

***WildFish response to Draft Drought Plan 2027-2032 Consultation  
June 2026***

WildFish is an environmental charity dedicated to fighting for wild fish and their habitats.

WildFish presented a detailed response to the Southern Water (SW) Water Resource Management Plan (WRMP) and has subsequently responded to the draft National Drought Management consultation as well as objecting and opposing the SW Drought Order (DO) application in July-August last year. We have commented on, and supported, the Havant Thicket development and the Hampshire Water Recycling project. Our overarching view is that sufficient long-term measures must be put in place to protect the rivers Test and Itchen and their vulnerable, unique chalk stream salmon and to avoid the reliance on drought measures.

Here we respond to the Draft Drought Plan (DP) 2027-2032 Main Report published in May 2026.

It is noteworthy that the WRMP submitted to the Secretary of State in December 2024 (and to which we responded in detail in 2024) has yet to be approved by the Secretary of State and so the 2019 version, which is obviously out of date, applies. This is of particular concern, given that the drought plan will need to be seen in the context of the long-term approved water-resource planning.

The draft DP is advertised as explaining how SW would deal with drought in Sussex, Kent, Hampshire and the Isle of Wight, with particular emphasis on chalk stream river-sources. We concentrate here on the issues relating to the Test and Itchen.

We welcome measures to reduce leakage and various other limits on the loss of water and the preservation of resources. We also welcome the tightening of management and decision-making structures and processes and the emphasis on the regional management of water.

However, the cover letter for the consultation indicates that the central issue for the DP is the Section 20 WRA agreement between the Environment Agency (EA) and Southern Water dated 2018. The letter to “Stakeholders” dated 28 May 2026 explains:

*“A key influence on our Drought Plan 2027 is our agreement with the Environment Agency under Section 20 of the Water Resources Act 1991 (Section 20 Agreement) and our licenses that set limits on the amount of water that we can abstract on Hampshire’s sensitive rivers (Rivers Itchen and Test) and the Candover stream (via the Candover groundwater augmentation scheme). Under these licences, the amount of water we can take from these sources during a severe drought is significantly reduced. The Section 20 Agreement sets out the process agreed by the Environment Agency and Southern Water by which we will apply for drought permits and orders in Hampshire and also includes a substantial package of environmental monitoring, mitigation and compensation. Because the agreement ends in 2030, part-way through this Drought Plan period (2027 to 2032), we will need to engage with our regulators to discuss what this means for how we manage drought. This includes reviewing the Section 20 Agreement, our drought options and the environmental protections we may need to put in place in Hampshire.”*

The Section 20 statutory agreement committed the water company to stringent targets and “to use all best endeavours to implement the long-term scheme for alternative water resources” with an objective to stop using drought permits and orders by 2027. There is only limited evidence that these requirements have been complied with, as discussed at the Drought Order hearing, and this is extremely important in so far as the DP is read.

The executive summary is clear that the DP is incomplete. Nevertheless, we respond as best we can to the draft document and, in particular, set out the context for the DP, which needs to take into account the findings of the Inspector in the drought order inquiry from August 2025. Although the application for a DO was withdrawn, the Inspector’s “Recommendations” Report is an important document against which to measure the water company DP, especially as it appears that the findings of the Inspector have not all been

taken into account in this draft DP. We include the document at the end of our response at Annex A.

## **Background**

In August 2025, during several months of drought in the South of England, SW applied for a drought order (“the Southern Water Services Limited (River Test) Drought Order 2025” – “DO”) and a ban on non-essential use to conserve resources (“the Southern Water Services (Hampshire and the Isle of Wight) (Non-Essential Use) Drought Order 2025 (NEUB).

The aim of the DO was to modify the level of the combined flow at which SW is required to cease abstraction (the “hands off flow”). At the hearing in August 2025, WildFish argued that the water company had found itself in this situation because it had not done enough to offset demand and to put in place long-term and alternative measures for water resourcing early enough; nor had it properly committed to them in its WRMP. We also said that there were defects in the way that the water company had assessed the impact on the river as well as the uncertainty in proposed compensation and mitigation measures. That led to the situation as described by the EA in their Advice note to the inquiry that, “*the rushed nature of this application by SWS has failed to demonstrate the need at this present time.*”

After the hearing, the Inspector sent her report to the Secretary of State but, as the application was withdrawn, the report was never published. However, on request, the report was released to us and we provide a copy below.

