

Itchen, Test, Candover Abstraction Inquiry

Submission from William Hicks Q.C.

I am a fisherman and concerned about the environment of the chalk streams. I have not previously made any submissions to the Inquiry, although I am a member of organisations that have. However, the proposed s.20 agreement which has recently been made available on the Inquiry web site is a significant new development. I would like to raise some concerns in relation to that draft agreement. I do so in my personal capacity and not as a member of, or on behalf of, any organisation.

Objectives of “the Long-term Water Resources Scheme”:

As I understand it, it is agreed that in the longer term Southern Water should not be able to rely on abstraction below normal licence levels in drought conditions. That is implicit in Clause 12. It is only because Southern Water have not put in place appropriate infrastructure that the Agency have had to accept that for an interim period no alternative recourse is available. Southern Water’s agreement to bring forward an appropriate long-term scheme as quickly as possible to remedy this situation is therefore fundamental. The agreement should therefore state explicitly what the objectives of “the Long-term Water Resources Scheme” referred to in Clause 11 are and the intended timescale for its implementation.

Sequencing:

I note that in the latest draft of the agreement available to me Clause 13 is stated to be “under discussion”, but I am concerned about some aspects of the sequencing currently set out in Annex 1. For example, I note that:

Abstracting from the Test below the agreed 2018 HoF of 355 down to 265 (25% below the HoF) comes before even the partial Non-Essential Use bans of Level 3 Phase 1.

It appears from the note at the top of Annex1 that abstracting from Candover could also be used before even the partial Non-Essential Use bans of Level 3 Phase 1.

Abstracting from Candover and from the Test down to 200 (44% below the HoF) comes before the full Non-Essential Use bans of Level 3 Phase 2.

I am not clear what the justification for this sequencing is. It seems to place very little weight on the environment and does not appear to be consistent with the duties imposed by the WFD and the Habitats Directive.

I also note that Clause 21 currently appears to purport to fetter the Agency’s discretion in relation to sequencing.

I intend to attend the Inquiry when it reopens on the 27th March.

William Hicks Q.C.

22nd March 2018