



2022 Final Drought Plan

Appendix L

Demand-side measures

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L.1 Section 76 Water Industry Act 1991, Water Use (Temporary Bans) Order 2010 and Drought Direction 2011

Following the amendment to Section 76 of the Water Industry Act 1991, made by the Flood and Water Management Act 2010 (FWMA 2010) and further prescribed by the Water Use (Temporary Bans) Order 2010 (Temporary Use Ban) in 2012, water company powers to restrict water use were extended. Additionally, the Drought Direction 2011 (DD11), which updates powers of water companies to ban non-essential use under the terms of an Ordinary Drought Order, has been considered in parallel with the Temporary Use Ban powers and its implementation incorporated into the updated Plan.

Temporary Use Ban

The legislation permits restrictions on eleven categories of use (also referred to as 'activities', 'measures' or 'purposes'), see Table 1. It is up to the individual water company to decide which activities should be banned, how these restrictions should be phased in and which of these, if any, should be subject to exemptions or concessions. These are further discussed in the following appendices. Several of the activities have a statutory exemption on health or safety grounds.

Table 1- Temporary Use Ban Powers- Categories of Use

Description of measure	Additional comments
1. Watering a garden using a hosepipe*	Definition of 'garden' has now been greatly extended to include: 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 g) any area of an allotment used for non-commercial purposes; h) any other green space. This is a new and much more wide-ranging definition than the original. This category Includes a statutory health or safety exemption.
2. Cleaning a private motor-vehicle using a hosepipe	Watering by hand using a bucket, using greywater or rainwater is acceptable.
3. Watering plants on domestic or other non-commercial premises using a hosepipe	A watering can could be used.
4. Cleaning a private leisure boat using a hosepipe*	Includes statutory health or safety exemption.
5. Filling or maintaining a domestic swimming or paddling pool	Customers may fill swimming and paddling pools by hand, using a bucket. Public pools are not covered by this restriction. Use of alternative water sources, including rainwater, is permitted.
6. Drawing water, using a hosepipe, for domestic recreational use	Customers may use a bucket to fill recreational equipment. Filling of recreational toys directly from a tap is not included.
7. Filling or maintaining a domestic pond using a hosepipe*	Ponds where fish or other aquatic animals are being reared are exempt.
8. Filling or maintaining an ornamental fountain*	This is an effective way of reinforcing the message of the seriousness of the drought

9. Cleaning walls, or windows, of domestic premises using a hosepipe*	Includes statutory health or safety exemption.
10. Cleaning paths or patios using a hosepipe*	This activity also applies to commercial premises. Includes statutory health or safety exemption.
11. Cleaning other artificial outdoor surfaces using a hosepipe*	This activity also applies to commercial premises. Includes statutory health or safety exemption.

In terms of giving public notice of impending Temporary Use Ban enforcement, 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 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 varied; and

To give notice in relation to the lifting of any prohibitions on its website and in two newspapers.

Drought Direction 2011

Drought Direction 2011 (DD11) came into force on 31 March 2011 and replaces Drought Direction 1991. DD11 has been designed to supplement the restrictions prescribed within the 1991 direction by extending the categories of possible water use restriction when further savings are needed. DD11 sets out ten categories of use or activities that can be prohibited, see Table 2 as for the Temporary Ban legislation, several measures include exemptions on health or safety grounds. An Ordinary Drought Order application to the Secretary of State is still required before a non-essential use ban on commercial customers may be implemented. Drought Direction 2020 has since been published but DD11 remains in force.

Table 2- Drought Direction 2011- Categories of use

Description of non essential use measure	Additional comments
1. Watering outdoor plants on commercial premises	This activity mirrors the domestic equivalent (Activity 3).
2. Filling or maintaining a non-domestic swimming or paddling pool	Pools under construction are not included. This includes significant renovations and alterations that require substantial changes to the shape of a pool or major additions to the structure around the pool. It does not include minor works such as retiling or resurfacing.
3. Filling or maintaining a pond	Customers may fill using a bucket. Use of alternative water sources is permitted including rainwater. Ponds where fish or other aquatic animals are being reared are exempt.
4. Operating a mechanical vehicle-washer	

5. Cleaning any vehicle, boat, aircraft or railway rolling stock	Includes statutory health or safety exemption.
6. Cleaning non-domestic premises	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. Includes statutory health or safety exemption.
7. Cleaning a window of a non-domestic building	An alternative (non-potable) water source could also be offered. Includes statutory health or safety exemption.
8. Cleaning industrial plant	Includes statutory health or safety exemption.
9. Suppressing dust	Includes statutory health or safety exemption.
10. Operating cisterns	Covers operating a cistern in any building that is unoccupied and closed.

