

WildFish's consultation response to South West Water's revised draft Water Resources Management Plan (consultation due 6th December 2023)

Executive Summary

South West Water's revised draft Water Resources Management Plan 2024 (dWRMP) is inadequate. WildFish recommends that South West Water publishes another revision of its dWRMP to allow stakeholders to consult with accuracy and confidence. In its current state, the plan is opaque and confused. From the information that is available, WildFish would argue that South West Water has produced a plan that fails to secure drought resilience for its supply area and fails to adequately protect the rivers and lakes in south west of England.

An adequate plan would allow South West Water's customers to easily understand the supply solutions it is developing, the associated environmental impacts of delivering and operating these solutions, as well as the impacts on waterbodies if these solutions are not delivered. Instead, South West Water has produced a revised plan that includes conflicting and outdated information. Accordingly, WildFish is unable to ascertain whether the supply solutions presented in the revised plan allow South West Water to meet its legal obligations and protect designated sites from over-abstraction. We fear it does not.

The next revision will need to be transparent, realistic and sound. South West Water needs to provide a detailed, clear breakdown of how it will maintain a supply and demand balance whilst making its necessary abstraction reduction (required under environmental ambition). This will involve setting out the predicted benefits from supply solutions, demand management and leakage reductions over time and how these benefits translate into abstraction reductions.

The next revision also needs to be 'best value' with an overview of how each supply solution meets this criteria. WildFish is particularly concerned about South West Water's proposed new abstractions on waterbodies that it had previously been granted drought permits on. WildFish urges South West Water to invest in new technologies to secure long-term drought resilience rather than extending its over-reliance on surface water abstraction – particularly given predicted changes in climate.

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Introduction

South West Water's customers have cause for concern. The water company's first dWRMP was a failure. This is after its existing plan failed to manage the 2022 drought. This misjudgement resulted in billions of litres of extra water being removed from rivers in the south west. Now, South West Water has produced an entire new plan which still fails to protect rivers in the south west.

Background

South West Water has had to produce a second draft of its Water Resources Management Plan. South West Water's first draft of its Water Resources Management Plan was published several months late on the 14th of February 2023 and faced substantial scrutiny from WildFish. The plan was highly inadequate, lacked evidence and made little mathematical sense. Fieldfisher LLP, on behalf of WildFish, submitted legal letters urging the company to drastically improve its plan.

WildFish was not alone in its criticism of South West Water's dWRMP. The Environment Agency (EA) began its consultation response with a firm statement to South West Water, "Substantially change your plan". The EA continued with "We strongly recommend the company publish a new draft WRMP24 and run another consultation on it". Thus, South West Water has now had to produce an entire new draft plan and run a second consultation.

Consultation response

1) Failure to protect the River Avon SAC

Under the Conservation of Habitats and Species Regulations 2017, South West Water is required to have solutions in place to protect the River Avon Special Area of Conservation (SAC) as soon as practicable. WildFish believes that South West Water's latest draft Water Resources Management Plan (dWRMP) fails to meet its requirements under the 2017 regulations.

In its first draft Water Resources Management Plan (dWRMP) South West Water stated that it over-abstracts more than 100 million litres every day from the lower Avon. To meet the requirements under the Water Resources Planning Guidelines and the 2017 regulations, South West Water is required to find alternative water supply/demand solutions for every abstraction reduction it makes on the Avon. This is to ensure that the water company maintains a water supply and demand balance.

1a) Table 41

In its revised draft (main technical report), South West Water attempts to cover this complex water resource issue in a single table (Table 41) and fails to follow it up with any further detail or breakdown.

South West Water's abstraction reduction on the lower Avon poses the biggest threat to its water supply and demand balance - no other reductions come close. To cover its management of this issue in a single table is highly inadequate and fails to appropriately inform customers and local stakeholders of the massive challenge South West Water faces in this region.

WildFish strongly urges South West Water to publish supplementary information outlining how the company intends to maintain supply in this water resource zone whilst also making the reductions to its abstraction on the Avon.

Without adequate detail WildFish is unable to fully assess South West Water's management approach to reducing abstraction on the Lower Avon. WildFish's comments below are based on the limited information provided.

The supply benefit to South West Water from 'Poole Harbour water re-use' in 2035 varies considerably within the revised dWRMP.

