

WildFish's preliminary consultation response to Southern Water's draft Water Resources Management Plan

Section 1: Inadequate Consultation

The law requires that a consultation should “let those who have a potential interest in the subject matter know in clear terms what the proposal is ... telling them enough to enable them to make an intelligent response” [R v North and East Devon Health Authority, ex parte Coughlan [2001] QB 2013; R (on the application of Moseley (in substitution of Stirling Deceased)) (AP) v London Borough of Haringey Supreme Court [2014] UKSC 56].

The relevant industry guidance in the Water Resources Planning Guideline ("**the Guideline**") is consistent with the law: “You should be transparent in your methods, data, assumptions, and decisions. This is so that customers, stakeholders, regulators and government can understand and comment on your plan” [Guideline 1.1.1].

The Consultation documents, as originally published, do not achieve the requirements of the guidance or the law.

On 26th January, solicitors on behalf of Wildfish wrote to Southern Water explaining why the consultation was inadequate and seeking further information and time to respond to that information (see attached). Southern Water replied in the late afternoon of the 16th February. The reply provides some further information but the consultation period ends on 20th February and no additional time to respond is to be allowed. A preliminary assessment of the additional information is that not all of the necessary information has been provided.

It is not reasonable for consultees to have so little time to assess and respond to this additional information. We maintain our argument that the consultation is inadequate. This response is therefore only a preliminary response.

Section 2: Western Area

This response is preliminary only, based on such information as we have. We will wish to respond more fully when we receive all the requested information and have had time to consider it.

Southern Water's dependence on drought order abstraction from the rivers beyond 2027

The 2018 objective included in the s.20 agreement was: “not to require the Itchen and Candover Drought orders after 2027 and only to require the Test Surface Water Drought Order or Permit after 2027 in extreme drought events (1 in 500-year drought severity).”

We understand that that is no longer the objective and that drought orders in excess of that objective are now likely to be required well beyond 2027.

On the basis of the information that we have and what we have been told:

- No significant new supply will be available unless and until the Havant Thicket Reservoir is operational. The most significant amount of planned new supply is also dependent on a water recycling plant and agreement to use it in conjunction with the reservoir.
- The earliest date that the full amount of new supply could be available is 2031. It could be significantly later.
- There will be a significant and growing lack of supply from 2025 onwards in both a 1:500 and 1:100 year drought.
- There is no specific information on lesser droughts. However, this summer there was a 1:10 year drought and drought permit applications were made, but not in the end needed. Even the Normal Year Annual Average figures show a supply deficit from 2025, which increases. This suggests that that there will be supply shortages in relatively frequent droughts.

- The result is that the extra supply will continue to come from The Candover Brook, Itchen and Test under drought permits or orders until all the proposed new supply associated with the Havant Thicket Reservoir is available.
- There is no contingency plan for the Western Area.

Less water in rivers means:

- Fish are less able to migrate up and down rivers to complete their life cycles.
- Pollutants in the water become more concentrated because of the lack of dilution.
- Increased sedimentation clogs up rivers because they do not have the energy to remove them.
- Reduced shelter and food availability.
- Water temperatures increase and oxygen levels decrease.

Our rivers and the species which depend upon them are already severely stressed and not resilient to change. Currently only 16% of rivers are classified as healthy according to the Water Framework Directive, and freshwater species are declining quicker than any other. Environment Agency fish counter data for 2022 showed the river Test and Itchen salmon populations are in crisis and failing to meet even the most basic conservation limits. This means low flows and drought, exacerbated by abstraction during these naturally very vulnerable times, will have even greater impacts on them.

Uncertainty:

The draft plan does not deal adequately with uncertainty in relation to the availability of the additional supply proposals.

Havant Thicket Reservoir

The Plan assumes that the reservoir will be completed and operational in 2029.

It is planned that the physical construction of the reservoir will occur 2023 to 2026 and the reservoir will fill with water 2027 to 2029. No information is provided as to how likely it is that those dates will be achieved. We assume that these are the earliest possible completion dates. A range of possible outcomes should be provided including a realistic central estimate. This is not provided.

We note that Southern Water have confirmed that weather conditions could impact the 2029 delivery date, particularly if Havant experiences successive wet summers and dry winters.

21Ml/d Portsmouth Water to Southern Water Transfer

The earliest supply benefit Southern Water receives from Havant Thicket reservoir is a 21Ml/d transfer. The estimated delivery date varies in the plan but we understand that the earliest date is 2030. A range of possible outcomes should be provided including a realistic central estimate. This is not provided.

The availability of this supply is obviously dependent on the availability of the reservoir, but also additional infrastructure such as pipelines. No details of this additional infrastructure and the timing of its consent and construction are provided.

