

# Response form

## An update of the water company drought plan guideline

We welcome your views on our proposed changes to the water company drought plan guideline and supporting information. Please use this form if you are responding by email or post rather than online.

Please complete the questions and where there is a free text field, give as much information as possible to support your answer.

### How we will use your information

The Environment Agency will look to make all responses publicly available during and after the consultation, unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals who respond.

We will also publish a summary of responses on our website in which we will publish the name of the organisation for those responses made on behalf of organisations.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

If you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

The Environment Agency is the data controller for the personal data you provide. For further information on how we deal with your personal data please see our Personal Information Charter on gov.uk (<https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter>) or contact our Data Protection team.

Address: Data Protection team, Environment Agency, Horizon House, Deanery Road, Bristol, BS1 5AH

Email: [dataprotection@environment-agency.gov.uk](mailto:dataprotection@environment-agency.gov.uk)

### Returning your response

The consultation will run for 6 weeks from September 9 until 18 October 2019.

The closing date for responses is Friday 18 October. Any responses we receive after this date will not be included in the analysis.

We would like you to use this form if you are not submitting your response online. You can return it by email to [water-company-plan@environment-agency.gov.uk](mailto:water-company-plan@environment-agency.gov.uk) using the heading "Consultation response to

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03708 506 506

incident hotline  
0800 80 70 60

floodline  
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water company drought plan update". Please use this email address if you have any questions regarding this consultation.

Or by post to:

Environment Agency [FAO: Security of Supply team (WCDP consultation response), Horizon house, Deanery Road, BRISTOL BS1 5AH]

## Section 1: About you

To help us analyse the responses we receive we'd like to understand more about you and type of business you own, operate or represent.

**Q1. Please tell us if you are responding as an individual or on behalf of an organisation or group.**

**Please select one answer only from the following options:**

- Responding as an individual
- Responding on behalf of an organisation or group
- Other

If you're responding on behalf of an organisation or group, please tell us who you are responding on behalf of.

\_\_\_\_\_ Impress the Chess \_\_\_\_\_

If you selected other, please specify

## Q2. Keeping up to date

The Environment Agency would like to keep you informed about the water company drought plan guideline consultation. If you would like to receive email updates about this consultation, please give us your email address below to provide consent.

We will keep your details until the consultation response document has been published or until you withdraw your consent.

You can withdraw your consent to receive these emails at any time by contacting us at [water-company-plan@environment-agency.gov.uk](mailto:water-company-plan@environment-agency.gov.uk).

We will not share your details with any other third party without your explicit consent unless required to by law.

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**Please tell us if you would like to (tick all that apply)**

- Receive an email acknowledging your response
- Receive an email to let you know that the summary of responses has been published

If you have ticked any of the boxes above, please provide us with your email address:

Email: \_\_\_\_\_

**Q3. Can we publish your response? We will not publish any personal information or parts of your response that will reveal your identity.**

- Yes
- No

If you do not want us to publish your response, you need to tell us why.

YES

**Q4. Please tell us how you found out about this consultation?**

- From the Environment Agency
- From another organisation
- Through an organisation/group/club you're a member of
- Press article
- Social media e.g. Facebook, Twitter

- Through a meeting you attended
- Other (please specify) \_\_\_\_\_

## Section 2: Your views

We welcome your views on “An update of the water company drought plan guideline” consultation. Please answer the following questions. Each question is preceded by the title of the relevant section in the guideline.

### Guideline section: How to write and publish a drought plan

**Q5. Do you think the technical changes to this drought plan guideline will help water companies take the right actions to manage their operations in dry weather in the future?**

Please tick relevant box

- Yes

No. The measures set out in the Guideline must be definitive. At current so much of the guideline document says 'should' rather than 'must' giving too much wriggle room to the water companies. For example, under 'What to include in your drought plan', the long list of things vital for inclusion are only listed under 'should include' not 'must include'. Under 'Include Details of Drought Permits and Orders', it says "You should make full use of all your available licensed sources of water (as set out in your WRMP) before applying for drought permits and drought orders. However, where an abstraction is identified as unsustainable and/or increasing volumes above recent actual during a drought is likely to cause an environmental impact you SHOULD consider whether alternative options (for example, temporary use bans or drought permits) may be a better option to minimise the impact on the environment." Surely water companies MUST consider alternative options to see if they may minimise the impact on the environment before increasing abstraction that is unsustainable or likely to have an environmental impact. Also "You should demonstrate you have reduced demand such as through voluntary savings, temporary use bans (TUBs) and leakage reduction before you apply for a drought permit or order to take more water out of the environment." Again this must be compulsory not a 'should' option.

