

MALMESBURY AVON RIVER MANAGEMENT

MEMORANDUM OF UNDERSTANDING

1. This Memorandum of Understanding arises from discussions and correspondence between the Environment Agency (EA) and its predecessor Authority, Bristol Water plc (BW) and Wessex Water Services Ltd (WW) following a meeting on 28 October 1994 to disseminate the results of investigations by the NRA on river low flow problems in the Avon and its tributaries to Great Somerford, near Malmesbury.
2. The three parties to the Understanding are the EA, BW and WW and it follows the recognition by all parties concerned that the EA investigations have proven an adverse impact on streamflows in the Avon and its tributaries for which licensed groundwater abstractions both by BW and by WW are responsible in some part. Its general purpose is to confirm a shared commitment to the promotion of measures to restore streamflows to an acceptably more natural condition and to establish the principles necessary for this achievement.
3. It is acknowledged by the EA that an early statutory variation of abstraction licences to reduce the stress on the catchment groundwater resource is likely to create difficulties for BW and WW in meeting their commitments to standards of public water supplies and that while such action might be the most environmentally effective remedy it will require a period of planning for replacement resources and/or new infrastructure for water treatment and distribution. It is also recognised that the statutory procedures available to the EA would take a considerable time to implement and may lead to a liability on the EA to compensate BW and WW. Accordingly the EA will seek the co-operation of BW and WW in effecting early improvements to streamflows through a combination of voluntary measures designed to test the effectiveness of changes and thus assist the analysis of needs for permanent change. The process by which a stable and successful remedy of streamflow regimes will be secured will thus be on a staged basis.
4. The staging of remedies will follow a process as follows,
 - i) that all parties consider and implement those changes to current abstractions, stream augmentation and river management practice in which they severally or individually can make immediate improvements to the volume and/or distribution of streamflows;
 - ii) that the EA develops its analysis of streamflow impacts to identify the optimum necessary changes to create acceptable river flow conditions and to establish the benefits of such changes while taking into account the costs of changes assisted with information supplied from BW and WW;
 - iii) that both BW and WW in consultation with the EA shall consider what changes to existing abstraction rights within the catchment of the Avon to Great Somerford can be agreed within a strategy for future water resources development and deployment that will further a policy for permanent significant improvement

to streamflows in the Avon and its tributaries in the Malmesbury area;

- iv) that the changes necessary to bring about lasting improvements in the Malmesbury area shall in the first instance be formulated in anticipation of a common aim to be achieved by agreement and without prejudice to the source of their financing. The EA will not unilaterally initiate statutory powers for change if timely agreement on a consensus for change can be achieved.
5. In pursuit of this process BW will fully investigate those measures which can reasonably be taken to reduce its dependency on the Shipton Moyne borehole source and report to the EA a plan for reducing its quantities abstracted and without prejudice to the licensed entitlement pending a review of the consequent environmental benefit and an appraisal of the sustainability of this measure as a permanent benefit. A voluntary permanent reduction in the licensed quantity would be cause for an increase in required future resources to be negotiated with the EA.
 6. WW will co-operate with the EA in trials of change to the present stream augmentation arrangements and will fully investigate the potential for changes to the balance of abstractions from its licensed boreholes to assess whether a less damaging abstraction regime can be devised. Where such changes either fail to satisfy the required flow criteria or provoke new instabilities then, in considering plans for future water resource development needs to meet increasing demands, and in particular at its Newton Meadows source near Bath, WW will have regard to a voluntary permanent reduction in the licensed quantity from its Malmesbury area sources, in return for which a negotiable increase in required demands will be a legitimate consideration by the EA.
 7. The EA will at all times be aware of the standards of service required of the relevant Water Companies and will not seek immediate requirements that might unreasonably jeopardise the interests of their consumers. In seeking the future satisfaction of new streamflow criteria the EA shall be consistent with the principles declared within its Water Resources Development Strategy on matters connected with demand management, resource management and future resource development. Where previous remedial action has not achieved effective remedy the EA will expect that any future relevant new development of water resources by either Company shall bear an element of environmental mitigation for the Malmesbury Avon as a feature of any planning or abstraction licence application, and may otherwise object to such developments.
 8. Notwithstanding the elements of successful remedies that can be achieved by short term measures taken by any party under agreed voluntary efforts, the full and lasting remedies, whether or not these require reductions in water supply abstractions shall be finalised before the year 2005 AD.

This Memorandum of Understanding is made on
the signatures of those authorised to represent the parties as below

by witness of

For the Environment Agency

Signed: *W.L. Greig*

C. Daughton

Name: W.L. GREIG

C. DAUGHTON

Position: WATER MANAGER

SECRETARY

For Bristol Water plc

Signed: *R.W. Wyatt*

P.G. Hodce

Name: R.W. WYATT

P.G. HODCE

Position: ENGINEERING
DIRECTOR

RESOURCES
ENGINEER

For Wessex Water Services Ltd

Signed:

Name:

Position:

This Memorandum of Understanding is made on the signatures of those authorised to represent the parties as below

by witness of

For the Environment Agency Signed: *W.L. Grigg*
Name: *W.L. GRIGG*
Position: *WATER MANAGER*

E. Daughton
C. DALYTON
SECRETARY

For Bristol Water plc Signed:
Name:
Position:

For Wessex Water Services Ltd Signed: *J. Gareth Jones*
Name: *J. G. JONES*
Position: *DIRECTOR*