



Richard Blackwell
Director of Water Resources West

WaterResourcesWest@outlook.com
WaterResourcesWest.co.uk

Ken Macdonald
Head of Water Strategy
South Staffordshire Water PLC
Green Lane
Walsall WS2 7PD

By email only.

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Dear Mr Macdonald

Drought plan pre-consultation response

Thank you for your pre-consultation letter inviting input into the development of your updated statutory drought plan. I am writing in response on behalf of all the members of Water Resources West.

You will have noted new requirements and expectations for regional considerations for drought plans in England. In particular, the Drought Plan (England) Direction 2020 states that a water undertaker must address in its drought plan:

“any voluntary steps that will be taken to collaborate regionally on drought management measures.”

Furthermore, the government’s expectations for drought planning in England include¹:

- Your new drought plans should ... demonstrate the wider role you will play in securing water supplies across your region.
- Your plan should show... how your plan is consistent with relevant regional water resources plans and the expectations of the National Framework for water resources planning.
- You should ... seek to work collaboratively at a regional level, especially when imposing customer restrictions. In doing this we expect companies to categorise their drought plan measures using the Level 1 to 4 definitions and to be consistent in their language around temporary use bans and possible exemptions.
- We also expect you to learn from best practice and international examples to ensure your customer communications are highly effective and coordinated at a regional level.

Water Resources West (WRW) is ready to support you in meeting these expectations. WRW is a cross-border group including parts of Wales as well as parts of England. Major water catchments, the Dee, Severn and Wye span the national border with shared water resources. We therefore encourage you also to consider such regional collaboration where appropriate within Wales.

¹ The government’s expectations for drought planning, letter to Water Company CEOs in England from Sophie Broadfield, Deputy Director – Water Services, Defra, 6 April 2020

Following discussion and agreements between WRW members, which you have participated in, we expect that you will include the following elements within your new drought plan.

Mutual aid

Water Company members of WRW participate in Water UK's Mutual Aid scheme. Mutual Aid is in place to facilitate inter-company borrowing of equipment or services to supplement their own stocks during such incidents. This may be used, for example, to support water supplies by road tanker if necessary in a severe drought.

Water UK Council agreed that all member companies of the water industry should formally adopt a protocol to share the above with other member companies, to support the affected member company or companies during incidents, thereby enhancing the resilience and contingency options available to the industry as a whole. The protocol is set out in the Water UK Mutual Aid Manual.

Each member company agrees to provide support to companies in need due to an actual or potential incident affecting their ability to provide essential services if requested by another member unless they are simultaneously managing an incident of their own where such equipment or labour is required, or where there is a credible threat of a similar incident to that company.

The Mutual Aid Manual includes protocols for regional coordination. Severn Trent Water will act as the regional coordinating company for the West Coordination Zone. It is recommended that all inter-company assistance is administered under the protocols in the Water UK Mutual Aid Manual.

Code of Practice on Water Use Restrictions

Water company members of WRW are all signatories to the Code of Practice on Water Use Restrictions.

WRW members cooperated with others in the industry to develop the code. The objective of the code is to have agreed common standards and approaches to restrictions and exceptions, consistent and coherent to customers, stakeholders, governments, regulators and the media. We have therefore signed up to the principles and practices set out in the code.

The Code of Practice provides guidance to water companies on the effective implementation of water use restrictions by way of Temporary Use Bans (TUBs) and Drought Orders (DO) to help manage demand during times of drought. The Code is designed to be used by water companies when they are updating their Drought Plans and when they are evaluating whether and how to implement water use restrictions during a drought.

All WRW water company members have therefore followed the code in preparing their drought plans and will also follow the code during a drought. WRW member companies will also carry out a joint review of exemptions to water use restrictions.

By doing this, those water companies considering or implementing restrictions, will be consistent and aligned as far as possible, so that customers can be confident that their interests have been considered and they are not disadvantaged, or perceive a disadvantage, in comparison to customers in neighbouring water company areas.

Temporary Use Ban notice

In addition to following the Code of Practice on Water Use Restrictions, water company members of WRW have shared their experiences of recent dry weather events.

Based on these experiences, the WRW water company members propose to adopt a consistent form of notice for Temporary Use Bans. The proposed form is as follows:

Water Industry Act 1991
[Company name]

Temporary Ban on Water Use

[Company name] gives notice that, pursuant to sections 76 and 76A–C of the Water Industry Act 1991, the following uses of water supplied by [Company name] are restricted.

This notice, and further details concerning the prohibitions, current drought and water efficiency advice may be found on the website of the [Company name] here: [website address]

Water use restrictions will start on [date] at 0800 hours and continue until further notification. The restriction applies to [all] of the water resource zones defined in [Company name]’s statutory drought plan and as indicated on the map.

Prohibited Uses

The use of a hosepipe, including using sprinklers, dripper hoses, automatic irrigation systems and similar devices, is prohibited for the following:

1. Watering a garden using a hosepipe;
2. Cleaning a private motor-vehicle using a hosepipe;
3. Watering plants on domestic or other non-commercial premises using a hosepipe;
4. Cleaning a private leisure boat using a hosepipe;
5. Filling or maintaining a domestic swimming or paddling pool;
6. Drawing water, using a hosepipe, for domestic recreational use;
7. Filling or maintaining a domestic pond using a hosepipe;
8. Filling or maintaining an ornamental fountain;
9. Cleaning walls, or windows, of domestic premises using a hosepipe;
10. Cleaning paths or patios using a hosepipe;
11. Cleaning other artificial outdoor surfaces using a hosepipe.

