

**MANAGING THROUGH DROUGHT:  
CODE OF PRACTICE AND GUIDANCE FOR  
WATER COMPANIES ON WATER USE  
RESTRICTIONS – 2013**

(Incorporating lessons from the 2011-12  
drought)



<b>Programme Area &amp; Reference</b>	<b>Water Resources; Legislation WR/33</b>
<b>Report Title</b>	<b>Managing Through Drought: Code of Practice and Guidance for Water Companies on Water use Restrictions – 2013 [incorporating lessons from the 2011–12 drought]</b>
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<b>Report Type</b>	<b>Final</b>
<b>Period Covered</b>	<b>2012/2013</b>

UK Water Industry Research Limited provides a framework for a common research programme to undertake projects, which are considered to be fundamental to water operators on ‘one voice’ issues. Its contributors are the water and sewerage companies and the water supply companies of England and Wales, Scottish Water and Northern Ireland Water.

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Published by UK Water Industry Research Limited  
1 Queen Anne's Gate, London SW1H 9BT

First published 2014

ISBN 1 84057 708 8

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## **UKWIR and Water UK Joint Introduction**

Up and down the country, there are thousands of businesses that rely on their supply of water to run a profitable and successful enterprise. Without water, new contracts, current jobs, even the viability of companies can be threatened. So, when water resources are scarce, it's essential that these businesses have a clear direction from their water supplier as to what will happen if restrictions have to be put in place.

During the drought of 2012, the water industry was immensely grateful for support and collaboration from regulators, consumer groups, trade bodies and customers. Representatives of these parties have given their time generously and extended their partnership with UKWIR and Water UK to complete this project and publish this document. We are very grateful to all of those involved, and we, like they, hope that this will provide a clear and comprehensive reference document for the future.

*Hans Jensen, Chief Executive UKWIR*

*Pamela Taylor, Chief Executive, Water UK*

*This report is free to download from the Water UK website ([www.water.org.uk](http://www.water.org.uk)).*

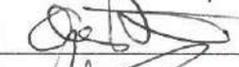
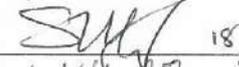
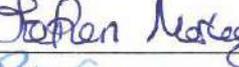
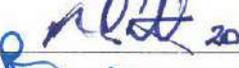
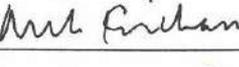
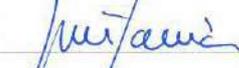


## Code of Practice and Guidance on Water Use Restrictions – 2013

### Signatory page

This Code of Practice was developed by the industry with the objective of agreeing common standards and approaches to restrictions and exceptions, consistent and coherent to customers, stakeholders, governments, regulators and the media. Our aim was to ensure not only clarity ahead of any future drought, but also a clear plan of action during a drought itself.

As members of Water UK we have therefore signed up to the principles and practices set out in this code. It should however be noted that this code represents best practice and an expectation and commitment to common approaches and behaviour. It is not a legally binding document and companies may, in some circumstances, have to deviate from the practices or sequences set out within the Code of Practice. In such cases there would be an expectation that there were robust reasons for such a deviation and that the company would explain these clearly and sufficiently to customers and other stakeholders.

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L. GARLIS	CEO	Bristol Water	 5/11/13

## Code of Practice and Guidance on Water Use Restrictions – 2013

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Name	Position	Company	Signature & date
EM BARON Neil Ker	CFO	Yatstone water	Neil Ker 15/11/13
STEPHEN BIRD	Operations Director	S W W	S

### Water UK note

Whilst the legislation referred to in this code of practice does not apply in Scotland or Northern Ireland both Scottish Water and Northern Ireland Water have agreed to follow the four principles set out in the document when they are considering how water use restrictions will be implemented in times of drought.

## UK WATER INDUSTRY RESEARCH LIMITED

### MANAGING THROUGH DROUGHT: CODE OF PRACTICE AND GUIDANCE FOR WATER COMPANIES ON WATER USE RESTRICTIONS - 2013

#### Executive Summary

#### **Objectives**

This **Code of Practice** (CoP) 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.

The objective of this project was to revise the CoP to incorporate the experience arising from the 2011–2012 drought. It has been informed by discussions with staff from Water UK, and from the water resources, legal and communication departments of water companies, the Environment Agency, and the Consumer Council for Water. It aims to provide a practical framework and body of information for water companies to inform the creation of Drought Plans and management of water use restrictions.

#### **Conclusions**

This CoP sets good practice **Principles** and **Actions** for water companies in England and Wales to follow when they are evaluating whether and how water use restrictions will be implemented in their supply area in times of drought.

#### Principles

- Principle 1: Ensure a consistent and transparent approach
- Principle 2: Ensure that water use restrictions are proportionate
- Principle 3: Communicate clearly with customers and the wider public/users
- Principle 4: Consider representations in a fair way

#### Actions

- Action 1: Companies, regulators and government to work together
- Action 2: Coordinate communications
- Action 3: Adopt a common phased approach, considering socio-economic factors
- Action 4: Adopt a common approach to exceptions
- Action 5: Promote understanding and good practice

The appendices to this document include relevant reference material including a summary of the history of legislation in relation to water use restrictions; explanation of water use restrictions; and information regarding other projects and activities that are ongoing and should be reviewed when this CoP is updated. It is expected that this CoP will be reviewed and

updated periodically to take account of changes in legislation, regulatory policy and operational experience of drought management.

## **Benefits**

By following the CoP, the actions of 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.

**For further information please contact UK Water Industry Research Limited,  
8<sup>th</sup> Floor, 50 Broadway, London SW1H 0RG quoting the report reference number**

<b>Contents</b>		<b>Page Number</b>
<b>Glossary</b>		<b>1</b>
<b>1</b>	<b>Introduction</b>	<b>1</b>
1.1	Background	1
1.2	Purpose of this version	1
1.3	Future development	2
1.4	Structure of this report	2
<b>2</b>	<b>The Code of Practice for Demand Restrictions</b>	<b>3</b>
2.1	Context	3
2.2	Principles	4
2.3	Actions	4
<b>3</b>	<b>Rationale and supporting information</b>	<b>8</b>
3.1	Principle 1: Ensure a consistent and transparent approach	8
3.2	Principle 2: Ensure that water use restrictions are proportionate	8
3.3	Principle 3: Communicating clearly with customers	9
3.4	Principle 4: Considering representations in a fair way	10
3.5	Action 1: Companies, regulators and government to work together	10
3.6	Action 2: Coordinate communications	11
3.7	Action 3: Adopt a common phased approach, considering socio-economic factors	14
3.8	Action 4: Adopt a common approach to TUB and Drought Order exceptions	18
3.9	Action 5 Promote understanding and good practice	25
3.10	Feedback from stakeholders	25
<b>4</b>	<b>Appendices</b>	<b>26</b>
<b>Appendix A</b>	<b>Summary of Drought Legislation</b>	<b>27</b>
<b>Appendix B</b>	<b>Planning for Drought</b>	<b>45</b>
<b>Appendix C</b>	<b>Example Notifications</b>	<b>49</b>
<b>Appendix D</b>	<b>Drought Programme of Work</b>	<b>55</b>
<b>Appendix E</b>	<b>Feedback from Stakeholders</b>	<b>57</b>
<b>Appendix F</b>	<b>Activities covered by Water Use Restrictions</b>	<b>67</b>

## Figures in main report

Figure 1 The role of a Drought Liaison Coordinator during droughts that cover more than one water company area ..... 12

Figure 2 Sequence of actions and effects at different Drought Phases ..... 17

### Appendix F

Figure F.1 – Watering a garden using a hosepipe..... 69

Figure F.2 – Cleaning a private motor-vehicle using a hosepipe ..... 72

Figure F.3 – Watering plants on domestic or other non-commercial premises using a hosepipe..... 74

Figure F.4 – Cleaning a private leisure boat using a hosepipe ..... 77

Figure F.5 – Filling or maintaining a domestic swimming or paddling pool ..... 79

Figure F.6 – Drawing water, using a hosepipe, for domestic recreational use ..... 81

Figure F.7 – Filling or maintaining a pond..... 82

Figure F.8– Filling or maintaining an ornamental fountain ..... 84

Figure F.9 – Cleaning walls, or windows, of domestic premises using a hosepipe ..... 85

Figure F.10 – Cleaning paths or patios using a hosepipe..... 87

Figure F.11 – Cleaning other artificial outdoor surfaces using a hosepipe ..... 89

Figure F.12 – Watering outdoor plants on commercial premises ..... 91

Figure F.13 – Filling or maintaining a non-domestic swimming or paddling pool ..... 93

Figure F.14 –Filling or maintaining a domestic pond using a hosepipe (Drought Order) ..... 95

Figure F.15 – Operating a mechanical vehicle-washer ..... 97

Figure F.16 – Cleaning any vehicle, boat, aircraft or railway rolling stock ..... 99

Figure F.17 – Cleaning non-domestic premises..... 101

Figure F.18 – Cleaning a window of a non-domestic building..... 103

Figure F.19– Cleaning industrial plant ..... 105

Figure F.20 – Suppressing dust ..... 107

Figure F.21 – Operating cisterns in unoccupied/closed buildings..... 109

## Tables

Table 1 The Actions and their links with the original Principles of the <i>Code of Practice and Guidance On Water Use Restrictions</i> .....	7
Table 2 A common phased approach to water use restrictions.....	16
Table 3 TUB Exceptions.....	20
Table 4 Drought Order Exceptions.....	23

## Appendix C

Box C.2 Suggested topics to include for the notification of water use restrictions under a Temporary Use Ban.....	51
Box C.3 Example wording for the notification of water use restrictions under a Drought Order .....	51
Box C.4 Example wording for the revocation of restrictions.....	53
Box C.5 Suggested topics to include for the revocation of restrictions .....	54

## Appendix D

Table D.1 Summary of the Drought Programme of Work .....	55
--	----

## Appendix E

Table E.1 Responses from commercial customers affected by the 2012 TUB restrictions .....	59
---	----

## Appendix F

Table F.1 Summary of activities covered by the Water Use (Temporary Bans) Order 2010 ..	68
Table F.2 Summary of activities covered by the Drought Direction 2011.....	68

## Glossary

<b>Term/acronym</b>	<b>Definition</b>
<b>CCW</b>	Consumer Council for Water
<b>Defra</b>	Department for Environment, Food and Rural Affairs
<b>DG4</b>	Water Director General indicator number 4; relating to restrictions on the use of water
<b>Discretionary Concessional Exceptions</b>	Activities/water uses not covered by a statutory exception, but for which an individual water company offers an exception for which customers must first make representation to obtain permission.
<b>Discretionary Universal Exceptions</b>	Activities/water uses not covered by a statutory exception but for which signatories to the Drought CoP have agreed to grant an exception for which customers do not need to make representation to obtain permission.
<b>Drought</b>	A drought happens when a period of low rainfall creates a shortage of water for people, the environment, agriculture, or industry.
<b>Drought Order</b>	Used in this report to describe a drought order restricting uses of water as described by the Drought Direction 2011. Drought Orders applications can be made by the Environment Agency, or water companies, and authorised by Secretary of State or Welsh Ministers. There are two types of Drought Order:  1) 'Ordinary' Drought Order – as defined under section 74 of the WRA 1991; and  2) 'Emergency' Drought Order – as defined under section 75 of the WRA 1991.
<b>Drought permit</b>	In this report, this refers to drought permits that relate to abstraction of water, or allowing more abstraction, from the environment as a supply side drought management measure. Drought permit applications can be made by water companies and are authorised by the Environment Agency.
<b>Drought Plan</b>	"A plan for how the water undertaker will continue, during a period of drought, to discharge its duties to supply adequate quantities of wholesome water, with as little recourse as reasonably possible to drought orders or drought permits" WIA1991, 39B(2).
<b>EA</b>	Environment Agency
<b>Emergency Drought Order</b>	An authorisation granted by the Secretary of State under drought conditions which allows water companies to restrict supplies to customers through the imposition of rota cuts and/or the introduction of standpipes.

<b>Term/acronym</b>	<b>Definition</b>
<b>Exception</b>	An 'exception' to a water use restriction is where special allowance is given by a water company to customer, that allows a particular customer to continue using water for that particular use. Alternative and different terminology has been used in the past to describe exceptions, such as exemptions and concessions for example, therefore this CoP uses only the word 'exception' to avoid any confusion.
<b>FWMA 2010</b>	Flood and Water Management Act 2010
<b>Non-essential use</b>	Water companies can impose restrictions on the 'non-essential' use of water under TUBs and Drought Orders. The use of water is considered to be 'non-essential' when used for certain purposes, such as using hosepipes or sprinklers to water gardens, wash cars etc.
<b>Ofwat</b>	The Water Services Regulation Authority, formerly the Office of Water Services
<b>OPA</b>	Overall Performance Assessment (replaced by the SIM in April 2010)
<b>SIM</b>	Service Incentive Mechanism (replaced the OPA in April 2010)
<b>Statutory Exceptions</b>	Activities/water uses specified in the legislation which are exempt from water use restrictions and for which customers do not need to make representation to obtain permission.
<b>Temporary Ban on water use (TUBs)</b>	Restriction on customer water use under powers provided in the Water Industry Act 1991. TUBs can be introduced by a water company, without the need to apply to the Secretary of State under conditions, where it is experiencing, or may experience, a serious shortage of water for distribution. They replace what was formerly called 'hosepipe bans'.
<b>UKWIR</b>	United Kingdom Water Industry Research
<b>WIA 1991</b>	Water Industry Act 1991 (as amended)
<b>WRA 1991</b>	Water Resources Act 1991 (as amended)



# **1 Introduction**

## **1.1 Background**

This Code of Practice (CoP) provides guidance on two of the demand side measures that water companies have available to them during times of drought: it does not cover supply side measures. This CoP relates to the water use restrictions defined in existing legislation:

1. Temporary bans on water use as provided for in Section 76 of the Water Industry Act 1991, as amended by Section 36 of the Flood and Water Management Act 2010 and detailed in The Water Use (Temporary Bans) Order 2010. The terms ‘temporary bans on water use’, and ‘temporary use ban’ replace the old reference to hosepipe bans;
2. Ordinary drought orders, as provided for in Sections 73 to 81 and Schedules 8 and 9 of the Water Resources Act 1991 and detailed in the Drought Direction 2011; and
3. Emergency Drought Orders as defined in the Water Resources Act 1991.

The drought of 2005–2006 stimulated the development of a CoP and Guidance on Water Use restrictions (UKWIR Report 09/WR/33/2 (2009)). The CoP was a balance between prescriptive regulation and a higher-level guidance document. Its purpose was to allow each water company to develop an individual approach appropriate to its own circumstances, based on four agreed principles: a consistent and transparent approach; proportionate water user restrictions; clear and early communication with customers; and considerations of representations in a fair way.

Following the enactment of the Flood and Water Management Act 2010, and the introduction of the Water Use (Temporary Bans) Order 2010, the CoP was revised to meet these changes in legislation and the concept of Temporary Use Bans (TUBs) but the basic tenets remained unchanged (UKWIR report 11/WR/33/3 (2011)).

## **1.2 Purpose of this version**

This 2013 revision was commissioned to incorporate the experience arising from the 2011–2012 drought. This was the first time that TUBs were implemented and the timing, spatial coverage and intensity of the drought highlighted the challenges of implementing these new requirements given some initial differences in their interpretation and use and the need for clear and consistent messaging/communication. It was realised that the CoP required revision to account for the actual experience of not only staff in water resources, but also from communications and customer service sectors.

This version of the CoP has thus been developed using actual experience of implementing TUBs and lessons learned from the 2011–2012 drought. It has been informed by discussions with staff from Water UK, and from the water resources, legal and communication departments of water companies, the Environment Agency, and the Consumer Council for Water. Further to this, certain stakeholder organisations and industry groups were consulted to gain their views on the impact of the 2012 restrictions upon commercial customers (Appendix E). Discussions with the consultees centred on the potential impact that water use

restrictions could have upon that particular commercial industry or sector, the concerns of the industry/sector and the desired outcome.

The Code of Practice aims to provide a practical framework and body of information for water companies to inform the creation of Drought Plans and management of water use restrictions. In order to improve clarity, the responsibilities of each signatory water company are described in this document as **Four Principles** and **Five Actions**. In the event of any conflict between this Code and the relevant legislation, the legislation will take precedence. This revised Code of Practice also differentiates between statutory and discretionary exceptions. Alternative and different terminology has been used in the past to describe exceptions, such as exemptions and concessions for example, therefore this CoP uses only the word 'exception' to avoid any confusion.

### 1.3 Future development

Drought management and planning is an ongoing and evolving process. As a result of the 2011–2012 drought, a programme of activities was commenced by the water industry and the Environment Agency, to identify the 'lessons learned' and to incorporate them into current procedures. Communications with trade associations and customers is continuing to encourage and support large water users to develop their own Drought Plans so that contingency plans can minimise economic impacts when water use restrictions are implemented. Similarly, education programmes focused on water efficiency and water efficiency approaches are underway, to raise awareness of water resources all year round, not just in times of drought.

It is therefore recommended that the Code of Practice is revised, and updated periodically when there is a change in legislation, when water use restrictions have been implemented in a future drought, and when the outputs of ongoing aligned work and projects are available for inclusion.

### 1.4 Structure of this report

This report is structured as follows:

- **Section 2** presents the Code of Practice Principles and Actions; and
- **Section 3** provides additional information to support the actions developed following the 2011–2102 drought.

Useful information and legislative guidance is presented in the appendices to this document as follows:

- **Appendix A Summary of Drought Legislation.** This appendix provides a summary of Drought Legislation and the duties and powers of water companies with respect to water supply in times of drought are covered by relevant legislation. It includes tables that define the terms and statutory exceptions used in the Water Use (Temporary Bans) Order 2010 and the Drought Direction 2011.

- **Appendix B Planning for Drought.** This appendix summarises the steps involved in planning for drought; the roles and responsibilities of those involved in drought management, and Water Company Drought Plans.
- **Appendix C Example Notifications.** This appendix presents example or template notices for the different notifications that are required for TUBs and Drought Order restrictions.
- **Appendix D Drought Programme of Work.** This appendix presents a summary of the drought programme of work commissioned following the 2011–2012 drought, by the water industry and the regulator, to identify the ‘lessons learned’ and to incorporate them into current procedures.
- **Appendix E Feedback from Stakeholders.** This appendix presents a digest of the consultations undertaken with particular commercial customers and trade associations upon the potential impact of water use restrictions.
- **Appendix F Activities Covered by Water Use Restrictions.** This appendix provides guidance to water companies regarding the implementation of water use restrictions relevant to TUBs and to Ordinary Drought Orders. Restrictions under Emergency Drought Orders are not covered. The information from many available sources has been compiled into a series of figures for each water use activity that can be restricted.

## 2 The Code of Practice for Demand Restrictions

### 2.1 Context

This CoP sets good practice principles and actions for water companies in England and Wales to follow when they are evaluating whether and how water use restrictions will be implemented in their supply area in times of drought. Its objective is to ensure that the actions of water companies implementing restrictions are consistent and aligned as far as possible, so that customers can be confident that their interests have been considered when water use restrictions are implemented and they are not disadvantaged, or perceive a disadvantage, in comparison to customers in neighbouring water company areas.

The CoP should be used to inform the preparation and revision of water companies’ Drought Plans and implementation of water use restrictions. The consultation process for the preparation of Drought Plans provides the opportunity to customers, individuals and other stakeholders to comment on how a company plans to manage demand (including restrictions) and its supplies during periods of drought. This CoP does not replace that process.

This CoP has been endorsed by all water undertakers in England and Wales (see signatory sheet at the front of this document), but it is not legally binding. The CoP comprises Four Principles and Five Actions which are listed in Section 2.2 and Section 2.3 respectively. Table 1 lists the Actions, and shows how they fit under the Principles. Chapter 3 gives the rationale and supporting information for these Principles and Actions.

## 2.2 Principles

Previous iterations of the CoP achieved agreement from signatory water companies on the following four fundamental principles to drought management:

- **Principle 1: Ensure a consistent and transparent approach**
  - A water company will use an unbiased methodology and apply quality assurance processes to ensure that it has a consistent approach to evaluating whether and how water use restrictions will be implemented;
- **Principle 2: Ensure that water use restrictions are proportionate**
  - Water companies shall implement water use restrictions in a proportionate manner, by considering the balance between any impact on an individual or particular group of customers with the overall public interest;
- **Principle 3: Communicate clearly with customers and the wider public/users**
  - Water companies will clearly communicate their intentions to implement water use restrictions in an appropriate and timely manner to customers and their representatives, regulators and adjacent water companies. Water companies will give due consideration to any information provided by customers;
- **Principle 4: Consider representations in a fair way**
  - Any objections or representations to a water company that relate to its approach to implementing water use restrictions will be considered in a fair way.

## 2.3 Actions

Following the 2011–2012 drought experience, a number of actions have been developed in accordance with the four principles, to establish a common approach in terms of applying water use restrictions, by working together, and with the regulators, coordinating communications, promoting understanding of the drought situation, and good practice of water conservation and efficiency to customers. These actions have been developed from the experience of implementing TUBs and lessons learned from the 2011-2012 drought, collated during two industry workshops.

The actions are as follows.

- **Action 1: Companies, regulators and government to work together**
  - Where a drought affects more than one company in the same geographical area, the companies implementing restrictions will work together to act in a consistent approach for all affected customers; and
  - During restrictions, water companies, the regulators and Defra will work collaboratively and flexibly, in the best interests of customers.
- **Action 2: Coordinate communications**

- Where a drought affects more than one company, communications should be coordinated by a Drought Liaison Coordinator (from Water UK) to ensure consistent up-to-date messages and briefings are issued and to liaise with key stakeholders; and
- Where practicable, standard wording will be adopted for Notices to ensure essential core information is provided to minimise the risk for potential confusion.
- **Action 3: Adopt a common phased approach, considering socio-economic factors**
  - The potential economic and social costs upon business, communities and individuals will be considered when deciding when and how to implement restrictions;
  - Water restrictions will be implemented in a phased approach; and
  - TUBs are applied to domestic customers: there may be some exceptions for commercial customers who are undertaking certain services for domestic customers.
- **Action 4: Adopt a common approach to exceptions:**
  - Statutory exceptions defined in the legislation for a particular water use restriction are granted by all water companies;
  - Discretionary Universal Exceptions are offered by all water companies:
    - On the grounds of disability granted to those holding a Blue Badge<sup>1</sup>;
    - Customers using an approved drip or trickle irrigation system fitted with a PRV and timer;
    - Commercial customers that use hosepipes as part of their business for some TUB categories (e.g. hand car washing, window cleaning, graffiti removal).
  - Discretionary Concessional Exceptions are offered at the discretion of each water company on an individual basis. Customers must make representation to receive this exception.
- **Action 5 Promote understanding and good practice:**
  - Each water company should demonstrate the state of its water resources on its website, all year round, using an early warning system or other similar mechanism so that customers can understand the latest position and

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<sup>1</sup> Information on the Government's Blue Badge scheme can be found here (last accessed January 2013): <https://www.gov.uk/browse/driving/blue-badge-parking>

- Each company should provide information and advice on its website for customers wanting to find out about, and adopt, water efficient practices.

**Table 1 The Actions and their links with the original Principles of the *Code of Practice and Guidance On Water Use Restrictions***

Has relevance to this Principle	Is strongly aligned to this Principle	Original Principles			
		1 Ensuring a consistent and transparent approach	2 Ensuring that water use restrictions are proportionate	3 Communicating clearly with customers	4 Considering representations in a fair way
<b>Action</b>					
Companies, regulators and government to work together	Where a drought affects more than one company, the companies affected will work together as far as practical to align their approach for the benefit of all affected customers During restrictions, water companies, the regulators and Defra will work collaboratively and flexibly, in the best interests of customers				
Coordinated communications	Where a drought affects more than one company, communications should be coordinated by a Drought Liaison Coordinator (from Water UK) to ensure consistent up-to-date messages and briefings are issued, and to liaise with key stakeholders Standard wording will be considered for Notices to ensure essential core information provided to help reduce potential confusion				
Common phased approach considering socio-economic factors	The potential economic and social costs upon business, communities and individuals will be considered when deciding when and how to implement restrictions Water use restrictions will be implemented in a phased approach TUBs are applied to domestic customers: there may be some exceptions for commercial customers Certain exceptions to be granted by all water companies:				
Exceptions	<ul style="list-style-type: none"> <li>• Statutory Exceptions</li> <li>• Discretionary Universal Exceptions</li> </ul>				
	Discretionary Concessional Exceptions can be granted by individual water companies based on their local circumstances All Discretionary Exceptions should be granted on a time limited basis with regular review throughout the drought period				
Promote understanding and good practice	Each water company should clearly demonstrate the state of its water resources on its website so customers can be informed, all year round, using an early warning system or other similar mechanism				
	Companies should provide information and advice on its website for customers wanting to find out about, and adopt, water efficient practices				

### **3 Rationale and supporting information**

This chapter provides additional information to explain and support each Principle and Action.

#### **3.1 Principle 1: Ensure a consistent and transparent approach**

A water company will use an unbiased methodology and apply quality assurance processes to ensure that it has a consistent approach to evaluating whether and how water use restrictions will be implemented.

##### **3.1.1 Rationale**

When a company is updating its statutory drought plan or when it is implementing drought restrictions it will give due regard to the information and processes set out in this UKWIR report.

The company will clearly set out in its Drought Plan how it has applied the guidance and how it has reached its conclusions regarding whether and how to implement water use restrictions. It will apply its unbiased methodology and quality assurance processes in a uniform way when considering the impact of water use restrictions on each customer group.

It will do this when updating its Drought Plan and when it is implementing water use restrictions. It may consider an independent review of its methodology or processes to ensure that it has made a reasonable and consistent evaluation.

#### **3.2 Principle 2: Ensure that water use restrictions are proportionate**

Water companies shall implement water use restrictions in a proportionate manner, by considering the balance between any impact on an individual or particular group of customers with the overall the public interest.

##### **3.2.1 Rationale**

When a company is deciding whether and how to restrict any water use activity it will take into consideration:

- the nature and seriousness of the water supply situation;
- the water savings that will result from restricting the activity;
- the feedback from stakeholders included in the guidance document;
- whether it is most appropriate to introduce the restriction in a phased manner;
- whether it is most appropriate to restrict the activity at certain times;
- whether the restriction will result in a commercial impact;
- the health and safety and biosecurity implications of the restriction;

- whether the restriction will impact on vulnerable customers or groups; and
- whether it is appropriate to offer any discretionary concessional exceptions to any individual or group of customers.

### **3.2.2 Leakage control**

Leakage control activity should be viewed by water companies as an essential part of the overall management of the drought. Customers' perception of leakage control is critical to their view of water companies especially during times of drought. As customers are requested to adopt water efficiency practices, or face water use restrictions, they likewise expect water companies to adopt water efficient practices.

Therefore, water companies need to accelerate their usual leakage activities during periods of water use restrictions, and communicate clearly to customers that this is the case.

Areas in which water companies can accelerate or enhance their usual leakage detection and repair activities include:

- increase internal resources on Find & Fix activities;
- reduce the time taken to repair visible leaks once reported; and
- reduce pressure in areas with known leaks to minimise loss until leaks are fixed.

### **3.3 Principle 3: Communicating clearly with customers**

Water companies will communicate clearly their intentions to implement water use restrictions in an appropriate and timely manner to customers and their representatives, regulators and adjacent water companies. Water companies will give due consideration to any information provided by customers.

#### **3.3.1 Rationale**

When a company is updating its statutory Drought Plan it will, as a minimum, meet the legislative consultation requirements.

A company will seek to implement water use restrictions in accordance with its published Drought Plan. The water company will make the Drought Plan available to its customers.

When a company intends to implement water use restrictions it will, as a minimum, meet the legislative requirements for giving notice to its customers. It will also clearly set out the terms of any discretionary exceptions.

The water company will aim to use a number of media to communicate its intentions to implement water use restrictions. These should include but not be limited to the internet, newspapers, literature included with customers' bills and local radio stations.

The water company will aim to ensure that information provided to customers and the media is accurate, up to date and consistent.

Any communication with customers will be in plain English. Other languages may also be used depending on the characteristics of the water company's customer base.

Such communication with customers will be welcomed, according to CCW research<sup>2</sup>.

### **3.4 Principle 4: Considering representations in a fair way**

Any objections or representations to a water company that relate to its approach to implementing water use restrictions will be considered in a fair way.

#### **3.4.1 Rationale**

A water company will have in place an even-handed process for considering objections and representations from individuals or groups related to the implementation of drought restrictions.

Any complaints will be dealt with in accordance with the water company's complaints procedure.

