

INQUIRY NOTE

WATER RESOURCES ACT 1991 (AS AMENDED)

THE WATER RESOURCES (ABSTRACTION AND IMPOUNDMENT) REGULATIONS 2006

ENVIRONMENT AGENCY: PROPOSALS TO MODIFY ABSTRACTION LICENCES:

11/42/18.16/546	TESTWOOD
11/42/22.6/92	TWYFORD
11/42/22.6/94	OTTERBORNE
11/42/22.7/94	OTTERBORNE

ENVIRONMENT AGENCY: PROPOSAL TO RENEW (SUBJECT TO VARIATION):

SO/042/0031/026 CANDOVER STREAM

Inquiry opened – 13 March 2018 10.00am

INSPECTOR'S NOTE

Introduction:

1. Following submission of the revised s20 agreement and related annexes, there are two main issues remaining in these cases. These are firstly, whether the proposed licence variations should be accepted by the Secretary of State (SoS) or should include direction to grant licences containing further provisions as may be specified in the direction, and secondly, whether the proposed s20 agreement provides a robust mechanism to manage the public water supply requirements. Central to the considerations for both issues are the requirements of the Habitats Directive and the Water Framework Directive.

Implications for the Resumed Inquiry

2. While the work of the main parties has been focussed, understandably, on the delivery of the s20 agreement and the relevant annexes, the Inspector needs to ensure that the first main issue is addressed properly in the upcoming resumption of the Inquiry. He has re-read submissions in light of the proposed agreement and draft licences. While the focus of many of these submissions have been on the proposed alternatives set out initially by SWS, but now in addressed in principle by the proposed s20 agreement, specific concerns remained in relation to the Agency's proposed licences for all of the respective sources.
3. These include the concerns regarding the sequencing or prioritisation of sources, as well as the hourly flows associated with the Testwood abstraction set out by Fish Legal, the Baker-Mill Trust and Little River Management. However, these must also include consideration of the concerns of, among others, Salmon and

Trout Conservation UK, The Baring Family, the Upper Itchen Initiative and others regarding the Candover Stream and the Itchen abstractions as well as that on the Test.

4. While, in the case of the Itchen and the Test, it was the licence holder's objection that led to the involvement of the SoS under s53(4), as set out in s54(1)(c) all representations must also be considered. Consequently, the SoS remains the decision maker for all of these cases and must reach a decision on whether the proposed abstraction licences are appropriate, in light of all requirements, with or without further modifications.
5. Accordingly, 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. This is necessary to inform the Inquiry on this first main issue.
6. Turning to the second main issue, there are clearly some questions that need to be put to understand the implications of the agreement as drafted and to establish whether the approach set out in the relevant annexes would be sufficiently robust. Accordingly, the Inspector will be looking for evidence on the development of the agreement, the engagement with other parties, in particular Natural England but also other stakeholders, and the robustness of proposals, including, but not limited to, the provision of an alternate discharge point for the Candover abstraction for augmentation flows, monitoring for all catchments and the delivery and effectiveness of mitigation and compensation proposals.
7. It is a matter for SWS and the Agency as to how the evidence the Inspector is seeking on the second main issue is tabled for the Inquiry, but would ask for considerations by Friday 23 March 2018 in order to inform the Inquiry programme. The requirements set out in the previous note, dated 13 March 2018, still apply to all other parties wishing to bring evidence to the Inquiry, who should inform the Programme Officer within the same timescale.

Mike Robins

INSPECTOR