Note that customers can still undertake the above activities if they use mains water from a bucket or watering can; or use water that is not sourced from the mains such as grey water, rainwater from a water butt through a hosepipe, or private boreholes for example.

The following definitions apply:

- “Using a hosepipe” includes the drawing of water supplied by [Company name] from a container through a hosepipe; and filling a container by means of a hosepipe with water supplied by [Company name];
- “Garden” includes a park, gardens open to the public, a domestic garden, a lawn, a grass verge, an allotment used for non-commercial purposes and any other green space;
- “Hosepipe” includes anything designed, adapted or used to serve the same purpose as a hosepipe.
- The prohibitions apply whether or not any device is attached to the hosepipe, such as a sprinkler for example; and
- “Using a hosepipe for domestic recreational use” includes operating water slides and other recreational equipment.

These prohibited water uses are covered by the Water Industry Act 1991 section 76 as amended by the Flood and Water Management Act 2010. Further definitions may be found in the Water Use (Temporary Bans) Order 2010, which is available at: [legislation.gov.uk/uksi/2010/2231/contents/made](https://www.legislation.gov.uk/uksi/2010/2231/contents/made)

Statutory Exceptions

Customers who meet the requirements below can continue to use water without having to make representation to [Company name] to receive permission. In using water, it is requested that customers use water wisely and adopt water efficient practices:

- Using a hosepipe for health or safety reasons, where this includes (a) removing or minimising any risk to human or animal health or safety; and (b) preventing or controlling the spread of causative agents of disease;

- Watering plants that are (1) grown or kept for sale or commercial use, or (2) that are part of a National Plant Collection or temporary garden or flower display;
- Cleaning any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls;
- Filling or maintaining a pool where necessary in the course of its construction;
- Filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment;
- Filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease;
- Filling or maintaining a pool used in the course of a programme of veterinary treatment;
- Filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity;
- Filling or maintaining a domestic pond in which fish or other aquatic animals are being reared or kept in captivity;
- Filling or maintaining an ornamental fountain which is in or near a fish-pond and whose purpose is to supply sufficient oxygen to the water in the pond in order to keep the fish healthy.

NB Watering areas of grass, which are used for sport or recreation, is covered by a Statutory Exception for health and safety only in relation to the active strip/playing area, not the entire ground.

Discretionary Exceptions

Customers who meet the criteria below for a Discretionary Exception can continue to use water without having to make representation to [Company name] to receive permission to use water for the following restricted uses. It is requested that customers that meet the requirements for a Discretionary Universal Exception use water wisely and adopt water efficient practices.

The criteria for Discretionary Exceptions include:

- Commercial customers that use hosepipes in the course of their day-to-day cleaning business operation as a service to customers to clean private motor vehicles, private leisure boats, walls and windows of domestic premises, patios, paths or artificial outdoor surfaces.
- Customers that hold who hold a Blue Badge or are registered on Priority Services Register of [Company name] and who have mobility issues but are not in possession of a blue badge may use a hosepipe to carry out the following activities;
 - Watering a garden attached to a domestic dwelling, or watering plants on domestic premises;
 - Cleaning a private motor-vehicle;
 - Watering plants on domestic or other non-commercial premises
 - Filling or maintaining a domestic pond using a hosepipe
 - Cleaning walls or windows of domestic premise;
 - Cleaning paths or patios or other artificial outdoor surfaces,
- Cleaning a private leisure boat using a hosepipe in any of the following circumstances:
 - Where the boat is a primary residence,
 - where fouling is causing increased fuel consumption,
 - the engines are designed to be cleaned with a hosepipe

The following definition applies:

- “Blue Badge” means a current valid Blue Badge issued by the relevant Local Authority.

Representations

Representations concerning any of these prohibitions may be made in writing at [email address]. To be considered representations must be received by [date] at 1700 hours. If, as a result of any representation, [Company name] decides to vary any terms of the prohibition, a further notice will be published. Subject to this, the prohibitions will have effect from the stated date and will remain in force until further notice. Any person who contravenes any of these prohibitions may be guilty of an offence, and liable, on summary conviction, to a fine not exceeding £1,000.

[Resource zone map]

Regionally Consistent Data and Assumptions

Through their work on developing a regional plan and consistent WRMPs, the water company members of WRW are adopting consistent data and assumptions. This includes, for example, consistent assumptions on the import and export of water between companies. Where appropriate, the companies have also used these consistent data and assumptions for their drought plans.

WRW has established working groups for the shared catchments to progress evidence sharing and common datasets. These groups will continue to support the water companies in their management of water resources in a joined-up way throughout the period covered by this drought plan.

Consistent Drought Communications

Water company members of WRW have agreed to consistently adopt Level 1 to 4 definitions to categorise their drought actions. This represents a significant change from previous drought plans: companies will no longer refer to “drought triggers” or “drought zones” as they have done for a number of previous drought plans. It is designed to ensure that the drought plans consistent and coherent to customers, stakeholders, governments, regulators and the media. These levels will be used to support consistent drought communications.

Furthermore, the members of WRW will seek to align their drought communications wherever appropriate. WRW’s customer and stakeholder management group will support the members in the alignment of communications across WRW. However, it should be noted that WRW is a large and diverse area, with differing hydrological characteristics. Therefore, at any time in a drought event, different parts of the region may be at different levels of drought response.

In addition, as you continue to develop your drought plan, WRW remains ready to support you. Our members will jointly consider other proposals for regional coordination. For example we are carrying out work to consider consistency of support to non-PWS during drought and will update you on that in due course.

Please don’t hesitate to contact me if I or WRW members can provide further support in the development of your drought plan.

Yours sincerely,



Dr Richard Blackwell
on behalf of the members of Water Resources West