The Inspector’s report made a number of criticisms of SW’s approach to the drought order application:

- The notification process had been defective;
- The application had not followed the required steps of the drought plan;
- The NEUB should have been applied for earlier and “*should be in place before the River Test Drought Order*”

- On mitigation: the environmental assessment did not adequately address the risks to species and *“not all reasonable steps have been taken to conserve and enhance the SSSI, and biodiversity, with reference to NERC section 41 habitats and species of principal importance”*.
- With regard to *“compensation”* for harm that would be done to the SAC, *“it has not been clearly demonstrated that the measures would compensate for the impact of this Drought Order or future orders either in quantity, quality or in a timely manner. As such, the compensatory measures would be insufficient to comply with the obligations under the Habitats Regulations”* . . . *“It has not been demonstrated that the proposed compensatory measures are adequate.*
- With regard to WFD assessment, although a temporary deterioration would be allowed. the requirements of Regulation 18 of the WFD had not been met [i.e. 18 (2) *“all practicable steps are taken to prevent further deterioration in the status of the affected body of water”* ]
- There was also confusion over why bulk supply from Portsmouth Water had not been implemented. If satisfactory answers not were received to this point, the Report stated, *“then the supply and demand reduction measures in the Drought Plan will not have been met”*.
- Above all, *“the lack of readiness of the application has resulted in delays in the assessment of the application. In addition to reviewing its consultation procedures, SWS should be encouraged to review its application processes as part of any future review of its Drought Plan”*.

### **The Inspector’s Report and the DP**

The question then arises, how far has SW gone in addressing the issues raised in the hearing or in addressing the detail of the Inspector’s report in its DP?

We note that there are discussions still on-going with the EA over what happens after 2030 when the Section 20 agreement will expire. We also note that one of the requirements of the Section 20 – the production and updating of HRAs – is still to be resolved. As the HRA and EARs are still being updated, the mitigation

and compensation measures have consequently not been agreed with the EA and NE.

We note with some alarm that SW appears to be opposing the EA's suggested variation of the Hands off Flow and that the *"ESoR is unlikely to be appropriate for River Itchen if the HoF is amended as proposed by the EA, as the 90-day trigger will be crossed annually. We will agree an approach for ESoR for the River Itchen with the EA and Defra as part of the River Itchen licence renewal process and development of an updated S20 Agreement."* Insufficient detail is given here but we fear that this means that any resolution will be delayed further.

It is reassuring, however, that the NEUBs will be used protectively rather than as *"optional measures"*. This is one of the few positives in the document. We fully support this policy.

Part 5 deals with the Portsmouth Water issue and alternative supply that might reduce the amount needed from the Itchen. This section is confusing and lacks clarity with some suggestion that the use of resources from Portsmouth Water (whether as a way of reducing the need to abstract from the chalk streams or not) may not be available for some years to come.

Overall, Wildfish believes that there is a lack of real connection and coordination between specific actions as well as long-term measures set out in the draft WRMP and promised in the Section 20 agreement between SW and the EA in 2018. The delays, a lack of transparency and missteps have meant that SW is more likely to have to apply for drought measures. That remains the case. SW, on the one hand, has delayed in preparing alternative long-term supply and, on the other hand, is still not in a situation where it is drought-application ready. SW needs to revisit the DP and rethink the supplies from Portsmouth Water in order to avoid the unnecessary exploitation of the Test and the Itchen. It must also make sure that the HRA supporting the Section 20 is in place as soon as possible with proper mitigation planned and provided to avoid impacts. The chalk streams cannot be sacrificed again through poor and avoidable management of water resources.

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For and on behalf of WildFish  
29 June 2026

## **Annex A**