

## Restoring Sustainable Abstraction in the Ant Valley, Norfolk

We are writing to let you know that our Restoring Sustainable Abstraction (RSA) investigation focussing on SSSIs in the Ant Valley, Norfolk, is now at the stage where we can share the outcomes and the licence change proposals identified through the investigation. This investigation is part of our overall RSA programme that has returned 47 billion litres of water a year to the environment through licence changes since 2008.

### Background

The Environment Agency (EA) is England's environmental regulator, and it is our duty to ensure that water supplies are sustainable for the future. We know that if we don't take action now many areas of England will face water shortages by 2050, which may have detrimental impacts on people, businesses, and the environment.

The Ant Broads and Marshes RSA investigation and options appraisal has been driven by the environmental improvement aims set out in the joint EA/Defra Water Abstraction Plan 2017<sup>1</sup> and by the requirements of the Habitats Regulations. We are required to take action to restore site features to favourable conservation status<sup>2</sup> if they become damaged, or are at risk of damage, by licensed water abstraction. Working with Natural England, under the RSA programme the Environment Agency has done a thorough investigation and options appraisal that has included working with local stakeholders and abstractors. This extensive research has considered the effects of all licensed abstractions on the Ant Broads & Marshes, Alderfen Broad and Broad Fen SSSIs.

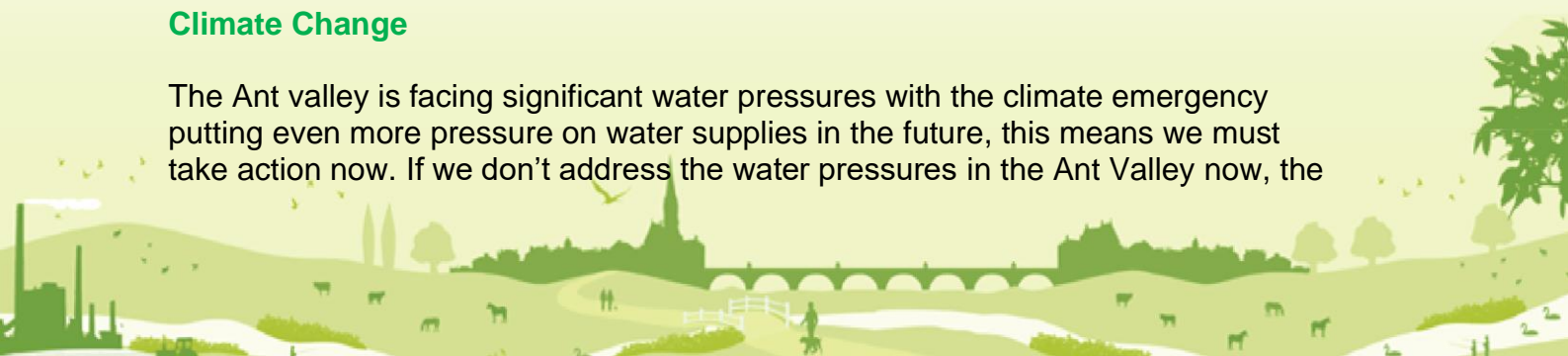
### The Conservation Importance of Ant Broads and Marshes

The Ant Valley SSSIs are part of The Broads Special Area of Conservation (SAC), Special Protection Area for wild birds (SPA) and a wetland of international importance under the Ramsar convention. This area is one of the richest and most diverse areas of fen vegetation in Western Europe and supports rare plant and invertebrate communities (such as swallowtail butterflies and Norfolk hawker dragonflies) that were once more widespread across the Broadland area.

Natural England (NE) has identified hydrological targets which will ensure the conservation objectives for The Broads SAC and Broadland SPA can be achieved. These objectives are about restoring and protecting these valuable sites that support flora and fauna that is vulnerable and rare. The species found on this site are particularly reliant upon flushing flows of water derived from underground aquifers. Abstraction licences surrounding the Ant valley intercept these important flows, changing the conditions within the SSSIs so that the rare habitats and species can no longer thrive.

### Climate Change

The Ant valley is facing significant water pressures with the climate emergency putting even more pressure on water supplies in the future, this means we must take action now. If we don't address the water pressures in the Ant Valley now, the



additional challenges that climate change brings will have an even bigger impact on the environment and our water resources.

