

Test Surface Water Drought Permit

2.3 Section 20 implementation Progress

19 July 2022

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1 Section 20 Implementation progress

1.1 Overview

The origin and function of the Section 20 Agreement (s20) is summarised in our separate document – “Summary of the Section 20 Agreement”.

Under the s20 agreement, SWS is committed to fund and implement year on year environmental monitoring, commencing in 2018 and ending in April 2030, together with permanent mitigations to be completed by March 2024 and, environmental compensation satisfying the Habitats Regulations to be implemented over the ten-year period 2019-20 to 2030-31, approximately to an implementation profile of 46%, 79% and 100% completion by the end of March 2024, 2027 and 2031 respectively. These commitments are in respect of the potential impacts of the drought permits and drought orders recognised for potential implementation under the s20.

Southern Water also commits to use all best endeavours to implement the Long-Term Water Resources Scheme (Strategy A) set out in the Final Water Resources Management Plan (WRMP) 2019, as may be revised by future water resources management plans. The objective being for the Company to no longer require the Lower Itchen and Candover Drought orders after 2027 and to only require the Test Surface Water Drought Order or Permit after 2027 in extreme drought events (1 in 500-year severity). Southern Water is progressing implementation of the long-term water solution under its Corporate programme - “Water for Life Hampshire” (WfLH). Progress is summarised in Section 3 - Water for Life Hampshire of this note.

1.2 Approach to monitoring, mitigation and compensation delivery

The respective monitoring, mitigation and compensation measures are set out in series of eight “work package” documents. The three monitoring and three mitigation work packages were finalised in 2018 and the two Habitats Regulations compensation work packages (one for the Candover Drought Order and one for the Lower Itchen drought orders) were finalised in 2019. The EA and Hampshire & Isle of Wight Wildlife Trust (HIWWT) are engaged as primary delivery partners for monitoring and mitigations, with respective measures allocated to each, funded by SWS. In 2019 the EA advised SWS that it couldn't be the delivery partner for the compensatory habitat work that the initial understanding had assumed. In 2020 SWS engaged Wessex Rivers Trust (WRT) as delivery partner for those instream habitat and fish passage improvement aspects of the work programme, with HIWWT already engaged to deliver White Clawed Crayfish and Southern Damselfly related compensation measures.

On 17th June 2019, HIWWT entered into a Grant Agreement with SWS to act as a third party to implement elements of the S.20 commitment. The Grant Agreement defines payment terms to HIWWT for the measures allocated to them to implement. An equivalent agreement was finalised with WRT in April 2021, following a Preliminary Agreement covering commencement of work by WRT in 2020. An equivalent arrangement with the EA is set out in a Collaborative Agreement, finalised in 2019/20, though not signed until 2021. The extended period of negotiation of these agreements did not stop delivery partners from progressing implementation of the respective measures.

A Programme of Measures & Costs (capped) Schedule (PMCS) is understood between SWS and the delivery partners and overall progress monitoring, issue resolution and, potentially, alteration of respective funding allocations between partners or measures is governed by a Steering Group, chaired by SWS and comprising, EA, NE, HIWWT, WRT and SWS. Implementation progress and drought permit / drought order ‘application readiness’ is also presented to and discussed with wider stakeholders at approximately six-monthly engagement meetings.

In 2020 the delivery partners (EA, WRT and HIWWT) and SWS developed a more detailed delivery plan for the implementation of the permanent mitigation and Habitats Regulation compensation commitments that had been set as the required ‘measures’ in the work packages. The detailed delivery plan was accepted by the Steering Group in December 2020 as the ‘working’ plan.

The respective commitments are summarised in Table 1 below. An overview (summary table) of progress is provided in the Appendix, Table 2 Overview of s20 progress. Progress commentary is provided in sections 2 to 4 below.

Table 1 S.20 Monitoring, Mitigation and Compensation commitments

Measure	Delivery by	River	Description
Monitoring (in river)	EA	Test, Itchen, Candover	<ul style="list-style-type: none"> • Invertebrates; • Macrophytes; • Fish.
Monitoring	HIWWT	As above	<ul style="list-style-type: none"> • Crayfish • Southern Damselfly • Water Vole • Wetland breeding birds (Lower Itchen SSSI wetlands)
Monitoring	SWS	As above	<ul style="list-style-type: none"> • Water quality • Eels • River Habitat Surveys • Surfaces monitoring • River Condition Assessment (pre restoration)
Mitigation	EA	As above	<ul style="list-style-type: none"> • In-river restoration / chalk stream habitat improvement • Fish passage improvement.
Mitigation	HIWWT	Candover Itchen	<ul style="list-style-type: none"> • White clawed crayfish resilience improvements • Southern Damselfly habitat improvement
Compensation	HIWWT	Candover Test	<ul style="list-style-type: none"> • Support captive breeding of white clawed crayfish. (University of Bristol) • Southern Damselfly habitat extension / improvement
Compensation	WRT	Test Meon	<ul style="list-style-type: none"> • Chalk stream habitat improvement • Salmonid fish passage improvement
Monitoring	HIWWT WRT EA, SWS	Test Itchen Candover	<ul style="list-style-type: none"> • Before and after monitoring of the implementation of mitigation and compensation schemes