### **3.5 Action 1: Companies, regulators and government to work together**

- Where a drought affects more than one company in the same geographical area, the companies implementing restrictions will work together to act in a consistent approach for all affected customers; and
- During restrictions, water companies, the regulators and Defra will work collaboratively and flexibly, in the best interests of customers.

#### **3.5.1 Rationale**

The 2011–2012 drought experience was extensive and affected a large area of the country and many customers. Water companies, the National Drought Group, Defra and the Environment Agency worked collaboratively and successfully in a new way. Such collaborative working enabled a consistent and clear message to be issued to customers through different

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<sup>2</sup> YouGov. 2013 Understanding drought and resilience (March 2013). Report by YouGov to CC Water. Available here: <http://www.ccwater.org.uk/upload/pdf/underdroughtandresilience.pdf> (last accessed October 2013). The conclusions indicate that customers are not widely engaged in the issue of drought and perceive it as something that rarely has impact on their lives. Currently, customers feel there is a lack of communication from water companies around drought, particularly around how they manage water resources. Better communication on drought is needed to widen perceptions of drought, explain the long-term planning activities of water companies, clarify the need for restrictions and how they are applied; and give advice on efficient water use that reflects the needs of different customer groups. Such communication will establish a more transparent relationship and enhance customer trust, which may encourage behavioural change.

media channels, which resulted in high levels of public understanding as evidenced by subsequent CCW research<sup>3</sup>.

Water UK's intent is to continue this strong collaboration, not only during drought but also between periods of drought, in order to raise the public's understanding of water resources, and the need to use water efficiently at all times.

The results highlight the need for transparent and early communication of the water resource situations, and the willingness of customers to accept a TUB if they understand the reasons behind it.

### 3.6 Action 2: Coordinate communications

- Where a drought affects more than one company, communications should be coordinated by a Drought Liaison Coordinator (from Water UK) to ensure consistent up-to-date messages and briefings are issued and to liaise with key stakeholders; and
- Where practicable, standard wording will be adopted for Notices to ensure essential core information is provided to minimise the risk for potential confusion.

#### 3.6.1 Rationale

The experience from 2011 and 2012 has shown that for droughts covering more than one water company area, there were numerous benefits for a single Drought Liaison Coordinator acting as an industry spokesperson. Water UK will therefore provide a coordinator who will represent the interest of the industry as a whole. Figure 1 shows the role of this coordinator in liaising with the different interest groups during a period of drought management.

In the early stages of the 2011–2012 drought water companies largely carried the duty of explaining the role of drought planning and how water use restrictions were part of a legislated procedure for managing water resources, and when and how the TUB restrictions would be applied to their customers.

Some differences in interpretation and proposed implementation by companies came to light when companies advertised proposed restrictions. A review of the different notices used by water companies has led to the provision of possible template notices (see Appendix C) for advertising the start and end of water use restrictions. These templates contain relevant standard words, which companies may wish to use in order to achieve consistency across all water companies where practicable. Companies also have space to add their specific requirements if necessary. However it should be borne in mind that the actual management

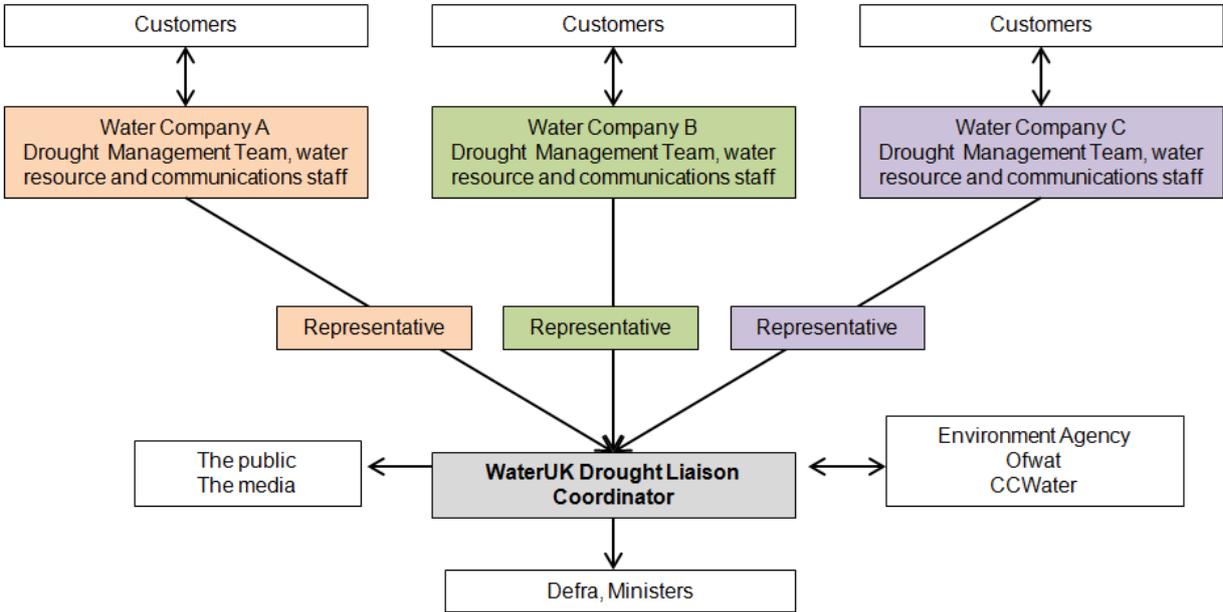
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<sup>3</sup> Gavin Ellison, G. 2012 [Research into restrictions on the use of water \(June 2012\)](http://www.ccwater.org.uk/upload/pdf/Hosepipe_Ban_Final.pdf). Report by YouGov to CC Water. Available here: [http://www.ccwater.org.uk/upload/pdf/Hosepipe\\_Ban\\_Final.pdf](http://www.ccwater.org.uk/upload/pdf/Hosepipe_Ban_Final.pdf) (last accessed October 2013). Page 19 shows that of the people surveyed, 94% had heard of the water use restrictions. "The vast majority (80%) heard about the recent hosepipe bans from TV news and of those that did 74% feel it was clear and 73% a source of trusted advice." Radio and internet was also popular and trusted sources of information; "just under half (46%) heard about the recent bans from the national newspapers but only around half regard it as clear and trusted."

of the drought is a matter for each company in the light of prevailing circumstances and taking into account the representations of affected water users where provided by relevant legislation.

The differences between companies with regard to definitions and exceptions also caused confusion.

Feedback from consultations with commercial customers (Appendix E) has highlighted the importance of liaising with and briefing a wide range of stakeholders throughout the drought. This also proved valuable in achieving a broad range of understanding and support and, in doing so, the reinforcement of messages by stakeholders to consumers and the media. The role of the Water UK coordinator is therefore key to this process.



**Figure 1 The role of a Drought Liaison Coordinator during droughts that cover more than one water company area**

**3.6.2 Advertising water use restrictions**

Specific requirements regarding advertising for TUBs and Drought Orders are set out in the WIA 1991 and WRA 1991 respectively.

Under the legislation set out in section 76B(5) of the WIA 1991 (as introduced by the FWMA 2010) all relevant notifications (relating to TUBs) must be published on the company’s website and in two newspapers circulating in the area to which it is to apply. In addition, the lifting, including partial lifting, of any restrictions will also have to be notified in the same way, although the lifting of restrictions may take effect as soon as one of the notices is given.

Companies need to ensure good geographical coverage of notifications and should advertise in such a way that maximises the proportion of customers reached. Companies should also consider additional methods to alert customers, such as television features, billboards/hoardings, text messaging, emails or local radio in order to reach a larger audience.

### **3.6.3 The Notification of TUB restrictions**

A review of the published notices used by water companies implementing restrictions in 2012 has been undertaken in order to derive a recommended standard wording to alert customers of the water use restrictions that are to be implemented.

An example or template for a standard notice is provided in Appendix C, and adheres to the exceptions discussed in Section 3.8. Before it can be used, it needs to be tailored to the circumstances affecting the relevant water company.

It is recommended that in addition to text presented on a website, or in printed material (newspapers), all companies should produce a short formal notice in pdf format that is available from their website for download by customers.

In addition each company has the option to include additional information on its website, with appropriate explanatory text where required. Suggested topics are presented in Appendix C.

#### Notification of Drought Order restrictions

A review of the published notices used by water companies implementing restrictions in 2006 has been undertaken in order to derive a recommended standard wording to alert customers of the Ordinary Drought Order water restrictions that are to be implemented.

A template for a standard notice is provided in Appendix C. The template adheres to the exceptions discussed in Section 3.8. Before it can be used, it needs to be tailored to the circumstances affecting the relevant water company.

It is recommended that in addition to text presented on a website, or in printed material (newspapers), all companies should produce a short formal notice in pdf format that is available from their website for download by customers.

In addition each company has the option to include additional information on its website, with appropriate explanatory text where required.

### **3.6.4 Revocation of restrictions**

During 2012, some companies published revocation in the form of discursive website news items; some produced short formal notices available in pdf format (also available from website).

There is a statutory requirement to give notice of revocation in two newspapers circulating in the relevant area as well as the company's website. It is recommended that in addition to text presented on a website, or in printed material, all companies should produce a short formal notice in pdf format that is available from their website for download by customers. An example or template for a standard notice is provided in Appendix C.

In addition, each company has the option to include additional information on its website, with appropriate explanatory text where required. Suggested topics to include are presented in Appendix C.

### **3.7 Action 3: Adopt a common phased approach, considering socio-economic factors**

- The potential economic and social costs upon business, communities and individuals will be considered when deciding when and how to implement restrictions;
- Water restrictions will be implemented in a phased approach; and
- TUBs are applied to domestic customers. There may be some exceptions for commercial customers which are undertaking certain services for domestic customers.

#### **3.7.1 Rationale**

Restricting water use has the potential to impose economic and social costs upon society and individuals. Therefore, it is important to acknowledge the socio-economic implications of restricting water use, and to factor this into the way in which restrictions are rolled out.

Currently water companies do adopt phasing but differ on the number of phases or steps and what each one entails. Implementing phasing is good practice as it allows companies to engage customers, implement restrictions gradually and thereby minimise disruption to customers. However in a drought that affects multiple water companies, different companies operating different phasing can lead to customer confusion and complaints.

Water UK supports the process whereby all companies adopt a common approach to water use restrictions following a number of Phases as outlined in Table 2 and Figure 2. These Phases allow changes to be implemented incrementally, minimising social-economic implications as much as possible, and reflecting likely water savings. To minimise the economic impact of restricting water use, and also to clarify exceptions (see Section 3.8), domestic customers should be subject to water use restrictions before commercial customers or businesses that require water in their day to day operations. This policy also means that representations from industry groups will not occur at this stage, allowing time for companies to address applications for exceptions from domestic customers.

#### **3.7.2 Sequence of Phasing**

The wider range of powers that is now available for TUBs mean that water companies need to give careful consideration to the phasing of demand restrictions.

Different levels of drought will be triggered at different times according to each water company's water resource threshold; companies can decide to implement restrictions in a staged fashion according to local conditions rather than apply them all at once.

Figure 2 illustrates the recommended sequence of Phasing for the implementation of water use restrictions. Phasing starts with companies requesting their customers to adopt voluntary measures such as not using sprinklers or unattended hoses, and progresses through the implementation of TUBs and Drought Order restrictions.

Water companies are expected by the regulators and government to apply their powers as fully as appropriate to local and individual circumstances before seeking additional restrictions. This means that it is expected that water companies implement TUBs as a demand side measure before an Ordinary Drought Order application is made. Therefore all water companies implement TUBs before Drought Orders.

### **3.7.3 European Convention on Human Rights**

Implementing water use restrictions to commercial companies later in the drought, and excepting them from early restrictions, is set into context against the European Convention on Human Rights<sup>4</sup>. In summary, this convention requires a fair balance to be struck between the rights of the individual and interests of society. This is relevant as an objection was made on these grounds during the 2006 drought. The Inspector examining the 2006 drought order applications made by Mid Kent Water and Southern Water, made the following key points:

- If the savings associated with a prohibited activity are small and the impact on the business high then it would not be proportionate (fair) to implement the restriction at an early stage of a drought; and
- In developing a business reliant on water, a realistic assessment of the availability of this raw material, taking account periods of drought, must be made.

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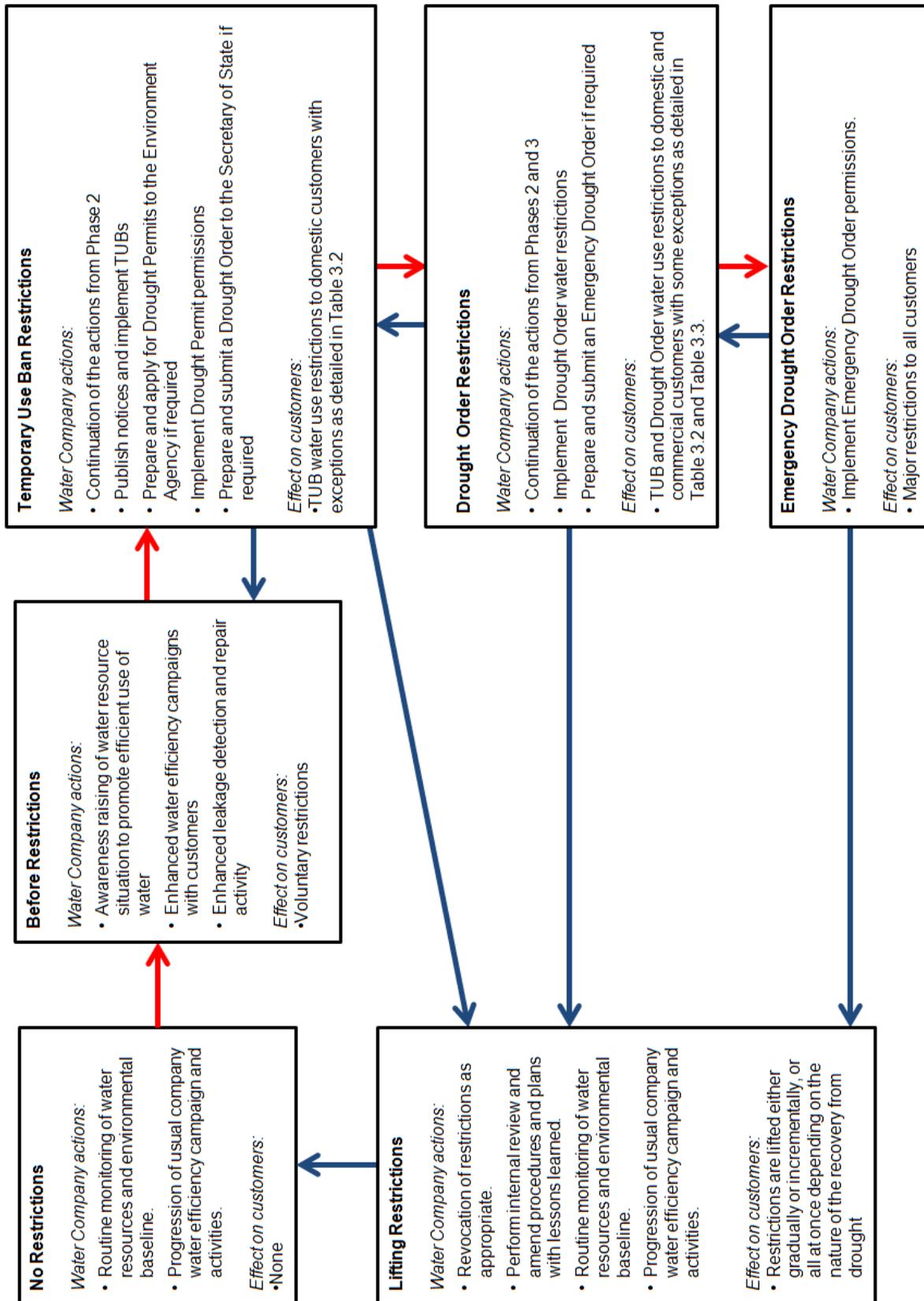
<sup>4</sup> The European Convention on Human Rights, Protocol 1, Article 1

**Table 2 A common phased approach to water use restrictions**

The Restrictions	Notes	Summary of exceptions
<b>No restrictions</b>	No restrictions implemented	None required
<b>Before restrictions</b>	Voluntary restraint requested	None required
<b>Temporary Use Bans</b>	<p>Section 76(2) of the WIA 1991, as amended by section 36 of the FWMA 2010, states the following 11 uses of water can be restricted:</p> <ol style="list-style-type: none"> <li>1. Watering a garden using a hosepipe;</li> <li>2. Cleaning a private motor-vehicle using a hosepipe;</li> <li>3. Watering plants on domestic or other non-commercial premises using a hosepipe;</li> <li>4. Cleaning a private leisure boat using a hosepipe;</li> <li>5. Filling or maintaining a domestic swimming or paddling pool;</li> <li>6. Drawing water, using a hosepipe, for domestic recreational use;</li> <li>7. Filling or maintaining a domestic pond using a hosepipe;</li> <li>8. Filling or maintaining an ornamental fountain;</li> <li>9. Cleaning walls, or windows, of domestic premises using a hosepipe;</li> <li>10. Cleaning paths or patios using a hosepipe; and</li> <li>11. Cleaning other artificial outdoor surfaces using a hosepipe.</li> </ol>	<p><b>Statutory Exceptions</b> are common to all water companies.  <b>Discretionary Universal Exceptions</b> are common to all water companies and relate to:</p> <ul style="list-style-type: none"> <li>• Blue Badge Holders (<i>NB not for all uses</i>)</li> <li>• Customers using an approved drip or trickle irrigation system fitted with a PRV and timer systems</li> <li>• Commercial customers that use hoses/pipes as part of their business for some TUB categories, e.g. hand car washing, window cleaning, graffiti removal).</li> </ul> <p><b>Discretionary Concessional Exceptions</b> can be granted by individual water companies.</p>
<b>Drought Order Restrictions</b>	<p>The Drought Direction 2011 defines the range of 10 water use activities that may be prohibited with the successful application of a Drought Order:</p> <ol style="list-style-type: none"> <li>1. Watering outdoor plants on commercial premises;</li> <li>2. Filling or maintaining a non-domestic swimming or paddling pool;</li> <li>3. Filling or maintaining a pond;</li> <li>4. Operating a mechanical vehicle-washer;</li> <li>5. Cleaning any vehicle, boat, aircraft or railway rolling stock;</li> <li>6. Cleaning non-domestic premises;</li> <li>7. Cleaning a window of a non-domestic building;</li> <li>8. Cleaning industrial plant;</li> <li>9. Suppressing dust; and</li> <li>10. Operating a cistern in any building that is unoccupied and closed.</li> </ol> <p>Implement Emergency Drought Order permissions. These are the same as ordinary drought orders but with additional powers.</p>	<p><b>Statutory Exceptions</b> are common to all water companies.  <b>Discretionary Universal Exceptions</b> relate to:</p> <ul style="list-style-type: none"> <li>• Blue Badge Holders (<i>NB not for all activities</i>)</li> </ul> <p>The Discretionary Concessional Exceptions in Phase 3 may be rescinded.</p>
<b>Emergency Drought Order</b>	All restrictions are lifted	Major restrictions on customers.
<b>Lifting restrictions</b>	All restrictions are lifted	None required

**Figure 2 Sequence of actions and effects at different Drought Phases**

Note: the red arrows indicate worsening drought conditions; the blue arrows indicate ameliorating drought conditions.



### 3.8 Action 4: Adopt a common approach to TUB and Drought Order exceptions

- Statutory exceptions defined in the legislation for a particular water use restriction are granted by all water companies;
- Discretionary Universal Exceptions are offered by all water companies:
  - On the grounds of disability granted to those holding a Blue Badge<sup>5</sup>;
  - Customers using an approved drip or trickle irrigation system fitted with a PRV and timer systems; and
  - Commercial customers that use hosepipes as part of their business for some TUB categories (e.g. hand car washing, window cleaning, graffiti removal).
- Discretionary Concessional Exceptions are offered at the discretion of each water company on an individual basis.

#### 3.8.1 Terminology

Tables A.1 to A.3 in Appendix A present pertinent information for the understanding of TUB, including the definition of terms and Statutory Exceptions noted in the legislation.

This Code of Practice report uses terminology that complies with the use of ‘exception’ in the legislation:

- Statutory Exception: these are activities/water uses specified in the legislation that are exempt from TUB restrictions; and
- Discretionary Exceptions: these are activities/water uses not covered by a statutory exception but the water companies can grant the use of a hosepipe under certain circumstances.

Discretionary exceptions can be split into two different categories:

- ‘Universal’ – these exceptions offered by all companies signing the Drought CoP. Such exceptions do not require customers to write or make representation to the water company to obtain permission; and
- ‘Other – i.e. concessions’ – these are exceptions which individual water companies may like to offer its customers depending on its particular circumstances. These exceptions do require customers to write or make representation to the water company to obtain permission.

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<sup>5</sup> Information on the Government’s Blue Badge scheme can be found here (last accessed January 2013): <https://www.gov.uk/browse/driving/blue-badge-parking>

Therefore, this Code of Practice uses the following terminology when referring to the different types of exceptions:

- **Statutory Exceptions:** these are activities/water uses specified in the legislation which are exempt from TUB restrictions and for which customers do not need to make representation to obtain permission;
- **Discretionary Universal Exceptions:** these are activities /water uses not covered by a statutory exception but for which signatories to the Drought CoP have agreed to grant an exception for which customers do not need to make representation to obtain permission; and
- **Discretionary Concessional Exceptions:** these are activities/water uses not covered by a statutory exception, but for which an individual water company offers an exception for which customers must first make representation to obtain permission.

### 3.8.2 Rationale

Further to the statutory exceptions, there is consensus among water companies that certain groups and activities should be exempt from water use restrictions. There was general agreement over the nature of exceptions that should be applied during the 2011–2012 drought experience, and this CoP builds on this agreement to ensure consistency across all water companies.

Customers affected by mobility issues, and who are recognised as such by registration with the Blue Badge holder scheme, will be covered by a Discretionary Universal Exception throughout the drought.

Discretionary Concessional Exceptions can be offered at the discretion of each water company on an individual basis, and should be reviewed regularly as the drought progresses. For example, water companies may like to offer a Discretionary Concessional Exception to those on its Vulnerable Customer List, who have mobility issues but who are not in possession of a Blue Badge. In order to obtain a Discretionary Concessional Exception that is being offered by the water company, individual customers must apply to the water company to demonstrate that they meet the rules or terms of conditions. The water company can then decide whether or not to grant permission to that individual to use water without the restriction.

Any discretionary exceptions granted to individuals should be granted on a time basis, where practicable, with regular review. This is to highlight the fact that they may be rescinded should the situation require the implementation of a Drought Order. If a water company decides to rescind a discretionary exception that has been granted, then this means that the permission to use the water has been removed, and customers are subject to the water use restrictions.

Table 3 lists the Statutory Exceptions, Discretionary Universal Exceptions and the Discretionary Concessional Exceptions appropriate for TUB restrictions, recommended from the experience of the 2012 restrictions.

Table 4 lists the Statutory Exceptions, Discretionary Universal Exceptions and the Discretionary Concessional Exceptions appropriate for each Drought Order category.

**Table 3 TUB Exceptions**

TUB Category	Statutory Exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)	Note
1) Watering a garden using a hosepipe	Using a hosepipe to water a garden for health or safety reasons. NB In this category, the definition of “a garden” includes “an area of grass used for sport or recreation”. Therefore it should be noted that watering areas of grass, which are used for sport or recreation, is covered by a Statutory Exception for health & safety <b>only</b> in relation to the active strip/playing area, not the entire ground.	<ul style="list-style-type: none"> <li>To Blue Badge holders on the grounds of disability</li> <li>Use of an approved drip or trickle irrigation system fitted with a pressure reducing valve (PRV) and timer</li> </ul>	<ul style="list-style-type: none"> <li>To customers on the company’s Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</li> <li>To water newly bought plants for first 14 days</li> <li>To water food crops at domestic premises or private allotments</li> <li>To water newly laid turf for first 28 days</li> </ul>	The whole of the sports pitch can still be watered using other methods. Some companies may wish to grant a Discretionary Concessional Exception to allow the use of a hosepipe to water other grassed areas used for sport where there is no health and safety risk
2) Cleaning a private motor-vehicle using a hosepipe	A “private motor-vehicle” does not include (1) a public service vehicle, as defined in section 1 of the Public Passenger Vehicles Act 1981 (c), and (2) a goods vehicle, as defined in section 192 of the Road Traffic Act 1988(d)	<ul style="list-style-type: none"> <li>To Blue Badge holders on the grounds of disability</li> <li>Use of a hosepipe in the course of a business to clean private motor vehicles where this is done as a service to customers</li> </ul>	<ul style="list-style-type: none"> <li>To customers on the company’s Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</li> <li>Use of specific low water use apparatus, such as pressure washers</li> </ul>	Taxis and minicabs are not considered to be public service vehicles and so are subject to bans <sup>1</sup> .
3) Watering plants on domestic or other non-commercial premises using a hosepipe	Does not include 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.	<ul style="list-style-type: none"> <li>To Blue Badge holders on the grounds of disability</li> <li>Use of an approved drip or trickle irrigation system fitted with a PRV and timer</li> </ul>	<ul style="list-style-type: none"> <li>To customers on the company’s Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</li> <li>To water newly-bought plants for first 14 days</li> <li>To water newly laid turf for first 28 days</li> </ul>	The water restriction does not apply to the watering of plants that are grown or kept for sale or commercial use by horticultural businesses e.g. plant nurseries etc.
4) Cleaning a private leisure boat using a hosepipe	(1) cleaning any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls. (2) Using a hosepipe to clean a private leisure boat for health or safety reasons	<ul style="list-style-type: none"> <li>Commercial cleaning</li> <li>Vessels of primary residence</li> <li>Cases where fouling is causing increased fuel consumption</li> <li>Engines designed to be cleaned with a hosepipe.</li> </ul>	<ul style="list-style-type: none"> <li>To remove graffiti</li> <li>To prevent or control the spread of non-native and/or invasive species</li> </ul>	

<sup>1</sup>The position that taxis are not classed as public service vehicles is as follows. The current legislation (Section 76(2)(b) of the Water Industry Act 1991) allows TUB restrictions to be imposed on “private motor vehicles”. The definition of a private motor vehicle in the Water Use (Temporary Bans) Order 2010 (Regulation 5) excludes public service vehicles as defined by Section 1 of the Public Passenger Vehicles Act 1981. This definition includes vehicles not adapted to carry more than eight passengers and “used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.” Each element of this definition must be satisfied. In other words, it must be a vehicle which: is not adapted to carry more than eight passengers; ... used for carrying passengers for hire or reward; ... at separate fares; ... in the course of a business. In the case of taxis, elements 1, 2 and 4 are satisfied, but (usually) not 3. A taxi, unlike a bus, does not (usually) carry passengers at separate fares. There is a fare for the journey undertaken rather than separate fares for each passenger in the vehicle. Further, in the DfT document (dated November 2011) Public Service Vehicle Operator Licensing Guide for Operators, there is a statement that “separate fares mean an individual payment by each passenger to the driver, conductor or agent of the operator for the journey undertaken” This is not how taxis operate, so they therefore fall within the definition of private motor vehicle in the WIA. Taxis will be licensed by the local authority, but is clear from the DfT guidance that if they don’t carry passengers at separate fares, they do not require a PSV licence, because they are not PSVs as defined.

