

# CHOLDERTON DRAFT DROUGHT PLAN 2012

## Statement of Response

### Introduction

1. The consultation period for the company's draft drought plan closed on 2 March 2012. Defra received 3 representations and the Consumer Council for Water sent their comments on the draft plan direct to the company. This document is the company's statement of response to those representations. The Drought Plan Regulations make it a requirement for the company to:

- Comment on the consideration that has been given to representations.
- State whether any changes have been made to the draft plan in the light of the representations and, if so, why.
- Explain, where appropriate, why no changes have been made to the draft plan after consideration of a representation.

2. The Regulations require the company to publish this statement on its website by 13 April 2012. It is also a requirement for the company to send its Statement of Response directly to those who made representations. This has been done electronically.

3. Defra have been sent a marked up copy of the Draft Plan incorporating all the changes the company proposes. They will consider this Statement of Response, along with the representations, and decide whether to call a public hearing or issue directions for the plan to be published either in its revised version or with further changes. Publication is likely to take place in the second quarter of 1012.

### Representations & Responses

4. The following paragraphs contain a summary of the submissions made by the four respondents and how the company has responded. Representations were made by the following organisations:

- Consumer Council for Water Western region
- Natural England
- Environment Agency
- London Fire Brigade

No representations were received from individuals or the company's consumers.

### **The Consumer Council for Water**

5. The Consumer Council for Water Western Region made a series of points, which are listed below followed by the company's response.

- a. That all customers should be contacted individually when Trigger Nr.1 is activated.

Response: The draft plan states that, where possible, personal visits will be made to all customers at Trigger Nr. 2. Personal contact is better left until initial measures to curb demand are seen to be failing. There will be no change to the draft.

b. The term 'severe hardship' should be clarified and stated in simple language.

Response: Agreed; the draft plan has been modified to incorporate a sentence which meets this requirement.

c. The company should include an enforcement strategy when restrictions are flouted.

Response: Agreed; the draft plan now makes it clear that there are penalties for ignoring restrictions. It also states who will be responsible for imposing them.

d. The company should publish the details of consumers who have been granted exemption from restrictions.

Response: To do this might lead to unseemly antagonism within the community. The company will, however, publicise which categories have been granted exemptions. Close contact will be maintained with individuals who qualify for exemptions as the drought progresses.

6. The changes that have been made to the draft plan in response to CCW Western region's representation are marked up in red print.

### **Natural England**

7. Natural England welcomed the fact that the drought management measures are primarily targeted at the suppression of demand. However, having noted the potential need to apply for a Drought Permit to abstract additional water beyond the licensed maximum, they did raise a concern about the overall timescale before restrictions on use are introduced.

Response: The company's strategy is to introduce a sliding scale of pressure on consumers to inhibit their likelihood of increasing demand in very dry conditions. It will take time to judge whether the Phase 2 measures are having the desired effect. The experience of 1976 was that each turn of the screw towards threatened restrictions eventually inhibited demand to the extent that water use restrictions did not have to be implemented. Nevertheless, the company recognizes that the timeline is longer than that of some adjoining companies. There is, however, a significant amount of work that needs to be done before Phase 3 can be implemented and the company has very limited resources at its disposal. The timescales will be left unchanged.

8. In addition, Natural England made the point that "Depending on the scale of additional abstraction required and possibly also the period or time of year of any Drought Permit, a Habitats Regulations Assessment may be required."

Response: The maximum additional abstraction that may be required is most unlikely to exceed 75m<sup>3</sup> per day. This would still keep the daily maximum well below the level permitted under the current licence conditions. On an annual basis it would represent an increase of <10%. The length of time needed to complete an HRA for this level of increased abstraction is believed to be no more than a couple of weeks. The following adjustments have been made to the draft plan:

- A sentence has been added to paragraph Nr. 60
- 2 new paragraphs Nrs. 61 & 62 have been added, which cover the requirement for a Habitats Regulations Assessment and take account of the time, which it would entail.

9. The additional material that has been added to the draft plan in response to Natural England's representation is marked up in **green** print.

### **Environment Agency**

10. The Environment Agency's representation assessed the draft plan against the guidelines and relevant legislation. Cholderton is the smallest of the statutory water undertakings by a very significant margin. This point is emphasised in a new paragraph Nr. 8, coloured **brown** in the revised draft plan, which outlines how the company approached the guidelines.

11. The Agency's representation contained 2 main recommendations, which were expanded in an Evidence Report with 7 main headings. The company had a meeting with the Environment Agency in order to discuss the draft plan and the issues they had raised in their representation. The 2 major recommendations referred to:

- Drought triggers
- Environmental impacts of supply-side drought actions

In the paragraphs that follow the company's responses have been set against the Agency's representations.

12. On the 2 major recommendations, the company has provided more detail about the ability of the Compton Corner borehole to meet demand; see paragraphs 21 - 23 and 46. The supply demand balance, which was an additional concern, has been clarified and the wider issue will be addressed when the company's WRMP annual review is published very shortly. The Company's response to the Agency's concern about Environmental impacts etc. has been addressed in the new paragraphs 61 & 62, which have been added to the plan.

13. The 5 other issues raised by the Agency, using their references, relate to:

3. Demand side drought management actions
4. Links with other plans & statutory processes
5. Temporary restrictions
6. General drought management action
7. Drought communications management

14. The company has made changes to the plan to take into account most of the points made under item 3 which the Agency classed as a moderate issue. As well as additions to the text, a new Annex D has been included in the plan. However, no estimate has been made of the savings that may be achieved by the demand side drought management measures. UKWIR makes some estimates in their publication 11/WR/33/3 but only 2 of these are relevant to Cholderton and they are for guidance only. There have been no previous occasions in the company's 100-year history on which to base any meaningful estimates.

15. Item 4 relates to the pre-consultation responses received from other bodies. Apart from the Environment Agency, OFWAT and Natural England contacted the company. All respondents made reference to the guidelines. No adjustment will be made to the draft.

16. The remaining items 5 – 7 are classified as 'minor issues'. Amendments and additions to the text have been made to address items 5 & 7. Regarding item 6, contact has been made with the relevant personnel in neighbouring water companies and if restrictions on water use become imminent every attempt will be made to achieve a coordinated approach; see paragraph 57.

17. In summary, the additional material that has been added to the draft plan in response to the Environment Agency's representation is marked up in blue print in the revised draft plan. Paragraphs 61 & 62 in green are also relevant to issues raised by the Agency.

### **London Fire Brigade**

19. The Brigade requested that water companies should liaise with fire departments prior to any actions that might affect fire-fighting activities.

Response: the company's Drought Plan has no impact on fire-fighting activities.

### **Post-Response Actions**

20. This statement of response will be posted on the company's website during the first week of April 2012. All those who made representations will be sent a copy together with a copy of the revised draft plan with the amendments colour coded for easy reference.

21. Defra will consider company's statement of response to the representations and will review the revised draft, which incorporates the changes the company has made to the original draft. Defra will decide whether to call a public hearing or issue directions for changes to be made to the revised draft. The company will publish the final plan when this process has been concluded.

AAF  
31 March 2012