2 Implementation

To date Southern Water has paid the three delivery partners all of the monies expected under the Agreements. This amounts to approximately 43.82% of the overall S.20 PMCS financial commitment.

2.1 Monitoring progress

Monitoring work commenced in summer 2018 and has been wholly completed on the River Itchen, Candover stream and the River Test upstream of the M27 crossing since then. Partners inform they are on-track within the 2022 programme.

For the River Test drought permit and drought order, much of the intended environmental monitoring and potential permanent or temporary (within drought permit / order) mitigation work falls within the area of the Lower River Test (below the M27) within the land area owned by Barker Mill Estate (BME), where the fishing rights are leased to Little River Management (LRM). Since the Public Inquiry of March 2018, SWS, BME and LRM have negotiated terms under which annual baseline monitoring and, if agreed, implementation of mitigation measures, may proceed routinely (to an agreed protocol). This negotiation was ongoing through 2019 and 2020 but, stalled almost completely in 2021. Southern Water provided a proposed final Agreement to BME and LRM in October 2020 which was declined. Follow up communication by both sides tried to resolve understanding of what was wrong, with clarity evolving in late 2021 and refreshed positive negotiation underway from Spring 2022. It is hoped the Agreement will be successfully concluded within 2022 but, it may not be achieved in time to allow any monitoring this year.

During 2019 and to June 2020, progress towards a permanent agreement had been such that one-off agreements were made to allow Lower Test monitoring work to proceed on a series of days from 3rd April 2019 to 7th October 2019 and, on 11th March and June 16th 2020. The EA, NE, HIWWT and SWS made use of access on these days to undertake invertebrate, macrophyte, fish and water vole monitoring, habitat walkovers, flow control structure surveys and, reconnaissance to plan water quality monitor installations.

No access has been allowed by LRM for this monitoring since June 2020 and current understanding is that the permanent Agreement must be completed before access will be allowed.

The implementation of habitat and ecological monitoring is summarised in document ref: 2.2 Monitoring and Mitigation Plan Table 1-1.

SWS Monitoring progress

SWS has direct commitments to implement water quality and eels monitoring, habitat survey and, specific S.20 commitments in respect of river flow gauging (quality assurance of EA stations) and, to implement a Salmon genetic survey.

Water Quality monitoring

Six telemetered water quality monitoring stations have been installed in the Lower River Test area since 2018. These monitors continually measure; Temperature, Conductivity, PH, Turbidity, Dissolved Oxygen, and Water Level but, data continuity was been affected by some functionality issues and vandalism of equipment. Issues and their management are discussed in Document 2.2 Appendix 2a.

Commencing in 2020-21 and continuing in 2021 upgrades were carried out to include ammonia measurements and additional station installations were progressed in the Test catchment and on the Candover stream and River Itchen. There are now a total of 16 stations installed, 10 on the Candover and Itchen and 7 on the Lower Test, though 1 of those have been out of service due to vandalism and remains so at time of writing.

Six further stations are committed in the Lower River Test, subject to access agreement.

The status of station installations is summarised in document ref: 2.2_MMP App. 2b Redacted Water Quality Monitoring Locations.

Eel monitoring

Entrainment sampling for eels / elvers / lamprey and impingement sampling for all fish was to be commissioned by SWS at its sites of abstraction on the River Test and River Itchen, including Portsmouth

Waters (PRTs) abstraction site on the River Itchen. However, SWS and PRT have improved intake screens in line with compliance with Eels Regulations, such that only impingement monitoring is now required. Impingement monitoring has been in place since April 2021 on the River Itchen at Gaters Mill and Otterbourne and since April 2020 on the River Test. Monitoring will continue each year from April to September to ensure the most active elver migration period is captured before the requirement of any drought permit or order.

Habitat survey

River Habitat Surveys and surfaces monitoring were completed in the Lower Test in 2019. Equivalent monitoring is required for the River Itchen and Candover Brook, monitoring is programmed summer 2022. These surveys are designed to be evidence of baseline conditions prior to a drought permit or order. Surveys will be repeated in 2025.