**Table 3 TUB Exceptions (cont.)**

TUB Category	Statutory Exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)	Note
5) Filling or maintaining a domestic swimming or paddling pool	<p>(1) filling or maintaining a pool where necessary in the course of its construction</p> <p>(2) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap</p> <p>(3) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment</p> <p>(4) filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease</p> <p>(5) filling or maintaining a pool used in the course of a programme of veterinary treatment</p> <p>(6) filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity</p>	None	<ul style="list-style-type: none"> <li>• Pools with covers used to minimise evaporative losses when not in use</li> <li>• Pools with water conservation and/or recycling systems approved by the water company</li> <li>• Paddling pools at early stages of a drought</li> <li>• Pools that are subject to significant repair and renovation</li> <li>• Filling new pools</li> </ul>	<ul style="list-style-type: none"> <li>• Hot tubs are not classed as pools</li> <li>• Pools with religious significance are not domestic pools</li> <li>• Pools used by school pupils for swimming lessons should be excluded: they are covered by Drought Order legislation</li> </ul>
6) Drawing water, using a hosepipe, for domestic recreational use	None	None	<ul style="list-style-type: none"> <li>• Pools with covers used to minimise evaporative losses when not in use</li> <li>• Pools with water conservation and/or recycling systems approved by the water company</li> </ul>	
7) Filling or maintaining a domestic pond using a hosepipe	Filling or maintaining a domestic pond in which fish or other aquatic animals are being reared or kept in captivity	<ul style="list-style-type: none"> <li>• Blue Badge holders on the grounds of disability</li> </ul>	<ul style="list-style-type: none"> <li>• To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</li> </ul>	<ul style="list-style-type: none"> <li>• Filling and topping up of a pond by fixed and buried pipes is not restricted</li> </ul>
8) Filling or maintaining an ornamental fountain	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	None	<ul style="list-style-type: none"> <li>• To operate water features with religious significance</li> </ul>	

**Table 3 TUB Exceptions (cont.)**

TUB Category	Statutory Exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)	Note
9) Cleaning walls, or windows, of domestic premises using a hosepipe	Using a hosepipe to clean the walls or windows of domestic premises for health or safety reasons	<ul style="list-style-type: none"> <li>To Blue Badge holders on the grounds of disability</li> <li>Commercial cleaning</li> </ul>	<ul style="list-style-type: none"> <li>To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</li> <li>For the removal of graffiti</li> <li>Where very low water use technologies are employed and approved by the water company</li> </ul>	<ul style="list-style-type: none"> <li>The use of water-fed poles for window cleaning at height is permitted under the H&amp;S statutory exception</li> <li>The restrictions do not apply where the cleaning apparatus is not connected to mains supply</li> </ul>
10) Cleaning paths or patios using a hosepipe	Using a hosepipe to clean paths or patios for health or safety reasons	<ul style="list-style-type: none"> <li>To Blue Badge holders on the grounds of disability</li> <li>Commercial cleaning</li> </ul>	<ul style="list-style-type: none"> <li>To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</li> <li>For the removal of graffiti</li> <li>Where very low water use technologies are employed and approved by the water company</li> </ul>	
11) Cleaning other artificial outdoor surfaces using a hosepipe	Using a hosepipe to clean an artificial outdoor surface for health or safety reasons	<ul style="list-style-type: none"> <li>To Blue Badge holders on the grounds of disability</li> <li>Commercial cleaning</li> </ul>	<ul style="list-style-type: none"> <li>To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</li> <li>For the removal of graffiti</li> <li>Where very low water use technologies are employed and approved by the water company</li> </ul>	<ul style="list-style-type: none"> <li>The use of water-fed poles for window cleaning at height is permitted under the H&amp;S statutory exception</li> <li>The restrictions do not apply where the cleaning apparatus is not connected to mains supply</li> </ul>

**Table 4 Drought Order Exceptions**

Drought Order Purpose of Use	Statutory Exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)
<p>Purpose 1: watering outdoor plants on commercial premises</p>	<p>The purpose specified does not include watering plants that are:                      (a) grown or kept for sale or commercial use; or                      (b) part of a National Plant Collection or temporary garden or flower display</p>	<p>None</p>	<ul style="list-style-type: none"> <li>• Use of an approved drip or trickle irrigation system fitted with a PRV and timer</li> <li>• Watering newly-bought plants</li> </ul>
<p>Purpose 2: filling or maintaining a non-domestic swimming or paddling pool</p>	<p>The purpose does not include:                      (a) filling or maintaining a pool that is open to the public;                      (b) filling or maintaining a pool where necessary in the course of its construction;                      (c) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap;                      (d) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment;                      (e) filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease;                      (f) filling or maintaining a pool that is used in the course of a programme of veterinary treatment;                      (g) filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity;                      (h) filling or maintaining a pool that is for use by pupils of a school for school swimming lessons.                      Note that a pool is not open to the public if it may only be used by paying members of an affiliated club or organisation.</p>	<p>None</p>	<ul style="list-style-type: none"> <li>• Swimming pools serving industrial training if considered justified</li> <li>• Swimming pools with covers;</li> <li>• Pools with religious significance;</li> <li>• Pools fitted with approved water conservation or recycling systems</li> <li>• Pools that are subject to significant repair and renovation</li> </ul>
<p>Purpose 3: filling or maintaining a pond</p>	<p>The purpose does not include:                      (a) filling or maintaining a pond in which fish or other aquatic animals are being reared or kept in captivity                      (b) filling or maintaining a pond using a hand-held container which is filled with water drawn directly from a tap</p>	<p>To Blue Badge holders on the grounds of disability</p>	<p>To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge</p>
<p>Purpose 4: operating a mechanical vehicle-washer</p>	<p>Operating a mechanical vehicle-washer for health or safety reasons</p>	<p>None</p>	<ul style="list-style-type: none"> <li>• Washers which recycle water and thus use less than 23 litres per wash</li> <li>• On biosecurity grounds</li> </ul>

**Table 4 Drought Order Exceptions (cont.)**

Drought Order Purpose of Use	Statutory Exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)
Purpose 5: cleaning any vehicle, boat, aircraft or railway rolling stock	Cleaning any vehicle, boat, aircraft or railway rolling stock for health or safety reasons	None	<ul style="list-style-type: none"> <li>• Low water use technologies</li> <li>• Small businesses whose sole operations are cleaning of vehicles using hoses</li> <li>• Those using vessels as a primary residence</li> <li>• Cases where fouling of hulls causes increased fuel consumption</li> <li>• Removal of graffiti</li> <li>• To prevent or control the spread of non-native and/or invasive species</li> </ul>
Purpose 6: cleaning non-domestic premises	Cleaning of any exterior part of a non-domestic building or a non-domestic wall for health or safety reasons	None	<ul style="list-style-type: none"> <li>• Small businesses whose sole operations are cleaning of non-domestic buildings using hoses;</li> <li>• Low water use technologies</li> <li>• Removal of graffiti</li> </ul>
Purpose 7: cleaning a window of a non-domestic building	Cleaning a window of a non-domestic building using a hosepipe for health or safety reasons	None	<ul style="list-style-type: none"> <li>• Small businesses whose sole operations are cleaning of non-domestic buildings using hoses</li> </ul>
Purpose 8: cleaning industrial plant	Cleaning industrial plant using a hosepipe for health or safety reasons	None	<ul style="list-style-type: none"> <li>• For the removal of graffiti</li> </ul>
Purpose 9: suppressing dust	Suppressing dust using a hosepipe other for health or safety reasons	None	None
Purpose 10: operating cisterns (in unoccupied buildings)	None	None	None

### 3.9 Action 5 Promote understanding and good practice

- Each water company should demonstrate the state of its water resources on its website, all year round, using an early warning system or other similar mechanism so that customers can keep themselves informed; and
- Companies should provide information and advice on their websites for customers wanting to find out about, and adopt, water efficient practices.

#### 3.9.1 Rationale

The collaborative approach undertaken during the 2012 water use restrictions enabled a strong communications programme to be delivered through different media channels. Research by the Consumer Council for Water and by the Environment Agency indicates that information sharing, and joined up communications on water resource issues should occur all year round. In this way, meaningful discussions with both domestic and commercial customers about water use and efficiency can be held at all times, not just during periods of shortages.

It is important that companies demonstrate the extent to which they are becoming water efficient themselves, particularly with regards to leakage reduction which customers often cite as a barrier to them doing more to save water. When restrictions have been imposed many customers would expect to see an enhanced level of leakage activity, and particularly the rapid repair of visible leaks. Water companies need to demonstrate good corporate citizenship to maximise the chance of customers fully cooperating to reduce their water use 'for the common good'.

In this way, not only will public awareness be raised on the natural water cycle and wet and dry periods, but also the way in which water resources are managed according to current legislation and regulations.

#### 3.10 Feedback from stakeholders

In order to collate an evidence base of the impact of the 2012 restrictions upon commercial customer, certain stakeholder organisations and industry groups were consulted to gain their views. Discussions with the consultees centred on the potential impact that water use restrictions could have upon that particular commercial industry or sector, the concerns of the industry/sector and the desired outcome.

The responses included the following general themes:

- Advance notice maybe in the form of an Early Warning System or other clear communications channels, is needed so customers are aware that water companies are starting to think about the possibility of issuing TUBs. Early dialogue will enable contingency planning by customers, minimising financial losses incurred. Clear consistent communication with water companies, is greatly welcomed in the lead up to a drought;

- Businesses should not be affected during TUBs in the initial phases of a drought situation: water companies should work with industry to understand how to help businesses to survive, especially during these challenging economic times;
- Water companies should clarify the position on exceptions, the exact wording and any conditions with affected commercial customer groups/large water users (including sports ground management and local authorities) in advance of drought situations so that the position can be communicated to all relevant customers;
- There should be an agreed consistent application of restrictions, exceptions and wording across all water companies, wherever possible; and
- During restrictions, the proactive communication as established in 2012 with Water UK and Richard Aylard (of Thames Water) should be rolled out again.

Appendix E presents more information on the consultation undertaken, and the responses from individual stakeholders, together with the suggestive recommendations for future management of water use restrictions.

## 4 Appendices

The following appendices are presented:

- **Appendix A** Summary of Drought Legislation
- **Appendix B** Planning for Drought
- **Appendix C** Example Notifications
- **Appendix D** Drought Programme of Work
- **Appendix E** Feedback from Stakeholders
- **Appendix F** Activities Covered by Water Use Restrictions

## **Appendix A Summary of Drought Legislation**

### **A.1 Overview**

Water companies' duties and powers with respect to water supply in times of drought are covered by relevant legislation. In the event of any conflict between this Code and the relevant legislation, the legislation will take precedence.

Every water undertaker (including smaller water companies and new appointees) in England and Wales has a duty to prepare and maintain a Drought Plan under Sections 39B and 39C of the Water Industry Act 1991, as amended by the Water Act 2003 and clarified in the Drought Plan Direction 2011.

Water companies must prepare and submit an updated draft Plan to the Secretary of State no later than 3 years and 6 months after publication of their previous final Plan (s6(b)(iii) of the Drought Plan Direction 2011).

The Water Industry Act 1991 defines Drought Plans as 'a plan for how the water undertaker will continue, during a period of drought, to discharge its duties to supply adequate quantities of wholesome water, with as little recourse as reasonably possible to drought orders or drought permits'. A Drought Plan should set out the short-term operational steps a company will take before, during and after a drought. These are not strategic but are operational plans that detail the required actions if a drought was to occur under present circumstances. Drought Plans should show how a company would operate in a range of droughts, and identify all possible drought permits and drought orders that may be required, and present enough information to customers and partners to show what decision making processes a company will likely make in a drought event.

Whilst the legislation gives water companies the power to implement water use restrictions, the implementation of this power is at the discretion of each undertaker. This Code of Practice proposes a common approach that builds upon recent lessons learned in managing drought, in order to set out a consistent, fair and understood approach for the future management of water use restrictions.

It should be noted that water company Drought Plans are developed in the context of the long-term planning approach of the Water Resources Management Plan (WRMP). Under sections 37A to 37D of the Water Industry Act 1991, (as amended by the Water Act of 2003), water companies in England and Wales are required to produce a WRMP every five years, which identifies how to maintain the balance between supply and demand for water over the next 25 years. Companies need to ensure that information in their Drought Plan is consistent with their most recent WRMP and vice versa.

### **A.2 Current legislation**

Water companies have a duty to supply customers with an adequate quantity and quality of water as set out in the Water Industry Act 1991 (WIA 1991).

The WIA 1991 distinguishes between domestic and non-domestic purposes. Domestic purposes include the use of water for drinking, washing, cooking, central heating and for sanitary purposes, as well as the exterior uses related to washing vehicles and watering gardens<sup>6</sup>. Under Section 54 of the WIA 1991 the domestic supply duty is owed to the consumer. A water company's domestic supply duty does not extend to providing supplies for domestic use that do not fall within the definition of domestic purposes, whether drawn from a hosepipe or through other means. In practice, though, water companies aim to meet all domestic demands whenever they are able<sup>7</sup>.

Duties to supply water extend to times of drought but at such times water companies have available to them additional options to control demand. These range from increased communication with customers to formal restrictions set out in primary legislation. Formal demand management options available to water companies during times of drought are set out in the following primary legislation:

- Water Industry Act 1991, as amended by section 36 of the Flood and Water Management Act 2010 (FWMA 2010); and
- Water Resources Act 1991 (WRA 1991).

At a high level, the usual sequence of formal demand management measures is:

- Temporary Use Ban (formerly hosepipe ban);
- Drought Order; then
- Emergency Drought Order.

Emergency drought orders have not been put in place in the UK since 1976. During the 2004–2006 drought and the development of water companies Drought Plans, the health issues associated with reducing pressures and stopping supplies were highlighted. Some companies consider that emergency drought orders are no longer acceptable to society. Others plan for them at a frequency of 1 in 100 years or less. They are not the subject of this review and guidance document.

In the first round of statutory Drought Plans, companies estimated the magnitude of savings that might be achieved through implementation of the powers that were available at the time, prior to the introduction of the FWMA 2010, the Water Use (Temporary Bans) Order 2010, and the Drought Direction 2011. Table A.1 links the formal demand management measures to the relevant current legislation.

Further information relating to applications for drought orders and emergency drought orders is set out in guidance from Defra and the Environment Agency<sup>8</sup>.

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<sup>6</sup> WIA 1991 Section 218

<sup>7</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007.

<sup>8</sup> Drought orders and drought permits, Information from the Department for the Environment, Food and Rural Affairs, Welsh Assembly Government and the Environment Agency, July 2005.

In addition to the demand side interventions discussed here, companies can also apply for drought permits and drought orders that maintain or increase supplies. Drought permit applications are made to the Environment Agency and drought order applications to the Secretary of State.

**Table A.1 – Legislation governing formal water use restrictions**

Demand management measure	Legislation	Sections	Supplementary statutory instrument
Temporary ban on water use	WIA 1991	76 (as amended by section 36 of the FWMA 2010)	The Water Use (Temporary Bans) Order 2010
Ordinary Drought Order	WRA 1991	73–81 and Schedules 8 and 9	Drought Direction 2011
Emergency drought order	WRA 1991	73–81 and Schedules 8 and 9	None

### **A.2.1 Enforcement**

The WIA 1991 and WRA 1991 provide for enforcement of Temporary Use Bans and drought orders respectively. Anyone found guilty of breaching a Temporary Use Ban can be fined up to Level 3 (an amount of £1000 under the standard scale of fines for summary offences in the Criminal Justice Act 1982 section 32). Offenders under drought order restrictions are liable to a fine not exceeding the statutory maximum (which is an amount of up to £5000). Conviction on indictment renders an offender liable to a fine with no specified upper limit.

There are techniques that can be used to enforce water use restrictions, such as the use of patrols, provision of ‘whistleblower’ contact number; and the use of aerial imagery to detect areas likely to have been watered by hosepipe for example.

In practice it is likely to be time- and cost-intensive to enforce demand restrictions in these ways. It is likely to be much more effective to encourage a sense of community engagement by communicating clearly directly with customers, and also indirectly with users groups and representative bodies.

### **A.2.2 Legislation governing temporary bans on water use (formerly hosepipe bans)**

The legislation governing hosepipe bans was first drafted in 1945, immediately following the Second World War. Previously under a hosepipe ban, companies were only able to restrict the use of water supplied by them and drawn through “*a hosepipe or similar apparatus... for the purpose of—*

- a. watering private gardens; or;*
- b. washing private motor cars”.*

However, under the recent Flood and Water Management Act 2010 (FWMA 2010), the Water Industry Act 1991 (WIA 1991) has been amended. The changes introduced by Government make the powers that water companies have clearer and are intended to enable them to operate potentially more effective and equitable restrictions during times of drought. This aims to put the onus more on water companies to take decisions on the scope and phasing of

the introduction of restrictions. It should enable the water companies “to conserve more water early on in a drought and protect supplies for essential domestic use”<sup>9</sup>.

In order to prohibit the use of water under section 76(1) of the WIA 1991, “*a water undertaker may prohibit one or more specified uses of water supplied by it if it thinks it is experiencing, or may experience, a serious shortage of water for distribution.*” No formal test of such a shortage is set out in the legislation or elsewhere but notably there is no express link to drought.

The FWMA 2010 has widened the scope of the previous hosepipe ban. It has increased the range of uses of water that can be controlled by water companies without referring the decision to the Secretary of State. The extended scope of the power in section 76(2) of the WIA 1991 (as amended by section 36 of the FWMA 2010) is as follows.

*“Only the following uses of water may be prohibited—*

- a. watering a garden using a hosepipe;*
- b. cleaning a private motor-vehicle using a hosepipe;*
- c. watering plants on domestic or other non-commercial premises using a hosepipe;*
- d. cleaning a private leisure boat using a hosepipe;*
- e. filling or maintaining a domestic swimming or paddling pool;*
- f. drawing water, using a hosepipe, for domestic recreational use;*
- g. filling or maintaining a domestic pond using a hosepipe;*
- h. filling or maintaining an ornamental fountain;*
- i. cleaning walls, or windows, of domestic premises using a hosepipe;*
- j. cleaning paths or patios using a hosepipe;*
- k. cleaning other artificial outdoor surfaces using a hosepipe.”*

The Water Use (Temporary Bans) Order 2010 provides definitions of words and phrases, and clarifications of certain activities that either do, or do not, fall under the above categories. See Table A.2 for a summary of definitions, and Table A.3 for a list of exceptions.

Most of the uses of water, which may be prohibited under section 76(2), only apply to the use of water drawn through a hosepipe or similar apparatus. The exception to this is filling or maintaining a domestic swimming or paddling pool (76(2)(e)) and filling or maintaining an ornamental fountain (76(2)(h)), in which the use of water which may be prohibited extends to all means of filling, including fixed or permanent plumbing (but excluding handheld containers in the case of domestic swimming or paddling pools).

The Water Use (Temporary Bans) Order 2010 provides a definition of “using a hosepipe”, which *“includes the following—*

- a. drawing relevant water through a hosepipe from a container and applying it for the purpose;*
- b. filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.”*

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<sup>9</sup> Explanatory Memorandum to The Water Use (Temporary Bans) Order 2010

The WIA 1991 (as amended by the FWMA 2010) gives the water undertaker certain powers under section 76A(1), for example:

- to consider which restrictions are most appropriate for the undertaker, from the options available;
- to limit the scope of a ban – this could be by, for example, excluding specified groups of customers and apparatus, or restricting the use of water at specified time only; and
- to apply any prohibitions or restrictions in respect of the whole or part of its area.

Section 76B of the WIA 1991 enhances the previous publicity requirements by requiring the water undertaker:

- to publish its notice on its website at the same time as it publishes the notices in two local newspapers;
- to provide details in the notice of how to make representations about the proposed prohibition;
- to give notice each time the scope of any prohibitions imposed under section 76 of the WIA 1991 is altered in any way; and
- to give notice in relation to the lifting of any prohibitions on its website and in two local newspapers.

Whilst there will be a lead in time for the implementation of restrictions to allow for representations, there is no such lead in time necessary for the revocation of restrictions; the lifting of a ban can take effect as soon as notice is given by one of the required means. Note that the length of the period of representation will be influenced by factors such as the numbers affected and whether commercial customers are affected.

### **A.2.3 Procedure for implementing a Temporary Use Ban**

To implement a Temporary Use Ban a company must adopt the following procedure<sup>10</sup>:

*“Before the period for which a prohibition is to apply the water undertaker must give notice of the prohibition and its terms—*

- a. in at least two newspapers circulating in the area to which it is to apply, and*
- b. on the water undertaker’s internet website.”*

In practice, the requirement to publish the notice in two newspapers with local circulation can mean that advertising a Temporary Use Ban takes some time. Many local newspapers are only published once a week or less frequently. Companies may therefore wish to consider using the national press, which would still satisfy the statutory criteria. Companies must also provide details of how customers can make representations about proposed prohibitions, and must allow a reasonable period for representations to be made. The notice of prohibition must set out clearly the terms and extent of the proposed prohibition and specify the date on

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<sup>10</sup> WIA 1991, 76B(2)

which the prohibition will commence and the area to which the ban will apply. Combined with copy deadlines this can result in a period of at least 2–3 weeks between a company making the decision to impose a Temporary Use Ban and being able to implement it. However, this period can be used to increase media and communications activities regarding drought to build up to the formal notification and gives a useful opportunity to train staff to deal with enquiries.

#### **A.2.4 Legislation governing ordinary drought orders**

The Water Resources Act 1991 (WRA 1991) empowers the Secretary of State to make provision for ordinary and emergency drought orders. Water companies can apply for ordinary drought orders that (references are to Section 74 of the WRA 1991):

- authorise them to take water from any specified source (2)(a);
- authorise them to prohibit or limit the use of water for any purpose set out in the direction given by the Secretary of State (2)(b); previously the Drought Direction 1991, and now replaced by the Drought Direction 2011;
- authorise them to discharge water to any place specified (2)(c);
- authorise the Environment Agency to prohibit or limit any person taking water from a specified source (2)(d);
- prohibit or limit the Environment Agency from taking water from a specified source (2)(e);
- suspend or modify existing supply and discharge permits and obligations and similar (2)(f); and
- authorise the Environment Agency to suspend or vary effluent discharge consents (2)(g).

The ordinary drought orders primarily discussed in this document relate to the powers as set out in the Drought Direction 2011 (which replaces the Drought Direction 1991).

The Drought Direction 2011 sets out those purposes that companies can prohibit or limit under the WRA 1991. These are as follows:

- *Watering outdoor plants on commercial premises;*
- *Filling or maintaining a non-domestic swimming or paddling pool;*
- *Filling or maintaining a pond;*
- *Operating a mechanical vehicle-washer;*
- *Cleaning any vehicle, boat, aircraft or railway rolling stock;*
- *Cleaning non-domestic premises;*

- *Cleaning a window of a non-domestic building;*
- *Cleaning industrial plant;*
- *Suppressing dust; and*
- *Operating a cistern in any building that is unoccupied and closed.*

See Tables A2 and A.4 for a definition of terms and exceptions respectively.

Ordinary drought orders that are made under this legislation would generally have been known as “non-essential use” drought orders. However the term “non-essential use” no longer applies so hereafter in this document they will be referred to simply as drought orders

The amended section 76 of the WIA 1991 extends the list of water uses that water companies may restrict under their own powers and without recourse to a drought order. Section 76 also allows the Minister to add or remove a use of water from the list where it is felt appropriate to do so.

*“By extending the water uses that water undertakers may prohibit under section 76(1) of the Act [WIA 1991], water undertakers may be able to delay or avoid the need for drought orders under the Water Resources Act 1991 which can allow water undertakers to impose more restrictive measures on the use of water that have a greater impact on domestic customers and also on business”<sup>11</sup>.*

In order to grant a drought order the Secretary of State needs to be satisfied that, “*by reason of an exceptional shortage of rain, a serious deficiency of supplies of water in any area exists or is threatened.*”<sup>12</sup> Note that this differs from a temporary ban on use in that it is expressly linked to drought.

The Secretary of State can require a public inquiry or hearing in relation to the drought order, whether or not there are objections to it.

### **A.2.5 Procedure for implementing Ordinary Drought Orders**

A Drought Order allows a water company to restrict the use of water for those categories set out in the Drought Direction 2011.

It is understood that Defra would expect a water undertaker to have exercised its TUB powers to restrict domestic water use as fully and as appropriately as possible, before seeking an Ordinary Drought Order that would tend to extend restrictions to the non-domestic sector. The Environment Agency (2011)<sup>13</sup> states that:

*“Companies should also be able to demonstrate that appropriate demand measures have been implemented before applications for drought permits or orders are made. The*

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<sup>11</sup> Explanatory Memorandum to The Water Use (Temporary Bans) Order 2010

<sup>12</sup> WRA 1991 Section 73(2)

<sup>13</sup> Environment Agency (2011) [Water company drought plan guideline](http://cdn.environment-agency.gov.uk/geho0311btoj-e-e.pdf). Update – June 2011. Available from <http://cdn.environment-agency.gov.uk/geho0311btoj-e-e.pdf> (last accessed Jan 2013)

*Environment Agency will be more supportive of applications for drought permits or orders where appropriate demand measures are in place...*

The WRA 1991 sets out a number of requirements for advertising drought orders. The document, "The guidance on drought orders and drought permits"<sup>14</sup> provides useful detail in relation to the requirements for any drought order/permit application.

The programme for implementing a drought order can be considered in three stages:

- Preparing and lodging an application;
- Inquiries; and
- Implementation.

Each water company's Drought Plan details the actions that will be considered during times of drought.

### Application

The application itself should comply with the detailed procedural requirements set out in Schedule 8 of WRA 91 and include all the information requested in Defra's "drought orders and drought permits" document referred to above.

### Hearings or Inquiries

If any objections are received, the Secretary of State must hold a local inquiry or hearing unless he/she considers the drought order must be made urgently. This is different to the 2004–06 drought when all Drought Order applications required a hearing.

The process around the inquiry or hearing is a lengthy one: an inspector must be appointed, a location identified and a date agreed. The company is then required to advertise the hearing in the same manner as it advertised the application. Again, a seven-day advertising period is required by statute.

Following the inquiry or hearing the inspector must prepare a report setting out his/her recommendations to the Secretary of State. The Secretary of State will then make his/her decision and advise the company. In the "Drought orders and drought permits" document, the government states:

*"If companies comply with all of the ... conditions and if the process goes forward with no delays whatsoever, then the minimum achievable timescale for an application to which there are objections and/or in respect of which there is a public inquiry or a hearing is 26 days and the minimum achievable timescale for an application to which there are no objections and in respect of which there is no public inquiry or hearing is 10 days. It is important to note that these minimum timescales will NOT normally be*

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<sup>14</sup> Drought orders and drought permits, Information from the Department for Food and Rural Affairs, Welsh Assembly Government and the Environment Agency, July 2005.

*achievable, because they are possible ONLY if no obstacles of any sort are encountered at any stage in the process”.*

Four companies applied for drought orders in the spring of 2006; Sutton and East Surrey Water, Mid Kent Water (now South East Water), Southern Water (two applications covering five of its supply areas) and Thames Water. The process from first *advertising* the intention to apply for a drought order to receiving notice of the order took around three months.

### Implementation

Once the drought order has been approved and before it can be implemented, the company must again advertise, in the same manner as previously, that it will be implementing the drought order that it has been granted.

For Sutton and East Surrey Water, the entire process, from first seriously considering the application to implementing the order, took around six months.

Drought orders can be granted for a period of up to six months and extended for a period of up to another six months. Any extension requires an application to the Secretary of State.

### **A.2.6 Legislation governing emergency drought orders**

Emergency Drought Orders allow water companies to restrict supplies to customers through the imposition of rota cuts and/or the introduction of standpipes. These measures exist to deal with the very remote possibility of an extreme drought:

Legislation governing Emergency Drought Orders is unchanged from the WRA 1991. The range of measures available under an Emergency Drought Order include powers to limit the use of water for such purposes as it considers necessary (i.e. further measures not specified in the Drought Direction 2011) such as:

- Phased pressure reduction;
- Introduction of rota cuts; and
- To set up, and supply water by means of, standpipes or water tanks.

Emergency Drought Orders have not been put in place in the UK since 1976. Ministers have made it clear that such measures should be avoided at all costs and introduced only as a last resort. Significant investments have been made since 1976 such that if those conditions were experienced again there would not be the need for an Emergency Drought Order. However, with increasing populations and the effects of climate change, conditions may arise that necessitate such extreme measures as an Emergency Drought Order. Currently, many water companies considered such restrictions to the levels permitted under an Emergency Drought Order unacceptable and would never happen (see Table B.1 in Appendix B).

## A.2.7 Implementing Emergency Drought Orders

A water company would only apply for an Emergency Drought Order in the most serious drought conditions. An Emergency Drought Order allows a water company to limit the use of water as it deems appropriate. If the water company imposes an Emergency Drought Order water may be distributed from a standpipe in the street or from a water tank.

Many water companies declare that restricting water to the levels permitted under an Emergency Drought Order is unacceptable and would never ‘plan’ to do this (see Table B.1 in Appendix B). However the situation could arise in the most exceptional operating conditions where companies limit water use by providing a supply only in the form of stand-pipes or water tanks.

