

My ref GLA/S&TC/Itchen

22<sup>nd</sup> June 2018

Mr Mike O'Neill

Environment Manager West

Solent and South Downs Area

Environment Agency

Romsey Depot, Canal Walk

Romsey SO51 7LP

By email only [michael.oneill@environment-agency.gov.uk](mailto:michael.oneill@environment-agency.gov.uk)

Dear Mr O'Neill

**Environment Damage - notification under Regulation 29(1) and (2) of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 ("the EDR")**

**Salmon and Trout Conservation (S&TC)**

In this matter, I act for Salmon and Trout Conservation, a charity registered in England and Wales, number 1123285, that campaigns for the conservation, protection and sustainable management of an aquatic environment capable of supporting an abundance of indigenous fish species, invertebrates, animals and plant life – from source to sea. Its formal charitable objectives are:

- “1. To promote for the public benefit the conservation, protection and sustainable exploitation of salmon, trout and other fish stocks of United Kingdom origin, and the conservation and improvement of the aquatic environment and ecosystems necessary for them to thrive.*
- 2. The advancement of public education relating to the conservation of the aquatic environment and the interaction between human beings, the environment and fish, whether through angling or otherwise.*
- 3. To promote for the public benefit, training in water safety, knowledge of the aquatic environment and identification of and respect for its dependent species, including fish, whether through angling or otherwise.*

4. To promote research and to publish the useful results thereof in respect of the factors affecting the natural and artificial regeneration of salmon, trout and other fisheries in the United Kingdom including the general ecology of river catchments and the marine environment and the effect of commercial, industrial and land management practices on aquatic ecosystems”.

Per Regulation 29 of the EDR, S&TC therefore a sufficient interest and may notify the appropriate enforcing authority of any environmental damage which is being, or has been, caused, or of which there is an imminent threat.

### **The River Itchen SAC**

This notification relates to damage being caused to the River Itchen Special Area for Conservation, designed under the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, per

<http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUcode=UK0012599>

The English Nature 2005 citation for the Itchen SAC states that:

*“The Itchen typifies the classic chalk river and shows a greater uniformity in physical characteristics along its entire length than other rivers of this type. Since the river is mainly spring-fed, there is only a narrow range of seasonal variation in physical and chemical characteristics. The water is of high quality, being naturally base-rich and of great clarity; and its temperature is relatively constant, with dissolved oxygen levels at or near saturation. The river’s vegetation is dominated by higher plants, and the aquatic flora is exceptionally species rich with many of the typical chalk stream plants present in abundance. The majority of species are present throughout the system and downstream changes are less than in most other rivers. The river is rich in invertebrates and supports diverse populations of aquatic molluscs. The Itchen supports one of the few populations of the native freshwater crayfish remaining in the rivers of southern England...”<sup>1</sup>. (emphasis added)*

The Conservation Objectives for the Itchen SAC include to “ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; - The extent and distribution of qualifying natural habitats and habitats of qualifying Species - The structure and function (including typical species) of qualifying natural habitats - The structure and function of the habitats of qualifying species - The supporting processes

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<sup>1</sup> English Nature (2005) Citation for Special Area of Conservation (SAC) River Itchen SAC UK0012599  
Compilation date: May 2005 Version: 1

on which qualifying natural habitats and the habitats of qualifying species rely - The populations of qualifying species, and, - The distribution of qualifying species within the site<sup>2</sup>. (emphasis added)

### **The damage being notified**

Environmental damage, as defined by Regulation 4 of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015, has been caused to the River Itchen SAC.

The damage has occurred and is occurring to the River Itchen SAC downstream of the Alresford watercross bed and salad washing operations.

The damage is evidenced by

- operator-supplied data analysed in 2016 for S&TC and which has been previously shared with the EA; and
- independent sample data from 2018 that shows an invertebrate population “*more reminiscent of the River Trent before it was cleaned up*” than of a chalkstream SAC river.

By reference to the Site Conservation Objectives, S&TC considers that the data shows damage to the structure and function (including typical species) of qualifying natural habitats and the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely.

As the enforcing authority per Regulation 11, you are hereby notified of environmental damage which has been caused to the River Itchen, that this damage is expected to continue to be done, and that there is an imminent threat of further damage.