EA river flow gauging station review

To verify the quality of existing and proposed EA river flow data, in agreement with the EA, SWS commissioned specialist contractor Hydrologic Services to undertake review of the flow monitor gauging stations and data of the River Itchen and River Test (and across Southern Waters other operating areas). The contractor has analysed the existing flow gauging stations, reporting back estimates of uncertainty. The resulting report (May, 2019), shared with the EA, provides recommendations for hydrometric improvement which will inform long term network improvement.

Salmon Testing

Genetic sampling of chalk stream Salmon from 5 local rivers (Test, Itchen, Meon, Stour and Avon) has been commissioned by SWS and undertaken by Exeter University, using genetic samples collected by the Environment Agency. These samples will determine hereditary links in population, which will indicate the genetic diversity of the population. Exeter University provided their report in January 2021, indicating the population was genetically the same across the three Hampshire rivers, though the Meon sample size was low and did exhibit some marginal differences to the Test and Itchen fish. The Dorset Stour fish appeared the most distinct and generally there was distinction between the Hampshire rivers fish and the South West rivers' fish, corroborating previous assessments. The report can be made available on request.

2.2 Mitigation and compensation progress

A Table summarising progress of implementation of the s.20 mitigation and Habitats Regulations compensation is provided in the Appendix to this document.

Overall discussion has continued between SWS and NE (and EA) as to how the compensation implementation will be legally "secured", to wholly satisfy the requirement of the Habitats Regulations for Natural England agreement. SWS has indicated its belief that in-river works are "secure" with existing legal protections but recognises that on land measures (e.g. Southern Damselfly habitat improvement measures) are not necessarily covered by secure protections, especially in respect of long-term maintenance requirements and SWS is exploring the options identified in the discussions with Natural England (NE).

NE has recently steered the Company toward familiarisation with the new "Conservation Covenant" approach raised within the recently published Environment Act and NE has offered to give its further opinion of the option. Southern Water will consider this within taking further legal advice as to the overall issues and options.

Pending finalising an agreed approach to the legal "securing" requirement, all parties have agreed that SWS and delivery partners should pursue implementation of the schemes so that environmental resilience is progressed as intended. To facilitate this, a short-term (ten year) access agreement template has been provided to delivery partners by SWS and delivery partners are using this as the basis of access agreement negotiation with landowners. SWS has also provided a "Frequently Asked Questions" note to aid the discussion, aiming to ensure that landowners are aware of the regulatory context and legal framework within which the work is being promoted. If the agreements are reached, they are signed between the landowners and SWS.

Wessex Rivers Trust has made progress, implementing eight in-river improvement schemes in 2021 and anticipates further implementation in autumn 2022.

2.3 Stakeholder engagement and drought permit and drought order application readiness.

The company has held stakeholder engagement meetings on progress of the Section 20 at approximately six-monthly intervals as listed below. These meetings took place at the Testwood Lakes Visitor Centre but, the meetings have been virtual since March 2020 in respect of Covid 19 risks. The more recent meetings have typically been held such that the first half covers progress of the environmental monitoring, mitigation and compensation commitments of the S.20 agreement and the second half covers progress of the supply reliability recovery programme ('Water for Life Hampshire'). The first meeting took place on 23rd May 2018 and the most recent meetings have been on 20th January 2022 and 23rd June 2022.

In respect of 'application readiness' for the Drought Permit and Orders, SWS has also:-

- Conducted a River Test drought permit 'exercise' application in autumn 2018, including a stakeholder meeting on October 11th.
- Submitted a River Test drought permit application in 2019. This was granted but not implemented.
 - A draft application was provided to the EA and NE in August 2020 but did not need to progress.
 - A draft application was prepared in early September 2021 but did not need to progress.
- A draft River Test drought permit application submission has been made to the EA in June 2022
- For the Candover Drought Order, access lease negotiation commenced with the EA in 2020 for access to the EA boreholes and existing pipeline. This is still being pursued.
- Also, for the Candover Drought Order, Planning Application was submitted in March 2020 for permission to implement the facilitating pipeline infrastructure of the Candover drought Order scheme.
 - Application withdrawn December 2020 to address objections and further information requests.
 - Revised Planning Application under preparation; intending submission September 2022.
- For the Itchen Drought Orders, SWS engaged with Portsmouth Water (PRTS) during 2020 to organise Workshops with EA, NE and Consumer Council for Water (CCW), to establish greater understanding of joint issues and approach of SWS and PRTs should any of these the Drought Order applications need to be progressed
 - Two Workshops held in May 2021.

