

**IN THE MATTER OF**

**WATER RESOURCES ACT 1991, SECTION 52**

**APPEAL AGAINST THE ENVIRONMENT AGENCY'S VARIATION OF SOUTHERN WATER'S ABSTRACTION LICENCES FROM GROUNDWATER AND THE RIVER ITCHEN**

**AT TWYFORD AND OTTERBOURNE, HAMPSHIRE**

**PLANNING INSPECTORATE REFERENCE: APP/RSA/WR/00017**

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**UPDATE SUMMARY STATEMENT OF TIM SYKES FOR THE RIVER  
ITCHEN LICENCES**

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1. This update statement has been prepared in response to instructions to the EA recorded in the Inspector's Inquiry Note (Ref ID19) dated 21 March 2018. In that document the Inspector states: *"it will be necessary for the Agency to set out in evidence their assessment approach to all three cases, and in particular their responses to the s52 consultations, including, but not limited to, the matters raised above as well as matters relating to the proposed Hand off Flows and the continuing need for abstraction at Candover."* To address this instruction, this statement covers the following matters:
  - a. How the Agency formulated its licence change proposals;
  - b. How third parties were involved in the process before the notice was served;
  - c. How the Agency had regard to comments made on the notice served on Southern Water;
  - d. Whether there are any outstanding issues raised by third parties which they may feel were not addressed by the Agency
2. My purpose in this update statement is to provide the Inspector with the information he has requested and to take the opportunity to distil relevant parts of the history of these licence changes which have already been set out in the Agency's proofs. This will ensure that the Inspector has in this one document a consolidated account of how matters have progressed to the present point. This document should be read in conjunction with my other statement relating to the Candover Scheme and Alison Matthews's statement for the Testwood abstraction licence changes. Collectively these three statements provide a consolidated outline of the Agency's final case to the Secretary of State in light of recent developments. I conclude with a section which comments on the effectiveness of the proposed draft mitigation package.

### How the Agency formulated its licence change proposals

3. Sections 3 and 5 of the Agency's Itchen Statement of Case (Ref SC3, Bundle pp 1333 – 1340 & 1344 - 1349) explains the process for the abstraction licence changes proposed in 2016.
4. The Agency conducted a review of the licences under the Habitats Directive 92/43/EEC (as transposed by the Conservation of Habitats and Species Regulations 2017) (Ref CD13.1 – 13.5 & CD16, Bundle pp 5232 – 5241 & 5278 – 5335). Some general points about this assessment are:
  - The Appropriate Assessment in 2005 (Ref SC3.3, Bundle pp 1390 - 1615) concluded that it could not be shown that there was no adverse effect both alone and in combination on the Habitats Directive Annex 1 habitat, which I refer to as the chalkstream habitat; the Atlantic Salmon population and its supporting habitats; and the Southern Damselfly population and its supporting habitats).
  - In 2006 and 2007, we developed a target flow regime for the River Itchen, based upon a strong statistical relationship between the health of the observed macroinvertebrate community and recorded river flows. We also took into account modelling work on the impacts of river flows on salmon habitat. We applied the target flow regime to determine the changes that were necessary to ensure that the licences could be shown not to adversely affect the River Itchen SAC. We published our decisions in a Site Action Plan in 2007 (Ref SC3.4, Bundle 1616 – 1873).
5. The licence changes proposed in the Site Action Plan (Ref SC3.4, Bundle pp 1616 - 1873) were as follows:
  - Imposition of new Hands off Flow (“**HOF**”) of 198 MI/d at Allbrook & Highbridge (Bundle pp 1665).
  - Imposition of monthly restrictions in June (1,330 MI/day), July (1,275 MI/day), August (1,260 MI/day) and September (1,175 MI/day) (Bundle pp 1665).
6. The HOF condition was derived from thorough and detailed analysis of macroinvertebrate data from the River Itchen, which showed that at times of very low flows, the characteristics of the macroinvertebrate assemblage changed from what might be expected for a chalk stream. A technical report was prepared to use this macroinvertebrate analysis to define a target flow regime for the River Itchen, which included maintaining summer Q95 flows above a certain level as well as ensuring flows do not drop below the HOF. Monthly conditions were also defined

to give additional protection in drier months – notably in June and July to protect salmon migration.