- 6.25MI/d (pg.12)
- 12.5MI/d (pg.158)
- 25MI/d (Table 41)
- 30MI/d - with 10MI/d available to BNM during critical periods (pg.120)

Understanding how this solution works is already challenging as it is a joint venture with Wessex Water. That said, an external contact has informed WildFish that South West Water will be taking 100% of the water supply benefit from Poole Harbour water re-use. If correct, this vital information has not been included in South West Water's revised dWRMP.

Another area of concern is South West Water's abstraction of 10MI/d from Ibsley Lake. The lake is designated as a SSSI and the proposed abstraction has the potential to cause long-term negative effects on biodiversity – according to environmental assessments. WildFish need confirmation from Natural England that the removal of 10MI/d from this waterbody would not degrade the protected site.

The supply benefit to South West Water from 'Mendip Quarry' varies within the revised dWRMP.

- 12.5 MI/d (pg. 12)
- 23 MI/d (pg. 118)
- 50MI/d (Table 41)

The main disparity is the difference in critical period benefit. It is unclear whether the critical period benefit is 50MI/d or 46MI/d. Mendip Quarry is another joint project with Wessex Water so WildFish assume the water supply benefit will be divided between the two companies.

1b) Will the Avon be adequately protected?

South West Water has failed to provide enough information around Table 41 for WildFish to confidently determine whether South West Water has found adequate cover (via supply and demand solutions) to make its required reductions on the Avon. WildFish has asked South West Water for a breakdown of Table 41 but it refrained from doing so in its response. Therefore, WildFish is unable to determine whether South West Water's revised dWRMP abides by the Habitat Regulations 2017.

1c) No mitigation plan

WildFish is concerned that no mitigation plan for BNM has been included in South West Water's revised dWRMP - to cover a scenario where one or more of its proposed supply solutions become undeliverable. To ensure that supply solutions are delivered as soon as practicable, for the Avon SAC, South West Water should be progressing alternative supply solutions to avoid significant delays if core resource options fail. There is no clear evidence of this, with only four 'feasible' resource options included in South West Water's planning tables. Two out of the four are drought permits and no environmental assessments have been included in the revised plan for one of the other two options.

1d) As soon as practicable

On the information provided, WildFish does not believe that South West Water's delivery of solutions, to prevent over-abstraction on the Avon, are being implemented 'as soon as practicable'. The EA's interpretation of 'as soon as practicable' is, to implement the solution in the AMP period following the completion of an investigation that has identified the cause of the degradation.

Given the scale of the deficit, that would result from ending over-abstraction on the Avon, WildFish appreciates a final solution cannot be implemented by AMP8. That said, WildFish believes that a suite of solutions need to be implemented, beginning in AMP8, with an aim to end South West Water's over-abstraction on the Avon as soon as practicably possible.

Between the first draft and revised draft, South West Water added desalination plants for its Cornwall region. The same level of immediate planning and spending needs to be applied to the lower Avon. On the information provided, WildFish estimates that South West Water will be in a position to cease over-abstraction on the Avon by 2050 – we do not consider this to be 'as soon as practicable'.

1e) River Stour

The River Stour is the other major river of interest in South West Water's BNM zone and has been identified as a river at risk of deterioration. South West Water's abstraction is under EA investigation on the Stour due to the likely negative impacts its abstraction is having on the river's ecological health. As part of this, South West Water is expected to lose 12.5Ml/d in water supply from its Longham Lakes abstraction source in 2028. That is about 30% of its total water supply from this licence.

There is no equivalent 'Table 41' for the River Stour. All of the water supply solutions (over the next 20 years) for South West Water's BNM zone are expected to benefit the River Avon according to Table 41. WildFish is concerned that South West Water has not appropriately factored in the water supply needs of the River Stour. South West Water mention that further abstraction reductions are planned for the Stour (pg. 84) but do not provide a breakdown of how these reductions will be met.

As stated in the revised dWRMP, all of South West Water's apportioned water supply from Poole Harbour water re-use and Mendip Quarry will be transferred to the River Stour. Certainly, for the Poole solution, the water will be discharged into the Stour and flow for approximately 10km before it is abstracted at Longham Lakes - where it then enters into the supply network for BNM.

Table 41 suggests the entire water supply benefit from these solutions will be (indirectly) awarded to the River Avon. If this is correct, the lower ~18km stretch of the Stour will gain no water supply benefit from either of these solutions (if both Poole Harbour and Mendip Quarry solutions are abstracted from the same point at Longham Lakes).