Actions undertaken include further review of drought triggers and impacts on Portsmouth Water.

3 Water for Life Hampshire

Clause 11 of the s.20 Agreement, entered into by the Environment Agency and Southern Water in March 2018, requires Southern Water to use its All Best Endeavours to deliver its long-term water resources scheme for Hampshire.

Southern Water is progressing implementation of the long-term water resource scheme under its Corporate programme - “Water for Life Hampshire” (WfLH) Programme. Current information on the WfLH Programme can be found on our website at: <https://hampshirewtwrp.commonplace.is/>

Since 2019, progress (including funding) of the investigation and development of the long-term water resources scheme has been governed by RAPID (the Regulators' Alliance for Progressing Infrastructure Development) and its 'gated' process. Southern Water is on an accelerated path as compared with other water companies. To date Southern Water has delivered the following submission milestones to RAPID as part of its accelerated gated process: - Gate 1 in September 2020 an Interim Update in September 2021 and Gate 2 submission in December 2021.

At the Interim Update, Southern Water confirmed that desalination at Fawley, the 'base case' in our Water Resources Management Plan 2019, had emerged as the lowest ranking option in a robust options appraisal process that has been undertaken. Therefore it was no longer considered feasible or deliverable at this location at this time and no further work would be undertaken in investigating and delivering this option. This position was subsequently endorsed by both RAPID and the Environment Agency.

At Gate 2 Southern Water confirmed that its highest ranking option, and therefore its selected option, was the Hampshire Water Transfer and Water Recycling Project which involves a water recycling plant topping up Havant Thicket Reservoir with purified recycled water, and a new pipeline to Otterbourne Water Supply Works (WSW). The scheme has the potential to transfer up to 90MI/d to Otterbourne WSW in drought conditions. RAPID has endorsed our selected option and is releasing funding for its continued progression.

On 31 May 2022 the Secretary of State directed that the Hampshire Water Transfer and Water Recycling Project was a project of national significance and therefore must be consented through the Development Consent Order route and the Programme is working toward submission of our application for a DCO.

A RAPID Gateway 3 submission is due to be made in February 2023 where we will report on progress towards submission of our application for a DCO, commercial and procurement, scheduling and other key aspects of the Programme.

4 Over and above the Section 20 commitments

Over and above its commitments in the Section 20 Agreement., SWS has carried out the following actions:-

4.1 Development of a documented river restoration strategy for the Lower Test (below M27)

SWS has committed to fund development of documented river restoration strategy for the Lower Test below the M27 crossing, to add to the existing EA strategy for (most of) the area upstream of the M27. Any implementation will remain subject to agreement between SWS and the Barker Mil Estate and LRM Fishery. The work to commission the strategy is being led by the Environment Agency. It is anticipated it will identify some agreeable measures that will qualify as suitable mitigation measures relevant to the S.20 scope. To date there has been a site meeting with the EA, NE and LRM and a draft scope drawn-up for commissioning production of the strategy. Currently (summer 2022) early-stage progress is being made in respect of procurement of consultants to undertake the development of the written documentation. Any implementation will remain subject to agreement between SWS and the Barker Mil Estate and LRM Fishery.

4.2 Test & Itchen Catchment Partnership data and information sharing platform

Southern Water is also sponsoring WRT in its role as co-Chair of the Test and Itchen Catchment Partnership, to develop and maintain a CaBA data and information sharing platform on which the data and information from the S.20 monitoring, mitigation and compensation implementation can be shared, along with data and information from other projects recognised by the Partnership. Progress has been made but utilisation take-up is slow. SWS and WRT are currently (Summer 2022) discussing how to achieve better utilisation.

Appendix

Table 2 Overview of s20 progress

Key Milestones / Deliverables	Date
S.20 Agreement between EA and SWS - Signed.	Apr-18
S.20 Monitoring (3 no.) and Mitigation (3 no.) 'work packages'. Signed by EA, NE and SWS.	June - Oct-18
S.20 Monitoring (2 no.) IROPI compensation 'work packages'. Signed by EA, NE and SWS	Oct-18
First SWS payments to HIWWT & EA for S.20 2018/19 measures (& annual since).	Jul-18
River Test drought permit exercise undertaken with EA, NE and stakeholders.	Autumn 2018
Review of the EA river flow gauging stations and data quality - Completed	Apr-19
Grant / Collaborative Agreements finalised with HIWWT, WRT and EA - Completed	Apr 19 - Apr 21
Detailed delivery plan developed for mitigation and compensation implementation	Dec-20
Ecological monitoring annual programme (2022 ongoing) - Annual completion	Jun. 18 - Oct 21
Lower Test habitat and ecological monitoring - Completed	Mar.19 – Jun.20
Water quality monitoring stations - 16 stations installed +2 additional sondes at Testwood location not included in S.20 (used at other works).	2018- Nov 2021
Salmon genetic survey - shows Test, Itchen, Meon, Avon and Stour genetic consistency	Jan-21
Watercress and Winterbourne project commences - 9 projects to deliver in 2022, 3 projects at design stage rather than delivery.	2019
Southern Damselfly mitigation / compensation – 3 sites surveyed HIWWT, improvement schemes to progress in 2022	Oct-22
In-river / fish pass - compensation improvements - 8 WRT schemes implemented	Nov-2021
Tree (river shade) planting - conflicting bankside and riparian SSSI constraints	May-22
T&I CP Drought resilience fund commences (2020) - 4 projects supported by	Jun-22