## Our RSA programme and conclusions

Through our RSA investigation, we have demonstrated that abstraction impacts the available hydrological support needed that would restore and improve the local environment. Our investigation and options appraisal concluded that some pre-existing licences must be removed, reduced, or constrained in some way, and some applications for on-going (but previously exempt) abstraction will need to be refused to protect and restore the European sites.

## How have we arrived at our proposals?

Our RSA work has been informed by using the best available data, information, and techniques. As well as our own experts, in 2018 and into 2019, we involved technical experts (hydrologists and ecologists) in this work who represented agricultural abstractors, landowners and other organisations. Natural England have supported our work throughout the process by providing its expertise and their advice to us, as part of its statutory role over designated sites such as this. The decisions about which abstraction activities form part of the necessary solution have been based on best available scientific evidence and extensive technical work.

## Who is affected?

To achieve a sustainable level of abstraction on one of the most celebrated areas of The Broads in Norfolk, our investigation has concluded that abstraction under licences held or applications made by 20 different people or businesses must be reduced or constrained.

We are only changing those licences which have the greatest impact on the environment. These licences are either existing licences, applications for a new licence under New Authorisations (NA) or applications to renew Time Limited Licences (TLLs). They are from across a range of sectors: agriculture, public water supply, horticulture and farming and food processing.

We discussed proposals to revoke specific licences and refuse certain applications for groundwater abstractions in 2019 with directly affected abstractors.

As we concluded our technical work, we also identified the need to constrain some surface water licences and the need for fish screens. Nine of the affected licence holders hold surface water licences, and we are discussing these proposals with them.

## Affected licences and applications

### Existing abstraction licences ('permanent 'licences')

We propose to change, or revoke twenty permanent licences found to be unsustainable through our RSA investigation and options appraisal. using powers in Water Resources Act 1991 to makes changes voluntarily (section 51) or compulsorily (section 52).



### **Previously exempt abstraction applications ('new authorisations')**

From 1 January 2018, it became a requirement to apply for a water resources abstraction licence, where more than 20 cubic metres a day is abstracted for a previously exempt activity<sup>3</sup>. These include abstraction for trickle irrigation and other forms of horticultural irrigation. Abstractors affected by these changes benefitted from an application window which closed on 30 June 2020. The EA is determining these types of applications now and up to 31 December 2022.

Of these types of application within the Norfolk area, our RSA investigation and options appraisal has identified four as unsustainable and it is proposed that these applications be refused.

### **Time-limited licence renewal applications**

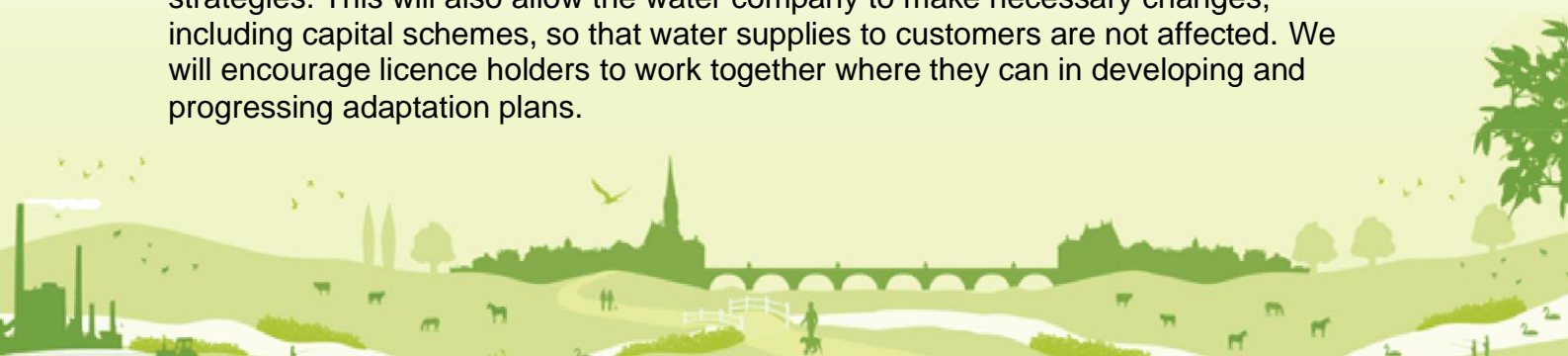
Since 2001, all new licences have been issued with a time limit as a way of managing future uncertainties. Time-limited licences were established on the basis that they would be periodically reviewed to ensure that abstractions continue to be environmentally sustainable, abstractors have a need for the water and will use water efficiently. The EA can make changes at this point if a licence is damaging the environment. This enables us to better manage water resources in response to a changing environment, improved hydrological understanding or changing and patterns of water use.