Based on the information provided in Table 41 and without any contrary information included in the revised dWRMP, WildFish suggests that the lower Stour is not expected to receive any new protection from demand management or supply solutions. This is concerning given the River Stour is under WINEP investigation and is home to migratory fish that require sustainable flows over the entire length of a river to complete their life cycles.

WildFish ask that South West Water produce supplementary information for the River Stour – outlining the current level of abstraction, the estimated reductions required to achieve sustainable abstraction and the solutions required to achieve this.

2) Drought Permit to Abstraction Licence conversion

2a) Background

South West Water's current WRMP was unable to manage the conditions experienced in the south west in 2022. As a result, South West Water abstracted approximately 10 billion litres of additional water from waterbodies in the south west to maintain supplies through the use of drought permits.

Drought permits are short term, last ditch solutions for water companies who have failed to secure drought resilient water supplies. Drought permits can allow a water company to remove water below ecologically safe limits. Drought permits are temporary, whereas abstraction licence changes are a long-term solution. If a drought permit is approved it does not lay the foundations for a licence change.

In its first dWRMP, South West Water proposed to 'convert' these drought permits into new abstraction and abstraction licence changes. South West Water referred to this proposal as capitalising on 'spare water'. WildFish criticised this approach and warned that it could set a dangerous precedent if successful. WildFish argue that there is no such thing as 'spare water' in natural systems and this conversion would likely cause ecological harm.

Despite WildFish's warnings, South West Water is beginning to fast-track applications for abstraction licences on waterbodies where it had previously been granted drought permits. At a time when the public is demanding that water companies do more to protect our rivers, South West Water is looking to take even more water out of natural supplies.

2b) Fast-tracked AMP7 delivery

South West Water has made the decision to fast-track the application to abstract water from Hawk's Tor Pit and the River Porth to be delivered before 2025. South West Water was granted drought permits on both of these waterbodies in 2022 and it is now looking to make these long-term supply solutions.

By bringing the delivery of these abstraction licences forward to AMP7, South West Water will bypass having to consult on these proposals via the WRMP consultation process. WildFish finds this unacceptable given the contentious nature of new abstraction. These proposals should be subject to the full WRMP consultation process to allow customers and stakeholders to feed in to the decision-making process. In the current revised dWRMP, no environmental assessments have been included for the fast-tracked abstractions.

It is highly frustrating that South West Water is unwilling to fast-track solutions to conserve water on the lower Avon but is able to speed-up the delivery of plans to take more water out of the environment. WildFish urges South West Water to delay the delivery of licence changes on Hawk's Tor Pit and the River Porth till AMP8 and allow for full consultation on these solutions in a newly revised dWRMP.

2bi) Hawk's Tor Pit

Hawk's Tor Pit had never been abstracted by South West Water prior to its approved drought permit in 2022, now the water company is looking to secure its first ever abstraction licence on the site. The new licence would allow South West Water to abstract 1.5MI/d. Hawk's Tor Pit is designated as a SSSI and is in an unfavourable (declining) condition.

2bii) River Porth

South West Water has an abstraction point and an unused, existing licence on the River Porth. It is now proposing to abstract 1.5MI/d from the river. The River Porth was designated as a salmon 'recovering river' by CEFAS in 2022. WildFish is therefore concerned that any new abstraction could jeopardise the gradual return of a strong, healthy salmon population to the river.

2c) Further abstraction licence conversion

Of the seven waterbodies South West Water were granted drought permits on in 2022, six have been selected for potential licence changes in its revised dWRMP. This concerns WildFish. WildFish would like to see South West Water investing in alternative water supply options rather than increasing its dependency on natural water supplies.

In its unconstrained list, South West Water propose to increase its Park Lake abstraction by 4MI/d and River Lyd by 2MI/d. In its feasible list, it proposes to increase its Stannon Lake abstraction by 1MI/d and River Fowey (Restormel) by 4MI/d.

2ci) Park Lake

The proposed licence increase on Park Lake would increase the licence by 50%. The Lake is hydrologically connected to the Trenant Stream and Whitebarrow Downs wetland all of which are located in Cornwall AONB. The Trenant is home to populations of salmon and trout. WildFish are aware that increased abstraction on Park Lake could impact on these important habitats and species.