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Scheme	Mitigation /Compensation	Measure	Lead Delivery Partner	Progress to date												
Candover	Mitigation	Increasing the resilience of the white-clawed crayfish population in the Upper Itchen tributaries.	HIWWT	Ongoing plans with Wild Trout Trust to develop enhancements to existing population BZS to continue to maintain brood stock at Bristol Zoo Gardens.												
				<table border="1"> <tr> <td>Significant increase in support to the Watercress & Winterbournes project - Hampshire's Chalk River Headwaters Landscape Partnership Scheme</td> <td>HIWWT</td> <td>Funded up to date</td> </tr> <tr> <td>Support to the Test & Itchen Catchment Partnership</td> <td>HIWWT</td> <td>Funded up to date</td> </tr> <tr> <td>Increasing the resilience of the Southern damselfly population</td> <td>HIWWT</td> <td>Briefing notes produced following site visits between 2017-19</td> </tr> </table>	Significant increase in support to the Watercress & Winterbournes project - Hampshire's Chalk River Headwaters Landscape Partnership Scheme	HIWWT	Funded up to date	Support to the Test & Itchen Catchment Partnership	HIWWT	Funded up to date	Increasing the resilience of the Southern damselfly population	HIWWT	Briefing notes produced following site visits between 2017-19			
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Increasing the resilience of the Southern damselfly population	HIWWT	Briefing notes produced following site visits between 2017-19														
Itchen	Mitigation	River restoration to improve chalk stream habitat in the River Itchen downstream of Winchester.	EA	Ongoing – new River Restoration officer now in post												
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Significant increase in support to the Watercress & Winterbournes project - Hampshire's Chalk River Headwaters Landscape Partnership Scheme.	HIWWT	Funded to date														
Test	Mitigation	River restoration to improve chalk stream habitat in the River Test	EA	Ongoing – new River Restoration officer now in post												

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Scheme	Mitigation /Compensation	Measure	Lead Delivery Partner	Progress to date
		River restoration in the Test to improve conditions for the fish community.	EA	Ongoing – new River Restoration officer now in post
		Increasing shading in the River Test downstream of the lower boundary of the Watercress & Winterbournes HLF Project - Hampshire's Chalk River Headwaters Landscape Partnership Scheme – to the boundary of the M27.	HIWWT	Ongoing development of planting strategy
		Significant increase in support to the Watercress & Winterbournes Project - Hampshire's Chalk River Headwaters Landscape Partnership Scheme	HIWWT	Funded to date
		Support to the Test & Itchen Catchment Partnership (TICP)	HIWWT	Funded to date
Candover	Compensation	H3260 Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation (Chalk stream Habitat)	WRT	Completed in 2021: Saw Mill / Apsley Estate (river restoration) Kimbridge Estate Dun (weir removal and river restoration) Dunnerley Cottage (river restoration)
		S1092 white-clawed crayfish <i>Austropotamobius pallipes</i>		HIWWT BZS to continue to maintain brood stock at Bristol

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Scheme	Mitigation /Compensation	Measure	Lead Delivery Partner	Progress to date
				Zoo Gardens.
		S1044 Southern damselfly Coenagrion mercuriale		HIWWT Concept designs produced by Atkins in 2022, these are subject to review by EA and other parties.
Itchen	Compensation	H3260 Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation (Chalk stream Habitat)	WRT	Completed in 2021 Wherwell Priory (weir removal and river restoration) Chilbolton Fishery (river restoration) The Watch Fishery (river restoration) Houghton Club (river restoration) Kimbridge Estate Test (river restoration) Leckford Estate (river restoration)
		S1106 Atlantic salmon Salmo Salar		WRT Work planned in 2022 at Chesapeake Mill
		S1044 Southern damselfly Coenagrion mercuriale		HIWWT As above (Candover)