

SWS' STATEMENT OF CASE

LIST OF DOCUMENTATION

5 Existing Licences (11/42/22.6/92, 11/42/22.6/93, 11/42/22.7/94, 11/42/18.16/546, 11/42/18.16/546)
Portsmouth Water Lower Itchen Licence
Water Industry Act 1991
Water Resources Act 1991
SWS' Draft WRMP 2019
SWS' Draft DP 2018
SWS and PW bulk supply agreement
Habitats Directive
Water Framework Directive
Itchen SSSI designation
NE's 2012 assessment (regarding Units 3, 4 and 5 of the Itchen SSSI)
Test SSSI designation
NE's condition assessment for Unit 91 on the Test
Lower Test Valley SSSI designation
NE's condition assessment in July 2008 for the Lower Test Valley
Birds Directive 2009/147/EC
EA's Habitats Directive Review of Consents
EA's River Itchen SAC Review of Consents Stage 4 Site Action Plan (SAP) 2007
SWS' 2014 WRMP
SWS' 2009 WRMP
Memorandum of Understanding between SWS, the EA and PW, agreed in early 2009
Test & Itchen Abstraction Licensing Strategy, dated March 2013
SWS' voluntary application to vary Itchen licences, dated 21.10.15
SWS' voluntary application to vary its Test Surface Water licence, dated 01.08.16
Letter from EA to SWS, dated 30.09.15
Letter from EA to SWS regarding IROPI, dated 24.12.15

SWS' case on IROPI, dated March 2016
Defra's informal opinion rejecting SWS' case for deferring Itchen changes to 2018, dated April 2016
Letter from Defra to SWS regarding Itchen licence changes and IROPI, dated 11.08.16
EA's Candover licence variation application, dated 27.10.16
EA's notice under s52 WRA 1991 to vary SWS' Itchen licences with immediate effect, dated 07.11.16
SWS' appeal against the EA's failure to determine its voluntary application regarding the Test Surface Water licence variation, dated March 2017
EA's notice under s52 WRA 1991 to vary SWS' Test Surface Water licence, dated 30.06.17
2013 Code of Practice & Guidance for Companies on Water Use Restrictions, issued by UK Water Industry Research Ltd (UKWIR)
Deregulation Act 2015
R. (on the application of Mehanne) v Westminster Housing Benefit Review Board [2001] UKHL 11, [2001] 1 W.L.R. 539 at [13]
East Northamptonshire DC v Secretary of State for Communities and Local Government [2014] EWCA Civ 137
Solvay v Region Wallonne (C-182/10) [2012] 2 C.M.L.R. 19
Nomarchiaki Aftodioikisi Aitolokarnanias v Ipourgou Perivallontos, Khorotaxias kai Dimosion Ergon (C-43/10) [2013] Env. L.R. 21
Commission v Spain C-404/09
Elliott v Secretary of State for Communities and Local Government, [2012] EWHC 1574 (Admin) affirmed in [2013] EWCA Civ 703
R (Wilkinson) v South Hams DC [2016] EWHC 1860 (Admin)
Briels v Minister van Infrastructuur en Milieu (C-521/12)
Smyth v Secretary of State for Communities and Local Government [2015] EWCA Civ 174
Bund für Umwelt und Naturschutz Deutschland eV v Germany (C-461/13)
Wildlife & Countryside Act 1981
Environment Act 1995
Natural Environment & Rural Communities Act 2006

Thames Water Inquiry in relation to TW's draft WRMP 2010-35
WRMP Regulations 2007
WRMP Guideline 2016 published by Defra, the EA and Ofwat
WRMP (England) Direction 2017
Water Act 1989
Drought Plan (England) Directions 2016
Defra statutory guidance regarding section 108 (Deregulation Act) growth duty
Conservation of Habitats & Species Regulations 2017
Water Environment (WFD) (England & Wales) Regulations 2017
EA guidance on the environmental assessment of water company Drought Plans, issued in September 2017
EA's Licence Change Proposal Report (for Test Surface Water), dated June 2017
Statistical assessment of the natural river flows appropriate for migratory salmon
Salmon automatic count data on the Test (Nursling data)
Tracking data from the River Avon
Data from EA's monitoring points upstream and immediately downstream of Test Surface Water
WFD (Standards & Classification) Directions (England & Wales) 2015
Recommendations on surface water classification scheme for the purposes of WFD guidance, issued by UKTAG
Environmental Flow Indicator assessment tool
Information supplied by the EA to SWS in September 2016 in connection with the RSA programme
EA's guidance on EFI, issued in January 2013
EA's Candover Abstraction Licence Renewal 2016 Final Report, dated August 2016
EA's guidance regarding its approach to groundwater protections, issued November 2017
Assessment of hydrological functioning of the SSSI wetlands in 2012
Habitats Regulations SAP for the Itchen SAC
Mid Kent Water & Southern Water DO 2006 DO/06/03; DO/06/04

Defra's guidance regarding DO applications
EA's Review of Consents Appropriate Assessment for the Itchen SAC, dated 2005
EA's Itchen SAC Review of Consents Stage 4 Site Action Plan (SAP), dated October 2007
Memorandum of Understanding (regarding Itchen licence changes) between SWS, the EA and PW, dated 2009
Written evidence relating to the following: Ecology Economic cost Environmental Assessments Hydraulic Assessments Hydrological Assessments Abstraction on the Candover Analysis of elevation mapping of SSSI land parcels SWS' Water Resource Modelling Stochastic Modelling Candover Modelling Test Modelling Itchen Modelling

21.12.17