7. The technical work to understand the relationship between the macroinvertebrate community and river flows was considered at the time to be statistically robust and the science sound, mostly because the data was based upon observed biological and river flow data. Translating that into licence conditions was more of a judgement, and for that we employed Atkins to help by offering its professional expert advice and to consult a range of experts from Agency, Natural England (“**NE**”) and elsewhere. Hence the target flow regime was subject to peer review and widely held to be justifiable and sound.
8. The Agency also chose to add a time limit to the licence of 31 March 2025, and to reduce the aggregate annual licence volume across all three licences from 55,138 MI to 42,000 MI to reflect Southern Water’s reasonable need for supply.

#### How third parties were involved in the process before the notice was served

9. Local stakeholders and national organisations such as the World Wildlife Fund (“**WWF UK**”) and Natural England have been aware of the proposed licence changes since they were published in 2007.
10. WWF UK had been actively encouraging the Agency to impose the licence changes as quickly as possible, and had been supporting the need to protect chalk streams in their campaigns such as “Rivers on the Edge” and in their work with other stakeholders to influence water company investment in their project “Blueprint for Water” (appendix to my Testwood Proof of Evidence, Ref EA8c).

#### How the Agency had regard to comments on the notice

11. The Agency served notice under section 52 of the Water Resources Act 1991 on Southern Water on 7 November 2016 (Ref SC3.11a & b, Bundle pp 1920 – 1933). This was advertised in the Hampshire Chronicle on 17 November 2016.
12. Ten representations were received. Nine supported the Agency’s proposals. For reference, the representations received are contained in Annex 13 of the Agency’s Itchen Statement of Case (Refs SC3.13a to SC3.13j, Bundle pp 1954 -2005). However, Southern Water did not support the proposals and raised a notice of objection on 15 December 2016 (Ref SC3.14, Bundle 2006 – 2019).
13. Details of the Agency’s response to Southern Water is included in section 6 of the Agency’s Itchen Statement of Case (Ref SC3, Bundle pp 1349 - 1356).

14. Paragraph 47 of the Agency's Itchen Statement of Case summarises the Agency's response to the other representations (SC3, Bundle pp 1346 - 1349) as shown below:

***“Support for proposed licence changes***

*Most representations supported the proposed licence changes – in particular the proposed new monthly limits and the reduction in annual licensed abstraction. Several of the responses noted that this proposed licence change amounts to a useful first step in moving towards a more sustainable abstraction licence.*

*Several also commented that the licence changes should be made as soon as possible - noting the legal obligation under Water Framework Directive to ensure that measures for Protected Areas are implemented before the end of December 2015. One respondent stated that by implementing the licence changes immediately they were pleased to see the burden of risk transfer from the environment to the Water Company. A few respondents suggested that Southern Water should already have made partial changes to their licences to move towards more sustainable abstraction licences.*

***Concerns about Southern Water's progress in developing new sustainable source of water***

*Another common theme was concern about the apparent slow progress made by Southern Water in modifying the licences and in developing sustainable alternative supplies. One respondent was keen for the company to move away from engineering solutions and embrace an ecosystems services approach with greater innovation and development of longer term sustainable solutions. Similar sentiments were echoed by others seeking a move away from abstraction from chalk streams and the chalk aquifer and supporting wider catchment solutions. Several responses noted that they were pleased to see Southern Water beginning to engage with stakeholders in relation to the emerging Water Resources Management Plan.*

***Links between the licence changes and potential additional abstraction from the River Test***

*Two of the respondents expressed concern that imposition of the Itchen licence changes would result in increased abstraction from the River Test.*

*This consultation period was in advance of the Environment EA serving notice on Southern Water to propose licence changes to protect the River Test and associated designated sites.*

***Alternative environmental objectives***

*WWF UK supplied a copy of a report that they had commissioned to demonstrate their belief that the Hands-Off Flow condition on the River Itchen at Allbrook & Highbridge should be raised from 198 Ml/d to 224 Ml/d. Others also supported this proposal.*

