@ashfords.co.uk). Please can you confirm if this is still the case?

I look forward to hearing from you.

Yours sincerely



Carole Brennan

Water Resources Specialist – Devon, Cornwall and the Isles of Scilly

Email address: carole.brennan@environment-agency.gov.uk

+ Environment Agency, Manley House, Kestrel Way, Exeter EX2 7LQ