90 Ml/d Havant Water Transfer Water Recycling Project:

This proposal is integral to Southern Water's plan and is the main water supply alternative in times of drought, other than drought order abstraction from the rivers.

We understand that the earliest that this supply could be available is 2031. A range of possible outcomes should be provided including a realistic central estimate. This is not provided.

There appears to be significant uncertainty in relation to the timing of this proposal. The water recycling plant and the associated infrastructure has not been permitted and water recycling is not a familiar process in this country. There is no formal agreement in place between Southern Water and Portsmouth Water that grants

Southern permission to recharge Havant Thicket reservoir using the recycled wastewater. We note that Portsmouth Water's Board stated that:

'[Portsmouth Water] Board gave active support to the continued development of options surrounding Havant Thicket Reservoir with Southern Water, with a cautionary note that securing customer acceptance of recycled water was vital before the physical development of the option could take place.'

Conclusion on uncertainty:

We conclude that there is very considerable uncertainty around the timing of the additional supply proposals related to the reservoir. The earliest dates are 2029 and 2030, but the range of possibilities clearly includes much later dates.

Ensuring that the proposed new supply proposals are delivered as soon as possible:

Given that the earliest delivery dates are several years beyond the objective stated in 2018, the importance of ending the reliance on drought permit and order abstraction from the rivers, and the considerable uncertainty relating to the delivery dates, everything possible must be done to deliver these proposals as soon as possible.

Southern Water's record on this is not good.

- The importance of the rivers and the need to cease abstraction below HOL in droughts must be emphasised.
- The commitment to all best endeavours must be reiterated.
- There must be full and frequent transparency.
- Lack of funds must not be used as an excuse for delay.
- There must be a fallback plan to deal with the possibility that the HWTWRP, or parts of it, will not be approved.

The Interim:

In the absence of the additional supply associated with the reservoir everything possible must be done to reduce the pressure on the rivers.

There is no contingency plan for the Western Area or description of how the continuing deficit will be dealt with. This must be provided. Southern Water have admitted that the figures used in their supply and demand datasets are not accurate representations of the water supply that would actually be available in a drought scenario.

Stricter demand constraints must be put in place until the extra supply is available.

Planning permission for additional development in the Western Area must be made dependent on water neutrality.

Small scale supply options which can be brought forward quickly, such as reservoirs for farms, should be investigated and incentivised.

Western Area – Summary:

On the basis of the information that we have:

- There will be a significant and growing lack of supply from 2025 onwards in both a 1:500 and 1:100 year drought. There will also be supply shortages in relatively frequent droughts.
- No significant new supply will be available unless and until the Havant Thicket Reservoir is operational. The most significant amount of planned new supply is also dependent on a water recycling plant and agreement to use it in conjunction with the reservoir.
- The earliest date that the full amount of new supply could be available is 2031. It could be significantly later.

- The result is that the extra supply needed in times of drought will continue to come from the rivers under drought permits or orders until all the proposed new supply associated with the Havant Thicket Reservoir is available.
- The objective set out in the s.20 agreement is no longer the objective and drought orders in excess of that objective are now likely to be required well beyond 2027.
- There is no contingency plan for the Western Area.

Section 3: Other Areas and Matters

12-18MI/d Medway Water Recycling Plant (2027)

This project would divert treated effluent, currently discharged into the River Medway, back into the Medway works. This water recycling project therefore differs from those proposed in Littlehampton and Havant where the treated effluent is currently discharged into the sea. WildFish would need assurance, from both Southern Water and the Environment Agency, that the proposed Medway water recycling plant would not negatively impact the freshwater ecology, downstream of the works, as a result of this reduction in flow. It is unclear whether the supply benefit is 12.Ml/d or 18MI/d.

15MI/d Littlehampton Water Recycling Plant (2027)

This water recycling plant is due to be built in the Sussex Brighton water resource zone. There have been massive changes to the proposed supply sources in this zone since WRMP19. According to Southern Water's WRMP19, there was due to be a desalination plant and water recycling plant in this zone capable of supplying 30MI/d. A desalination plant in Shoreham has been scrapped. It looks increasingly likely that no desalination plant will be built in this zone. It is highly likely that the Littlehampton water recycling plant will be the only additional supply source.

In Annex 22 'Central Area Contingency Plan', it highlights that there are risks to the supply benefit and risks to the delivery date of this scheme. In order to reach the supply potential for this area, as planned in Southern's WRMP19, Littlehampton water recycling plant would need to double in supply output. Given the Sussex Brighton water resource zone is dependent on other zones, to meet demand in times of extreme drought, the potential delay and reduction supply output to this area is concerning.