*NE noted that the rCSMG (Joint Nature Conservation Committee revised Common Standards Monitoring Guidance for rivers) flow targets may apply on the River Itchen in the future. The Environment EA is working with NE to determine a revised target flow regime for the River Itchen and will have regard to both of these proposals in reaching a decision by 2021. These are likely to trigger further licence changes.*

### **Concerns about SSSI designated habitats and species**

*NE also raised a concern that these three abstraction licences could be having an impact on SSSI floodplain wetlands and breeding birds.*

*Potential impacts on these habitats and species from the new licences will be considered as a part of a wider investigation that Southern Water will be required to carry out between 2020 and 2025. These may potentially trigger further licence changes.*

### **Concern about the derogation of a downstream abstraction**

*Portsmouth Water has an abstraction licence downstream of Southern Water's abstractions. That licence was varied to meet the Review of Consents requirements in 2011. Portsmouth Water commented that it would be concerned if the development of any alternative sources led to derogation of its supplies."*

15. We referred the matter to Secretary of State on 7 November 2016. Sections 52 to 54 of the Water Resources Act 1991 (Ref CD2.15 – CD2.17, Bundle pp 4906 – 4915) do not require us to consider and respond to the proposals before we refer the matter to the Secretary of State. Alison Matthews amplifies upon this in her Summary Statement regarding the Testwood licence. Any subsequent consultation responses received after the Section 52 notice has been served are a matter for Secretary of State.

Are there any outstanding issues raised by third parties which they may feel were not addressed by the Agency?

16. For several years, WWF UK have suggested that the Agency should adopt a HOF of 224 Ml/d. This is based on further analysis carried out on behalf of WWF UK by Professor Wilby (Ref SC3.13b1, Bundle pp 1960 – 1979). Our position is that we want to draw a line in the sand now, based upon our RoC work. The Agency is committed to revising the target flow regime in 2021, and SWS will conduct further investigations in AMP7, all of which may justify further licence changes, but at this time we want to secure better protection now using our existing evidence base, rather than leave existing risk whilst not changing licences and carrying out further work.
17. Natural England also noted that in the future Common Standards Monitoring Guidance (“**CSMG**”) (Ref SWCD11.12, Bundle pp 8532 – 8555) flow targets may apply. Natural England also expressed concern that abstractions may be affecting SSSI wetlands.
18. By 2021, the Agency will develop a new target flow regime for the River Itchen with Natural England, furthering the work done in the Review of Consents (“**RoC**”) (Ref SC2.4 & SC2.5, Bundle pp 173 – 468), and subsequently by WWF UK. This work is likely to lead to further changes to the Itchen licences.
19. WWF UK has not directly referred to this matter in its most recent submission to the Inquiry, dated 23 March 2018, but has repeated its call for a more precautionary approach.
20. Further assessment of the risks and impacts of its licences will be carried out by Southern Water in AMP7 (2020 – 2025) to:
  - assess risks of abstraction to River Itchen SSSI wetlands (in the Candover valley and the floodplain at Otterbourne);
  - conduct a ‘no deterioration’ investigation in accordance with the Water Framework Directive 2000/60 (“**WFD**”) (as transposed by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017) (Ref CD14 & CD17, Bundle pp 5242 – 5273 & 5336 – 5429); and
  - to investigate the implications of applying CSMG and the Salmon 5-point approach to all the Itchen licences.

This work may lead to further proposals for changes to the Itchen licences.

21. Portsmouth Water operate an abstraction downstream of Southern Water’s sources and were concerned that any development of new sources should not ‘derogate’ their source. The licence changes proposals would not lead to derogation of Portsmouth Water’s source. In fact, the addition of a flow condition

to Southern Water's abstraction licences will prevent derogation by securing a guaranteed flow in the River Itchen.