**Table A.2 – Definition of terms used in the Water Use (Temporary Bans) Order 2010 and the Drought Direction 2011**

Term	Water Use (Temporary Bans) Order 2010	Drought Direction 2011
“artificial outdoor surface”	Means any of the following: (a) any area outdoors which is paved or laid with hard or artificial material; (b) timber decking; (c) a quay; (d) a trailer designed, constructed or adapted to launch boats or other vessels or craft into water, other than a private motor-vehicle within the meaning of section 76(2)(b) of the Act(a); (e) the roof of any domestic premises within the meaning of section 76(2)(i) of the Act(b)	Not defined
“cistern”	Not defined	Means an automatically-operated flushing cistern which services a water closet pan or urinal
“commercial premises”	Not defined	Means any land, building, other structure or premises not being domestic or other non-commercial premises within the meaning of section 76(2)(c) of the Act(d)
“domestic or other non-commercial premises”	Means any of the following: (a) any land, building or other structure used or enjoyed in connection with the use of any of the following which is used principally as a dwelling: (i) a building or part of a building, (ii) a caravan, (iii) a boat; or (b) any other land or premises which is not used principally for the purposes of a business	Not defined
“domestic pond”	Means a pond, including a swimming pond, on land that: (a) is used or enjoyed in connection with a building, or part of a building, used principally as a dwelling; and (b) is not being used for the purposes of a business	Same as Water Use (Temporary Bans) Order 2011
“domestic premises”	Means: (a) a building used principally as a dwelling or dwellings; (b) a garage, shed, outbuilding or other building or structure used or enjoyed in connection with a building mentioned in sub-paragraph (a); or (c) a wall or other means of enclosure within the curtilage of a building mentioned in (a)	Not defined

Term	Water Use (Temporary Bans) Order 2010	Drought Direction 2011
“domestic recreational use”	(a) recreational use in connection with a domestic swimming or paddling pool within the meaning of section 76(2)(e) of the Act(a); or (b) recreational use on land that is used or enjoyed in connection with a building, or part of a building, used principally as a dwelling, other than for the purposes of a business	Not defined
“domestic swimming or paddling pool”	Means a swimming or paddling pool, other than a pool that is being used for the purposes of a business, which is: (a) in a building, or part of a building, used principally as a dwelling; or (b) on any land or in any building that is used or enjoyed in connection with a building, or part of a building, mentioned in sub-paragraph (a).	Same as Water Use (Temporary Bans) Order 2011
“garden”	Includes any of the following— (a) a park; (b) gardens open to the public; (c) a lawn; (d) a grass verge; (e) an area of grass used for sport or recreation; (f) an allotment garden, as defined in section 22(1) of the Allotments Act 1922(a); (g) any area of an allotment used for non-commercial purposes; (h) any other green space.  “A garden” does <b>not</b> include: (a) agricultural land, as defined in section 109(1) of the Agriculture Act 1947(b); (b) other land used in the course of a business for the purposes of growing, for sale or commercial use, any crops, fruit, vegetables or other plants; (c) land used for the purposes of a National Plant Collection; (d) a temporary garden or flower display; or (e) plants (including plant organs, seeds, crops and trees) which are in an outdoor pot or in the ground, under cover.	Not defined
“grow”	Includes cultivate or propagate	“grown” includes cultivated or propagated
“health or safety reasons”	Includes: (a) removing or minimising any risk to human or animal health or safety (b) preventing or controlling the spread of causative agents of disease	Same as Water Use (Temporary Bans) Order 2011
“National Plant Collection”	Means a plant collection which is part of the National Council for the Conservation of Plants and Gardens’ National Plant Collection scheme	Same as Water Use (Temporary Bans) Order 2011
“non-domestic building”	n/a	Means any of the following not being domestic premises within the meaning of section 76(2)(i) of the Act(c): (a) a building that is not used principally as a dwelling or dwellings; (b) any other structure.
“non-domestic wall”	Not defined	Means a wall or any other enclosing structure or partition which: (a) does not form part of a non-domestic building; and (b) is not within the curtilage of a domestic building
“ornamental fountain”	Includes a cascade or any other display of moving water	Not defined

<b>Term</b>	<b>Water Use (Temporary Bans) Order 2010</b>	<b>Drought Direction 2011</b>
“outdoor pot”	Means a pot or other container that is outdoors or under cover	Same as Water Use (Temporary Bans) Order 2011
“plants”	Includes plant organs, seeds, crops and trees	Same as Water Use (Temporary Bans) Order 2011
“private leisure boat”	means a vessel or other thing, other than a seaplane, which is designed, constructed or adapted to move through, in, on or over water and which is not: (a) used in the course of a business; or (b) made available or accessible to the public.	Same as Water Use (Temporary Bans) Order 2011
“private motor-vehicle”	Means: (a) a mechanically propelled vehicle designed, constructed or adapted for use on roads, except: (i) a public service vehicle, as defined in section 1 of the Public Passenger Vehicles Act 1981(c), and (ii) a goods vehicle, as defined in section 192 of the Road Traffic Act 1988(d); or (b) a trailer designed, constructed or adapted for attachment to a vehicle falling within paragraph (a).	Same as Water Use (Temporary Bans) Order 2011
“quay”	Includes jetty, pontoon, wharf and slipway	Not defined
“relevant water”	Does not include water supplied by a water undertaker before the use of water to which the purpose relates was prohibited under section 76(1) of the Act.	Does not include water supplied by a water undertaker before the use of water to which the purpose relates was prohibited under an ordinary drought order.
“temporary garden or flower display”	Means a garden or flower display that is: (a) at a show or exhibition (b) on public display for a period not exceeding 7 days	Same as Water Use (Temporary Bans) Order 2011
“under cover”	Means in a greenhouse or outbuilding or under a permanent canopy	Same as Water Use (Temporary Bans) Order 2011
“using a hosepipe”	Using a hosepipe, in relation to a purpose in section 76(2) of the Act, includes the following: (a) drawing relevant water through a hosepipe from a container and applying it for the purpose; (b) filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.	Same as Water Use (Temporary Bans) Order 2011

**Table A.3 – Statutory Exceptions for categories of water use in the Water Use (Temporary Bans) Order 2010**

TUB category of use	Affected area/activity	Statutory Exception
<ul style="list-style-type: none"> <li>Watering a garden using a hosepipe</li> </ul>	Areas defined as “a garden”	<p>Using a hosepipe to water a garden for health or safety reasons</p> <p>NB In this category, the definition of “a garden” includes “an area of grass used for sport or recreation”. Therefore it should be noted that watering areas of grass, which are used for sport or recreation, is covered by a Statutory Exception for health &amp; safety <u>only</u> in relation to the active strip/playing area, not the entire ground.</p>
<ul style="list-style-type: none"> <li>Cleaning a private motor-vehicle using a hosepipe</li> </ul>	Vehicles defined as a “private motor-vehicle”	(1) a public service vehicle, as defined in section 1 of the Public Passenger Vehicles Act 1981(c), and (2) a goods vehicle, as defined in section 192 of the Road Traffic Act 1988(d)
<ul style="list-style-type: none"> <li>Watering plants on domestic or other non-commercial premises using a hosepipe</li> </ul>	Premises defined as “domestic or other non-commercial premises”	Does not include 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.
<ul style="list-style-type: none"> <li>Cleaning a private leisure boat using a hosepipe</li> </ul>	Boats defined as a “private leisure boat”	(1) cleaning any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls. (2) Using a hosepipe to clean a private leisure boat for health or safety reasons
<ul style="list-style-type: none"> <li>Filling or maintaining a domestic swimming or paddling pool</li> </ul>	Pools defined as a “domestic swimming or paddling pool”	(1) filling or maintaining a pool where necessary in the course of its construction (2) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap (3) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment (4) filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease (5) filling or maintaining a pool used in the course of a programme of veterinary treatment (6) filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity
<ul style="list-style-type: none"> <li>Drawing water, using a hosepipe, for domestic recreational use</li> </ul>	Drawing water, using a hosepipe, to operate water slides or other recreational equipment	
<ul style="list-style-type: none"> <li>Filling or maintaining a domestic pond using a hosepipe</li> </ul>	Water bodies defined as a “domestic pond”	Filling or maintaining a domestic pond in which fish or other aquatic animals are being reared or kept in captivity
<ul style="list-style-type: none"> <li>Filling or maintaining an ornamental fountain</li> </ul>	Structures defined as an “ornamental fountain”	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
<ul style="list-style-type: none"> <li>Cleaning walls, or windows, of domestic premises using a hosepipe</li> </ul>	The category of use in section 76(2)(i) of the Act applies only to the cleaning of the <i>external</i> walls or windows of domestic premises.	Using a hosepipe to clean the walls or windows of domestic premises for health or safety reasons

TUB category of use	Affected area/activity	Statutory Exception
<ul style="list-style-type: none"> <li>• Cleaning paths or patios using a hosepipe</li> </ul>		Using a hosepipe to clean paths or patios for health or safety reasons
<ul style="list-style-type: none"> <li>• Cleaning other artificial outdoor surfaces using a hosepipe</li> </ul>	Areas falling into the definition of “artificial outdoor surface”	Using a hosepipe to clean an artificial outdoor surface for health or safety reasons

**Table A.4 - Statutory Exceptions for categories of water use in the Drought Direction 2011**

Drought Order Purpose of Use	Affected area/activity	Statutory Exception
Purpose 1: watering outdoor plants on commercial premises	Watering the following plants on commercial premises using a hosepipe: (a) plants which are in a pot or other container that is outdoors or under cover; (b) plants which are in the ground under cover.	The purpose specified does not include watering plants that are: (a) grown or kept for sale or commercial use; or (b) part of a National Plant Collection or temporary garden or flower display
Purpose 2: filling or maintaining a non-domestic swimming or paddling pool	Filling or maintaining a swimming or paddling pool other than a domestic swimming or paddling pool within the meaning of section 76(2)(e) of the Act(a).	The purpose does not include: (a) filling or maintaining a pool that is open to the public; (b) filling or maintaining a pool where necessary in the course of its construction; (c) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap; (d) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment; (e) filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease; (f) filling or maintaining a pool that is used in the course of a programme of veterinary treatment; (g) filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity; (h) filling or maintaining a pool that is for use by pupils of a school for school swimming lessons. (3) For the purposes of paragraph 3(2)(a), a pool is not open to the public if it may only be used by paying members of an affiliated club or organisation.
Purpose 3: filling or maintaining a pond	A non-domestic pond; or a domestic pond within the meaning of section 76(2)(g) of the Act(b)	The purpose does not include: (a) filling or maintaining a pond in which fish or other aquatic animals are being reared or kept in captivity; (b) filling or maintaining a pond using a hand-held container which is filled with water drawn directly from a tap. (3) The purpose specified in sub-paragraph (1)(b) does not include filling or maintaining a domestic pond using a hosepipe.
Purpose 4: operating a mechanical vehicle-washer	Operating a mechanical vehicle-washer, whether automatic or not	
Purpose 5: cleaning any vehicle, boat, aircraft or railway rolling stock	Cleaning any vehicle, boat, aircraft or railway rolling stock using a hosepipe	Cleaning any vehicle, boat, aircraft or railway rolling stock for health or safety reasons
Purpose 6: cleaning non-domestic premises	Cleaning any of the following using a hosepipe: (a) any exterior part of a non-domestic building other than a window; (b) a non-domestic wall	Cleaning of any exterior part of a non-domestic building or a non-domestic wall for health or safety reasons
Purpose 7: cleaning a window of a non-domestic building	Cleaning a window of a non-domestic building using a hosepipe other than for health or safety reasons	Cleaning a window of a non-domestic building using a hosepipe for health or safety reasons
Purpose 8: cleaning industrial plant	Cleaning industrial plant using a hosepipe other than for health or safety reasons	Cleaning industrial plant using a hosepipe other than for health or safety reasons

Drought Order Purpose of Use	Affected area/activity	Statutory Exception
Purpose 9: suppressing dust	Suppressing dust using a hosepipe other than for health or safety reasons	Suppressing dust using a hosepipe other than for health or safety reasons
Purpose 10: operating cisterns	Operating a cistern in any building that is unoccupied and closed	

### A.3 Relevance to Wales

The role and responsibilities of the Welsh Government in managing drought situations in Wales mirrors that of Defra in England. Defra and the Welsh Government develop the legislation for drought management and make directions to water companies about their Drought Plans. Defra and the Welsh Government work closely with Natural Resources Wales, the EA and the water companies to ensure that the public water supply is maintained and that the environment does not suffer unduly. When water resources are under stress, the formal role of the Welsh Government is to deal with drought order applications made to Wales Ministers.

The Welsh Government has policy responsibility for the legislation that governs water resources, which includes the legislation that covers restrictions, drought permits and drought orders.

In March 2011, the EA published its revised “Water Company Drought Plan guideline” which applies to water companies in both England and Wales.

### A.4 Relevance to Scotland

The Water Resources (Scotland) Bill<sup>15</sup> received Royal Assent in April 2013, and means that hosepipe bans and drought orders are replaced, in Scotland, by Water Shortage Orders (WSO).

The Bill puts an onus on Scottish Water to communicate water shortage issues effectively with customers in an escalating manner until water restrictions are required. Then all water use restrictions for both domestic and non-domestic users will require WSOs from Scottish government.

WSOs “may contain such provision as the Scottish Ministers consider necessary or expedient to abate—

*(a) a serious deficiency of water supplies in an area, or*

*(b) a threat of a serious deficiency of water supplies in an area.”*

<sup>15</sup> The Bill can be found here:

[http://www.scottish.parliament.uk/S4\\_Bills/Water%20Resources%20\(Scotland\)%20Bill/b15s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Water%20Resources%20(Scotland)%20Bill/b15s4-introd.pdf) (last accessed May 2013)

WSOs may be used for example by Scottish Water to obtain temporary access rights to lay temporary overland pipes and pumps on land for drought mitigation, when permission cannot be obtained from landowners.

## **A.5 Relevance to Northern Ireland**

As noted by the Water Policy Division of the Northern Ireland Department for Regional Development the legislation on which this Guidance and Code of Practice is based does not extend to Northern Ireland, though there are similar provisions under local legislation. The Division notes that NI Water may choose to refer to the Code as industry best practice.



## Appendix B Planning for Drought

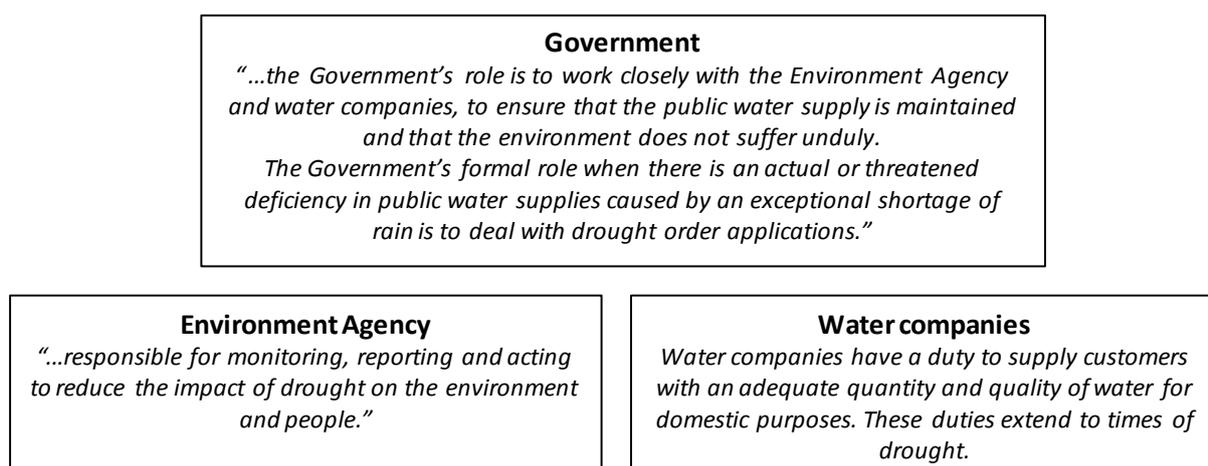
### B.1 Roles and responsibilities

Water companies' duties and obligations with respect to water supply in times of drought are covered by relevant legislation. In the event of any conflict between this Code and the relevant legislation, the legislation will take precedence.

Drought planning is a statutory process required by the Water Industry Act 1991, as amended by the Water Act 2003. Water companies are required to prepare Drought Plans every three years that set out how the water company intends to meet its duties to supply adequate quantities of water with *"as little recourse as reasonably possible to drought orders or drought permits<sup>16</sup>"* during drought periods. These plans are subject to a public consultation process. The Environment Agency (EA) also publishes Drought Plans.

The roles of the Government, water companies and the EA during times of drought are shown in Figure B.1

**Figure B.1 – Roles of the Government, water companies and EA during times of drought**



A number of other duties are of relevance to periods of drought, including the requirement that water companies promote water conservation and the water conservation duty placed on public authorities by Section 83 of the Water Act 2003. Public authorities are defined as Ministers, Government Departments, the Welsh Government, local authorities, people holding specified offices, statutory undertakers and any other public body of any description<sup>17</sup>.

Further detail on the formal drought planning process can be found in the Water Act 2003, or in the Drought Plans produced by companies and the EA.

### B.2 Water Company Drought Plan

A water company's Drought Plan details how it manages the balance of demand and supplies during times of drought.

<sup>16</sup> Water Industry Act 1991 Section 39B(2)

<sup>17</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007.

The Plan will be particular to the company's supply area and will consider the types of drought that are most critical for its supply system. These could be extended periods of below average rainfall over multiple seasons or they could be short, sharp hot and dry summer periods combined with high demand. It is important to note that every drought is different and will impact water companies in different ways.

It is intended that this Code of Practice and guidance document should be used to inform water companies' Drought Plans. These Drought Plans provide the opportunity to customers, individuals and other interested stakeholders to comment on how a company plans to manage demands (including restrictions) and its supplies during periods of drought.

In March 2011, the Environment Agency issued its 'Water company drought plan guideline', which states that "companies should refer to the principles within the UKWIR final report *Code of Practice and guidance on water use restrictions* when considering how to implement temporary use restrictions."

In the Drought Direction 2007 (issued for each water company) Defra directed companies to include in their plans;

*"details of all of the measures which [the company] anticipates that it will need to take during a severe drought to ensure that it will be able to continue to discharge its duties to supply adequate quantities of wholesome water with as little recourse as reasonably possible to emergency drought orders under section 73(2) of the Water Resources Act 1991.<sup>18</sup>"*

It is inferred that the term severe drought used in the Direction is to describe the characteristics of droughts that are even more extreme than those when drought orders to ban non-essential uses might be sought.

Typically, drought management activities are defined by a company in its Plan, are staged and are linked to "trigger" levels. These trigger levels are usually linked to attributes of its supply system and the characteristics of demand in its area. Proposed management interventions are proportionate to the seriousness of the trigger level. Increased communication with customers forms one of the most important parts of the entire drought management process.

There are no technical barriers to providing sufficient water to withstand all droughts, including the severe drought conditions of the Drought Direction 2007, but the necessary infrastructure would be expensive and costs would have to be met by customers. The environmental costs could also be high. As such all water companies plan to use demand restrictions to manage droughts of differing severity as shown in Table B.1 which is based on Levels of Service reported in Ofwat's report "Service and delivery – performance of the water companies in England and Wales 2009–2010". Notwithstanding this, it is important to note that there are a considerable number of other interventions that are implemented before demand restrictions are imposed.

There are two other factors that influence when a water company might choose to implement demand restrictions – the link to the regulatory reporting process and the link to supply side drought permits.

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<sup>18</sup> Drought Direction 2007

Under the previous Overall Performance Assessment (OPA) system used by the Water Services Regulation Authority (Ofwat), there was a disincentive to water companies applying frequent demand restrictions, in the form of one of Ofwat’s customer service indicators, the “DG4” indicator. If companies imposed demand restrictions, the scale of this indicator was calculated and a deduction made from its OPA. A good OPA performance had a positive five year financial impact on the company.

The OPA has now been replaced by the Service Incentive Mechanism (SIM). This is focused more on capturing levels of customer complaint, and the DG4 indicator is not used directly in calculating comparative scores for companies. However, there remains a strong incentive for companies to minimise the frequency with which they impose demand restrictions due to the likely increase in customer complaints that would result, and the consequent impact that would have on a company’s SIM. It should also be noted that the DG4 indicator is still reported in the annual June Returns to the regulator, so it is likely that Ofwat will continue to review companies’ performance in this and other indicators.

The EA is responsible for determining drought permits, which comprise one type of supply side drought management intervention. During the 2004–06 drought the EA indicated that water companies should “*apply for non-essential use bans to restrict some uses of water before applying for drought permits or drought orders that may damage the environment*”<sup>19</sup>. This type of communication from the EA can also influence the manner in which a water company implements demand restrictions although water companies should follow their drought plans in this respect.

This document provides guidance on two of the demand side measures that water companies have available to them during times of drought; temporary bans on water use and ordinary drought orders banning the use of water for the additional categories specified in the Drought Direction 2011. This document does not cover supply side measures.

**Table B.1 – Water company levels of service**

Company	TUBs	Drought order/permit	Emergency Drought Order
Anglian Water	1 in 10	1 in 40	1 in 100
Dwr Cymru (Welsh Water)	1 in 20	1 in 40	Unacceptable
Northumbrian Water (North East)	Never	Never	Never
Northumbrian Water (Essex & Suffolk)	1 in 20	1 in 50	Never
Severn Trent Water	3 in 100	3 in 100	Unacceptable
South West Water	1 in 20	1 in 40	Unacceptable
Southern Water	1 in 10	1 in 20	Only in civil emergency
Thames Water	1 in 10	1 in 20	Never
United Utilities	1 in 20	1 in 20 (permit) or 1 in 35 (order)	Unacceptable and not planned
Wessex Water	To survive a 1975–76 drought without restrictions		
Yorkshire	1 in 25	1 in 80	<1 in 500
Bournemouth & W Hants	1 in 20	1 in 20	Unacceptable
Bristol Water	1 in 15	1 in 33	<1 in 100
Cambridge Water	1 in 20	1 in 50	<1 in 100
Dee Valley	To survive a 1995 drought without restrictions – same as hosepipe ban for one month once in 71 years of records		
Portsmouth Water	1 in 20	1 in 50	Never

<sup>19</sup> Environment Agency, Drought prospects 2006 – Spring update, May 2006

<b>Company</b>	<b>TUBs</b>	<b>Drought order/permit</b>	<b>Emergency Drought Order</b>
South East Water	1 in 10	1 in 40	1 in 100
South Staffordshire Water	1 in 40	1 in 80	Unacceptable
Sutton & East Surrey Water	1 in 10	1 in 20	1 in 100
Affinity Water – East Region (formerly Veolia East, and before then, Tendring Hundred Water)	No restrictions on usage		
Affinity Water – Central Region (formerly Veolia Central, and before then, Three Valleys Water)	1 in 10	1 in 20	Unacceptable
Affinity Water – Southeast Region (formerly Veolia Southeast, and before then, Folkestone and Dover Water)	1 in 10	1 in 40	Unacceptable

## Appendix C Example Notifications

This Appendix presents information to support Action 2: Coordinate Communications (Section 3.6) in the form of example or template notices for the different notifications that are required for TUB and Drought Order restrictions as follows:

- Box C.1 Example wording for the notification of water use restrictions under a Temporary Use Ban
- Box C.2 Suggested topics to include for the notification of water use restrictions under a Temporary Use Ban
- Box C.3 Example wording for the notification of water use restrictions under a Drought Order
- Box C.4 Example wording for the revocation of restrictions

### Box C.1 – Example wording for the notification of water use restrictions under a Temporary Use Ban

#### **WATER INDUSTRY ACT 1991**

**[NAME OF COMPANY]**

#### **TEMPORARY BAN ON WATER USE**

[NAME OF WATER COMPANY] gives notice that, pursuant to sections 76 and 76A–C of the Water Industry Act 1991, the following uses of water supplied by [NAME OF WATER COMPANY] are restricted. This notice, and further details concerning the prohibitions, current drought and water efficiency advice may be found on the website of [NAME OF WATER COMPANY] here: [WEBSITE LINK]  
Water use restrictions will start on [TIME] on [DATE] and continue until further notification. The restriction applies in the area of supply of [ZONE/PLACES]. Thank you for your support at this important time.

#### **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 the company from a container through a hosepipe; and filling a container by means of a hosepipe with water supplied by the company;
- "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

### **Box C.1 – Example wording for the notification of water use restrictions under a Temporary Use Ban**

- “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:

<http://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 [NAME OF WATER COMPANY] 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; and
- 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 Statuary Exception for health & safety only in relation to the active strip/playing area, not the entire ground.

#### **Discretionary Universal Exceptions**

Customers who meet the criteria below for a Discretionary Universal Exception can continue to use water without having to make representation to [NAME OF WATER COMPANY] 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 a Discretionary Universal Exception include:

- Watering a garden attached to a domestic dwelling, or watering plants on domestic premises using a hosepipe by people with severe mobility problems who hold a current Blue Badge as issued by their local authority;
- Use of an approved drip or trickle irrigation watering system, fitted with a pressure reducing valve and a timer, that are not handheld, that place water drip by drip directly onto the soil surface or beneath the soil surface, without any surface run off or dispersion of water through the air using a jet or mist; and
- Commercial customers that use hosepipes in the course of their day-to-day business operation for example hand car washing, window cleaning, graffiti removal), excluding the watering of domestic gardens.

#### **Discretionary Concessional Exceptions**

Customers can make representation to [NAME OF WATER COMPANY] to receive a Discretionary Concessional Exception to use water for the following restricted uses. If permission for a Discretionary Concessional Exception is given, it is requested that customers use water wisely and adopt water efficient practices.

**Box C.1 – Example wording for the notification of water use restrictions under a Temporary Use Ban**

The water uses for which a Discretionary Concessional Exception can be applied for by writing to [NAME OF WATER COMPANY] include:

[COMPANY TO LIST HERE THE EXCEPTIONS FOR WHICH IT WILL GRANT AN EXCEPTION UPON REPRESENTATION, FOR EXAMPLE:]

- Watering a garden attached to a domestic dwelling, or watering plants on domestic premises using a hosepipe by people registered on the Vulnerable Customer List of [NAME OF WATER COMPANY] who have mobility issues but who are not in possession of a Blue Badge.

**Representations**

Representations concerning any of these prohibitions may be made in writing by [DATE] to [NAME OF PERSON] at [ADDRESS].

If, as a result of any representation, [NAME OF WATER COMPANY] 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.

**Box C.2 – Suggested topics to include for the notification of water use restrictions under a Temporary Use Ban**

Further detail (optional) could include:

- A quote from company spokesman to thank customers in advance for their support;
- Description of the sources of water supplied by the water company and how the prevailing conditions are affecting supply;
- Description of the state of water resource/severity of the situation with reference to long term averages;
- A graphic showing key data of relevance;
- Expanded definition of certain terms
- Detailed explanation of restrictions exceptions
- Tips on how to save water
- A description of the Company's efforts for tackling leakage
- Other relevant information

**Box C.3 – Example wording for the notification of water use restrictions under a Drought Order**

NOTICE OF APPLICATION FOR DROUGHT ORDER

PROHIBITION OR LIMITATION ON THE USE OF WATER

Take notice that due to the threat of a serious deficiency in supplies of water within the affected area, caused by an exceptional shortage of rainfall, [WATER COMPANY NAME] of [ADDRESS], is applying to the Secretary of State for Environment, Food and Rural Affairs for a Drought Order under sections 73 and 74(2)(b) of the Water Resources Act 1991.

The affected area includes all of the following areas insofar as they receive a supply of water from the Company: [LIST PLACES HERE].

The Drought Order is necessary to manage the demand for water in order to meet the deficiency of supplies of water in the area. The uses of water that can be prohibited or limited under the Drought Order are those

prescribed by the Secretary of State in the Drought Direction 2011. These activities are in addition to the activities covered by Temporary Use Ban that are currently in place for domestic customers.

The proposed Drought Order will allow [NAME OF WATER COMPANY] to prohibit or limit the use of water within the area referred to for any of the following purposes:

- Purpose 1: Watering outdoor plants on commercial premises;
- Purpose 2: Filling or maintaining a non-domestic swimming or paddling pool;
- Purpose 3: Filling or maintaining a pond;
- Purpose 4: Operating a mechanical vehicle-washer;
- Purpose 5: Cleaning any vehicle, boat, aircraft or railway rolling stock;
- Purpose 6: Cleaning non-domestic premises;
- Purpose 7: Cleaning a window of a non-domestic building;
- Purpose 8: Cleaning industrial plant;
- Purpose 9: Suppressing dust; and
- Purpose 10: Operating a cistern in any building that is unoccupied and closed.

### **Statutory Exceptions**

Customers who wish to use water for the actions below can continue to use water without having to make representation to [NAME OF WATER COMPANY] to receive permission. In using water, it is requested that customers use water wisely and adopt water efficient practices.

