

FAO: Dr Helen Phillips
Natural England
Chief Executive
Natural England
1 East Parade
Sheffield
S1 2ET

Our Ref: SMH/SCE/00049772.13

Your Ref:

Date: 4 October 2010

Dear Sirs

**Our Client: Mr Andrew Alston
Catfield Fen Irrigation**

We are solicitors to Mr Alston of White House Farm Marsham and write in connection with his water abstraction licences and the Ant Broads and Marshes SSSI.

We enclose for your information a letter we have sent to the Environment Agency concerning Mr Alston's abstraction licences and the relevant background to the Agency's current review of those licences.

Mr Alston shares the concerns of Natural England and the Environment Agency about the unfavourable condition of Catfield Fen but, for the reasons set out in the attached letter, is firmly of the opinion that any prohibition or restriction on water abstraction from the Crag aquifer will not lead to any improvement in the condition of the fen. The reasons for the poor condition of the fen are attributable to poor management, details of which are given in the attached letter.

We invite Natural England to consider its obligations and powers under the Natural Environment and Rural Communities Act 2006 ("the Act"). In particular, its obligations under section 2(2)(b) of the Act and its powers to require land owners to enter management agreements under section 7 in order to qualify for HLS grants.

We have reviewed the management agreements that Natural England has in place with Mr and Mrs Harris and regard them to be muddled, poorly drafted, vague and generally ineffective. It is apparent that Mr and Mrs Harris have been receiving substantial HLS grants for doing very little. As a result, the condition of the fen has deteriorated significantly, public funds have been and are being wasted, and Mr Alston's legitimate extraction from the aquifer is being placed under wholly inappropriate scrutiny.

It is clear that Natural England should urgently review the management agreements currently in place with Mr and Mrs Harris. What are required are agreements that impose clear positive obligations on Mr and Mrs Harris to manage the fen so that it can be restored to its former condition as quickly as possible. These should include some basic obligations in relation to the proper management of the fen drainage system and the reed beds.

If Natural England fails to take these steps expeditiously, the fen will continue deteriorate and Mr Alston will refer the matter to the Secretary of State and who will be urged to utilise the powers under section 15 (2) of the Act.

We look forward to hearing from you.

Yours faithfully

Birketts LLP

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