#### Section 20 Agreement Monitoring and Mitigation packages

22. The Agency and Southern Water will issue a joint statement which addresses the questions raised in the Inspector's Note issued on 22 March 2018. A number of questions and concerns have arisen from interested parties about the draft monitoring, mitigation and compensation packages before this Inquiry. I address those here. These comments relate to the Test, Candover and Itchen packages.
23. During the course of the Inquiry, the Agency has worked with Southern Water to draft packages of monitoring, mitigation and compensation, to inform the draft Drought Plan Environmental Monitoring Plan. This work would normally be carried out over a period of months and would then be subject to public consultation through the Drought Plan consultation process.
24. Drafting these documents and agreeing principles now aims to give certainty to all parties that Southern Water is committed to ensuring the Test, Candover and Itchen Drought Permit/Orders are 'application-ready' with regards to mitigation and monitoring and that the Drought Plan is sound under the Habitats Directive.
25. Given the time constraints, only early draft documents were available for comment through this Inquiry. These packages will be subject to further development to reflect the observations and advice of all parties during this Inquiry and the on-going Drought Plan preparation process.
26. The Hampshire & Isle of Wight Wildlife Trust ("**HIWWT**") are broadly supportive of the approach given the timescales involved. HIWWT notes that the documents require further work and draw attention to its view that many NGOs will likely want to help shape these packages of work; and it stresses that sufficient funding must be made available to ensure they are meaningful and deliverable.
27. Mr Jeremy Legge, Director of the Test and Itchen Association, makes very similar comments – broad support, but full endorsement of the packages is dependent upon further detail and involvement in refining the detail.
28. Since the draft documents were first made available on Tuesday 20 March, the Agency and Southern Water have exchanged comments to produce more refined versions – these will be sent to the Inspector on the 26 March. The Agency has not yet seen Southern Water's final financial commitment in writing but accepts the budget allocation agreed in principle on Thursday 22 March. The Agency recognises this is a substantial financial commitment. Southern Water will involve NGOs to further refine these documents as part of the Drought Planning process.

29. Little River Management and the Barker Mills Estate are very concerned that the draft mitigation package omits any measures for the lower River Test; and that the monitoring package is inadequate. I set out the Agency's position on that here.
30. The Agency invited LRM to contribute to the drafting of the Test Drought Permit/Order monitoring and mitigation packages on 14<sup>th</sup> March – see the e-mails in Annex 1 of 14 March (16:51 and 20:19pm). LRM declined on the basis that a prerequisite condition – an agreement with Southern Water - had not been secured – see e-mail of 14 March 20:13pm.
31. Consequently, the Agency and Southern Water drafted a monitoring programme – something we are well qualified to do – for consultation through the Inquiry. Southern Water would fund the Agency to carry out the monitoring package.
32. The Agency consulted the salmon fishery upstream of LRM/Barker Mills Estate – Mr Neil Freeman of the Broadlands salmon fishery accepts and supports the Agency's proposed monitoring programme for that reach of the River Test
33. We have proposed mitigation upstream of the LRM reaches of the River Test. That would comprise two elements of work. Firstly, to support the work of the Watercress and Winterbourne HLF project. This project aims to remove or reduce pressures in the headwater catchments of the River Test, including sediment and phosphate inputs. Diffuse pollution from headwater sources adversely affects ecological condition throughout whole river catchments, and acts in synergy with abstraction-related effects in droughts (i.e. reduced dilution; low dissolved oxygen levels; increased water temperature), to reduce ecological SSSI condition and WFD status. Reducing pressures, such as sedimentation inputs in the headwaters, will contribute towards more favourable conditions for salmon spawning in the middle Test, contributing to enabling the salmon population to recover to sustainable levels. And reduced phosphate inputs will contribute towards a better macrophyte community less impacted by algal growth, which likewise contributes to a better quality chalkstream habitat in the round. Furthermore, healthier plant and animal communities upstream of the Test abstraction mean that potential for recolonization and recovery from the impacts of abstraction-related low flows downstream of the abstraction are improved. That is effective mitigation to abstraction-related low flows – improvements to water quality and reduction in diffuse pollution through a catchment-based approach goes hand-in-hand with practical works to improving salmon spawning habitat.
34. Secondly, we propose to increase delivery of the Agency and Natural England joint Test and Itchen River Restoration Strategy. That strategy was developed through extensive consultation with land and river owners and aims to restore SSSI condition and secure WFD objectives – it identifies reaches of river most in need of physical restoration and other reaches with most potential for enhancement. Land/river owner agreement is not guaranteed for any particular reach of river, but

the Agency employ a project officer to work in co-operation with land/river owners to jointly design and deliver works on a year by year basis. The Agency fund up to 50% of each year's projects, the remainder contributions come from the land/river owners. The work is fully collaborative – some projects the land/river owners send funding to the Agency and the Agency implement the works, and for other projects, where appropriate, the Agency pay funding to the land owners, who implements the works to the agreed design and standards. The funding arrangement is agreed on a project by project basis. This work is targeted in Southern Water's Test Drought Permit/Order.