- Purpose 1 does not include watering plants that are: grown or kept for sale or commercial use; or part of a National Plant Collection or temporary garden or flower display
- Purpose 2 does not include:
  - filling or maintaining a pool that is open to the public;
  - filling or maintaining a pool where necessary in the course of its construction;
  - filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap;
  - 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 that is 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 pool that is for use by pupils of a school for school swimming lessons.
- Purpose 2: a pool is not open to the public if it may only be used by paying members of an affiliated club or organisation.
- Purpose 3 does not include: filling or maintaining a pond in which fish or other aquatic animals are being reared or kept in captivity; or filling or maintaining a pond using a hand-held container which is filled with water drawn directly from a tap.
- Purpose 3 does not include filling or maintaining a domestic pond using a hosepipe.
- Purpose 5 permits the cleaning any vehicle, boat, aircraft or railway rolling stock for health or safety reasons
- Purpose 6 permits the cleaning of any exterior part of a non-domestic building or a non-domestic wall for health or safety reasons
- Purpose 7 permits the cleaning a window of a non-domestic building using a hosepipe for health or safety reasons
- Purpose 8 permits the cleaning industrial plant using a hosepipe for health or safety reasons
- Purpose 10 permits the suppression of dust using a hosepipe for health or safety reasons

### **Discretionary Universal Exceptions**

Customers who meet the criteria below for a Discretionary Universal Exception can continue to use water without having to make representation to [NAME OF WATER COMPANY] 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 a Discretionary Universal Exception include:

- Filling or maintaining a pond using a hosepipe by people with severe mobility problems who hold a current Blue Badge as issued by their local authority.

**Discretionary Concessional Exceptions**

Customers can make representation to [NAME OF WATER COMPANY] to receive a Discretionary Concessional Exception to use water for the following restricted uses. If permission for a Discretionary Concessional Exception is given, it is requested that customers use water wisely and adopt water efficient practices.

The water uses for which a Discretionary Concessional Exception can be applied for by writing to [NAME OF WATER COMPANY] include:

[COMPANY TO LIST HERE THE EXCEPTIONS FOR WHICH IT WILL GRANT AN EXCEPTION UPON REPRESENTATION, FOR EXAMPLE:]

- Filling or maintaining a pond using a hosepipe by people registered on the Vulnerable Customer List of [NAME OF WATER COMPANY] who have mobility issues but who are not in possession of a Blue Badge.

**View the applications**

Anyone may inspect a copy of the application, including a copy of the draft Drought Order and plan showing the affected area, free of charge, at the offices of [NAME OF WATER COMPANY, ADDRESS] between the hours of [HOURS], Monday to Friday, within 7 days of the date of publication of this notice. A copy of the draft Drought Order and plan showing the affected area is also available for inspection at the offices of the undermentioned solicitors between the hours of [HOURS], Monday to Friday, within 7 days of the date of publication of this notice.

Objections may be made in writing to the Secretary of State for Environment, Food and Rural Affairs, c/o [NAME OF CONTACT], [DEPARTMENT AND ADDRESS (or by e-mail to [EMAIL ADDRESS])], giving an address to which correspondence relating to the objection may be sent. Objections should be made within 7 days of the date of publication of this notice.

[NAME AND ADDRESS OF SOLICITORS]

Solicitors acting for [NAME OF WATER COMPANY]

**Box C.4 – Example wording for the revocation of restrictions**

[Water Company name]

**Removal of Restrictions on Water Use**

[INSERT RELEVANT REFERENCE TO LEGISLATION ACCORDING TO THE WATER USE RESTRICTIONS THAT HAVE BEEN IN PLACE (TUBs/Ordinary Drought Orders)]

Since [DATE] a number of temporary restrictions on the use of water (with some exceptions) have been in force in the [WATER COMPANY NAME] area.

We are pleased to announce that that from [time and date] all of these restrictions are lifted.

We are very grateful to our customers for their cooperation in conserving supplies during the water shortage. We ask customers to continue to show restraint and to use water responsibly to help secure future supplies.

[Detailed explanation here if desired]

Any queries in connection with this announcement should be addressed to:

[POSTAL ADDRESS]

Or by email to: [EMAIL ADDRESS]

[DATE]

### **Box C.5 – Suggested topics to include for the revocation of restrictions**

- A quote from company spokesman to thank customers for their support and to praise them for being water efficient;
- A short history of the water resource situation (historically low rainfall and river levels for example)
- The make-up of the company's supplies: groundwater, river etc and how the unprecedented conditions affected resources;
- Explanation of how the conditions triggered the water restrictions as stipulated in the company's Drought Plan; a statutory process;
- Statement whether or not other companies also implemented and are lifting restrictions if appropriate;
- Description of the change in circumstances which led to the restrictions to be lifted, perhaps using a local example known to the customers (e.g. reservoir, borehole, groundwater, river level);
- Description of the water company's current and future actions to improve supplies (leakage removal, mains replacement, metering, promotion of water efficiency);
- A statement to raise awareness of free water efficiency devices that customers can obtain, and to ask customers to report any leaks they may discover; and
- Name and contact details for further information.

## Appendix D Drought Programme of Work

### D.1 Introduction

Drought management and planning is an ongoing and evolving process. As a result of the 2011–2012 drought, a programme of activities was commenced by the water industry and the regulator, to identify the ‘lessons learned’ and to incorporate them into current procedures. Communications with trade associations and customers is continuing to encourage and support large water users to develop their own Drought Plans so that contingency plans can minimise economic impacts when water use restrictions are implemented. Similarly, education programmes focused on water efficiency and water efficiency approaches are underway, to raise awareness of water resources all year round, not just in times of drought. Table D.1 details these activities known at the time of writing (which includes this Code of Practice).

**Table D.1 –Summary of the Drought Programme of Work**

Project name and details	Organisation	Contact	Timescale
<b>Revision to the CoP and Guidance on Water Use restrictions</b> Reviews and amends current (2011) CoP to incorporate practical experience of introducing TUBs and lessons learned during 2012 drought. To include measures for consistent, coherent approach by companies.	UKWIR	Sian Hills – project mgr Helen Gavin, Atkins	Published January 2014
<b>Understanding the Impacts of Drought Restrictions</b> Understanding impacts of new bans on different customer groups, inc different commercial sectors and how/if messages achieved desired effect.	UKWIR	Jeremy Downer – Client Mgr	Start April 2013 Completed – December 2013
<b>Drought Resilience Research – customer acceptability of restrictions</b> Understanding how customers feel about drought interventions, how acceptable are more frequent/extensive restrictions and assessing if customers would prioritise drought resilience over other investment.	CCW	Diana Horth Liz Cotton	Topline research findings published March 2013
<b>Leakage – customers attitudes towards leakage</b> Exploring consumer views before and after being provided with further info on leakage. Assessing whether messages on leakage can make customers better informed and change their views.	CCW	Diana Horth Liz Cotton	Topline research findings published - June 2013
<b>Drought Activity Review Survey</b> To understand if water company activities during the drought influenced customers in their water use. Focuses on awareness, info sources, using water, causes of drought, consumption. Follows up previous CCW research (see below)	Waterwise – as part of Water UK Water Efficiency Report 2012	Jacob Tompkins	Survey carried out Oct 2012 Report published July 2013
<b>Research into restrictions on the use of water (June 2012)</b>	CCW		Completed – June 2012

Project name and details	Organisation	Contact	Timescale
Findings from first wave of tracking research on public attitudes to water use restrictions imposed by some water companies in April 2012. Online survey of 2,029 adults in England and Wales.			
<p><b>Quantifying the impact of water company drought demand management measures</b></p> <p>Project will develop a model that can be used to show the impact of drought measures. Plan to make best of current info available and develop an approach to monitoring and modelling that can be used when the next dry period occurs.</p> <p>Project developed a model to test if possible to quantify and report on savings from different drought measures (restrictions and messages) used in 2012</p> <p>EA subsequently developing a short guidance note on the approach to help water companies carry out effective analysis and collect the appropriate data so that it is straight forward to undertake similar analysis in future droughts.</p>	EA Ref 30837 (collaborative project)	Angela Wallis	Report “Quantifying the Impact of Water Company Drought Measures on Water Demand” Report – LIT 8953, V1.0 December 2013. Available from EA website.
<p><b>Drought Visualisation work (real time early warning system)</b></p> <p>Market research testing of redefined definitions of drought, drought 4-stage model and symbols /icons. Research considering two aspects</p> <ul style="list-style-type: none"> <li>• Definitions and how warnings presented</li> <li>• Presenting longer term WR information to public so knowledge would become ‘normal’ – like Met Office warnings and encourage behaviour change</li> </ul> <p>EA envisage a partnership approach to use and presentation of info (Further work/implementation could be picked up under the High Level Water Resource Stakeholder Group?)</p>	EA	Ellie Waters  Stephen Gledhill	Ongoing joint project between EA and Water UK
<p><b>Testing water efficiency messaging and household motivations</b></p> <p>Aim was to establish household motivations based on premise that water use is incidental to other activities. Messages therefore need to activate emotional rather than rational responses. Includes development of social marketing messaging principles.</p> <p>NB – Only interim outputs shared at workshop. The final report was completed in 2013.</p>	Defra	Alison Maydom H of Water Efficiency Phil Downing ícaro consulting	Knowledge sharing workshop – 19 Nov 2012 Final report (ref EV0537) available via the Defra website
<p><b>The impacts of drought in England</b></p> <p>Estimates the economic impact of the 2011/12 drought, in particular water savings and impacts on turnover and profit for sectors that rely on the supply of water to function. The model also allows users to compare scenarios for the management of an extended drought, worse than the one in 2011/11 and affecting different regions of England.</p>	Defra		Completed Final report draft issued December 2012
<p><b>Untitled research on customers perception (by SEG) of water use and attitudes to saving water</b></p>	Ideal Standard	Jenny Smith Media Relations Manager	Completed – November 2012

## Appendix E Feedback from Stakeholders

In order to collate an evidence base of the impact of the 2012 restrictions upon commercial customer, certain stakeholder organisations and industry groups were consulted to gain their views. The selection was made from a list of contact that had made representations on the previous CoP, Company Drought Plans, and the imposition of restrictions in early 2012, and these can provide evidence on the impact of the drought, and feedback on the nature and phasing of communications that occurred.

Discussions with the consultees centred on the potential impact that water use restrictions could have upon that particular commercial industry or sector, the concerns of the industry/sector and the desired outcome.

The consultees that were contacted and provided feedback are as follows:

- Car Wash Association;
- Federation of Window Cleaners;
- Horticultural Trades Association;
- Turf Grass Growers Association;
- National Farmers Union;
- Racecourse Association;
- Kent Cricket Board;
- England Golf;
- Wandsworth Borough Council; and
- British Swimming Pool Federation.

The responses included the following general themes:

- Advance notice maybe in the form of an Early Warning System or other clear communications channels, is needed so customers are aware that to understand that water companies are starting to think about the possibility of issuing TUBs. Early dialogue will enable contingency planning by customers, minimising financial losses incurred. Clear consistent communication with water companies, is greatly welcomed in the lead up to a drought;
- Businesses should not be affected during TUBs in the initial phases of a drought situation: water companies should work with industry to understand how to help businesses to survive, especially during these challenging economic times;
- Water companies should clarify the position on exceptions, the exact wording and any conditions with affected commercial customer groups/large water users (including

sports ground management and local authorities) in advance of drought situations so that the position can be communicated to all relevant customers;

- There should be an agreed consistent application of restrictions, exceptions and wording across all water companies, wherever possible; and
- During restrictions, the proactive communication as established in 2012 with Water UK and Richard Aylard (of Thames Water) should be rolled out again.

Table E.1 presents the findings from these consultations, together with the suggestive recommendations for future management of water use restrictions.

**Table E.1 Responses from commercial customers affected by the 2012 TUB restrictions**

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
British Swimming Pool Federation	<ul style="list-style-type: none"> <li>If swimming pool customers are not allowed to fill new pools, or will have to top up pools manually orders will be cancelled. Anecdotally this happened in 2012.</li> <li>Demand in 2012 was 1,000 to 1,500 compared to 2,500–3,000 under the current economic climate (pre-2008 order numbers were 5–6,000).</li> <li>Unfortunately the damage was done when adverts went out giving a very clear message that pools cannot be filled, even new pools. Smaller companies feel the strain.</li> </ul>	<ul style="list-style-type: none"> <li>The 2012 drought was a very difficult experience for the industry.</li> <li>The situation significantly improved when proactive communication was established with Water UK and Richard Aylard of Thames Water.</li> <li>Communication needed to be better, restrictions went straight to banning everything in swimming pools except hand filling. Other exceptions were not included in the notice such as filling new swimming pools, which affected the purchasing choices of all customers, and hence the BSPF members. Water companies should have pointed customers to the additional exceptions regarding filling of new pools.</li> <li>BSPF were involved in the predecessor Code of Practice discussions and were happy with its provisions. However in 2012, many water companies neglected to include the provisions for pool systems and pools with covers. For example, Southern Water accepted water recycling systems for filter backwash, and welcomed that. However other water companies ignored it.</li> <li>Clarify extent of exceptions in CoP. They are a vital plank of the industry’s own Water Efficiency Code of Practice. Otherwise need to work together to help reword both the Water Companies’ Code of Practice and revise then sign off the Pool Industry’s CoP.</li> <li>During TUBs, commercial pools are still able to operate. Trigger levels and phasing of restrictions would mean swimming pool customers (ie those installing or refurbishing pools) would be affected before commercial entities. In the event of a severe drought, at some point, commercial pools would need to cease operating despite the effect of activity levels, but it is not clear when this next phase would actually be initiated in reality.</li> </ul>	<ul style="list-style-type: none"> <li>A helpful timeframe would be to flag up in the order of six months in advance to say water companies are starting thinking about the possibility of issuing TUBs if conditions deteriorate.</li> <li>BSPF feel that businesses should not be so affected during TUBs in the initial phases of a drought situation. Water companies could work with industry to understand how to help businesses to survive, especially during these challenging economic times.</li> <li>Main concerns in swimming pools are: <ul style="list-style-type: none"> <li>Leak control</li> <li>Using covers on outdoor pools</li> <li>Reducing volumes used for backwashing (by using recycling systems).</li> </ul> </li> <li>Universal metering should resolve many of the concerns of the water industry regarding swimming pools water use. If implemented, metering will enable customers and water companies to be able to do checks and balances to ensure efficient pool operation, and there would be a clear economic driver for customers to install efficient systems, smaller pools, and using pool covers – all the things the water companies want customers to do. A water meter would provide a strong financial incentive for customers to implement these.</li> <li>BSPF are keen to explore other ideas on acceptable policy in order to provide more clarity to customers and swimming pool providers/operators. For example restrictions on dimensions that would</li> </ul>	<ul style="list-style-type: none"> <li>Clarify the provisions for swimming pools in the revised Code of Practice. Agree consistent application across all water companies, wherever possible.</li> <li>If exceptions are allowed for filling new pools, and for recycling systems and using covers then TUB notices from all water companies should state this.</li> <li>Water companies to clarify the position on exceptions, the exact wording and any conditions with BSPF. Agree consistent application across all water companies, wherever possible.</li> <li>Replicate the proactive communication established with Water UK and Richard Aylard across all water companies, and work collaboratively with BSPF to reach agreement on allowable water use at different stages of drought, well ahead of the onset of drought conditions.</li> <li>Call centre crib sheet messages should be carefully prepared well in advance of issuing TUBs, and BSPF can assist with practical tips for customers.</li> </ul>

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
			<p>trigger an exception e.g. pools with a total water volume would not be likely to be exempt.</p> <ul style="list-style-type: none"> <li>Hot Tubs should remain outside the scope of these restrictions, on the assumption that the household is fitted with a water meter, if it draws water from a public supply.</li> </ul>	
Car Wash Association	<ul style="list-style-type: none"> <li>If car washes could not operate during droughts, dedicated car wash businesses would be closed.</li> </ul>	<ul style="list-style-type: none"> <li>Lack of understanding about the different types of car washes in operation, particularly range in potable water used by different types of equipment within each category.</li> <li>Many have invested significantly to recycle water and would like to be exempt during drought times.</li> <li>Need to balance potable water use during drought with waste water quality, a key concern being tackled by industry outside drought.</li> </ul>	<p>That a consistent approach is applied by all the water companies. Specifically:</p> <ul style="list-style-type: none"> <li>Providing a commercial car wash recycles water and uses less than 23 litres per wash it can continue to trade until Phase 3.</li> <li>Water use should be monitored and the car wash operator should be able to demonstrate the actual usage if asked. The car wash industry could self-certify or undertake a process of measurement and accreditation by the wash manufacturers. All car washes including Hand Car Washes should be subject to the same restriction.</li> </ul>	<ul style="list-style-type: none"> <li>Water companies work together with CWA to agree the conditions on exceptions and word the exceptions regarding car washes to specifically address different categories of car wash and the range of equipment used. This should be done well ahead of the next drought (preferably while the 2012 experiences are still fresh so that CWA can communicate this to the industry</li> <li>A summary sheet should be carefully prepared well in advance of issuing TUBs which CWA can circulate to its members.</li> </ul>
England Golf	<ul style="list-style-type: none"> <li>During 2012 there was talk of a six month ban on sports in the Thames Water area.</li> <li>Had this actually happened 30,000 jobs would have been affected. A 18-hole course typically employs 7–8 greenkeepers, 15 staff for a 36 hole course plus catering/bar</li> </ul>	<ul style="list-style-type: none"> <li>Want sensible advice based on sound information, and not different advice from different water companies e.g. different interpretations on how golf courses are classified.</li> <li>Guidance should be broken down simply and easy to follow.</li> <li>Different sports industries should be mentioned separately – golf, racing etc</li> <li>Ideally water companies and the EA would work effectively together during droughts. Golf clubs abstract water from both systems.</li> <li>England Golf commissioned research by Cranfield University to assess risks to water resources and propose management options for clubs on efficient use and alternative sources. This will be</li> </ul>	<ul style="list-style-type: none"> <li>That England Golf work with water companies outside of drought times to share the research that England Golf is investing in, and develop a consistent strategy for applying TUBs to golf clubs.</li> <li>The ideal scenario is for greens to be kept alive by applying the minimum water requirement by hand watering (determined by an audit), with volume check at the meter. Fairways would be allowed to go brown.</li> <li>England Golf are keen to show water companies what they are doing, with a view to developing an Aide Memoir to recommend strategy for golf course water</li> </ul>	<ul style="list-style-type: none"> <li>Water companies and England Golf (via Water UK) to share research and develop a strategy for applying TUBs consistently to golf courses. This should include clarity on their categorisation and acceptable conditions for an exception for watering greens by hand.</li> <li>Write up guidance for golf courses: what is allowed under what circumstances at various stages of the drought, and disseminate to water company customer call centres.</li> </ul>

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
	<p>staff, front of house etc.</p> <ul style="list-style-type: none"> <li>If people can't play golf, they won't use the clubs, and clubs cannot continue to pay staff.</li> </ul>	<p>disseminated to golf clubs, and could potentially form part of a joint long term strategy with water companies.</p> <ul style="list-style-type: none"> <li>Organisations such as Top Turf check and maintain plumbing on water systems, establish watering requirements etc. This could form a useful basis for golf club drought strategies.</li> </ul>	<p>management, and a basis for issuing exceptions for greens during TUBs.</p>	
Federation of Window Cleaners			<ul style="list-style-type: none"> <li>The exclusion stated by Thames Water is sensible and should be included by all water companies: <i>Using a hosepipe in a garden or for cleaning walls or windows of domestic premises, paths or patios, a private leisure boat or an artificial outdoor surface, where such use is necessary for health and safety reasons.</i></li> <li>Also the following wording: <i>Temporary Use bans not to apply where there is a safety and/or legislative reason for using hoses (e.g. avoiding work at height by using water-fed poles).</i></li> </ul>	
Horticultural Trades Association	<ul style="list-style-type: none"> <li>If landscapers cannot use water efficiently to establish plants during the first phase of TUBs then they will not be hired to establish or replant gardens.</li> <li>There is an immediate knock on effect on the supply chain (garden centres and growers)</li> </ul>	<ul style="list-style-type: none"> <li>HTA are developing an e-learning training module in partnership with Waterwise, Turfgrass Growers Association, BALI, Institute of Groundsmanship, Royal Horticultural Society to upskill practitioners. There is a test at the end to demonstrate competence, and the certification could be the endorsement to qualify for any exception. Development of training is funded by six water companies.</li> </ul>	<ul style="list-style-type: none"> <li>That during the first phase of TUBs, HTA feel certified landscapers could be exempt.</li> <li>HTA recognises that there will be a point at which such watering cannot continue, but the industry would have advance warning to plan and prepare for this, by the forthcoming Early Warning System being developed by the Environment Agency.</li> <li>Would like the CoP to be clearer regarding phasing.</li> </ul>	<ul style="list-style-type: none"> <li>Water UK is involved in the project to develop e-learning training module and supports this initiative. At the time of writing (March 2013) the module is in development and due to be tested. When successful it can then be rolled out to the industry.</li> <li>Details of the project need to be included in this version of the CoP so that future drought managers are aware of the water company links with the organisations involved to initiate early liaison.</li> <li>When the e-learning module is up and running, and demonstrates sustained efficient practice, then a protocol for certified landscapers</li> </ul>

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
				<p>drought operations can be discussed and agreed.</p> <ul style="list-style-type: none"> <li>When the Environment Agency Early Warning System is finalised then this CoP should be updated to incorporate the interface between the various levels and activities in this CoP.</li> </ul>
Kent Cricket Board	<ul style="list-style-type: none"> <li>Watering between weekend fixtures is vital for pitch safety. This is due to the unpredictable bounce of the ball off a poorly prepared surface.</li> <li>The risk is particularly relevant to younger players who are may not react quickly enough to get out of the way. Injuries and a poor experience lead to players drifting out of the game.</li> </ul>	<ul style="list-style-type: none"> <li>The 2012 Drought Order and the proposed procedures produced by the Water Companies classify cricket pitches as gardens for the purpose of the TUB (i.e. water could not be applied using a hosepipe). Recreational club level cricket weren't given a dispensation under fine turf asset protection and health &amp; safety of participants as previously.</li> <li>Since drought orders were enforced, clubs are reacting and investigating alternative supplies (boreholes, rain water harvesting) and using hand-held equipment such as watering cans</li> <li>England Cricket Board (ECB) are running training courses in partnership with the Institute of Groundsmanship</li> </ul>	<ul style="list-style-type: none"> <li>That during TUBs, water can be applied to wickets once a week for one hour after 7pm on Wednesday.</li> <li>The proposed exception assists recovery of the used pitch after close mowing for the prior weekend and wetting the pitch in preparation for the following weekend to allow consolidation by rolling to be effective. Ideally the wicket would be watered and covered to minimise evaporation and allowing the water to soak into the soil.</li> <li>Cricket pitches are on clay based soils and retain water so the requirement to produce a safe surface is minimal. They are different from free draining rootzones used for other fine turf sports surfaces.</li> <li>If it rains, or is forecast to rain, the watering regime will be managed accordingly.</li> </ul>	<ul style="list-style-type: none"> <li>Water companies (through a central organisation) should engage with ECB to discuss conditions under which wicket watering can be done during TUBs. Guidance for clubs need to be clearly worded in order to avoid confusion and should include the club providing evidence to the water company to demonstrate water efficient practice and sustainable turf management outside of drought times, training of groundspeople. A notice to this effect would need to be clearly displayed at the ground to explain the basis upon which watering is allowed to occur.</li> <li>ECB/County Cricket Boards need to engage with all clubs to adopt water efficient practice, since the public observing and reporting rogue water use (e.g. watering of outfield) to the media greatly undermine any exceptions granted by water companies and the good work done by the majority of clubs.</li> </ul>
National Farmers Union	<ul style="list-style-type: none"> <li>The NFU represents farmers and (horticultural)</li> </ul>	<ul style="list-style-type: none"> <li>The Environment Agency giving farmers good notice worked really well in 2012. They developed a working relationship and lines of communication,</li> </ul>	<ul style="list-style-type: none"> <li>That a working relationship is developed between farming customers in each area of operations and the water company</li> </ul>	<ul style="list-style-type: none"> <li>Water companies to work with NFU to develop a communications network in each water company</li> </ul>

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
	<p>growers; specific interest sectors are also represented by the Turf Growers Association (turf) and Horticultural Trades Association (garden industry)</p> <ul style="list-style-type: none"> <li>Other agricultural activities that may be sensitive to levels of service (supply/pressure) are livestock, modern poultry farms.</li> </ul>	<p>held meetings at a local level, and asked that if certain conditions needed to imposed, how much advance notice would farmers need?</p> <ul style="list-style-type: none"> <li>The farmers said they would like 3 weeks, which the Agency gave them and that really helped with contingency planning. The Agency then kept in touch with farmers, allowed occasional pumping from rivers following rainfall etc which really helped.</li> </ul>	<p>representative between droughts. Early dialogue will enable contingency planning by customers, thus minimising financial losses incurred.</p> <ul style="list-style-type: none"> <li>The ideal scenario would be for those customers to have a channel of communication and direct line to someone to deal queries on farm use in each water company.</li> </ul>	<p>area of operations to enable early dialogue and warning of what may happen, and for both parties to assist each other through the next drought.</p> <ul style="list-style-type: none"> <li>Mapping agricultural customers where livestock health depends on supply/pressure continuity is advised. Perhaps the NFU could instigate this by surveying their membership and passing the information to water companies.</li> </ul>
Racecourse Association	<ul style="list-style-type: none"> <li>Racecourses are intensely managed throughout the year to manage the 'going' (firmness of the ground).</li> <li>If the going can't be managed within industry guidelines, trainers may pull horses from races to avoid injury to horses and riders.</li> <li>Attendance levels will drop.</li> <li>Potential associated economic impacts include decline in sponsorship, media rights and other forms of income; knock on effect on money taken across bookmakers</li> </ul>	<ul style="list-style-type: none"> <li>Going needs to be managed all year round, even when events are not being run. In many cases, letting the course go for a prolonged period and deteriorating would then require significant capital and resources to reinstate the surface so that events can be held again.</li> <li>Not all courses are the same in terms of the precise amount of management required, depending on topography, soil type, flat racing, steeplechase etc. Management activities are very targeted.</li> <li>Racecourse management is a highly specialised activity. Since the going depends in part on the amount of water applied, then by definition the optimum depth of water is applied. A few courses do have restrictions on night time watering due to proximity to houses.</li> <li>A distinction can be made between racecourses that host professional events at a national/international level, and local racecourses that hold amateur races</li> </ul>	<ul style="list-style-type: none"> <li>The interpretation of the exception for National/International sporting events was inconsistent in the 2012 drought, which resulted in some members being exempt, and others being considered as a 'garden' without acknowledgement of the knock on economic impacts.</li> <li>The RCA and racecourses would really welcome clear consistent communication with water companies, in the lead up to a drought.</li> <li>The RCA and racecourses are already doing as much as they can on water efficiency. They would like to discuss any concerns with water companies at any time and work together, for example on any ways they could be more efficient, optimal application methods and timing of irrigation.</li> </ul>	<ul style="list-style-type: none"> <li>Water companies to clarify the position on exception, the exact wording and any conditions on the racecourses and associated organisations to enable the industry to equip itself to respond to droughts accordingly i.e. roll out training required, resource amended management regimes accordingly, procure efficient equipment.</li> <li>Water companies to work collaboratively with the RCA, BHA, racecourses and associated organisations to reach agreement on allowable water use at different stages of drought well ahead of the onset of drought conditions.</li> <li>Water companies should familiarise themselves with the racecourses in their area of operation, the level of events they host, and the resilience of the course to a reduced watering</li> </ul>

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
	<p>nationally and internationally (likely to be significant); impact on local hospitality and entertainment businesses, many of whom specifically rely on income generated by regular events on the race calendar</p> <ul style="list-style-type: none"> <li>• There is a direct effect on employment if race meetings are lost. This affect staff working at the racecourse and also in associated industries.</li> </ul>			<p>regime during prolonged dry periods in order to establish clear rules about what activity will be allowed at which course, and to be able to clearly communicate to customers and the wider public the rationale behind this.</p>
Turf Grass Growers Association	<p>If residential and commercial customers cannot establish turf there will be:</p> <ul style="list-style-type: none"> <li>• adverse environmental impact from reduced runoff and sediment control, and reversal of urban greening initiatives</li> <li>• adverse social impact from deterioration and eventual closure of sporting fields and parks, and economic impact on income generating sports facilities</li> <li>• job losses in small landscaping businesses</li> </ul>	<ul style="list-style-type: none"> <li>• TGA works closely with water companies to promote water efficient practices across the industry at all times, with the aim of helping avoid the need for restrictions. They would like these efforts to be acknowledged by allowing the above exception to avoid the identified potential impacts during the onset of drought conditions (i.e. during TUBs).</li> <li>• TGA are developing an e-learning training module in partnership with Waterwise, HTA, BALL, Institute of Groundsmanship, Royal Horticultural Society to upskill practitioners. There is a test at the end to demonstrate competence, and the certification could be the endorsement to qualify for any exception. Development of training is funded by six water companies.</li> <li>• TGA acknowledges that there are irresponsible practitioners, but stress that these should not be considered representative of the industry, nor should the industry be penalised for it.</li> </ul>	<ul style="list-style-type: none"> <li>• That during TUBs, water can be applied in an efficient way to replenish the soil store between rain events, during the first 28 days of laying new turf only, to promote the root growth required to establish a hardy grass cover.</li> <li>• TGA recognises that in a prolonged drought i.e. when non-essential drought orders are in place that such watering will not be allowed.</li> <li>• TGA would really welcome clear consistent communication with water companies, such as advice on how TGA can help the water industry with customer messaging and information.</li> <li>• TGA would like to discuss any concerns with water companies at any time, and not just when there is a problem such as during a drought</li> </ul>	<ul style="list-style-type: none"> <li>• Water companies to clarify the position on exception, the exact wording and any conditions with TGA and associated organisations to enable the industry to equip itself to respond to droughts accordingly i.e. roll out training required, businesses to buy efficient equipment, communicate the sensitivity of the situation during TUBs to all customers.</li> <li>• Replicate the proactive communication established with Water UK and Richard Aylard across all water companies, and work collaboratively with TGA and associated organisations to reach agreement on allowable water use at different stages of drought well ahead of the onset of drought conditions.</li> </ul>

