

## Outline of LRM case on s.20 monitoring and mitigation proposals

1. We refer to the attached agenda for 23.3.18 meeting with SWS and EA which sets out the principles, and some of the details, of LRM's position in relation to the draft s.20 monitoring and mitigation proposals. The resulting meeting represented the first opportunity LRM has been given to negotiate these principles with SWS and the EA in order to achieve a solution for the Inquiry's requirements on this issue.
2. Achieving any such 'solution' is difficult because (in LRM's view) the present draft monitoring & mitigation plans, which were put together without our input, are not 'fit for purpose' (for the reasons given below).
3. Having said that, LRM wishes to accommodate these plans/proposals as far as possible, but not to the substantial detriment to the Testwood & Nursling fishery and LRM's recreational angling business which depends on the maintenance and protection of that fishery.
4. The existing monitoring and mitigation proposals are not 'fit for purpose' for two principal reasons: (a) because the monitoring plan does not address the angling disturbance (and thus LRM business) impacts and cannot be implemented without LRM's and Barker Mill consent; and (b) because the proposed mitigation is excluded from the reach (downstream of Testwood WTW) where the harmful abstraction actually takes place (and may in the future take place at an increased rate). LRM is intending to give evidence and provide examples of both the errors of omission and commission in both plans
5. As set out in the agenda for 23.3.18 meeting, LRM can only accept the disturbance (and resulting business losses) that would be caused by the presently proposed 'intensive' monitoring & mitigation plans to the extent that they comply with the following principles:
  - (a) LRM is only able to accept the disturbance impacts, to the extent that these impacts are minimised to the greatest possible extent (which will require substantial input from LRM);
  - (b) LRM is only able to accept this minimised disturbance impact, to the extent that the monitoring & mitigation which causes it is fully justified to LRM's reasonable satisfaction (the 'agenda note' describes the likely reasonable justifications);
  - (c) LRM is only able to accept the disturbance impacts to the extent that the resulting business impacts (as set out in LRM's 19.3.18 note for the Inspector and

in LRM's SoC) are fully recognised and compensated by a guaranteed mechanism which imposes a minimal administrative burden on this small business.

(d) The existing 'trust deficit' resulting from SWS's previously aggressive approach to promoting its increased abstraction and monitoring agenda must now be replaced by one of transparency and co-operation.

6. In advance of the 23.3.18 meeting LRM prepared a first draft of the terms of a consent agreement to enable the parties to move quickly into practical discussions on how LRM's concerns could be addressed by SWS and both parties move on to the practical implications of the monitoring and mitigation proposals and how they might be improved.
7. The 23.3.18 meeting has been seen as positive by all three parties and SWS and LRM are currently in the process of trying to agree heads of terms for a consent agreement to facilitate the monitoring and mitigation plans within the extremely short period before the Inquiry resumes and then concludes next week. In addition, in LRM's view the existing monitoring and mitigation proposals need to be completely redesigned because they are not 'fit for purpose' for the reasons summarised above. However, provided SWS (and the EA) can accept and commit to all the principles summarised above and outlined in greater detail in the agenda for 23.3.18 meeting and confirmed in agreed heads of terms for a consent agreement LRM is prepared to agree, in order to accommodate the needs of the Inquiry, to accept appropriate outline monitoring and mitigation plans incorporating those principles.