We propose to refuse or change ten time-limited licence renewal applications found to be unsustainable through our RSA investigation and options appraisal.

### **Transition period**

We are highlighting these licence change proposals with licence holders now, after which we will support abstractors with how they can respond and adapt to these proposals. Many licence holders affected by the proposals have already started developing alternative, more sustainable sources of water for their needs, but these do take time to plan and implement properly. Some of the alternatives are linked to the Water Company's (Anglian Water Services Ltd) own plans to bring a new main water pipeline into the area by June 2024.

Immediate withdrawal or change to existing abstraction licences before this time could have impacts on the public and be damaging to businesses and the local economy. Therefore, we've taken the decision to provide affected licence holders with an extended period to adapt to changes. We have a responsibility to be fair and proportionate<sup>4</sup> across all abstractors and as such all affected licence holders will have between now and April 2024 (if needed) to develop suitable adaptation strategies. This will also allow the water company to make necessary changes, including capital schemes, so that water supplies to customers are not affected. We will encourage licence holders to work together where they can in developing and progressing adaptation plans.



We are offering meetings with affected licence holders and any of their representatives as a priority over the coming weeks, to offer the opportunity for support and discussion regarding these changes.

Indicative timescales for all next steps can be found in [Appendix 1](#).

### **What else can be done to support these sites?**

Both National and international nature conservation legislation places the highest level of protection on the habitats and species found within the Ant valley. Abstraction has a significant impact by changing water availability and the overall water balance. Taking steps to reduce it will significantly decrease the current and future risks to these protected habitats and species. It will also provide resilience to optimise the opportunities for individual habitats and species to adapt going forward.

Abstraction is not the only factor affecting these sites - climate change, land management, pollution, drainage etc. all affect the environment. The Environment Agency, Natural England and others all have various strategies and plans to help tackle these things too. We know that abstraction changes might only be part of the solution needed for any site. However having looked at range of other options that might secure the preservation of this protected area based upon the evidence provided by the RSA investigation combined with taking the views of Natural England into account, we have concluded that licence changes are required.

### **Next steps**

For the remainder of 2021, we will be prioritising engagement with affected abstractors and their representatives as we move towards implementing these licence changes and delivering the associated programme of work set out in Appendix 1.

We will continue to work, with the support of Natural England, to guide the local abstraction community in the development of new water sources and demand management wherever this is possible. We believe that some water can be taken from rivers during the winter or other times of high-flow without affecting the sensitive ecology of The Broads. This will likely require abstractors to consider new reservoirs that can store water until it is needed later in the year when flows and groundwater levels are generally much lower.

### **How can I find out more?**

If you are interested in finding out more about our RSA work, please do get in touch.

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## Bibliography

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4. GOV.UK (2021) *How the Environment Agency meets the Regulators' Code (Online)* Available from: <https://www.gov.uk/government/publications/regulators-code-and-the-environment-agency/how-the-environment-agency-meets-the-regulators-code> [Accessed 08/6/21]



## Appendix 1 - Indicative timescales

The table below sets out the key stages with indicative timescales for implementing the licence changes proposed from the RSA investigation and options appraisal and for applications in hand.

	Action	2021	2022	2023	2024
Permanent Licences	Liaison with licence holders	June/July			
	Progress voluntary licence changes where RSA proposals accepted (s51)	July/August			
	Serve notice of RSA licence change proposals (s52) (where voluntary agreements cannot be reached)	October			
	Objection (appeal) window for affected licence holders	October/ November (28 days from date notice served)			
	Liaison with affected licence holders about their plans	July onwards			
	Licence change takes effect				Up to April 2024
New Authorisations	Determination of previously exempt abstraction applications (new authorisations) not found to be unsustainable through RSA investigation	November onwards			
	Determination of previously exempt abstraction applications (new authorisations) found to be unsustainable through RSA investigation		October up to end of December		
	Appeal window for applicants			January (28 days from determination)	
Time Limited Licences (TLLs)	Determination process for renewal applications for TLL not found to be unsustainable through RSA investigation	November onwards			
	Determine process for renewal applications for TLL found unsustainable through RSA investigation			October to December	
	Appeal window for applicants				January (28 days from determining)
New applications	Determination process for new applications/variations/pre-applications	November onwards	Anytime	Anytime	Anytime