There are numerous other examples throughout the document of 'should' not 'must'. We believe this is part of the reason why Affinity Water's current Drought Plan is not fit for purpose and that our local chalk stream the River Chess has been dry in Chesham, with all the resulting environmental damage, for many months before a drought was called.

We do not feel that the Guideline gives similar and appropriate weighting to protecting the environment, as it does to maintaining water supply. It is for this reason that we have seen our chalk stream dry up for many months while there has been comparatively little done in the way to encourage reductions in water consumption or to highlight the environmental damage our local habitat is experiencing.

We want to see robust environmental triggers in place so that droughts must be declared when the data shows that we are in drought conditions. It should not be possible to ignore triggers because it may not be convenient or politically expedient.

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- No
- I don't know

Please explain your answer. If you ticked no, what changes do you think need to be made to allow a company to achieve this?

**Q6. Do you think the guideline as proposed is in the most useful format to help water companies write their plans?**

Please tick relevant box

- Yes
- No
- I don't know

Please explain your answer. If you ticked no, what changes do you think need to be made to allow a company to achieve this?

No, we would like to see more weighting given to the environment in the Guideline.

## Guideline section: Write a drought plan

**Q7. Please tell us if there are any other actions that you think water companies should include in their drought plans.**

We would like to see the Guideline set out robust mechanisms to support and increase environmental resilience before, during and after drought, and to facilitate the recovery of the environment after drought.

## Guideline section: Test your drought triggers and proposed actions

**Q8. Do you think the guideline strikes the right balance between planning for droughts that water companies might reasonably expect to experience and planning for more severe drought events?**

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Please tick relevant box

- Yes  
 No  
 I don't know

Please explain your answer:

No. This needs to change - particularly as climate change, development and increasing consumption are resulting in a trend towards more serious droughts occurring more frequently. The current drought management plans are not fit for purpose and chalk streams are being sacrificed while profligate water use continues. We believe that the drought triggers set by our local water company (Affinity Water) are not appropriate and result in action being taken too slowly - or not at all. More guidance needs to be provided to ensure that triggers are set that will put action in motion in a timely fashion; it may be that more localised triggers are necessary. In Chesham Town Council's response to the consultation on Affinity Water's 2017 DMP, the council raised the following concerns: "The conditions experienced on the Upper Chess do not seem to fit well with the Drought Trigger Zones; which is a cause for concern as it may mean that action is not being taken rapidly enough in this catchment. The upper reaches of the Chess (below the traditionally ephemeral stretches) were dry in Chesham for several months in 2016 and 2017 before we saw an increase in communication with customers and stakeholders to increase awareness of drought (an activity associated with Drought Zone Two). Furthermore, on page 108 it is stated that 'After reaching Drought Zone 3 and with drought conditions becoming more severe, chalk groundwater levels would be declining, resulting in the upper reaches of chalk streams drying out', but the Chess upper reaches are dry long before Zone 3 is reached. This would suggest that the groundwater monitoring points used for the Central Region do not reflect what is happening in the Chess catchment." This worrying situation continues at present; the Central Region has been in Drought Zone 3 since September 2019, but the Chess in central Chesham has been continuously dry for many months. The triggers need to be more local, more relevant and have a clear focus on preventing environmental damage as well as ensuring water supply.

## Guideline section: Set out what you'll do during a drought

**Q9. Please tell us if there are any other supply or demand management actions that water companies should consider.**

Water companies need to consider triggering their demand management actions earlier. These actions have come far too late in the current, prolonged drought. Three years in and Affinity Water are only now talking about introducing TUBs in 2020. Something is very wrong when a town's rare chalk stream can be continuously dry for months, but people can still use hosepipes.

## Guideline section: Details of drought permits and orders

**Q10. Do you think that the information required for drought orders and permits is appropriate?**

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Please tick relevant box

- Yes
- No
- I don't know

Please explain your answer. If you ticked no, what changes do you think are needed?