L.2 UKWIR Code of Practice

We have based our policy on the statutory requirements and the guidance given in the UKWIR Code of Practice ('Code of Practice and Guidance on Water Use Restrictions', UKWIR). The Code of Practice (CoP) offers the following four principles to guide water companies when they are evaluating whether and how water restrictions will be implemented by them during times of drought:

- Ensuring a consistent and transparent approach;
- Ensuring that water user restrictions are proportionate;
- Communicating clearly with customers; and
- Considering representations in a fair way.

In the task of setting out our implementation policy, the 2nd principle of proportionality is the most immediately relevant of the four. In putting the 2nd principle into practice, the key points to bear in mind are:

- The nature and seriousness of the water supply situation.
- The water savings that will result from restricting the activity.
- Whether it is appropriate to introduce the restriction in a phased manner.
- Whether the restriction will result in a serious commercial impact.
- The health or safety and biosecurity implications of the restriction.
- Whether the restriction will impact on vulnerable customers or groups.
- Whether it is appropriate to offer any concessions to any individual or group of customers.

Exemptions/concessions

Exemptions or concessions fall into two broad categories: statutory and discretionary. The former category is written explicitly into the legislation and includes health and safety requirements. The latter are not anywhere defined but general guidance is given in the CoP. Following the four principles, it is up to individual companies to decide how they wish to implement the discretionary exemptions/concessions suggested in the CoP. We have worked with other water companies in the South East (Water Resources in the South East (WRSE)) to align our exemptions for Temporary Use Bans and Non Essential Use Bans.

Table 3 Non-Essential Use Ban – Exemptions

	Drought Order Category	Statutory Exemptions	Universal Exception	Discretionary Exception	UKWIR Suggested Discretionary Exceptions
1	Watering outdoor plants on commercial premises	This includes plants which are in a pot or container that is outdoors or under cover and plants which are in the ground under cover. This does not include plants grown (i.e. cultivated or propagated) or kept for sale or commercial use or plants part of a National Plant Collection or temporary garden or flower display.	None	Use of an approved drip or trickle irrigation system fitted with a PRV and timer is set for use in the evening or night.	Use of an approved drip or trickle irrigation system fitted with a PRV and timer
				Water newly bought plants for the first 28 days after the implementation of the ban.	Watering newly-bought plants
2	Filling or maintaining a non-domestic swimming or paddling pool	This restriction shall not apply to: <ul style="list-style-type: none"> • Pools open to the public (a pool is not open to the public if it may only be used by paying members of an affiliated club or organisation). • Filling or maintain a pool that is used by pupils of a school for swimming lessons. • filling or maintaining a pool where necessary in the course of construction. • filling or maintaining a pool using a hand-held container which is filled with water drawn directly from the tap. 	None	None.	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 innovation

	Drought Order Category	Statutory Exemptions	Universal Exception	Discretionary Exception	UKWIR Suggested Discretionary Exceptions
		<ul style="list-style-type: none"> • filling or maintaining a pool designed, constructed or adapted for use in the course of a programme of medical treatment. • filling or maintaining a pool that is used to decontaminate animals from infections or disease. • filling or maintaining a pool used in the course of veterinary treatment. • filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity. 			
3	Filling or maintaining a pond	This restriction shall not apply to ponds in which fish or other aquatic animals are being reared or kept in captivity or to filling or maintaining the pond with a hand-held container which is filled with water directly from the tap.	Blue Badge holders on grounds of disability	None	Customers on the company's Vulnerable Customer List who have mobility issues but are not in possession of a Blue Badge
4	Operating a mechanical vehicle washer	None	None	On biosecurity grounds	Washers which recycle water and thus use less than 23 litres per wash On biosecurity grounds
5	Cleaning any vehicle, boat, aircraft or railway rolling stock	Cleaning any vehicle, boat, aircraft or railway rolling stock for health and safety reasons	None	On biosecurity grounds	Low water use technologies Small businesses whose sole operations are cleaning of vehicles using hosepipes Those using vessels as a primary residence

	Drought Order Category	Statutory Exemptions	Universal Exception	Discretionary Exception	UKWIR Suggested Discretionary Exceptions
6	Cleaning any exterior part of a non-domestic building or non-domestic wall	Cleaning any exterior part of a non-domestic building or non-domestic wall for health and safety reasons	None	To remove graffiti by applying to the wholesale supplier	Cases where fouling of hulls causes fuel consumption
					To remove graffiti
					To prevent of control the spread of non-native and/or invasive species
					Small businesses whose sole operations are cleaning of buildings using hosepipes
					Low water use technologies
					To remove graffiti
7	Cleaning a window of non-domestic building	Cleaning a window of non-domestic building using a hosepipe for health and safety reasons	None	Small businesses whose sole operations are cleaning of windows using hosepipes.	Small businesses whose sole operations are cleaning of windows using hosepipes
8	Cleaning industrial plant	Cleaning industrial plant using a hosepipe for health and safety reasons	None	Biosecurity	To remove graffiti
9	Suppressing dust	Suppressing dust using a hosepipe for health and safety reasons	None	None	None
10	Operating cisterns on unoccupied buildings	None	None	None	None