Fuller details of the damage are shown in Appendix 1, which, per Regulation 29(2)(b) of the EDR, provides sufficient information to enable you to identify the location and nature of the incident.

Per Regulation 29(3), you are now required to consider this notification and inform S&TC as to the action, if any, that you intend to take, including, per Regulation 29(4)(a), notifying the operator concerned of the notification and the accompanying information and, per 29(4)(b), inviting the operator to submit comments.

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<sup>2</sup> Natural England (2014) European Site Conservation Objectives for River Itchen Special Area of Conservation Site Code: UK0012599

Please note that S&TC is aware of the current permit application in relation to salad washing at Alresford, however, S&TC considers that the damage hereby notified has occurred, is occurring and will continue to occur under current permits relating both to the salad washing and watercress bed operations, which are matters much wider than those being considered under the permit application.

Any delay currently being incurred in seeking further information from the applicant before determining the outstanding permit application should not be used to delay the actions required of you under Regulation 29 following this notification.

Note also that, although the EDR does not stipulate a timeline, S&TC would expect rapid action from you to end the damage, in accordance with your duties under the EDR and both Habitats and Water Framework Directives.

I look forward to hearing from you as soon as possible.

Please use [guy@linley-adams.co.uk](mailto:guy@linley-adams.co.uk) for all correspondence.

Yours sincerely

Guy Linley-Adams

## Appendix

### 1. SPEAR analysis of data provided by the operator

Analysis of data provided by the operator was performed by Dr. Nick Everall MIFM C Env of Aquascience Consultancy Limited.

Sample Site 1 is the salads factory outflow stream and Sample Site 2 is the combined watercress and factory outflow stream at the operator's Alresford site.

Dr Everall concluded that *“both watercourses show strong biosignatures of pesticide-herbicide-complex organic type impacts when their associated watercourse invertebrate sample data is run through SPEAR. In conjunction with these impact fingerprints was the marked biosignatures of variable sediment, nutrient and organic enrichment associated with the sites effluent fed receiving streams (enclosed Word metric testing reports) such that it is pretty clear that the effluent s are causing a combined environmental impact. If there was no impact then these trait specific (sediment, nutrient, organic and pesticide-herbicide) fingerprints would be in the clean or only slightly impacted bandings”.*

Relevant documents are attached.



Alresford Saldas -  
River Itchen Site SP2



Alresford Saldas -  
River Itchen Site SP1



Alresford Salads  
Autumn 2016 SPEAR

### 2. Biological sampling of the River Itchen immediately downstream of Alresford Salads

Additional biological sampling of the River Itchen immediately downstream of Alresford Salads was undertaken by Dr. Nick Everall MIFM C Env of Aquascience Consultancy Limited on 13<sup>th</sup> May 2018.

The sample was taken about 100m immediately below the Alresford Salads plant on the upper River Itchen headwater.

Visually the bed was covered in a thick matt of dying benthic algae and 'sewage fungus' type organisms with a sediment 'concretised' bed.



At the top end of the study reach, which was not biologically sampled, the sediment was deep enough to sink up to the thigh.

The River Itchen at this point produced metrics reflective of poor industrial usage water with no fishery or amenity value.

All of the biometrics pointed towards moderate or severe, probably intermittent, organic (Saprobic - BOD, ammonia ...), nutrient P (TRPI), pesticide-herbicide-complex organic compound (SPEAR), sediment (PSI) and flow stresses.

The sampled reach of the River Itchen was polluted by any number of standard measures taken.

With the predominance of 'gnat larvae' (chironomidae), water lice (*Asellus aquaticus*), leeches, snails and the occasional 'rat tailed maggot' it was more reminiscent of the River Trent before it was cleaned up. It was not would or should be expected for the headwaters of a SAC chalkstream.

As permitted access to this sample reach was via private land it was not possible to discern the downstream extent of pollution beyond the 50-100m stretch examined on this sampling occasion.

The details of the sampling are in the attached pdf:



River Itchen - DS  
Alresford 31-5-18 RII

S&TC intends to follow up with chemical monitoring at this site.