No. As mentioned in answer to Question 5, the Guidance needs to be more definitive in relation to drought permits and orders: "You should make full use of all your available licensed sources of water (as set out in your WRMP) before applying for drought permits and drought orders. However, where an abstraction is identified as unsustainable and/or increasing volumes above recent actual during a drought is likely to cause an environmental impact you SHOULD consider whether alternative options (for example, temporary use bans or drought permits) may be a better option to minimise the impact on the environment." Surely water companies MUST consider alternative options to see if they may minimise the impact on the environment before increasing abstraction that is unsustainable or likely to have an environmental impact. Also "You should demonstrate you have reduced demand such as through voluntary savings, temporary use bans (TUBs) and leakage reduction before you apply for a drought permit or order to take more water out of the environment." again this must be compulsory not a 'should' option.

## Guideline section: Actions water companies could take in the event of an extreme drought

**Q11. Do you think the guidance on the actions water companies could take in the event of an extreme drought makes sense?**

(Please refer to the guideline and the supplementary guidance for this topic)

Please tick relevant box

- Yes
- No
- I don't know

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Please explain your answer. If you ticked no, how could it be improved?

## Guideline section: Drought communications plan

**Q12. Do you think the guideline on communications planning will allow water companies to keep their customers informed during a drought?**

Please tick relevant box

- Yes
- No
- I don't know

Please explain your answer and tell us if there is any additional information water companies should consider.

Yes, but we would like to see even greater emphasis on water companies working with other organisations and local stakeholders to enhance their messages, as there is great potential to amplify the message about saving water. Some customers may be more receptive to receiving the message from sources other than water companies. We would also like to see communications being triggered earlier than at present.

## Guideline section: Environmental assessment, monitoring and mitigation

**Q13. Do you think the guidance on environmental impacts will allow for sufficient protection of the environment during a drought?**

(Please refer to the guideline and the supplementary guidance for this topic)

Please tick relevant box

- Yes

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- No
- I don't know

Please explain your answer.

No. The environmental assessment looks only at the impacts of supply side action, such as increasing abstraction. There needs to be a more general assessment of the environment throughout a drought, at a local level, to understand whether demand-management is working and whether the triggers are set appropriately to enable improved responses to drought.

The environmental monitoring plan should be required to justify the locations and the scale and frequency of monitoring to ensure that the level of monitoring is appropriate. Environmental Monitoring must look at datasets going back over as long a period of times as possible, otherwise we will be looking at a 'new norm' for the environment and drought conditions and damaged river habitats will be regarded as normal.

There should also be plans in place of action if the expected recovery post-drought is revealed not have occurred by the monitoring. For example, an Environmental Drought Resilience and Recovery Precept/Levy from water company profits could be initiated if expected recovery does not occur, or is delayed.

**Q14. Do you think the guidance on environmental monitoring will allow water companies to assess the impact of their drought actions on the environment?**

(Please refer to the guideline and the supplementary guidance for this topic)

Please tick relevant box

- Yes
- No
- I don't know

Please explain your answer. If you ticked no, how could it be improved?

Possibly in terms of supply side actions, but the environmental monitoring plan should be required to justify the locations and the scale and frequency of monitoring to ensure that the level of monitoring is appropriate.

### Section 3: Additional comments

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**Q15. Please tell us if you have any other views or comments on these proposed changes that have not been covered by previous questions.**

The section on 'State What You Plan To Do After A Drought' says that a drought ends when....normal conditions have resumed for a specified period of time. Who determines what the specified period of time is? And what are the normal conditions that are looked at? Is it groundwater, rainfall, river flows? And how broad a scale are these conditions looked at? For example, is it possible that Affinity Water could declare that a drought is over whilst there is still no water in the upper Chess?

We also have concerns about the data relied upon by water companies to trigger certain drought actions. How reliable and accurate are these data; how complete are the datasets?

We think it is important that OFWAT should not perceive the introduction of temporary use bans or other water use restrictions during droughts as a negative thing and should not penalise water companies by regarding this as a failure in their statutory duty to supply demand. We hope that OFWAT's treatment of water companies in this matter will change in line with its objective to "Ofwat's role is to enable, incentivise and hold companies to account for providing the very best for customers, society and the environment now and in the future."