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
	<ul style="list-style-type: none"> <li>knock on effect to the turf growers of loss of income and wasted crops.</li> </ul>			<ul style="list-style-type: none"> <li>Call centre crib sheet messages should be carefully prepared well in advance of issuing TUBs, and TGA can assist with practical tips for customers (they could be sent the TGA factsheets, for example).</li> </ul>
Wandsworth Borough Council	<ul style="list-style-type: none"> <li>The impacts of not being able to water planted bedding plants and street trees is financial (tens of thousands of pounds). Considerable advance warning is needed for Councils to avoid incurring these costs.</li> <li>The impacts of not being able to fulfil the floral grave service would be on the bereaved families.</li> <li>If cricket squares cannot be watered, it creates a health and safety risk (see Kent Cricket Club above).</li> </ul>	<ul style="list-style-type: none"> <li>Summer bedding needs to be planned and ordered far in advance to get the plants grown to the correct size to be planted at the appropriate time. With sufficient warning of restrictions, there is some chance that orders can be cancelled and nurseries may be able to sell the plants elsewhere, but there comes a time when the nurseries will hold the Council liable for the for the full cost of orders (approximately £30,000 of plants), which is public money.</li> <li>New trees require water for at least the first couple of years, and Council is less able to curtail the tree planting program than bedding plants, as trees are always lost for various reasons and replacement is vital to maintain environmental balance. New trees are planned in mid to late summer, then planted over winter and watered through the following summer and sometimes the summer after that. This is hard to mitigate against where the onset of drought may be rapid, . Although bedding could be re thought with sufficient warning time from water companies, most Councils would not be able to readily curtail their tree programs without a significant detrimental effect on the environment. Street trees in particular require much water where the rainfall runoff doesn't enter the tree pit.</li> <li>WBC has its own borehole as an alternative supply for some essential uses but many Councils wouldn't.</li> <li>WBC provides a "full floral grave maintenance service" to bereaved families. The service is one where we are contracted to bereaved families to</li> </ul>	<ul style="list-style-type: none"> <li>That water companies provide as much advance warning as possible to enable bedding planting to be managed appropriately, and should provide regular coordinated briefings to local authorities. During TUBs, water companies should: <ul style="list-style-type: none"> <li>Consider exceptions for summer bedding that has already been ordered, and new street trees that have already been planted</li> <li>Allow floral tributes in cemeteries to be watered</li> <li>Allow cricket squares to be watered (as per recommendations by Kent Cricket Board).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Lead-in time and protocol for Council liaison needs to be established.</li> <li>Water companies should coordinate briefings to local authorities tailored to their specific needs.</li> <li>Council workers follow generic messaging provided to the general public but it needs to be directed towards the needs of industry in order to avert wasted public spend (e.g. bedding plants).</li> <li>Work through Defra and their network to Lead Local Flood Authorities to disseminate messages on drought evolution and the likelihood of restrictions?</li> <li>Water companies should work with the Local Authorities in order to clarify the potential issues and impacts, and agree wording on exceptions well ahead of the next drought.</li> </ul>

Consultee	Summary of Potential Impacts	Summary of Industry Concerns	Key Response	Recommendation
		<p>supply, plant and maintain bedding plants on graves. These all require watering from time to time during the summer season. Failure to provide this service would not only upset the bereaved families concerned but would also result in loss of income to the Council.</p> <ul style="list-style-type: none"> <li>• Water is needed to maintain summer sports surfaces. The council provides cricket facilities with fifteen cricket squares. If the wickets themselves are not watered, the playing surface will rapidly become dangerous to play on. A normal surface quite quickly becomes unusable. Refer to Kent Cricket Board consultation. When this happens, all squares will have to be taken out of play resulting in cancellation of the bookings with loss of income to the parks service. Irrigation using hoses and sprinklers is the only practical means of watering these squares. In public open space it is difficult to install a sub surface irrigation system that would be exempt from TUBs because of the likelihood of vandalism. Therefore watering is labour intensive.</li> <li>• Conditions regarding the watering of cricket squares eg on health &amp; safety grounds) and what constitutes use of a hosepipe need clearer explanation.</li> <li>• Allotment Holders raised questions about whether they could fill a container using a hose and then carry the container to water the plants (since the limitation of only using water that one can carry implies that gardeners won't waste the water being applied). Conversely they wanted to know if they could fill a vessel using the tap and then apply it using a hose.</li> </ul>		

## Appendix F Activities covered by Water Use Restrictions

### F.1 Introduction

This Appendix provides guidance to water companies regarding the implementation of water use restrictions relevant to TUBs and to Ordinary Drought Order (DO). Restrictions under Emergency Drought Orders are not covered. The information from many available sources has been compiled into a series of Figures for each water use activity that can be restricted. The content in each figure is summarised in Table F.1 for TUBs and Table F.2 for DOs.

Where existing legal definitions are available, they have been included in the Figures and are clearly referenced. Where appropriate definitions have not been found, a definition or interpretation has been suggested based on practical experience and not on any legal interpretation. Companies or the water industry as a whole may wish to seek legal advice in relation to these suggested definitions. Further, any company considering applying for demand restrictions is advised to refer to the original legislation.

Each Figure (F.1 to F.21) is laid out in a common way, comprising six sections:

- **Legislation** – specifies whether the activity is covered by the legislation for Temporary Use Bans, or Ordinary Drought Orders or a combination of these;
- **Programme** – indicates the anticipated time required for a restriction to take effect, due to the need to advertise notice or to apply to the Secretary of State;
- **Information** – provides definitions where they are available in the relevant legislation; and offers interpretation and clarification of the meaning of the activity where applicable;
- **Effectiveness** – provides water saving estimates for an activity (where available); comments on methods for enforcement; and cross-references to related activities;
- **Messages** – summarises positive messages regarding what actions are still allowed and can be encouraged; and discusses potential areas of confusion; and
- **Flexibility** – lists Statutory Exceptions and Discretionary Universal Exceptions, and suggests potential Discretionary Concessional Exceptions which companies may wish to consider when applying restrictions to the given activity.

**Table F.1 – Summary of activities covered by the Water Use (Temporary Bans) Order 2010**

<b>Figure no.</b>	<b>Activity/title</b>	<b>Reference in current legislation</b>	
Figure F.1	Watering a garden using a hosepipe	TUB	WIA 1991 s76, 2(a), Category 1
Figure F.2	Cleaning a private motor-vehicle using a hosepipe	TUB	WIA 1991 s76, 2(b), Category 2
Figure F.3	Watering plants on domestic or other non-commercial premises using a hosepipe	TUB	WIA 1991 s76, 2(c), Category 3
Figure F.4	Cleaning a private leisure boat using a hosepipe	TUB	WIA 1991 s76, 2(d), Category 4
Figure F.5	Filling or maintaining a domestic swimming or paddling pool	TUB	WIA 1991 s76, 2(e), Category 5
Figure F.6	Drawing water, using a hosepipe, for domestic recreational use	TUB	WIA 1991 s76, 2(f), Category 6
Figure F.7	Filling or maintaining a domestic pond using a hosepipe	TUB	WIA 1991 s76, 2(g), Category 7
Figure F.8	Filling or maintaining an ornamental fountain	TUB	WIA 1991 s76, 2(h), Category 8
Figure F.9	Cleaning walls, or windows, of domestic premises using a hosepipe	TUB	WIA 1991 s76, 2(i), Category 9
Figure F.10	Cleaning paths or patios using a hosepipe	TUB	WIA 1991 s76, 2(j), Category 10
Figure F.11	Cleaning other artificial outdoor surfaces using a hosepipe	TUB	WIA 1991 s76, 2(k), Category 11

**Table F.2 – Summary of activities covered by the Drought Direction 2011**

<b>Figure no.</b>	<b>Activity/title</b>	<b>Reference in current legislation</b>	
Figure F.12	Watering outdoor plants on commercial premises	DO	Drought Direction 2011 Schedule para.2, Purpose 1
Figure F.13	Filling or maintaining a non-domestic swimming or paddling pool	DO	Drought Direction 2011 Schedule para.3, Purpose 2
Figure F.14	Filling or maintaining a pond	DO	Drought Direction 2011 Schedule para.4, Purpose 3
Figure F.15	Operating a mechanical vehicle-washer	DO	Drought Direction 2011 Schedule para.5, Purpose 4
Figure F.16	Cleaning any vehicle, boat, aircraft or railway rolling stock	DO	Drought Direction 2011 Schedule para.6, Purpose 5
Figure F.17	Cleaning non-domestic premises	DO	Drought Direction 2011 Schedule para.7, Purpose 6
Figure F.18	Cleaning a window of a non-domestic building	DO	Drought Direction 2011 Schedule para.8, Purpose 7
Figure F.19	Cleaning industrial plant	DO	Drought Direction 2011 Schedule para.9, Purpose 8
Figure F.20	Suppressing dust	DO	Drought Direction 2011 Schedule para.10, Purpose 9
Figure F.21	Operating a cistern in any building that is unoccupied and closed	DO	Drought Direction 2011 Schedule para.11, Purpose 10

**Figure F.1 – Watering a garden using a hosepipe**

LEGISLATION			PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 1	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.	
INFORMATION			
<p><b>Definitions:</b> The category of activity under the Temporary Use Ban powers is “<b>watering a garden using a hosepipe</b>”. It does <b>not</b> include using a hosepipe to water a garden for <b>health or safety</b> reasons.</p> <p><b>Gardens</b> The Water Use (Temporary Bans) Order 2010 provides the definition of “a garden” as <b>including</b>:</p> <ul style="list-style-type: none"> <li>a) a park;</li> <li>b) gardens open to the public;</li> <li>c) a lawn;</li> <li>d) a grass verge;</li> <li>e) an area of grass used for sport or recreation;</li> <li>f) an allotment garden;</li> <li>g) any area of an allotment used for non-commercial purposes;</li> <li>h) any other green space.</li> </ul> <p>“A garden” does <b>not include</b> the following:</p> <ul style="list-style-type: none"> <li>a) agricultural land;</li> <li>b) other land used in the course of a business for the purposes of growing, for sale or commercial use, any crops, fruit, vegetables or other plants;</li> <li>c) land used for the purposes of a National Plant Collection;</li> <li>d) a temporary garden or flower display;</li> <li>e) plants (including plant organs, seeds, crops and trees) which are in an outdoor pot or in the ground, under cover.</li> </ul> <p>“<b>Allotment gardens</b>” are defined in section 22(1) of the Allotments Act 1922.</p> <p>“<b>Agricultural land</b>” is as defined in section 109(1) of the Agriculture Act 1947.</p> <p>“<b>National Plant Collection</b>” means a plant collection which is part of the National Council for the Conservation of Plants and Gardens’ National Plant Collection scheme.</p> <p>“<b>Outdoor pot</b>” means plants which are in a pot or other container that is outdoors, or plants which are in the ground under cover.</p> <p>“<b>Under cover</b>” means in a greenhouse or outbuilding or under a permanent canopy.</p> <p>“<b>Temporary garden or flower display</b>” means those at a show or exhibition; and on public display for a period not exceeding 7 days.</p> <p>“<b>Grow</b>” includes cultivate or propagate.</p> <p><b>Using a hosepipe</b> The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as <b>including</b>:</p> <ul style="list-style-type: none"> <li>a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and</li> <li>b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.</li> </ul>			

## Figure F.1 – Watering a garden using a hosepipe

A reference to a hosepipe includes anything designed, adapted or used for the same purpose as a hosepipe.

“**Relevant water**” refers to mains water i.e. supplied by the water undertaker; it does not include water supplied before the water use restriction was implemented.

### EFFECTIVENESS

#### Estimate of savings:

No values available. Expected to be greater than the previous hosepipe ban (5–9.5%)<sup>i</sup>.

#### Enforcement:

The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.

In practice, pressure from neighbours can be valuable, but relies on the clarity and effectiveness of the water company’s communication activities to raise public awareness<sup>ii</sup>. Some companies have used “name and shame” phone lines to identify culprits.

Because there is a very visual impact of these restrictions (brown lawns etc), aerial photographs can identify those who may be breaking the ban. Enforcement of timed restrictions may be more difficult.

#### Link to other Temporary Use Ban activities:

‘Watering plants on domestic or other non-commercial premises using a hosepipe’ (see Figure F.3).

#### Link to Drought Direction:

The Drought Direction 2011 covers watering outdoor plants on commercial premises (see Figure F.13).

### MESSAGES

#### Important positive messages:

Customers may water their gardens:

- By hand, using a bucket or watering can.
- With grey water through a hosepipe.
- Using rainwater from a water butt by hand or through a hosepipe.

The Turf Growers Association advises that established turf (>28 days old) does not require watering.

Companies may like to provide information about drought-resistant plants and/or direct customers to garden centres for information.

#### Public Sector

Under the Water Act 2003, public authorities have a water conservation duty and arguably should not wait until restrictions come into force before taking water conservation measures. Domestic customers may consider it unreasonable/unfair that public authorities do not restrain water use in times of shortage. A clear message will be given to the public about the need to use water wisely, if the public authority refrains from watering public lawns<sup>iii</sup>.

#### Storage tanks

Water drawn from the mains supply into tanks (other than hand held receptacles) for subsequent use for watering private gardens, lawns and landscaped areas via a hosepipe is not permitted.<sup>iv</sup>

Methods for recycling water or finding water from alternative sources should be encouraged for those concerned about the financial implications of not being able to use mains water<sup>v</sup>.

#### Sports pitches and facilities that require water for use or maintenance

NB Watering areas of grass, which are used for sport or recreation, is covered by a Statutory Exception for health & safety only in relation to the active strip/playing area, not the entire ground. The legislation does not specify that the exception applies to professional facilities only and it is recommended that under TUBs, water companies offer

### Figure F.1 – Watering a garden using a hosepipe

an exception to the active part of play for both professional and public facilities i.e. types available for the benefit of the public or communal use, whether publically and privately owned or managed. Sports pitches can still be watered using other sources of water and innovative recycling methods can be encouraged. In 2006, under Drought Order conditions, Sutton and East Surrey Water made a non-potable supply of water available to golf course and sports pitch owners to enable them to continue watering critical areas of their property<sup>vi</sup>.

#### FLEXIBILITY

Companies have the flexibility to implement a restriction either generally or only in specified circumstances, or with exceptions such as with reference to specific activities and their definitions, timing, ownership of land or class of user.

##### Timing:

Companies could consider implementing a phased approach according to the drought level reached. This has been adopted in other countries. It could include, for example, permitting use at certain times of day, to different customers on different days, or to groups of customers for a certain time slot.

Restrictions timed to encourage garden watering during times of low evapotranspiration could result in an overall reduction in water use.

##### Exceptions:

###### Statutory Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the watering of gardens in respect of **health or safety** (see Section 3.4 of this report for further detail). 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.

Note that watering areas of grass, used for sport or recreation using a hosepipe is covered by a Statutory Exception for health or safety only for active strip/ playing area, not the entire ground.

###### Discretionary Universal Exceptions

- Those with mobility issues, as evidenced through the possession of a Blue Badge. A hosepipe with a hand operated trigger or a water efficient apparatus such as micro-irrigation could be considered. Companies may like to stipulate that person must be resident at property to avoid abuse of the exception<sup>vii</sup>; and
- Use of an approved drip or trickle irrigation watering system which is fitted with a pressure reducing valve and timer, that are not handheld and which place water by drip directly onto the soil surface or beneath the soil surface, without any surface run-off or dispersion of water through the air using a jet or mist.

###### Discretionary Concessional Exceptions

Suggested cases include:

- Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge;
- Watering of food crops at domestic premises or private allotments – a number of respondents to consultation expressed concerns;
- The watering of newly laid turf for a specified period. Established turf (over 28 days old) does not require watering<sup>viii</sup>;
- The watering of newly bought plants<sup>ix</sup>; and
- To prevent or control the spread of non-native and/or invasive species.

### Figure F.1 – Watering a garden using a hosepipe

### Figure F.2 – Cleaning a private motor-vehicle using a hosepipe

LEGISLATION		PROGRAMME						
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 2	Constrained by advertising in at least two newspapers relevant to the location and the water company's website. 2–3 weeks.						
INFORMATION								
<p><b>Definitions:</b> The category of activity under the Temporary Use Ban powers is <b>“cleaning a private motor-vehicle using a hosepipe”</b>. The Water Use (Temporary Bans) Order 2010 defines <b>“a private motor-vehicle”</b> as: a) a mechanically propelled vehicle designed, constructed or adapted for use on roads; or b) a trailer designed, constructed or adapted for attachment to a vehicle falling under (a).</p> <p>The definition <b>does not include</b>: i) a public service vehicle, as defined in section 1 of the Public Passenger Vehicles Act 1981; and ii) a goods vehicle, as defined in section 192 of the Road Traffic Act 1988.</p> <p><b>Using a hosepipe</b> The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as <b>including</b>: a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose. This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5))</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p> <p><b>Interpretation</b> Taxis and minicabs are not considered to be public service vehicles and so are subject to bans<sup>20</sup>.</p>								
EFFECTIVENESS								
<p><b>Estimate of savings:</b> Note: Figures refer to a hosepipe ban covering gardens and private motor vehicles<sup>x</sup>.</p> <table border="1"> <thead> <tr> <th></th> <th>Sprinkler and unattended hosepipe</th> <th>Full hosepipe</th> </tr> </thead> <tbody> <tr> <td>Summer</td> <td>5%</td> <td>5–9.5%</td> </tr> </tbody> </table>				Sprinkler and unattended hosepipe	Full hosepipe	Summer	5%	5–9.5%
	Sprinkler and unattended hosepipe	Full hosepipe						
Summer	5%	5–9.5%						
<p><b>Links to Drought Direction:</b> The operation of a mechanical vehicle-washer (see Figure F.14). Cleaning any vehicle, boat, aircraft or railway rolling stock (see Figure F.16).</p> <p><b>Enforcement:</b> The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p>								

<sup>20</sup> The position that taxis are not classed as public service vehicles is as follows. The current legislation (Section 76(2)(b) of the Water Industry Act 1991) allows TUB restrictions to be imposed on “private motor vehicles”. The definition of a private motor vehicle in the Water Use (Temporary Bans) Order 2010 (Regulation 5) excludes public service vehicles as defined by Section 1 of the Public Passenger Vehicles Act 1981. This definition includes vehicles not adapted to carry more than eight passengers and “used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.” Each element of this definition must be satisfied. In other words, it must be a vehicle which: is not adapted to carry more than eight passengers; ... used for carrying passengers for hire or reward; ... at separate fares; ... in the course of a business. In the case of taxis, elements 1,2 and 4 are satisfied, but (usually) not 3. A taxi, unlike a bus, does not (usually) carry passengers at separate fares. There is a fare for the journey undertaken rather than separate fares for each passenger in the vehicle. Further, in the DfT document (dated November 2011) Public Service Vehicle Operator Licensing Guide for Operators, there is a statement that “separate fares mean an individual payment by each passenger to the driver, conductor or agent of the operator for the journey undertaken” This is not how taxis operate, so they therefore fall within the definition of private motor vehicle in the WIA. Taxis will be licensed by the local authority, but is clear from the DfT guidance that if they don't carry passengers at separate fares, they do not require a PSV licence, because they are not PSVs as defined.

## Figure F.1 – Watering a garden using a hosepipe

Enforcement has proven difficult in the past and neighbour pressure has been found to be effective and inexpensive<sup>xi</sup>. Public awareness and goodwill are key in achieving compliance so clarity and consistency of the implementation of restrictions and the handling of discretionary exceptions is important<sup>xii</sup>. Having a clear, well publicised and easily understood rationale for restrictions/exceptions will help to avoid confusion and unnecessary customer contact<sup>xiii</sup>.

### MESSAGES

#### Important positive messages:

- Customers can still wash their cars (including lights and windows) by hand using water from a bucket.
- Customers can use commercial carwashes (that don't use a hosepipe or similar apparatus), for example at garages.
- Customers can wash their cars with a hosepipe connected to a rainwater or greywater source (e.g. bathwater diverted to a receptacle for subsequent use).

#### Pressure washers

Evidence submitted to the Defra consultation<sup>xiv</sup> suggests that high specification pressure washers use 90% less water than a hosepipe.

#### Storage tanks

Water drawn from the mains supply into tanks (other than hand held receptacles) for subsequent use for vehicle washing via a hosepipe is not permitted<sup>xv</sup>.

Restrictions apply to water drawn from the mains supply after the statutory notice has been given. So water drawn into a container prior to that date may be used for washing cars, regardless of whether that use involves a hosepipe<sup>xvi</sup>.

### FLEXIBILITY

#### Timing:

Companies could consider limiting the timing of cleaning private motor-vehicles using a hosepipe to certain times of the day or days of the week. It is not clear that there would be many advantages in doing this or that it would be fair and equitable.

#### Exceptions :

Note that a "private motor-vehicle" does not include (1) a public service vehicle, as defined in section 1 of the Public Passenger Vehicles Act 1981(c), and (2) a goods vehicle, as defined in section 192 of the Road Traffic Act 1988(d).

#### Discretionary Universal Exceptions<sup>xvii</sup>:

- Those with mobility issues, as evidenced through the possession of a Blue Badge. A hosepipe with a hand operated trigger or a water efficient apparatus such as micro-irrigation could be considered.
- Businesses specialising in hand car washing that use hosepipes as part of their process as they will not be able to wash private motor-vehicles.

#### Discretionary Concessional Exceptions

Suggested cases include:

- Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge;
- Users of specific approved apparatus, such as high specification pressure washers; and
- To prevent or control the spread of non-native and/or invasive species.

**Figure F.3 – Watering plants on domestic or other non-commercial premises using a hosepipe**

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 3	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.
INFORMATION		
<p><b>Definitions:</b>                      The category of activity under the Temporary Use Ban powers is <b>“watering plants on domestic or other non-commercial premises using a hosepipe”</b>.                      The definition applies only to the watering of plants that are in an <b>outdoor pot or in the ground, under cover</b>.</p> <p>It <b>does not include</b> watering plants:                      i) grown or kept for sale or commercial use, or                      ii) that are part of a National Collection or temporary garden or flower display (see Figure F.1 for definitions).</p> <p><b>“Domestic or other non-commercial premises”</b> means                      a) any land, building or other structure used or enjoyed in connection with the use of any of the following which is used principally as a dwelling:                      i) a building or part of a building;                      ii) a caravan;                      iii) a boat; or                      b) any land or premises which are not used principally for the purposes of a business.</p> <p><b>“Plants”</b> includes plant organs, seeds, crops and trees.  <b>“Grow”</b> includes cultivate or propagate.</p> <p><b>Using a hosepipe</b>                      The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as <b>including</b>:                      a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and                      b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.                      This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b>                      No values available.</p> <p><b>Enforcement:</b>                      The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.                      In practice, enforcement can be difficult but pressure from neighbours can be effective. Some companies have used “name and shame” phone lines to identify culprits. A water company may wish to seek to work with relevant third parties to reinforce messages and provide consistent advice<sup>xviii</sup>.</p> <p><b>Link to other Temporary Use Ban activities:</b>                      Watering a garden using a hosepipe (see Figure F.1).</p> <p><b>Link to Drought Direction activities:</b>                      Watering outdoor plans on commercial premises (see Figure F.13).</p>		
MESSAGES		

### Figure F.3 – Watering plants on domestic or other non-commercial premises using a hosepipe

#### Important positive messages:

Customers may water their gardens:

- By hand, using a bucket or watering can.
- With greywater through a hosepipe.
- Using rainwater from a water butt by hand or through a hosepipe.

Companies may like to provide information about drought-resistant plants and/or direct customers to garden centres for information.

#### Storage tanks

Water drawn from the mains supply into tanks (other than hand held receptacles) for subsequent use for watering private gardens, lawns and landscaped areas via a hosepipe is not permitted.<sup>xix</sup>

Methods for recycling water or finding water from alternative sources should be encouraged for those concerned about the financial implications of not being able to use mains water<sup>xx</sup>.

#### Public Sector

Under the Water Act 2003, public authorities have a water conservation duty and arguably should not wait until restrictions come into force before taking water conservation measures. Domestic customers may consider it unreasonable/unfair for public authorities not to restrain water use in times of shortage and public sector actions such as not watering plants in public places will convey a clear message to public about the need to conserve supplies<sup>xxi</sup>.

### FLEXIBILITY

Companies have the flexibility to implement a restriction either generally or only in specified circumstances, or with exceptions such as with reference to specific activities and their definitions, timing, ownership of land or class of user.

#### Timing:

Companies could consider implementing a phased approach according to the drought level reached. This has been adopted in other countries. It could include, for example, permitting use at certain times of day, to different customers on different days, or to groups of customers for a certain time slot.

Restrictions timed to encourage garden watering during times of low evapotranspiration could result in an overall reduction in water use.

#### Exceptions:

##### Statutory Exceptions

The restriction does not include 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.

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the watering of gardens in respect of **health or safety** (see Section 3.4 of this report for further detail). This includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

##### Discretionary Universal Exceptions<sup>xxii</sup>:

- Those with mobility issues, as evidenced through the possession of a Blue Badge;
- Users of an approved drip or trickle irrigation system fitted with a PRV and timer.

##### Discretionary Concessional Exceptions

Suggested cases include:

- Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge;
- Watering newly laid turf for first 28 days;

**Figure F.3 – Watering plants on domestic or other non-commercial premises using a hosepipe**

- A hosepipe with a hand operated trigger or a water efficient apparatus such as micro-irrigation could be considered. Companies may like to stipulate that person must be resident at property to avoid abuse of the exception<sup>xxiii</sup>; and
- To water newly bought plants for first 14 days.

**Figure F.4 – Cleaning a private leisure boat using a hosepipe**

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 4	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.
INFORMATION		
<p><b>Definitions:</b>                      The category of activity under the Temporary Use Ban powers is <b>“cleaning a private leisure boat using a hosepipe”</b>.  <b>“Private leisure boat”</b> means a vessel or other thing, other than a seaplane, which is designed, constructed or adapted to move through, in, on or over water.                      The definition does <b>not</b> refer to such vessels:                      a) used in the course of a business; or                      b) made available or accessible to the public.</p> <p>The definition of the activity <b>does not include:</b>                      a) cleaning of any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls; and                      b) using a hosepipe to clean a private leisure boat for <b>health or safety</b> reasons.</p> <p><b>Using a hosepipe</b>                      The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as <b>including:</b>                      a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and                      b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.                      This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p> <p><b>Interpretation:</b>                      Boats in private ownership only are included, whether trailer launched or not<sup>xxiv</sup>. The definition extends to small watercraft such as canoes, kayaks, jet skis etF. In naval terms, a boat is small enough to be carried on another vessel (a ship). It is interpreted that ships and other large vessels such as cruise liners are normally used for commercial purposes so are not expected to come under this definition.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b>                      No values available.</p> <p><b>Enforcement:</b>                      The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.                      Because this is an exterior activity it may be possible to identify offenders. Public pressure is likely to be an effective deterrent. Marina owners would be well placed to police this.</p> <p><b>Link to Drought Direction:</b>                      Cleaning any vehicle, boat, aircraft or railway rolling stock (see Figure F.16).</p> <p><b>Link to other Temporary Use Ban activities:</b>                      Trailers or equivalent used to transport craft between home and destination, which are designed for attachment to a private motor-vehicles, are subject to the associated restriction (see Figure F.2).</p>		
MESSAGES		

## Figure F.4 – Cleaning a private leisure boat using a hosepipe

### Important positive messages:

Customers may wash such boats and vessels by hand, using a bucket.  
The use of recycled water or rainwater is encouraged<sup>xxv</sup>.

### Difficulties:

#### Technical constraints

Some large outboard engines are designed to be washed using a hosepipe and water companies could consider offering a discretionary exception for this.

#### Activities at marinas

There is a potential inconsistency between boatyard/marina businesses being able to wash off a commercial vessel with a hosepipe but not a domestic customer's.