35. The draft monitoring package is a working draft for comment. The Agency and Southern Water met to discuss it on 22 March. The package has been built around the wider river restoration work that is required to bring both rivers in line with the objectives with WFD good status and SSSI favourable condition. It has been adapted and improved in response to comments and advice through the consultation process in this Inquiry so far.

36. The Agency and Southern Water are committed to consider the technical observations and advice of LRM on these draft documents when they are able to engage on this matter.

37. The Agency and Southern Water did discuss the prospect of monitoring and mitigation measures. Both parties could identify some monitoring sites, but it was difficult to identify any meaningful mitigation work that could be undertaken as this part of the river has not been extensively surveyed to understand its current state, restoration needs and enhancement opportunities. On this basis the Agency and Southern Water chose not to propose any mitigation in the LRM reach of the lower Test.

38. Therefore, the only way to identify a meaningful and deliverable package of works at this location is to work with the land owners and river managers to develop one. The Agency and Southern Water believe that the package of mitigation should:-

- As part of a larger river restoration programme of work for the lower Test (this is in line with the proposed drought measures elsewhere in the Test and Itchen catchments);
- The river restoration measures should be based on an assessment of both the Great and Little Test, because that wider approach secures the best outcomes for the lower Test, and should include the lower reaches of the River Test which are situated both upstream of and downstream of the abstraction point; and
- The drought measures for the lower Test should be meaningful for low flow events.

39. In that respect we believe that this is in line with the thoughts of LRM. Therefore, mitigation at this location was not omitted not because we think it unnecessary, but because we want to develop that package with LRM, one which fits into a wider restoration package for this part of the River, when they are prepared to do so.
40. Therefore, the draft mitigation package that is proposed will support the Test Drought Permit/Order but it could be further enhanced. We do not accept that as a criticism – LRM declined to work with us to develop one - we already recognise that working with LRM is the best way forwards.
41. Now that it appears the reasons for LRM to with-hold co-operation are falling away, the Agency and Southern Water remain keen to work with LRM to develop an appropriate mitigation package. The Agency extended another invitation to LRM to meet – see e-mail exchange of 24 March (Tim Sykes e-mail 21:52pm; and Mike Johnson reply 21:59pm). A meeting will be held as soon as practicable but at this time there is no agreed date.
42. The Agency looks forward to working closely with the LRM and Barker Mills Estate on this work.

**DECLARATION**

The evidence that I have prepared and provided for this inquiry in this summary proof of evidence is true. I confirm that the opinions expressed are my true and professional opinion.

**Signature:** .....

**Tim Sykes**

**Solent Fisheries, Biodiversity & Geomorphology Team Leader for Solent and South Downs Area with the EA**

**Date:** .....

## Annex 1

**From:** Mike Johnson [  
**Sent:** 24 March 2018 21:59  
**To:** Sykes, Tim <[tim.sykes@environment-EA.gov.uk](mailto:tim.sykes@environment-EA.gov.uk)>  
**Cc:** Andrew Kelton ; [nicholasostrowski@6pumpcourt.co.uk](mailto:nicholasostrowski@6pumpcourt.co.uk);  
Howard Taylor  
**Subject:** Re: SWS's Interim Testwood Drought Permit/Order monitoring & mitigation scoping

Tim

Many thanks for the offer but Howard is preparing to head off to Mexico and I have family commitments I'm afraid.

In my submission to the Inspector I have emphasised that all three parties are keen to develop the plans further to build on the drafts that have been submitted.