120 MI/d Thames Water to Southern Water Transfer (2040)

The Thames Water to Southern Water transfer is dependent on the construction of Abingdon Reservoir, also known as South East Strategic Reservoir Option (SESRO). Southern Water's ability to surrender all drought orders and permits by 2040 will be dependent on this massive transfer from Thames. The SESRO transfer will also impact Southern Water's ability to move water eastward from Havant Thicket to help support their Central Area. This includes the 40MI/d transfer from Otterbourne to Pulborough in 2049. It is worrying that Southern Water's plan is highly dependent on this transfer being executed in 2040, particularly as the project isn't under their control. The significant local opposition to the reservoir, should worry Southern Water. It is imperative that Southern Water have a contingency plan in place that factors in delays to the reservoir / the reservoir failing to be built.

Central Area Contingency Plan

Southern Water have only made a contingency plan for their Central Area. This document was only viewable, in person, at their headquarters. Southern Water are deeply concerned about the water resilience in their Central Area, particularly the Sussex North water resource zone which is their least resilient zone across their entire supply network. Sussex North is geographically isolated and entirely dependent on Southern Water's Pulborough (Hardham) groundwater source. The alternative supply source at Weir Wood has been designated as 'out of supply' due to a deterioration in water quality.

Sussex North is dependent on water transfers from Sussex Worthing water resource zone, in times of extreme drought, but this transfer is not sufficient to remove the deficit in Sussex North. In order to cancel-out Sussex North's deficit, during periods of extreme drought, additional water will need to be abstracted from North Arundel - located in the Sussex Worthing water resource zone. The lack of water resilience in Sussex North is deeply concerning but it was insightful to see the contingency plan on improving resilience – which included reactivating Weir Wood reservoir. WildFish champion the proposal launched by Southern Water, with the local planning authority, to establish the UK's first water neutral area around the Hardham abstraction point.

Environmental ambition

WildFish supports the basic premise of the environmental ambition process and what it sets out to achieve. That said, it is clear, from the plans that the basis of environmental ambition (to incrementally reduce unsustainable abstractions) has been derailed by water companies and Ofwat due to associated costs. The environment will pay the price for delaying these essential reductions.

Southern Water's planning approach, from 2025 to 2035, will follow 'low environmental ambition' meaning the number of abstraction reductions will be limited before 2035. Over this period of time, Southern Water will be responsible for setting environmental ambition in their region. This begins with investigations into the environmental impacts of their abstraction licenses in AMP8 (2025-30). Over AMP9 (2030-35), Southern Water will use this information to identify which licences need to be prioritised and by the end of the period, they will set their environmental destination. Although a small proportion of abstraction licences will be altered, incrementally over this period of time, it won't be until after 2035 that the vast majority of changes will be implemented.

Last summer was a stark reminder that our rivers are at risk to low flows during drought periods. These periods are likely to increase in frequency and severity. There needs to be greater clarity around environmental ambition in order for WildFish to be confident in the process and satisfied that it isn't just a means for Southern Water to rely on unsustainable abstraction licenses over the next 12 years+. Is there not enough historical data on these rivers to be able to make accurate projections on future flows now? Will our rivers look the same in 12 years? Will investigations need to be reconducted in the mid-2030s? Will all of our rivers still exist in 2035 without reductions in unsustainable abstraction? WildFish would like to see Southern Water condense their environmental ambition process and set their environmental destination by the end of AMP8. Reducing all unsustainable abstractions, on chalk streams, should be Southern's priority over the next eight years.

Modelling various drought scenarios

WildFish would like to see Southern Water model their supply and demand balance against various drought scenarios. Currently, all modelling is based on a 1:500 drought scenario. On a number of occasions, Southern have also presented their supply and demand balance against a 1:100 drought scenario. Comparing the supply and demand balance between a 1:500 and 1:100 was insightful. We believe Southern Water were the only water company to present this type of comparison. For the examples presented, the difference in supply and demand balance between a 1:500 and 1:100 was minimal. Southern Water were on the brink of submitting drought permits for the Test, Itchen and Arun this summer, which was considered a 1:10 drought, it is therefore important that the public know what would happen in a 1:25, 1:50, 1:100 and 1:200.

Inaccuracies and errors

Southern Water's plan should be immaculate and faultless as it is paid for by their customers, in order for customers to accurately understand the management of water resources, in their area, over the next 25 years. Given the lack of transparency in the document, all of the errors in the plan only make it harder to distinguish what is an error and what is fact.

Inaccuracies and errors included: repeated pages, inaccurate graphs, incorrect in-plan referencing and mistakes over completion dates for supply-side projects.