It will be difficult to distinguish whether a hosepipe being used by a private recreational craft owner is being used to top up potable tanks, washing craft for safety reasons or for cosmetic reasons<sup>xxvi</sup>.

## FLEXIBILITY

### Stakeholders:

The Royal Yachting Association and British Marine Federation have offered to assist in the production of advice and guidance for marina operators.

### Exceptions:

Companies may consider exceptions for low water use technologies or offering alternative water sources. These could be revoked if the drought became more serious.

#### Statutory Exceptions

The restrictions do not cover the following: (1) cleaning any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls.

(2) Using a hosepipe to clean a private leisure boat for health or safety reasons, which includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

#### Discretionary Universal Exceptions<sup>xxvii</sup>:

- Those with mobility issues, as evidenced through the possession of a Blue Badge;
- Small commercial operators whose business partially or wholly depends on work involving the washing of private recreational craft or valeting using hosepipes<sup>xxviii</sup>; and
- Those using vessels as a primary residence, which should be subject to the same constraints as any other domestic customer when restrictions are imposed<sup>xxix</sup>.

#### Discretionary Concessional Exceptions

Suggested cases include:

- Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge;
- Cases in which the fouling of hulls is causing increased fuel consumption by the drag created;
- For engines designed to be cleaned with a hosepipe;
- For the removal of graffiti; and
- To prevent or control the spread of non-native and/or invasive species.

**Figure F.5 – Filling or maintaining a domestic swimming or paddling pool**

LEGISLATION			PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 5.	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.	
INFORMATION			
<p><b>Definitions:</b> The category of activity under the Temporary Use Ban powers is “<b>filling or maintaining a domestic swimming or paddling pool</b>”.</p> <p>The Water Use (Temporary Bans) Order 2010 defines <b>domestic swimming or paddling pool</b> as a swimming or paddling pool, other than a pool that is being used for the purposes of a business, which is: a) in a building or part of a building used principally as a dwelling; or b) on any land or in any building that is used or enjoyed in connection with (a).</p> <p>The definition <b>excludes</b> filling or maintaining a pool: a) where necessary in the course of its construction; b) using a hand-held container filled with water drawn directly from a tap; c) that is designed, constructed or adapted for use in the course of a programme of medical treatment; d) used for the purpose of decontaminating animals from infections or disease; e) used in the course of a programme of veterinary treatment; f) in which fish or other aquatic animals are being reared or kept in captivity.</p> <p><b>Interpretation:</b> No formal definition of a swimming or paddling pool is provided but the intention appears to capture all pools that have a primary use that is not personal washing. No minimum size is specified. The restriction includes permanent and temporary facilities and whole or partial filling.</p> <p><b>Link to Drought Direction:</b> Filling or maintaining a non-domestic swimming or paddling pools (see Figure F.12).</p> <p><b>Link to other Temporary Use Ban activities:</b> Filling or maintaining a domestic pond using a hosepipe (see Figure F.7).</p>			
EFFECTIVENESS			
<b>Estimate of savings:</b>			
<b>Activity</b>	<b>Potential savings</b>	<b>Assumptions</b>	
Topping up, backwashing of private pools	135 l/pool/day max <sup>xxx</sup>		
Filling of private pools	21 l/pool/day max <sup>xxxi</sup>	6% pools are refilled annually	
Private pools total (Thames Water)	140–156 l/pool/day <sup>xxxii</sup>	Based on derived ownership and estimated use	
Private pools total (SESW)	567 (avg) to 2040 (peak) l/pool/day <sup>xxxiii</sup>		
<p>Average consumption of outdoor pools is between 30 l and 150 l per day per pool, depending on whether the pool is covered or not. For indoor pools the figure would be at the lower end of that range. Water is lost through splashing, backwashing of filters and evaporation.</p> <p><b>Filling of paddling pools:</b> 3.6–4 l/paddling pool/day<sup>xxxiv</sup></p> <p><b>Enforcement:</b> The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p>			

In practice it is difficult to monitor the activities of private individuals. Policing may prove difficult for interior pools and enforcement may be difficult. Companies could consider using meter consumption records as all consumers with swimming pools should be metered.

## MESSAGES

### Important positive messages:

Customers may fill pools by hand, using a bucket.

Customers may choose to use a public swimming pool as an alternative to a private pool. Public pools are not covered by this restriction.

Use of alternative water sources, including rainwater, is permitted.

Backwashing of swimming pool filters is not covered by these powers; it is the topping up of the pool to replace lost water that is covered.

### Difficulties:

Exploitation through minor works being left permanently unfinished is a potential problem, which could be resolved by an accepted definition of significant renovation (see adjacent). The British Swimming Pool Federation has offered to provide a definition based on normal trade practice that could help companies overcome this.

## FLEXIBILITY

### Exceptions :

#### Statutory Exceptions

A number of Statutory Exceptions are defined for this activity:

- (1) filling or maintaining a pool where necessary in the course of its construction
- (2) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap
- (3) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment
- (4) filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease
- (5) filling or maintaining a pool used in the course of a programme of veterinary treatment
- (6) filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity

#### Discretionary Universal Exceptions

None

#### Discretionary Concessional Exceptions

Suggested cases for potential discretionary exceptions include:

- Swimming pools with covers as evaporative losses will be low
- Pools fitted with approved water conservation or recycling systems
- Paddling pools at early stages of a drought, to engender public support
- Pools that are subject to significant repair and renovation, defined as: *"Pool renovations are classified as alterations that require substantial changes to the shape of a pool or major additions to the structure around the pool. These are treated as new pools. Activities such as retiling or resurfacing existing pools are not classed as renovations"*<sup>xxxv</sup>
- *Filling new pools*

<b>Figure F.6 – Drawing water, using a hosepipe, for domestic recreational use</b>		
<b>LEGISLATION</b>		<b>PROGRAMME</b>
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 6.	Constrained by advertising in at least two newspapers relevant to the location and the water company's website. 2–3 weeks.
<b>INFORMATION</b>		
<p><b>Definitions:</b> The Water Use (Temporary Bans) Order 2010 states that this activity refers to <b>“drawing water, using a hosepipe, to operate water slides or other recreational equipment”</b>.</p> <p><b>“Domestic recreational use”</b> means: a) recreational use in connection with a domestic swimming or paddling pool; or b) recreational use on land that is used or enjoyed in connection with a building, or part of a building, used principally as a dwelling, other than for the purposes of a business.</p> <p><b>Using a hosepipe</b> The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as <b>including</b>: a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose. This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p> <p><b>Interpretation:</b> This is interpreted to mean both slides designed to be used with water and any temporary or “ad-hoc” water slides or sprinklers. It is taken to refer to recreational use for both children and adults.</p>		
<b>EFFECTIVENESS</b>		
<p><b>Estimate of savings:</b> No values available.</p> <p><b>Enforcement:</b> The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance. In practice, restricting the use of water for recreational use, and particularly activities that involved children, may cause resentment in customers and be challenging to enforce<sup>xxxvi</sup>. However, including this restriction will reinforce a clear and consistent message to customers over the need to conserve water alongside other restrictions.</p> <p><b>Link to other Temporary Use Ban activities:</b> Filling or maintaining a domestic swimming or paddling pool (see Figure F.5)</p>		
<b>MESSAGES</b>		
<p><b>Important positive messages:</b> Customers may use a bucket to fill similar recreational equipment, for example to enable children to play. Filling of recreational toys directly from a tap is not included.</p> <p>Many Local Authorities have recreational facilities for children in particular as part of their parks. Water companies can encourage the use of these alternative sites.</p>		
<b>FLEXIBILITY</b>		
<p><b>Exceptions:</b> This is a potentially sensitive issue and companies could implement restrictions by taking a phased approach.</p>		

Figure F.6 – Drawing water, using a hosepipe, for domestic recreational use		
Figure F.7 – Filling or maintaining a pond		
LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 7.	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.
INFORMATION		
<p>The WIA 1991 as amended by FWMA 2010 covers the activity of “<b>filling or maintaining a domestic pond using a hosepipe</b>” under the Temporary Use Ban powers.</p> <p>The Drought Direction 2011 covers the activity of “<b>filling or maintaining a pond</b>” under a drought order.</p> <p>The intention of this distinction is that while the Temporary Use Ban is limited in scope, an Ordinary Drought Order enables a water company to restrict domestic activity beyond just the use of a hosepipe (i.e. to include filling ponds by fixed pipes) and to cover non-domestic ponds. (NB All ponds can be filled by the use of buckets.)</p> <p><b>Definitions:</b>  “<b>Domestic ponds</b>” are defined by the Water Use (Temporary Bans) Order 2010 as a pond, including a swimming pond, on land that is used in connection with a building, or part of a building, used principally as a dwelling; and is not being used for the purposes of a business.</p> <p>The activity under both types of restriction <b>does not include</b> filling or maintaining a pond in which fish or other aquatic animals are being reared or kept in captivity.</p> <p>Additionally, the Drought Direction 2011 excludes filling or maintaining a pond using a hand-held container which is filled with water drawn directly from a tap.</p> <p>The Drought Direction 2011 activity of ‘filling or maintaining a pond’ <b>excludes</b> filling or maintaining a domestic pond using a hosepipe. The intention is that since this latter activity is already covered specifically by the Temporary Use Ban, it should have been implemented before a drought order is sought.</p> <p><b>Using a hosepipe</b>  The Water Use (Temporary Bans) Order 2010 and Drought Direction 2011 provide the same definition of “using a hosepipe” as <b>including</b>:</p> <ul style="list-style-type: none"> <li>a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and</li> <li>b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.</li> </ul> <p>This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).</p> <p>“<b>Relevant water</b>” refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p> <p><b>Interpretation:</b>  The definition of both domestic and non-domestic ponds is interpreted to include both manmade and natural ponds of any size.</p> <p>It is assumed that the definition of both domestic and non-domestic ponds refer to both outdoor and indoor ponds including ornamental ponds.</p> <p>The activity covers both the filling and the topping up of these ponds.</p>		
EFFECTIVENESS		

## Figure F.6 – Drawing water, using a hosepipe, for domestic recreational use

### Estimate of savings:

Savings from banning this activity are expected to be relatively small, linked only to lower evaporative losses.

### Enforcement:

The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.

This activity can easily be worked around by introducing fish to an existing pond. Trying to engage the support of the public is the only way to ameliorate this.

### Links to other Temporary Water Use Ban activities:

Filling or maintaining a domestic swimming or paddling pool (see Figure F.5)

Filling or maintaining an ornamental fountain (see Figure F.8).

### Link to Drought Direction:

Filling or maintaining a non-domestic swimming or paddling pool (see Figure F.12)

## MESSAGES

### Important positive messages:

All ponds can be filled by the use of buckets.

The use of rainwater or other alternative (non-potable) sources is permitted.

## FLEXIBILITY

### Exceptions:

Ponds in which fish and other aquatic animals are kept are exempt from this activity (see above for definition).

#### Statutory Exceptions

Filling or maintaining a domestic pond in which fish or other aquatic animals are being reared or kept in captivity

#### Discretionary Universal Exceptions<sup>xxxvii</sup>:

Those with mobility issues, as evidenced through the possession of a Blue Badge. A hosepipe with a hand operated trigger could be considered. Companies may like to stipulate that person must be resident at property to avoid abuse of the exception<sup>xxxviii</sup>;

#### Discretionary Concessional Exceptions

Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge.

**Figure F.8– Filling or maintaining an ornamental fountain**

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 8.	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.
INFORMATION		
<p><b>Definitions:</b>                      The category of activity under the Temporary Use Ban powers is “<b>filling or maintaining an ornamental fountain</b>”. The Water Use (Temporary Bans) Order 2010 defines an “<b>ornamental fountain</b>” as including a cascade or any other display of moving water.                      This does <b>not include</b> 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.</p> <p><b>Interpretation:</b>                      This includes filling by any means including permanent plumbing, and is not limited to use of a hosepipe. The definition includes any water fountain or artificial cascade that serves a purpose that is primarily decorative. This is interpreted to include sculptures that have a water component.                      This applies to fountains and cascades that are privately owned and those that are publicly owned. It also applies equally to features that recycle water and those that don’t.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b>                      Defra asked for evidence of ornamental fountains that did not recycle water in its consultation. No respondents had any such evidence. Savings are therefore estimated to be small and linked to lower evaporative losses.</p> <p><b>Enforcement:</b>                      The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance. Enforcement of this could be difficult for interior fountains and cascades. Public pressure is likely to be an effective deterrent if appropriately engaged.</p>		
MESSAGES		
<p><b>Important messages:</b>                      The prohibition or restriction of this activity is less about saving water than it is about reinforcing the message of the seriousness of drought.                      Companies may wish to encourage owners to display signs explaining that the fountain/cascade has been turned off because of the drought.</p>		
FLEXIBILITY		
<p><b>Exceptions:</b>                      Some ornamental fountains or cascades may serve a secondary purpose of aerating a stagnant pond or environment even when fish are not currently present. Companies may consider offering discretionary exceptions in these cases.                      Some cascades are linked to pool filtration systems. Any exceptions should be consistent between the two activities.</p> <p><u>Statutory Exceptions</u>                      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.</p> <p><u>Discretionary Universal Exceptions</u>                      None</p> <p><u>Discretionary Concessional Exceptions</u>                      To operate water features with religious significance.</p>		

**Figure F.8– Filling or maintaining an ornamental fountain**

**Figure F.9 – Cleaning walls, or windows, of domestic premises using a hosepipe**

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 9.	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.

**INFORMATION**

**Definitions:**

The category of activity under the Temporary Use Ban powers is **“cleaning walls, or windows, of domestic premises using a hosepipe”**.

The Water Use (Temporary Bans) Order 2010 defines this category as applying only to the cleaning of the **external walls or windows of domestic premises**.

The definition **excludes** cleaning activities for **health or safety** reasons.

The Code of Practice recommends that water companies restrict the use of water for this purpose when being undertaken by domestic customers only. Professional cleaners may be exempted from this restriction provided they use water efficient techniques and equipment.

**“Domestic premises”** under this activity means:

- a) a building used principally as a dwelling or dwellings;
- b) a garage, shed, outbuilding or other building or structure used or enjoyed in connection with a building used principally as a dwelling; or
- c) a wall or other means of enclosure within the curtilage of a building used principally as a dwelling.

**Using a hosepipe**

The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as **including**:

- a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and
  - b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.
- This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).

**“Relevant water”** refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.

**Interpretation:**

This is interpreted to relate to all domestic building structures, whether they are permanent or temporary. Roofs are not interpreted as being covered, other than with respect to sky-light or similar windows. Domestic roofs are specifically covered under the Water Use (Temporary Bans) Order 2010 activity of ‘cleaning other artificial outdoor surfaces using a hosepipe’ (see Figure F.11).

**EFFECTIVENESS**

**Estimate of savings:**

None available

**Enforcement:**

The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.

Because this is an exterior activity it may be possible to identify offenders. Public pressure is likely to be an effective deterrent if appropriately engaged.

**Link to other Temporary Use Ban activities:**

Cleaning other artificial outdoor surfaces using a hosepipe (see Figure F.11).

## Figure F.8– Filling or maintaining an ornamental fountain

### Links to Drought Direction 2011:

Cleaning non-domestic premises (see Figure F.17).

Cleaning a window of a non-domestic building (see Figure F.18).

### MESSAGES

#### Important positive messages:

Domestic customers may clean building walls and windows by hand, using a bucket.<sup>xxxix</sup>

If a building can be cleaned by permanent plumbing then it is still a permitted activity.

#### Storage tanks

Restrictions apply to water drawn from the mains supply after the statutory notice has been given. So water drawn into a container prior to that date may be used for cleaning the exterior of buildings<sup>xl</sup>.

#### Greywater and rainwater

Greywater and rainwater may be used to clean walls or windows.

### FLEXIBILITY

#### Exceptions:

The grounds for a discretionary exception for these purposes are considered to be rare – perhaps linked to accidents and incidents. Washing windows at height by hand should be minimised in order to reduce the risk of falls from height (Work at Height Regulations 2005).

Sutton & East Surrey Water implemented the 2006 drought order as follows: *“The cleaning of windows by hosepipe, sprinkler or other similar apparatus which is connected directly to the mains supply<sup>xli</sup>”*. This allowed the use of water-fed poles using de-ionised water.

#### Statutory Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the cleaning of domestic walls or windows in respect of **health or safety**. This includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

#### Discretionary Universal Exceptions:

- Those with mobility issues, as evidenced through the possession of a Blue Badge; and
- Commercial cleaning customers that use hosepipes as part of their cleaning business, for example window cleaning, and graffiti removal.

#### Discretionary Concessional Exceptions

Suggested cases include:

- Customers on the company’s Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge;
- Where very low water use technologies are employed and approved by the water company; and
- For the removal of graffiti.

**Figure F.10 – Cleaning paths or patios using a hosepipe**

LEGISLATION			PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 10.		Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.
INFORMATION			
<p><b>Definitions:</b> The category of activity under the Temporary Use Ban powers is <b>“cleaning paths or patios using a hosepipe”</b>.</p> <p>The definition <b>excludes</b> cleaning paths or patios using a hosepipe for <b>health or safety</b> reasons.</p> <p><b>Using a hosepipe</b> The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as <b>including</b>:</p> <ul style="list-style-type: none"> <li>a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and</li> <li>b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.</li> </ul> <p>This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p> <p><b>Interpretation:</b> It is interpreted to include the cleaning by hosepipe of all paths or patios regardless of who is undertaking the cleaning and whether they are domestic or commercial<sup>xlii</sup>. It is interpreted that this would include paths and patios made of any material such as concrete, paving slabs, stones, permeable paving etF.</p>			
EFFECTIVENESS			
<p><b>Estimate of savings:</b> No values available.</p> <p><b>Enforcement:</b> The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p> <p>Because this is an exterior activity it may be possible to identify offenders. Public pressure is likely to be an effective deterrent if appropriately engaged.</p> <p><b>Link to other Temporary Use Ban activities:</b> Cleaning of other artificial outdoor surfaces using a hosepipe (see Table 5.15).</p> <p><b>Link to Drought Direction:</b> Suppressing dust (see Table 5.19).</p> <p><b>Dust suppression</b> Some organisations<sup>xliii</sup> have argued that the use of water is important for dust suppression and that there are health and safety issues associated with this. It is suggested that mains water should only be sanctioned by the water company once it is satisfied that all other potential sources have been exhausted and there is a clear health and safety jurisdiction (rather than just nuisance control). The Code of Practice recommends that industrial or business reasons for water-based dust suppression be exempted from this restriction.</p>			

## MESSAGES

### Important positive messages:

Customers can sweep paths or patios and they may wash them by hand using a bucket.

## FLEXIBILITY

### Exception:

The Code of Practice recommends that industrial or business reasons for this use of water be exempted from this restriction, such as the cleaning of hard standings; and where dust suppression is a requirement of their commercial contract, although organisation should be encouraged to seek temporary adjournment of these during a drought.

Ability or age-based discretionary exceptions may be considered reasonable but companies may like to ascertain whether there is a real need for the activity.

### Statutory Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the for the cleaning of paths and patios in respect of **health or safety**. This includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

### Discretionary Universal Exceptions:

- Those with mobility issues, as evidenced through the possession of a Blue Badge. A hosepipe with a hand operated trigger could be considered. Water companies may like to stipulate that person must be resident at property to avoid abuse of the exception;
- Commercial cleaning customers that use hosepipes as part of their business.

### Discretionary Concessional Exceptions

Suggested cases include:

- Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge;
- Users of specific approved apparatus, such as high specification pressure washers;
- Where very low water use technologies are employed and approved by the water company; and
- The removal of graffiti<sup>xliv</sup>.

**Figure F.11 – Cleaning other artificial outdoor surfaces using a hosepipe**

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Temporary Use Bans WIA 1991 s76, as amended by FWMA 2010 s36, Category 11.	Constrained by advertising in at least two newspapers relevant to the location and the water company’s website. 2–3 weeks.
INFORMATION		
<p><b>Definitions:</b>                      The category of activity under the Temporary Use Ban powers is <b>“cleaning other artificial outdoor surfaces using a hosepipe”</b>.</p> <p>The definition <b>excludes</b> cleaning an outdoor surface using a hosepipe for <b>health or safety</b> reasons.</p> <p><b>“Artificial outdoor surface”</b> means any of the following:                      a) any area outdoors which is paved or laid with hard or artificial material;                      b) timber decking;                      c) a quay;                      d) a trailer designed, constructed or adapted to launch boats or other vessels or craft into water, other than a private motor-vehicle (see Figure F.2);                      e) the roof of any domestic premises.</p> <p><b>“Quay”</b> includes jetty, pontoon, wharf and slipway.</p> <p><b>Using a hosepipe</b>                      The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the WIA 1991 as <b>including</b>:                      a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and                      b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.                      This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p> <p><b>Interpretation:</b>                      The Code of Practice interprets this to be the cleaning by hosepipe of all exterior surfaces by domestic customers.</p> <p>This includes driveways (both domestic and non-domestic); and marine infrastructure such as pontoons and slipways, whether fixed permanently in position or floating<sup>xlv</sup>.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b>                      No values available.</p> <p><b>Enforcement:</b>                      The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p> <p>Because this is an exterior activity it may be possible to identify offenders. Public pressure is likely to be an effective deterrent if appropriately engaged.</p> <p><b>Link to other Temporary Use Ban activities:</b>                      The cleaning of paths or patios using a hosepipe (see Figure F.10).</p>		

## Figure F.11 – Cleaning other artificial outdoor surfaces using a hosepipe

### Links to Drought Direction:

Cleaning industrial plant (see Figure F.19).  
Suppressing dust (see Figure F.20).

### Dust suppression

Some organisations<sup>xlvi</sup> have argued that the use of water is important for dust suppression and that there are health and safety issues associated with this. It is suggested that mains water should only be sanctioned by the water company once it is satisfied that all other potential sources have been exhausted and there is a clear health and safety jurisdiction (rather than just nuisance control).

## MESSAGES

### Important positive messages:

Customers can sweep outdoor surfaces and they may wash them by hand using a bucket.

## FLEXIBILITY

### Exception:

Ability or age-based discretionary exceptions may be considered reasonable but companies may like to ascertain whether there is a real need for the activity.

### Statutory Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the cleaning of paths and patios in respect of **health or safety**. This includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

### Discretionary Universal Exceptions:

- Those with mobility issues, as evidenced through the possession of a Blue Badge. A hosepipe with a hand operated trigger could be considered. Companies may like to stipulate that person must be resident at property to avoid abuse of the exception; and
- Commercial cleaning customers that use hosepipes as part of their business.

### Discretionary Concessional Exceptions

Suggested cases include:

- Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge;
- Users of specific approved apparatus, such as high specification pressure washers;
- Where very low water use technologies are employed and approved by the water company; and
- The removal of graffiti<sup>xlvii</sup>.

**Figure F.12 – Watering outdoor plants on commercial premises**

LEGISLATION			PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders, Drought Direction 2011, Purpose 1.	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.	
INFORMATION			
<p><b>Definitions:</b>                      The activity coming under Ordinary Drought Order powers is defined in the Drought Direction 2011 as <b>“watering outdoor plants on commercial premises using a hosepipe”</b> which covers the following:                      i) plants which are in a pot or other container that is outdoors or under cover;                      ii) plants which are in the ground under cover.</p> <p>The activity <b>does not include</b> watering plants that are:                      i) grown or kept for sale or commercial use; or                      ii) part of a National Collection or temporary garden or flower display (see Figure F.1 for definitions).</p> <p><b>“Commercial premises”</b> means any land, building, other structure or premises not being domestic or other non-commercial premises within the meaning of the Temporary Use Ban (see Figure F.3).  <b>“Grown”</b> includes cultivated or propagated.  <b>“Plants”</b> includes plant organs, seeds, crops and trees.  <b>“Under cover”</b> means in a greenhouse or outbuilding or under permanent canopy.</p> <p><b>Using a hosepipe</b>                      The Drought Direction 2011 provides the definition of “using a hosepipe” as <b>including</b>:                      a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and                      b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the drought order was implemented.</p>			
EFFECTIVENESS			
<p><b>Estimate of savings:</b>                      No values available.</p> <p><b>Enforcement:</b>                      The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p> <p><b>Links to Temporary Use Ban activities:</b>                      ‘Watering plants on domestic or other non-commercial premises using a hosepipe’ (see Figure F.3).                      ‘Watering a garden using a hosepipe (see Figure F.1).</p>			
MESSAGES			
<p><b>Important positive messages:</b>                      Customers may water their gardens:</p> <ul style="list-style-type: none"> <li>• By hand, using a bucket or watering can.</li> <li>• With greywater through a hosepipe.</li> <li>• Using rainwater from a water butt by hand or through a hosepipe.</li> </ul> <p>Companies may like to provide information about drought-resistant plants.</p> <p><b>Storage tanks</b>                      Water drawn from the mains supply into tanks (other than hand held receptacles) for subsequent use for watering private gardens, lawns and landscaped areas via a hosepipe is not permitted.<sup>xlviii</sup></p>			

### Figure F.12 – Watering outdoor plants on commercial premises

Methods for recycling water or finding water from alternative sources should be encourage for those concerned about the financial implications of not being able to use mains water<sup>xlix</sup>.

#### Public Sector

Under the Water Act 2003, public authorities have a water conservation duty and arguably should not wait until restrictions come into force before taking water conservation measures. Public sector actions such as not watering plants in public places will convey a clear message to public about the need to conserve supplies<sup>l</sup>.

### FLEXIBILITY

Companies have the flexibility to implement a restriction either generally or only in specified circumstances, or with exceptions such as with reference to specific activities and their definitions, timing, ownership of land or class of user.

#### Timing:

Time-based discretionary exceptions are a versatile tool and may be an appropriate and workable solution. The water company must consider whether this is appropriate to their circumstances and acceptable and workable for their customers.<sup>li</sup>

Companies could consider permitting use at certain times of day, to different customers on different days, or to groups of customers for a certain time slot.

Restrictions timed to encourage plant watering during times of low evapotranspiration could result in an overall reduction in water use.

#### Exceptions:

This activity has the potential to have a commercial impact on small businesses.

#### Statutory Exceptions

The purpose specified does not include watering plants that are:

- grown or kept for sale or commercial use; or
- part of a National Plant Collection or temporary garden or flower display.

#### Discretionary Universal Exceptions:

- None

#### Discretionary Concessional Exceptions

Suggested cases include:

- Use of an approved drip or trickle irrigation system fitted with a PRV and timer; and
- Watering newly bought plants<sup>lii</sup>.

Figure F.13 – Filling or maintaining a non-domestic swimming or paddling pool		
LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 2	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
INFORMATION		
<p><b>Definitions:</b> The water use purpose coming under Ordinary Drought Order powers is “<b>filling or maintaining a non-domestic swimming or paddling pool</b>”.</p> <p>The Drought Direction 2011 defines <b>non-domestic swimming or paddling pool</b> as a swimming or paddling pool, other than a domestic swimming or paddling pool as defined and covered by the WIA section 76(2)(e) (see Figure F.5). The intention is that domestic pools should already have been restricted under Temporary Use Ban powers before a company seeks a drought order.</p> <p>The purpose <b>excludes</b> filling or maintaining pool:</p> <ul style="list-style-type: none"> <li>a) that is open to the public;</li> <li>b) where necessary in the course of its construction;</li> <li>b) using a hand-held container which is filled with water drawn directly from a tap;</li> <li>c) that is designed, constructed or adapted for use in the course of a programme of medical treatment;</li> <li>d) that is used for the purpose of decontaminating animals from infections or disease;</li> <li>e) used in the course of a programme of veterinary treatment;</li> <li>f) in which fish or other aquatic animals are being reared or kept in captivity;</li> <li>g) that is for use by pupils of a school for school swimming lessons.</li> </ul> <p><b>“Open to the public”</b> For the purposes of the exception (a) above, a pool is <b>not</b> open to the public if it may only be used if the user is a paying member of an affiliated club or organisation; i.e. these pools are covered by this restriction.</p> <p><b>Interpretation:</b> No formal definition of a swimming or paddling pool is provided but the intention appears to capture all pools that have a primary use that is not personal washing. No minimum size is specified. The restriction includes permanent and temporary facilities and whole or partial filling.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b> No values available.</p> <p>Average consumption of outdoor pools is between 30 l and 150 l per day per pool, depending on whether the pool is covered or not. For indoor pools the figure would be at the lower end of that range. Public pools are required to add 30 l of fresh water per person entering the pool for circulation<sup>liii</sup>. Water is lost through splashing, backwashing of filters and evaporation.</p> <p><b>Enforcement:</b> The WIA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p> <p>In practice it is difficult to monitor the activities of private individuals. Policing may prove difficult for interior pools and enforcement may be difficult. Companies could consider using meter consumption records as all consumers with swimming pools should be metered.</p> <p><b>Link to Temporary Water Use Bans:</b> Filling or maintaining a domestic swimming or paddling pool (see Figure F.5).</p>		
MESSAGES		

### Figure F.13 – Filling or maintaining a non-domestic swimming or paddling pool

#### Important positive messages:

Customers may fill swimming and paddling pools by hand, using a bucket.  
Public pools are not covered by the restrictions.  
Use of alternative water sources, including rainwater, is permitted.  
Backwashing of swimming pool filters is not subject to these powers.