L.3 Savings from demand-side restrictions

We have estimated the potential water savings from demand-side restrictions, based on experience in previous droughts. These estimations are underpinned by the same methodology

as employed for the Drought Plan 2010. The impact of an Ordinary Drought Order¹ was combined with the observed impact of the 2006 hosepipe ban² to produce the net impact of restrictions from levels 1 to 3 given the prevailing conditions in 2008. The 2008 estimates were revised³ to produce figures that have been adopted for 2021 taking into account the following:

1. The changes due to reduced levels of Distribution Input.
2. The changes due to revisions to legislation, broken down into-
 - a. The impact of powers that have been wholly or partially transferred from the pre-existing Ordinary Drought Order non-essential use ban legislation into the new Temporary Use Ban legislation.
 - b. The enhanced scope of the Temporary Use Ban powers with respect of the former hosepipe ban legislation.
3. Thames Water policy on exemptions.
4. A revision to the estimated impacts of enhanced pressure management and accelerated leakage reduction in the context of Thames Water's improvements to leakage management between 2006 and the present day.

Table 4 shows for the London WRZ the latest month-by-month demand-side savings for the Service Level up to and including Level 4 (see Table 14, Column 4).

Table 4 Estimates for the impacts of month by month demand reduction for London WRZ expressed as % of the Distribution Input

Restriction level	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Level 1	1.1	1.2	1.2	1.3	1.5	2.2	2.2	2.1	1.3	1.2	1.2	1.2
Level 2	2.2	2.2	2.3	3.2	3.8	7.5	7.9	7.1	3.2	2.6	2.4	2.3
Level 3a: TUB	0.7	0.7	0.7	1.1	1.4	2.8	3.0	2.7	1.1	0.9	0.8	0.8
Level 3b: DD11	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4
Cumulative savings, Levels 1-3	5.4	5.5	5.5	7.0	8.0	13.9	14.5	13.2	7.0	6.1	5.8	5.6
Level 4	18	18	18	18	18	18	18	18	18	18	18	18
Total cumulative savings Levels 1-4	23.4	23.5	23.5	25.0	26.0	31.9	32.5	31.2	25.0	24.1	23.8	23.6

Table 5 shows the equivalent savings for the Thames Valley WRZs. Largely due to the proportionally higher concentration of gardens, slightly higher savings are gained for the Thames Valley WRZs.

¹ Thames Water/R&D report/RST010-NEU/Version 2.0, L. Kiernan, 12-06-2006

² Thames Water/R&D report/RST010-LTOA/Version 1.2, L. Kiernan, 12-05-2008

³ Thames Water/R&D report/RST010-LTOADrought2012/Version 0.8, L. Kiernan, 27-03-2012

Table 5 Estimates for the impacts of demand reduction for Thames Valley* expressed as % of the Distribution Input

Level of restriction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Level 1	1.3	1.4	1.4	1.8	1.9	3.6	3.8	3.7	1.6	1.4	1.4	1.4
Level 2	2.4	2.5	2.6	3.9	4.3	10.1	10.5	10.2	3.5	2.8	2.6	2.5
Level 3a: TUB	0.8	0.8	0.8	1.3	1.4	3.4	3.6	3.4	1.1	0.9	0.8	0.8
Level 3b: DD11	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Cumulative savings, Levels 1-3	5.8	5.9	6.0	8.2	8.9	18.3	19.1	18.6	7.4	6.3	6.1	5.9
Level 4	18	18	18	18	18	18	18	18	18	18	18	18
Total cumulative savings Levels 1-4	23.8	23.9	24.0	26.2	26.9	36.3	37.1	36.6	25.4	24.3	24.1	23.9

*Thames Valley WRZs are: SWOX, Kennet Valley, Henley, SWA and Guildford

The savings are given below for London and Thames Valley WRZs and represent the maximum savings that can be expected during the peak month of July when pressure on water resources is greatest.