In 2021, the Westcountry Rivers Trust's (WRT) electro fishing survey found salmon populations, in the Trenant, to be fair and trout populations to be good. In 2022, during a year of drought and South West

Water's granted drought permit, both salmon and trout populations were recorded as poor. WRT also described the stream as significantly degraded with poor fish stocks – in need of drastic intervention. To maintain health fish stocks, the Tenant will require as much water as possible - particularly in years of drought – not additional abstraction from South West Water at Park Lake.

2cii) River Lyd

In response to the drought in 2022, South West Water applied and were successful for an abstraction modification on the River Lyd in 2023. In its revised dWRMP, South West Water are now proposing for an additional 2Ml/d on top of the newly amended licence. It is unclear whether this will be through a licence change or a planned drought permit. It seems short-sighted and costly that South West Water didn't anticipate the need for an extra 2Ml/d, in this area, when it was applying for the modified licence earlier this year. South West Water's inability to identify alternative solutions, as well as its dependency on additional abstraction from natural sources, in this area is highly concerning.

2ciii) River Fowey

The River Fowey is one of the last strongholds for salmon in the UK and is already threatened by abstraction pressure. South West Water currently holds a licence to abstract a colossal 289 billion litres per year from its Restormel WTW abstraction point. WildFish urges South West Water to not only remove its 4Ml/d proposal from its revised dWRMP but to also find alternative solutions to reduce its current level of abstraction.

WildFish is unsure whether South West Water's proposed increase in treatment capacity at Restormel WTW will go towards reducing its abstraction on the Fowey. If that is the case, then the proposal for a 4Ml/d abstraction licence increase, at Restormel WTW, would be a clear mismanagement of water resources. This option must be removed completely from planning tables.

2ciii) Stannon Lake

WildFish was disappointed in the EA's decision to approve South West Water's Stannon Lake drought permit application in 2022. The application's Environmental Assessment Report notified the EA of the moderate impact the increased abstraction would have on Atlantic salmon, Brown sea trout and Bullhead during their spawning stages of life. As Stannon Lake feeds the River Camel, lowered lake water levels result in lessened river flow. Despite the River Camel Valley and Tributaries' SSSI designation, South West Water was allowed to abstract an additional six million litres of water from Stannon Lake every day in drought conditions (1st April 2022 to 31st March 2023).

Consequently, WildFish urges South West Water to seek an alternative solution, in order to protect the River Camel Valley and Tributaries during drought, rather than increase its abstraction in this area.

2d) Best Value?

Climate change and population growth will increase pressure on our rivers as water availability declines and water demand rises. It is the water industry's responsibility to secure alternative supply

solution using the latest technology in order to protect our rivers from harm whilst securing adequate water supplies for customers.

WildFish questions the inclusion of new abstraction and abstraction licence increases in South West Water's revised dWRMP. Of course, increased abstraction will offer South West Water with a quick, cheap means to increase its water supply but does it offer sustainable potential? Although assessments may find low environmental impacts now, with an ever changing climate, these impacts may become far more ecologically damaging over the next decade. Wildfish argues that investing in alternative non-natural water resources will provide South West Water with a more long-term solution.

It is important that South West Water outlines its decision-making process around the inclusion of new abstraction and abstraction licence changes and how it has determined they meet the criteria for 'best value'. WildFish strongly urges South West Water to provide this information and explain in full how abstraction increases constitute as 'best value' and not simply best economic value.

2e) EA approval

None of South West Water's proposed new abstraction and abstraction licence increases can go ahead without the approval of the EA. When reviewing these applications, the EA must look to protect our rivers and lakes from harm over the short-term and long-term given the unpredictability of our climate. The local public and stakeholders in the south west must be alert to these licence change applications and should object if they are deemed to be ecologically harmful.

3) Conclusion

This re-consultation and the revised version of the dWRMP still does not provide enough information to enable proper responses to be made. The consultation is inadequate and is not a sound basis for the approval of the Plan.

On the basis of the information that has been provided the current revision of the dWRMP fails to adequately protect rivers and lakes in the south west, and does not appear to comply with the 2017 Regulations. WildFish requests that South West Water publishes an updated revised dWRMP before the release of its final WRMP24. This plan should provide transparent evidence that South West Water is appropriately managing its water resources and is developing adequate protection for the waterbodies in the south west.

South West Water's current plan failed to manage the conditions experienced in the south west in 2022. Over this consultation period, stakeholders and regulators must press South West Water into producing a new comprehensive plan to guarantee its plan never fails again. Rivers and lakes in the south west need plenty of water to support healthy populations of salmon, trout and other wildlife - this will only be possible with effective water resource management.