#### Difficulties:

Exploitation through minor works being left permanently unfinished is a potential problem, which could be resolved by an accepted definition of significant renovation (see adjacent). The British Swimming Pool Federation has offered to provide a definition based on normal trade practice that could help companies overcome this.

### FLEXIBILITY

#### Exceptions:

##### Statutory Exceptions

The restrictions do not include:

- (a) filling or maintaining a pool that is open to the public;
- (b) filling or maintaining a pool where necessary in the course of its construction;
- (c) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap;
- (d) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment;
- (e) filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease;
- (f) filling or maintaining a pool that is used in the course of a programme of veterinary treatment;
- (g) filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity;
- (h) filling or maintaining a pool that is for use by pupils of a school for school swimming lessons.

For the purposes of paragraph 3(2)(a), a pool is not open to the public if it may only be used by paying members of an affiliated club or organisation.

##### Discretionary Universal Exceptions:

- None

##### Discretionary Concessional Exceptions

Suggested cases include:

- Swimming pools serving industrial training if considered justified;
- Swimming pools with covers;
- Pools with religious significance;
- Pools fitted with approved water conservation or recycling systems;
- Pools that are subject to significant repair and renovation, defined as: *“Pool renovations are classified as alterations that require substantial changes to the shape of a pool or major additions to the structure around the pool. These are treated as new pools. Activities such as retiling or resurfacing existing pools are not classed as renovations<sup>liv</sup>”.*

**Figure F.14 –Filling or maintaining a domestic pond using a hosepipe (Drought Order)**

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders, Drought Direction 2011, Purpose 3	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
INFORMATION		
<p>The WIA 1991 as amended by FWMA 2010 covers the activity of <b>“filling or maintaining a domestic pond using a hosepipe”</b> under the Temporary Use Ban powers.</p> <p>The Drought Direction 2011 covers the activity of <b>“filling or maintaining a pond”</b> under a drought order.</p> <p>The intention of this distinction is that while the Temporary Use Ban is limited in scope, an Ordinary Drought Order enables a water company to restrict domestic activity beyond just the use of a hosepipe (i.e. to include filling ponds by fixed pipes) and to cover non-domestic ponds. (NB All ponds can be filled by the use of buckets.)</p> <p><b>Definitions:</b>                      The Drought Direction 2011 makes reference to the definition of <b>“Domestic ponds”</b> in the Water Use (Temporary Bans) Order 2010 as a pond, including a swimming pond, on land that is used in connection with a building, or part of a building, used principally as a dwelling; and is not being used for the purposes of a business.</p> <p>The activity under both TUB and Drought Order restrictions <b>does not include</b> filling or maintaining a pond in which fish or other aquatic animals are being reared or kept in captivity.</p> <p>Additionally, the Drought Direction 2011 excludes filling or maintaining a pond using a hand-held container which is filled with water drawn directly from a tap.</p> <p>The Drought Direction 2011 activity of ‘filling or maintaining a pond’ <b>excludes</b> filling or maintaining a domestic pond using a hosepipe. The intention is that since this latter activity is already covered specifically by the Temporary Use Ban, it should have been implemented before a drought order is sought.</p> <p><b>Using a hosepipe</b>                      The Water Use (Temporary Bans) Order 2010 and Drought Direction 2011 provide the same definition of “using a hosepipe” as <b>including</b>:</p> <ul style="list-style-type: none"> <li>a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and</li> <li>b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.</li> </ul> <p>This also includes anything designed, adapted or used for the same purpose as a hosepipe (WIA 1991, 76A(5)).</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the water use restriction was implemented.</p> <p><b>Interpretation:</b>                      The definition of both domestic and non-domestic ponds is interpreted to include both manmade and natural ponds of any size.</p> <p>It is assumed that the definition of both domestic and non-domestic ponds refer to both outdoor and indoor ponds including ornamental ponds.</p> <p>The activity covers both the filling and the topping up of these ponds.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b>                      Savings from banning this activity are expected to be relatively small, linked only to lower evaporative losses.</p>		

### Figure F.14 –Filling or maintaining a domestic pond using a hosepipe (Drought Order)

**Enforcement:**

The WIA 1991 and the WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.

This activity can easily be worked around by introducing fish to an existing pond. Trying to engage the support of the public is the only way to ameliorate this.

**Links to Temporary Water Use Ban activities:**

Filling or maintaining a domestic swimming or paddling pool (see Figure F.5)

Filling or maintaining an ornamental fountain (see Figure F.8).

**Link to Drought Direction activities:**

Filling or maintaining a non-domestic swimming or paddling pool (see Figure F.12)

#### MESSAGES

**Important positive messages:**

All ponds can be filled by the use of buckets.

The use of rainwater or other alternative (non-potable) sources is permitted.

#### FLEXIBILITY

**Exceptions:**

Ponds in which fish and other aquatic animals are kept are exempt from this activity (see above for definition).

Statutory Exceptions

Filling or maintaining a domestic pond in which fish or other aquatic animals are being reared or kept in captivity

Discretionary Universal Exceptions<sup>lv</sup>:

Those with mobility issues, as evidenced through the possession of a Blue Badge. A hosepipe with a hand operated trigger could be considered. Water companies may like to stipulate that person must be resident at property to avoid abuse of the exception<sup>lvi</sup>;

Discretionary Concessional Exceptions

Customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge.

## Figure F.15 – Operating a mechanical vehicle-washer

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 4	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
INFORMATION		
<p><b>Definition:</b> The activity falls under Ordinary Drought Order powers and is defined by the Drought Direction 2011 as <b>“operating a mechanical vehicle-washer, whether automatic or not”</b>.</p> <p><b>Interpretation:</b> Both Sutton and East Surrey Water and Thames Water appeared to consider that this restriction relates to mechanical car washers.</p> <p>At the 2006 Hearing for the drought order applications for Mid Kent Water and Southern Water, Esso submitted an objection on the grounds that reducing margins on fuel sales meant that the contribution of car washers to profitability was important to the continuing viability of these businesses. The Inspector did not find that this argument was convincing<sup>lvi</sup>.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b> 6000 l/washer/day<sup>lviii</sup>.</p> <p>6429–8594 l/carwash/day<sup>lix</sup>.</p> <p><b>Enforcement:</b> The WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p> <p>Companies could choose to audit locations known to have vehicle washers.</p> <p>Public pressure is likely to be an effective deterrent if appropriately engaged.</p> <p><b>Link to Temporary Water Use Bans:</b> Cleaning a private motor-vehicle using a hosepipe (see Figure F.2).</p> <p><b>Link to other Drought Direction activities:</b> Cleaning any vehicle, boat, aircraft or railway rolling stock (see Figure F.16).</p>		
MESSAGES		
<p><b>Important positive messages:</b> Cars and other vehicles can still be washed using buckets or using other sources of water.</p>		
FLEXIBILITY		
<p><b>Exceptions:</b> In 2006 Sutton and East Surrey Water offered an exception for mechanical vehicle washes that recycle water and therefore use less than 23 litres of water per vehicle<sup>lx</sup>.</p> <p>A proportional and staged approach may mean that car wash operators and manufacturers will be encouraged to invest more in water reclaim equipment, if such machinery is exempt<sup>lxi</sup>.</p> <p><u>Statutory Exceptions</u></p>		

### Figure F.15 – Operating a mechanical vehicle-washer

The Drought Direction 2011 provides a statutory exception for **health or safety reasons**. The definition of this includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

#### Discretionary Universal Exceptions:

- None

#### Discretionary Concessional Exceptions

Suggested cases include:

- Washers which recycle water and thus use less than 23 litres per wash; and
- Biosecurity grounds.

**Figure F.16 – Cleaning any vehicle, boat, aircraft or railway rolling stock**

LEGISLATION			PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 5.	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.	
INFORMATION			
<p><b>Definitions:</b> The activity falls under Ordinary Drought Order powers and is defined by the Drought Direction 2011 as <b>“cleaning any vehicle, boat, aircraft or railway rolling stock using a hosepipe”</b>. It does <b>not</b> include such cleaning for <b>health or safety reasons</b>.</p> <p><b>“Boat”</b> is defined by The Drought Direction 2011 as meaning a vessel or other thing which: a) is designed, constructed or adapted to move through, in, on or over water; and b) is not a private leisure boat within the meaning applied under the Temporary Use Ban (see Figure F.4).</p> <p><b>“Vehicle”</b> is defined as any of the following which is not a private motor-vehicle within the meaning applied under the Temporary Use Ban (see Figure F.2): a) a vehicle designed, constructed or adapted for use on roads; or b) a trailer or other thing designed, constructed or adapted for attachment to a vehicle falling within (a) above.</p> <p><b>Using a hosepipe</b> The Drought Direction 2011 provides the definition of “using a hosepipe” as <b>including</b>: a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose. This also includes anything designed, adapted or used for the same purpose as a hosepipe.</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the drought order was implemented.</p> <p><b>Interpretation:</b> The restriction is not specifically limited to the cleaning of external surfaces so would include the use of a hosepipe to wash down an interior area. Interpreted to include all road <b>vehicles</b> including taxis and private hire vehicles, commercially owned trucks and utilities and public transport vehicles<sup>lxii</sup>. It is assumed that <b>‘boats’</b> includes small watercraft such as canoes, kayaks, jet skis etF. In naval terms, a boat is small enough to be carried on another vessel (a ship). It is interpreted that ships and other large vessels such as frigates and cruise liners would also be included in the ban.</p> <p><b>Railway rolling stock</b> is interpreted to include passenger train cars, freight train cars, locomotives and tube trains.</p> <p><b>Aircraft</b> are interpreted to include privately and commercially owned airplanes, helicopters, gliders and hot air balloons.</p>			
EFFECTIVENESS			
<p><b>Estimate of savings:</b> No information available.</p> <p><b>Enforcement:</b> The WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance. Where this activity is conducted outdoors, it may be possible to identify offenders. In which case, public pressure could be an effective deterrent appropriately engaged.</p>			

**Links to Temporary Water Use Bans:**

Cleaning a private motor-vehicle using a hosepipe (see Figure F.2).

Cleaning a private leisure boat using a hosepipe (see Figure F.4).

**MESSAGES****Important positive messages:**

Methods for recycling water or finding water from alternative sources should be encouraged for those concerned about the financial implications of not being able to use mains water<sup>lxiii</sup>.

**Greywater and rainwater** may be used.

**Storage tanks**

Restrictions apply to water drawn from the mains supply after the statutory notice has been given, so water drawn into a container prior to that date may be used for cleaning<sup>lxiv</sup>.

**FLEXIBILITY****Exceptions:**Statutory Exceptions

The Drought Direction 2011 provides a statutory exception for **health or safety reasons**. The definition of this includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

Discretionary Universal Exceptions:

- None

Discretionary Concessional Exceptions

Some marinas offer washing and lift-out facilities. There could be financial implications for these businesses. The Royal Yachting Association/British Marine Federation have offered to help develop a code of practice for marinas. Companies may consider exceptions for low water use technologies or offering alternative water sources. These could be revoked if the drought became more serious.

Biosecurity concerns associated with the reduced washing of boat hulls, such as the introduction of non-native species to the UK, are therefore covered under this exception.

During the 2004–06 drought Sutton and East Surrey Water provided an exception for plane washing on a health and safety basis. It also provided a discretionary exception to the London Underground to wash tube trains on a weekly basis (a change to the normal daily cleaning ) following complaints from customers.

Suggested cases include:

- Small commercial operators whose business partially or wholly depends on work involving the washing of private recreational craft or valeting using hosepipes<sup>lxv</sup>;
- Those using vessels as a primary residence, which should be subject to the same constraints as any other domestic customer when restrictions are imposed<sup>lxvi</sup>;
- Cases in which the fouling of hulls is causing increased fuel consumption by the drag created;
- Exceptions for the removal of graffiti could be considered; and
- To prevent or control the spread of non-native and/or invasive species.

<b>Figure F.17 – Cleaning non-domestic premises</b>		
<b>LEGISLATION</b>		<b>PROGRAMME</b>
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 6.	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
<b>INFORMATION</b>		
<p><b>Definitions:</b> The water use purpose coming under Ordinary Drought Order powers is <b>“cleaning non-domestic premises”</b>.</p> <p>The Drought Direction 2011 provides the definition of this activity as the cleaning of any of the following <b>using a hosepipe</b>:</p> <p>a) any exterior part of a non-domestic building other than a window; b) a non-domestic wall.</p> <p>It does <b>not</b> include the cleaning of any exterior part of a non-domestic building or a non-domestic wall for <b>health or safety</b> reasons.</p> <p><b>“Non-domestic building”</b> is defined in the Drought Direction 2011 as any of the following not being domestic premises: a) a building that is not used principally as a dwelling or dwellings; b) any other structure. This definition does <b>not</b> include any domestic premises as defined and covered by the Water Use (Temporary Bans) Order 2010 (see Figure F.9).</p> <p><b>“Non-domestic wall”</b> means a wall or any other enclosing structure or partition which: i) does not form part of a non-domestic building; and ii) is not within the curtilage of a domestic building.</p> <p><b>Using a hosepipe</b> The Drought Direction 2011 provides the definition of “using a hosepipe” as <b>including</b>: a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose. This also includes anything designed, adapted or used for the same purpose as a hosepipe.</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the drought order was implemented.</p> <p><b>Interpretation:</b> Interpreted to relate to both permanent and temporary buildings and structures.  Interpreted to include building roofs.</p>		
<b>EFFECTIVENESS</b>		
<p><b>Estimate of savings:</b> 1.4–2.7 l/building/day<sup>lxvii</sup>.</p> <p><b>Enforcement:</b> The WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.  Because this is an exterior activity it may be possible to identify offenders. Public pressure is likely to be an effective deterrent if appropriately engaged.</p>		

## Figure F.17 – Cleaning non-domestic premises

### Links to Temporary Water Use Bans:

Cleaning walls, or windows, of domestic premises using a hosepipe (see Figure F.9).  
Cleaning other artificial outdoor surfaces using a hosepipe (see Figure F.11).

### Links to other Drought Direction activities:

Cleaning a window of a non-domestic building (see Figure F.18).  
Cleaning of industrial plant (see Figure F.19).

## MESSAGES

### Important positive messages:

Building cleaning may proceed by hand using water from a bucket.  
**Greywater and rainwater** may be used.

### Storage tanks

Restrictions apply to water drawn from the mains supply after the statutory notice has been given, so water drawn into a container prior to that date may be used for cleaning the exterior of buildings<sup>lxviii</sup>.

## FLEXIBILITY

### Exceptions

The grounds for an exception for these purposes are considered to be rare – perhaps linked to accidents and incidents.

Some small businesses may be reliant on building washing. The company could consider offering alternative (non-potable) water sources or exceptions for very low water use technologies. These could be revoked if the drought became more serious.

### Statutory Exceptions

The Drought Direction 2011 provides a statutory exception for **health or safety reasons**:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

### Discretionary Universal Exceptions:

- None

### Discretionary Concessional Exceptions

Suggested cases include:

- Small businesses whose sole operations are cleaning of non-domestic buildings using hosepipes;
- Low water use technologies; and
- Removal of graffiti.

## Figure F.18 – Cleaning a window of a non-domestic building

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 7.	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
INFORMATION		
<p><b>Definitions:</b> The activity coming under Ordinary Drought Order powers is defined by the Drought Direction 2011 as <b>“cleaning a window of a non-domestic building using a hosepipe other than for health or safety reasons”</b>.</p> <p><b>“Non-domestic building”</b> is defined in the Drought Direction 2011 as any of the following not being domestic premises: a) a building that is not used principally as a dwelling or dwellings; b) any other structure. This definition does <b>not</b> include any domestic premises as defined and covered by the Water Use (Temporary Bans) Order 2010 (see Figure F.9).</p> <p><b>Using a hosepipe</b> The Drought Direction 2011 provides the definition of “using a hosepipe” as <b>including</b>: a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose. This also includes anything designed, adapted or used for the same purpose as a hosepipe.</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the drought order was implemented.</p> <p><b>Interpretation:</b> <b>Water-fed poles</b> are frequently used by window cleaners and it is interpreted that they are included under the definition of hosepipes. These systems use de-ionised water. Where mains water is the source used to create this de-ionised water, this activity is restricted. The Inspector at the Mid Kent Water and Southern Water (Eastern area) Ordinary Drought Order Hearings in 2006 indicated that window cleaners could argue that they are using water in a process (de-ionising) and so not covered by this restriction<sup>lxxix</sup>. This has not been tested.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b> 51–60 l/window cleaner/day (assumed a water-fed pole)<sup>lxxx</sup>.</p> <p><b>Enforcement:</b> The WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance. Because this is an external activity it may be possible to monitor. Public pressure is likely to be an effective deterrent if appropriately engaged.</p> <p><b>Link to other Drought Direction activities:</b> Cleaning non-domestic premises (see Figure F.17).</p> <p><b>Link to Temporary Water Use Bans:</b> Cleaning walls, or windows, of domestic premises using a hosepipe (see Figure F.9).</p>		
MESSAGES		
<p><b>Important positive messages:</b> Customers may clean windows by hand, using a bucket.<sup>lxxxi</sup></p>		

### Figure F.18 – Cleaning a window of a non-domestic building

The use of rainwater is permitted.

#### FLEXIBILITY

##### Exceptions:

##### Statutory Exceptions

The Drought Direction 2011 provides a statutory exception for **health or safety reasons**. The definition of this includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

##### Discretionary Universal Exceptions:

- None

##### Discretionary Concessional Exceptions

- Businesses involved in cleaning windows in non-domestic premises using water-fed poles or similar. An alternative (non-potable) water source could also be offered.

Sutton & East Surrey Water implemented the 2006 drought order as follows:

*“The cleaning of windows by hosepipe, sprinkler or other similar apparatus which is connected directly to the mains supply<sup>lxxxii</sup>”*. This allowed use of water-fed poles using de-ionised water.

Figure F.19– Cleaning industrial plant		
LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 8.	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
INFORMATION		
<p><b>Definition:</b> The activity coming under Ordinary Drought Order powers is defined by the Drought Direction 2011 as <b>“cleaning industrial plant using a hosepipe other than for health or safety reasons”</b>.</p> <p><b>Using a hosepipe</b> The Drought Direction 2011 provides the definition of “using a hosepipe” as <b>including:</b> a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose. This also includes anything designed, adapted or used for the same purpose as a hosepipe.</p> <p><b>“Relevant water”</b> refers to mains water i.e. supplied by the water company; it does not include water supplied before the drought order was implemented.</p> <p><b>Interpretation:</b> Companies may identify industrial customers separately to other commercial customers. Local planning designations may also identify industrial locations.</p> <p><b>Plant</b> is interpreted to mean: <i>“The equipment, including machinery, tools, instruments and fixtures necessary for an industrial operation<sup>lxxiii</sup>”</i>. This restriction is not interpreted to apply to normal industrial and manufacturing processes and necessary housekeeping, as the impacts of such a wide definition would be significant. Water companies may wish to seek guidance from a legal advisor to clarify this interpretation.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b> Estimated to be negligible<sup>lxxiv</sup>.</p> <p><b>Enforcement:</b> The WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance. In practice enforcement is likely to be difficult as consumption will be masked by permitted uses. However, outdoor offences may be visible.</p> <p>Many organisations may consider that their activities would generally be permitted for health and safety reasons.</p> <p>Because of these difficulties water companies should try and engage with industrial users to seek a positive response.</p> <p><b>Links to other Drought Direction activities:</b> Cleaning non-domestic premises (see Figure F.17) Cleaning a window of a non-domestic building (see Figure F.18). Suppressing dust (see Figure F.20).</p> <p><b>Links to Temporary Water Use Bans:</b> Cleaning paths and patios using a hosepipe (see Figure F.10). Cleaning other artificial outdoor surfaces using a hosepipe (see Figure F.11).</p>		
MESSAGES		
<b>Important positive messages:</b>		

### Figure F.19– Cleaning industrial plant

Customers may clean such industrial plant by hand using a bucket.

The use of **greywater and rainwater** is permitted.

The use of water drawn into containers prior to the commencement of the restriction is allowed.

#### FLEXIBILITY

##### Exceptions:

##### Statutory Exceptions

The Drought Direction 2011 provides a statutory exception for **health or safety reasons**. The definition of this includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

##### Discretionary Universal Exceptions:

- None

##### Discretionary Concessional Exceptions

- For the removal of graffiti

Figure F.20 – Suppressing dust		
LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 9.	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
INFORMATION		
<p><b>Definition:</b> The activity coming under Ordinary Drought Order powers is defined by the Drought Direction 2011 as “<b>suppressing dust using a hosepipe other than for health or safety reasons</b>”.</p> <p><b>Using a hosepipe</b> The Drought Direction 2011 provides the definition of “using a hosepipe” as <b>including</b>:</p> <p>a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose. This also includes anything designed, adapted or used for the same purpose as a hosepipe.</p> <p>“<b>Relevant water</b>” refers to mains water i.e. supplied by the water company; it does not include water supplied before the drought order was implemented.</p> <p><b>Interpretation:</b> This covers both domestic and non-domestic areas and all surfaces.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b> No values available.</p> <p><b>Enforcement:</b> The WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance.</p> <p><b>Link to other Drought Direction activities:</b> Cleaning industrial plant (see Figure F.19).</p> <p><b>Links to Temporary Water Use Bans:</b> Cleaning paths or patios using a hosepipe (see Figure F.10). Cleaning other artificial outdoor surfaces using a hosepipe (see Figure F.11).</p>		
MESSAGES		
<p><b>Important positive messages:</b> Customers should be encouraged to use alternative, non-potable sources of water for dust suppression, such as recycled, greywater or rainwater. This is particularly the case where dust suppression is a necessary part of a business process.</p> <p>Customers may use a bucket for the purposes of dust suppression, although it should be noted that the practicality of this may be limited to small scale operations.</p>		
FLEXIBILITY		
<p><b>Exceptions:</b> Valid health or safety reasons need to be distinguished from nuisance control. It is suggested that mains water should only be sanctioned by the water company once it is satisfied that all other potential sources have been exhausted.</p> <p><u>Statutory Exceptions</u></p>		

### Figure F.20 – Suppressing dust

The Drought Direction 2011 provides a statutory exception for **health or safety reasons**. The definition of this includes:

- removing or minimising any risk to human or animal health or safety; and
- preventing or controlling the spread of causative agents of disease.

#### Discretionary Universal Exceptions:

- None

#### Discretionary Concessional Exceptions

- None

**Figure F.21 – Operating cisterns in unoccupied/closed buildings**

LEGISLATION		PROGRAMME
<b>Current legislation:</b>	Relevant to: Ordinary Drought Orders Drought Direction 2011, Purpose 10.	Constrained by application to Secretary of State and notice period. Approx. 8–12 weeks.
INFORMATION		
<p><b>Definition:</b> The activity coming under Ordinary Drought Order powers is defined by the Drought Direction 2011 as <b>“operating a cistern in any building that is unoccupied and closed”</b>.</p> <p><b>“Cistern”</b> is defined as meaning an automatically-operated flushing cistern which services a water closet pan or urinal.</p> <p><b>Interpretation:</b> Occupation by security staff is interpreted to comprise a building that is “unoccupied”.</p>		
EFFECTIVENESS		
<p><b>Estimate of savings:</b> 47–465 l/office/day<sup>lxxv</sup>.</p> <p>The Construction Industry Research and Information Association (CIRIA) have estimated that 20% of office use is urinal flushing<sup>lxxvi</sup> as distinct from other toilet flushing. The EA estimate that 76% of office urinal flushing occurs when the building is unoccupied<sup>lxxvii</sup>.</p> <p><b>Enforcement:</b> The WRA 1991 provides for enforcement as set out in Appendix A.2.1 of this guidance. In practice, monitoring and enforcement of this activity is likely to be difficult<sup>lxxviii</sup> as it will be difficult to locate offenders. Focussed work reviewing night-lines combined with sub-daily meter reading could potentially locate non-compliant sites.</p>		
MESSAGES		
<p><b>Important positive messages:</b> There are existing water efficient devices that customers can install to comply with this restriction, for example by installing controls to only flush after use or at certain times of day. Waterless urinals, greywater or rainwater systems can also be fitted. Customers will benefit from cost savings in the short and long term due to reduced water consumption.</p> <p>It may be possible to turn the control device off or to turn the water supply to the cistern off when the building is unoccupied or closed for a period of time.</p>		
FLEXIBILITY		
<p><b>Exceptions:</b> It could be expensive for customers to implement the necessary changes to plumbing to comply with this restriction. However it usually offers one of the fastest ‘payback periods’ of any water efficient device. A company will need to evaluate the potential benefits of short and long term savings against the costs for customers to implement when considering the phasing of this restriction.</p> <p><u>Statutory Exceptions</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><u>Discretionary Universal Exceptions:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><u>Discretionary Concessional Exceptions</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>		

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- <sup>i</sup> Modelling the impact of restrictions on demand during drought, UKWIR, 2006
- <sup>ii</sup> Consumer Council for Water response to consultation on this report, 2011
- <sup>iii</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>iv</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>v</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>vi</sup> [www.waterplf.co.uk](http://www.waterplf.co.uk)
- <sup>vii</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>viii</sup> Horticultural Trades Association / Waterwise, response to consultation for this report, 2011
- <sup>ix</sup> Sydney Water Corporation
- <sup>x</sup> Modelling the impact of restrictions on demand during drought, UKWIR, 2006
- <sup>xi</sup> Southern Water response to Defra consultation, 2007
- <sup>xii</sup> Consumer Council for Water response to Defra consultation, 2007
- <sup>xiii</sup> Consumer Council for Water response to consultation on this report, 2011
- <sup>xiv</sup> Karcher response to Defra consultation, 2007
- <sup>xv</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xvi</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xvii</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xviii</sup> Consumer Council for Water response to consultation on this report, 2011
- <sup>xix</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xx</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxi</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxii</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxiii</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxiv</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxv</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxvi</sup> Royal Yachting Association and British Marine Federation combined response to Defra consultation, 2007
- <sup>xxvii</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxviii</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxix</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxx</sup> Application for an ordinary drought order, London - Statement of Reasons, Thames Water Utilities Limited, 2006
- <sup>xxxi</sup> Application for an ordinary drought order, London - Statement of Reasons, Thames Water Utilities Limited, 2006
- <sup>xxxii</sup> Application for an ordinary drought order, London - Statement of Reasons, Thames Water Utilities Limited, 2006
- <sup>xxxiii</sup> Report to the Secretary of State for Environment, Food and Rural Affairs, Application by Sutton and East Surrey Water Plc for the Sutton and East Surrey Water plc (Drought (No 1) Order 2006)
- <sup>xxxiv</sup> Application for an ordinary drought order, London - Statement of Reasons, Thames Water Utilities Limited, 2006
- <sup>xxxv</sup> Sydney Water Corporation
- <sup>xxxvi</sup> Northumbrian / Essex and Suffolk Water response to Defra consultation, 2007
- <sup>xxxvii</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxxviii</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xxxix</sup> Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xl</sup> Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- <sup>xli</sup> <http://www.waterplf.co.uk/WaterPlc/drought/droughtimplement.html>

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- xlii Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- xliii Transport for London response to Defra consultation, 2007
- xliv Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- xlv Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- xlvi Transport for London response to Defra consultation, 2007
- xlvii Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- xlviii Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- lix Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- l Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- li Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- lii Sydney Water Corporation
- liii British Swimming Pool Federation response to consultation on this report, 2008
- liv Sydney Water Corporation
- lv Consultation on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- lvi Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- lvii Report to the Secretary of State for Environment, Food and Rural Affairs, Applications by Mid Kent Water Limited and Southern Water Services Limited for ordinary drought orders restrictions on the non-essential use of water
- lviii Application for drought order: Non-essential use ban Statement of Reasons and Environmental Report, Sutton and East Surrey Water Plc, 2006
- lix Application for an ordinary drought order, London - Statement of Reasons, Thames Water Utilities Limited, 2006
- lx <http://www.waterplf.co.uk/WaterPlc/drought/droughtimplement.html>
- lxi Car Wash Association feedback on the draft Water Industry Guidance on Water Use Restrictions, 2008
- lxii Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- lxiii Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
- lxiv Summary of responses to the consultation, between 23 March and 15 June 2007, on proposed changes to powers to restrict non-essential uses of water, Defra, 2007
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