Level of service London WRZ- Peak month saving as a percentage of total demand

- Level 1: Providing a 2.2% maximum reduction in Unrestricted Demand.
- Level 2: Additional 7.9% (cumulative 10.1%) maximum reduction in Unrestricted Demand.
- Level 3: Additional 4.4% (cumulative 14.5%) maximum reduction in Unrestricted Demand.
- Level 4: Additional 18% (cumulative 32.5%) maximum reduction in Unrestricted Demand;

Level of service Thames Valley WRZs- Peak month saving as a percentage of total demand

- Level 1: Providing a 3.8% maximum reduction in Unrestricted Demand.
- Level 2: Additional 10.5% (cumulative 14.3%) maximum reduction in Unrestricted Demand.
- Level 3: Additional 4.8% (cumulative 19.1%) maximum reduction in Unrestricted Demand.
- Level 4: Additional 18% (cumulative 37.1%) maximum reduction in Unrestricted Demand;

L. 4 Customer Research

Objectives and methodology

We commissioned an independent market research company to conduct a survey for which the over-arching objective was to gain customer feedback (domestic and commercial) and views regarding key elements of the revised draft, specifically:

- Media campaign.
- Temporary Use Ban and options for exemptions and phasing.
- New powers regarding Drought Direction 2011.

In all, three surveys were conducted, the first two with domestic customers and the third with commercial customers. In regard to the domestic customers, a two-phase research programme was conducted starting with a qualitative phase of three online group discussions in the week beginning 13 June 2011, composed of:

- domestic customers with private garden and / or allotment – 7 participants;
- domestic customers with private garden and / or allotment – 8 participants;
- domestic customers without private garden or allotment – 9 participants.

Participants were recruited from the Thames Water customer panel. Within each group a mixture of consumers was surveyed by age, socio-economic group, ethnicity, location (London and Thames Valley), garden/allotment ownership and presence of a water meter.

A second domestic survey was conducted between 24 June and 3 July in the form of an online quantitative phase in which 1299 domestic customers were emailed and invited to participate, from which a good response rate of 62% (804) was achieved.

A quantitative survey of commercial customers was conducted between 6 July – 22 July in which 57 relevant businesses and business consortiums were sent a questionnaire. The response was unfortunately disappointing with replies dominated by cricket clubs (NB this was because the English and Welsh Cricket Club Board forwarded the questionnaire to all its members), with the only other replies received from:

- Turf Grass Growers Association
- Federation of Window Cleaners
- Horticultural Trades Association
- Racecourse Association
- Heathrow Airport Ltd.

In all three surveys participants were informed of the nature of the Temporary Use Ban and NEUB measures. In the domestic qualitative survey participants were asked about their views about their water supply and what they perceived to be the main issues facing water companies today. The customer panel were shown the short-list of exemptions, Table L3, and asked for their views on their acceptability.

Findings- Qualitative survey

Attitudes to a media campaign

Most participants felt that they used reasonable amounts of water and that a media campaign would have little effect on them but may impact others. They were already careful with the amount of water they used. They know what measures to take to reduce water use and it is 'common sense'. Participants said key messages in a media campaign should be:

- Encouragement to behave responsibly
- Communication of facts e.g. top tips, how much rainfall does there need to be to make a drought, who decides there is a drought.
- Communicating what may happen if action is not taken.
- Demonstrating water companies are doing their bit.
- Stressing both the personal benefits (financial) and wider benefits (environmental).

Temporary Use Ban

There was a high level of agreement among participants that it was acceptable to ban all eleven activities. In discussing possible exemptions, there was a high level of agreement that all the short-listed options were acceptable. Interestingly, physical or mobility impairment was not on the initial short-list of exemptions but was spontaneously suggested by the participants and subsequently added to the short-list.

Attitudes on NUEB measures

Participants were given a list of activities that could be banned if a Drought Order were to be introduced. There was a broad level of agreement with the measures proposed. Those participants who were broadly in favour of the measures had a number of associated caveats:

- Businesses should be given sufficient warning and notice of the measures to allow them to prepare.
- Health and safety should be a factor, i.e. suppressing dust etc. could be important in some circumstances, so should be exempt if health and safety is at risk. NB the statutory exemptions will generally cover these concerns.
- They wanted reassurance about the objectivity and accountability of the decision to introduce a Drought Order and the associated stringent measures.

One possibility discussed was the exemption of mechanical car washers that are water efficient, for example, an exemption for washers that recycle water and use less than a certain amount of water per vehicle. Participants had mixed views on allowing mechanical car washers that are water efficient if a Drought Order was introduced. Some felt that protecting small businesses was a good idea, but others felt that washing cars was not a priority activity and did not warrant an exemption.

Findings- Quantitative domestic survey

Temporary Use Ban

The key findings can be summarised as:

- Overall, garden or allotment ownership appeared to have little impact on views.
- No significant difference in attitude between London and Thames Valley customers.
- Almost half of respondents would not be affected by any of the measures.
- The top three activities affecting the most respondents were:
 - Watering a garden or allotment using a hosepipe
 - Watering plants on domestic properties using a hosepipe
 - Cleaning a private vehicle using a hosepipe
- 75% of respondents agreed with restrictions on five or more proposed Temporary Use Ban measures, 21% agreed with all.
- