DECISION STATEMENT

ABSTRACTION LICENCE APPLICATION

Hall Farm Narford Partnership

Application number: NPS/WR/044183

Licence number: AN/033/0058/052

EA Area: Cambridgeshire and Bedfordshire

Date of Application: 6 May 2025

Applicant details:
Carlo Fountaine and Susan Jane Fountaine trading as Hall Farm Narford Partnership

Narford Hall
Narford
King's Lynn
Norfolk
PE32 1JA

Summary of the proposal:
Hall Farm Narford Partnership have applied for a new full abstraction licence to replace licence AN/033/0058/023/R01 which expired on the 31st of March 2024 as no renewal application was submitted. As the previous licence has expired, this is being treated as an application for a new full licence, not as a renewal.

This application proposed to abstract from the North West Norfolk underground chalk strata via a borehole at TF 77230 12870 with a depth of 55 metres, diameter of 457 millimetres and steel lining of 21 metres. The proposed abstraction will take place for a period of 18 hours per day with maximum quantities of 164 cubic metres per hour, 2,955 cubic metres per day and 187,000 cubic metres per year at a rate not exceeding 45.6 litres per second. The proposed abstraction is for the purpose of spray irrigation and was intended to take place between 1 March and 30 September inclusive.

Because the North West Norfolk Abstraction Licencing Strategy (ALS) that covers this location shows that no new water is available for consumptive groundwater abstraction, we have decided to refuse the application, and no licence has been granted.

Source of supply: North West Norfolk Chalk

Points of abstraction and quantities:

Point of abstraction: TF 77230 12870

Abstraction quantities:
164 cubic metres per hour

2,955 cubic metres per day
187,000 cubic metres per year
At an instantaneous rate not exceeding 45.6 litres per second

Means of abstraction: A borehole.

Purpose of abstraction: Spray irrigation.

Abstraction period: 1 March to 30 September inclusive.

Case history:
The Applicant's licence AN/033/0058/023/R01 expired on the 31st of March 2024 as a valid application to renew was not received.

The Applicant submitted an application for a new licence to effectively replace the expired licence on 13th January 2025. This application was rejected on 17th February 2025 due to non-payment of the application fee.

The Applicant submitted an application for a new licence to effectively replace the expired licence on 1st April 2025. Following a further request to pay the application fee, the application was made valid on 6th May 2025.

We wrote to the Applicant on 28th November 2025 with a 'minded to' decision to refuse their application.

As a number of similar applications had been received by the Agency to replace licences that had recently expired without an 'in time' renewal application, we requested that these were put 'on hold' whilst we developed a robust and agreed approach on how to consider them. The Applicant agreed to their application being put 'on hold.'

The agreed approach was published on 22nd May 2026. It required a 'continuity of assessment' of the previously licensed quantities, meaning that if the quantities were still within our assessment tools and systems, we could consider the replacement application as for 'existing' water. If the quantities had been removed from our assessment tools and systems, then we had to consider the replacement application as for 'new' water.

For this application, the expired licence's quantities were removed from our assessment tools and systems on 30th September 2024, prior to the first application on 13th January 2025, as rejected, and the subsequent application, as made valid on 6th May 2025. Therefore, the application was treated as for 'new' water and refused under the North West Norfolk ALS because no new water is available for consumptive groundwater abstraction.

Justification of quantities:
The proposed abstraction quantities were assessed using 'Water Resources Optimum Use Manual' guidance and we consider them justified if there was new water available for abstraction, which there isn't under the North West Norfolk ALS.

Resource assessment:
The water available for abstraction under the North West Norfolk ALS is derived from various assessments and, especially, from the waterbody classifications under the Water Framework Directive (WFD).

Under the 2025 Water Framework Directive (WFD) classification, the North West Norfolk Chalk groundwater body (GB40501G400200) is at 'Poor' 'Overall Quantitative' status. This is because the 'Quantitative Dependent Surface Water Body' element that makes up the 'Overall Quantitative' status is at 'Poor', as groundwater abstraction impacts river (surface water) flows.

The associated (dependent) WFD surface water body that the North West Norfolk Chalk groundwater body is in continuity with is the River Nar upstream of Abbey Farm (GB105033047791). The 2025 WFD classification shows this surface waterbody is also at 'Poor' Overall status, with the 'Hydrological Regime' element at 'Does Not Support Good' status.

These statuses are reflected in the North West Norfolk ALS which shows that no new water is available for consumptive groundwater abstraction.

Impact assessment of proposal:
The 'Quantitative Dependent Surface Water Body' element for the North West Norfolk Chalk is at 'Poor' status. This is due to the impact of groundwater abstraction on surface water flows. The groundwater abstractions causing these impacts are for agriculture and rural land management, and also for the water industry. It is the failure of this test that is causing the current 'Poor' 'Overall Quantitative' status for this waterbody. Issuing this licence would be against our duty to prevent further deterioration where an element is already in its lowest status class and would compromise the achievement of the target status for this element, which is 'Good' by 2027.

The 'Hydrological Regime' element for the Nar upstream of Abbey Farm is currently classified as 'Does Not Support Good' (DNSG). This is due to the impacts of both surface water abstractions and groundwater abstractions on flow. Our data show that the abstractions causing these impacts on the 'Hydrological Regime' element are for water supply by the water industry. The Nar Upstream of Abbey Farm is not Artificial or Heavily modified, meaning the default overall objective for this waterbody is 'Good' status. For the Hydrological Regime element, the default objective is 'Supports Good', and an objective has been set to achieve this by 2027. We are taking the necessary steps to facilitate Hydrological Regime to achieve 'Supports Good' status, which includes the prevention of deterioration.

When assessing the Hydrological Regime, flow targets are usually based on the Environmental Flow Indicator (EFI). However, the Nar upstream of Abbey Farm is part of the River Nar SSSI and has a bespoke flow target which has been informed and set by Natural England. This bespoke flow target is based on the needs of the aquatic ecology in the riverine SSSI and is much stricter than the usual WFD target which is based on the EFI. Therefore, issuing this licence would compromise the achievement of the target status of 'Supports Good' for Hydrological Regime and increase the risk of non-compliance with the bespoke flow targets.

Where the ALS, consultation advice and the WFD assessment indicate that granting any licence (regardless of any mitigation that could be applied), would represent an unacceptable risk of deterioration in status or failure to meet WFD objectives, then the application must be refused. Issuing this licence would cause deterioration in the WFD status of the affected groundwater body and would contribute to the failure of both the surface water and groundwater bodies to meet their objectives under the WFD. As such, the application must be refused.

Statutory consultation:
The application was advertised in a newspaper, the Eastern Daily Press, and on the GOV.UK website.

We notified the following organisations:
- Statutory Water Undertaker – Anglian Water Services – no response received
- Internal Drainage Board – Norfolk Rivers IDB – no response received

We consulted the following organisations:
- Natural England: response received on 18th September 2026.

Brief summary of issue raised: Natural England responded to state their agreement with the conclusions of our SSSI assessments in relation to the River Nar SSSI and Setchey SSSI and confirmed their support for our decision to refuse this application.

External representations:
None received.

Protected rights:
We consider that the proposed abstraction had the potential to cause derogation of a protected right, but mitigation could be put in place to prevent this.

As this application is being refused as there is no water available for new groundwater licences in this catchment, there is no potential to cause derogation.

Conservation issues:
The River Nar Site of Special Scientific Interest (SSSI) and Setchey SSSI were both within the screening area for this application, and we considered that there was a pathway for the abstraction to impact these sites due to the connectivity between groundwater and surface water in this area. Our assessment for the River Nar SSSI concluded that we could not rule out damage to the interest features of the SSSI as a result of issuing this licence.

The Wash Ramsar Site and The Wash Special Protection Area (SPA), and the Wash and North Norfolk Coast Special Area of Conservation (SAC) were also identified in during the screening process. The River Nar joins the River Great Ouse at King's Lynn, where a tidal sluice prevents the penetration of seawater into the Nar at high tide. The Great Ouse then flows

out into The Wash. The proposed daily abstraction quantity represents less than 1% of the Q95 flow from the Nar into the Great Ouse. As such we do not consider that the proposed abstraction could impact the flows reaching the designated sites of The Wash.

We have consulted Natural England on our SSSI assessments in relation to the River Nar SSSI and Setchey SSSI and taken any comments into account in the permitting decision. In summary, Natural England agreed with our assessments and supported our decision to refuse this application.

Note: the proposed abstraction is in close proximity to the East Walton & Adcock's Common SSSI, a component site of the Norfolk Valley Fens SAC which is undergoing a Sustainable Abstraction Plan (SAP) assessment to understand what future abstraction changes are required to protect these habitats. If a valid renewal application had been submitted in time for this proposal, we would have taken a precautionary view and screened the application as High Risk for potential impact on East Walton and Adcock's Common SSSI. Applications with the potential to impact the SAC and its component sites are being put on hold until March 2027 to ensure the outcome of the SAP review can be applied to these applications. As this proposal was not considered a renewal, but for new water with a likely decision of refusal, we decided not to put it on hold and determine it in isolation.

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 Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that these have been considered as part of our refusal of this application. This application is being refused on the basis of there being no new water available for abstraction within this catchment.

Costs/ Benefits:
The applicant provided supporting information to illustrate the financial impacts on their business should this licence not be issued. In it, the applicant stated that the abstraction volume authorised by the expired licence was critical to the farm's cropping programme.

> *The cropping of the farm is divided into two sections which are separated by roads and field boundaries. One side is supplied with irrigation water from a reservoir, and the second side is supplied with irrigation water from a bore hole* [this application]*. The two system are run independent of each other and are operated autonomously.*
>
> *The removal of the bore hole abstraction effectively demotes one half of the cropping land to a regime where only non-irrigated crops can be grown. The high value crops of vegetables that ensure the farm is financially viability would be taken away, and that part of the farm would be destined to grow low value crops, with the acreage and variety choice changed to accommodate the lack of irrigation.*

We have considered the alternative options that may be open to the applicant. The main alternative is likely to be water rights trading. Water abstraction rights trading allows an existing abstraction licence holder to permanently or temporarily transfer all or part of their licensed water abstraction rights to another party. This can provide access to water in catchments where new abstraction licences are unlikely to be granted due to limited water availability. Any trade must be approved by the Agency and demonstrate that it will not harm the environment or the rights of other water users. There must also be a hydrological connection between the donor and recipient abstraction locations.

We have a duty under section 39 of the Environment Act 1995 to take into account the likely costs and benefits of granting the application ('costs' being defined as including costs to the environment as well as any person). This duty, however, does not affect our obligation to discharge any duties imposed upon us in other legislative provisions, which for the purposes of this application principally means duties imposed under the WFD. We have taken these factors into account in our decision.

Refusing the application represents a cost to the applicant through the cost of the refused application and the need to seek alternative access to water supplies. However, we have considered our Abstraction Licensing Strategy for North West Norfolk and our duties under the Water Framework Directive and are satisfied that the refusal of this application is necessary taking these into account.

Conclusion and recommendation:
Given that a valid renewal application was not received, and the licensed quantities are no longer accounted for within our assessment of the water available for abstraction in the catchment, this application has been treated as being for new water and has been refused in line with our Abstraction Licensing Strategy for North West Norfolk and our duties under the Water Framework Directive.

Contact the Environment Agency:

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