Kind regards

Mike

**From:** Tim Sykes <[tim.sykes@environment-EA.gov.uk](mailto:tim.sykes@environment-EA.gov.uk)>  
**Date:** Saturday, 24 March 2018 21:52  
**To:** Mike Johnson , Howard Taylor Taylor  
**Cc:** Andrew Kelton <[nicholasostrowski@6pumpcourt.co.uk](mailto:nicholasostrowski@6pumpcourt.co.uk)>, "nicholasostrowski@6pumpcourt.co.uk"  
<[nicholasostrowski@6pumpcourt.co.uk](mailto:nicholasostrowski@6pumpcourt.co.uk)>, Simon Barker  
**Subject:** Re: SWS's Interim Testwood Drought Permit/Order monitoring & mitigation scoping

Good evening chaps,

Just catching-up with e-mails and it looks to me that today's correspondence between you and SWS may have reached the point where the reasons you could not meet me last week to discuss mitigation may be falling away?

If that is the case, would you like to meet to move this forwards? I'd be happy to meet tomorrow if you like , as it looks like you're going to be busy with SWS on Monday?

I've got some ideas and know that you have too.

Best wishes,

Tim

Sent from my iPhone

On 14 Mar 2018, at 20:18, Sykes, Tim <[tim.sykes@environment-EA.gov.uk](mailto:tim.sykes@environment-EA.gov.uk)> wrote:

Hello Chaps,

Thanks for your speedy replies.

I understand and share empathy with your situation.

Might I suggest another way forwards?

Currently, you will forego the opportunity to help shape the proposals at what is genuinely the conceptual stage. You will of course have an opportunity to influence it all at some later stage, but the first conceptual thinking is going on right now. And, it's not surprising that you of course have lots of good ideas. I knew you would.

How about if you do meet us and contribute to the process ( which I'm suggesting is a benefit to you) but that we include a big bold statement from you saying why it will never happen in practice because of whatever reasons you want to state? I'd be happy to include your position statement as a direct quote ( as long as it's not too lengthy!).

That would give you another platform in which to formally re in force your position to the Inspector, send a very clear message to SWS and at the same time enable you to participate in the process of scoping up what potentially may still come to be a reality that you and we would like to happen, if circumstances allow?

I suggest that would be a win- win for you?

Happy to discuss

Best wishes

Tim

Sent from my iPhone

On 14 Mar 2018, at 20:13, Mike Johnson

> wrote:

Tim,

I have written to SWS's legal team this evening to let them know we have re-iterated our position to the EA that until the points we raised with them in our side meeting late yesterday are addressed we cannot start working on the plan and that we will tell the Inspector why if necessary.

For the avoidance of doubt we do not give our consent to or support for any of the ideas Howard suggested we might like to see in any plan nor is it a definitive list of what we might like to see.

I should also like to point out that in any case where the EA has committed to or plans to use its statutory powers to compel us to do things SWS want to force us to do you are effectively making it far less likely that they will be motivated to reach any form of reasonable agreement with us in the round.

That in turn would inevitably lead to a deterioration in our working relations with the EA and no rapprochement with SWS, both of which would be a great shame for us all and more importantly for the river and its wildlife.

Whatever the EA is able to do to encourage SWS to address the concerns we shared with their counsel yesterday I would ask the EA to make every effort to do.

Kind regards

Mike

On 14 Mar 2018, at 18:21, Howard Taylor

> wrote:

Dear Tim

Thanks for the email and opportunity.

Firstly, we are waiting to hear back from Southern Water's barrister regarding matters we need to be agreed to be settled prior to agreeing any further discussions on monitoring or mitigation in the lower river. I am very keen to see this monitoring happen as you know, but we need some wrongs put right now and we need to ensure Southern Water treat us in a reasonable and professional manner going forward. Enough is enough. Southern Water have treated us in such an appalling and costly way this is totally fair and correct to expect this. I am pretty sure, (speaking in the absence of Mike, so I do need to check), that we are more than happy to discuss these reasons with the Inspector if necessary. SW have assured us this will be soon. Perhaps you could convey this to SW so they are speedier with their response?

With regards to mitigation for drought and my thoughts, I think the limit of Timsbury as the upstream boundary put on the works is NOT right. The best spawning grounds for salmon is around Mottisfont and Pittleworth. The redds there this winter really suffered with the siltation from the Bossington restoration works.

To start, I would suggest looking at restoring the over-wide, dredged and silted main river at Mottisfont as a priority (upstream of the oak road bridge). Salmon rarely now use this arm of the Test and mostly run up the Rectory / Oakley arm. This could be a great asset to Test salmon if restored I believe.

With regards to works in the lower Test can you give me a rough idea of what you are considering please?

Personally, I would like to see digital flow meters on great and little Test that can be compared on a smart phone live. So addition of a flow meter on great Test and technology.

Fish counter on Little Test

Some of the collapsing banks on both the Little Test and Great Test stabilised to prevent collapse.

Lip fitted to the inlet to Testwood Pool to aid fish passage (as advised by Adrain a while back).

Research into smolt migration and survival from river to sea.

Research in salmon parr survival

I am sure Mike will have other stuff to add.

I am away from Thursday afternoon and most of Friday up in London. I can meet either Fri evening or Saturday. Or Monday morning. Assuming SW have been back to us as above, we can have a full discussion.

Mike...over to you...

Regards Howard

Howard Taylor

Founder

[www.upstreamdryfly.com](http://www.upstreamdryfly.com)

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[www.upstreamdryfly.com](http://www.upstreamdryfly.com)

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On 14 Mar 2018, at 16:51, Sykes, Tim <[tim.sykes@environment-EA.gov.uk](mailto:tim.sykes@environment-EA.gov.uk)> wrote:

Good afternoon Chaps,

This e-mail and invitation to meet should go to Simon Barker too, but I cannot find his e-mail address (sorry, Simon). Will you all please ensure this e-mail reaches Simon, asap, please. Thanks.

As you know, the Inspector wants to receive an outline programme of monitoring and mitigation for SWS's interim Testwood Drought Permit/Order on Monday.

Normally, the EA work with a water company (and with NE where appropriate) over many months to develop these matters together as a company develops its draft Drought Plan. In this case SWS has not worked with us in developing its draft Drought Plan, because of the Inquiry. Its draft Drought Plan is out for public consultation but without an agreed environmental monitoring and mitigation plan.

Consequently, we have agreed to work together now to draft an outline proposed programme for the Inspector. That's a tall order, and we will only be able to collate a list of possible measures and options.

The EA are drafting a potential package of mitigation and monitoring today and tomorrow. We intend to share it with SWS, NE and you by the close of tomorrow. I would then be available to meet you to discuss it any time on Friday, or first thing on Monday morning. Ideally I would bring Dom with me too. That doesn't give you much time to digest it, but then the Inspector is asking us to do several months work in only a few days, so the timetable is a challenging one for us all.

If necessary, I'll meet you over the weekend in order to discuss and learn your observations. It's important to us that you understand our thinking and we involve you to help shape what goes to the Inspector. This is a genuine opportunity to influence what we draft – we are the best placed to scope the technical work in the first place to then facilitate discussion with you, but it's only a draft proposal and we are receptive to your ideas or concerns. We will also invite comments from SWS and NE over the weekend.

I am particularly interested to learn your observations and advice of what, if any, practical mitigation could be appropriate in your reaches of the lower Test. I think that further upstream there is potential for SWS to contribute funding towards the EA implementing some of our T&I River Restoration Strategy, but I'm not convinced such works would be appropriate in the very lower reaches and in any event the Strategy doesn't cover your reaches. So, if you think there's scope for SWS to fund any practical works (but not actually get involved in implementing any of it) then please let me know.

Either way, you will also get an opportunity to comment on it once the Inspector has seen it on Monday.

Whatever comes out of this approach at Inquiry would thereafter have to be investigated by SWS (or in the case of the lower Test, potentially us) re technical feasibility before it could be refined, agreed and incorporated into its Drought Plan.

I'll send you our draft outline proposal asap tomorrow, and await to hear what you want to do about helping to shape it.

Best wishes,

Tim

**Tim Sykes | Fisheries, Biodiversity & Geomorphology (Solent) Team Leader**

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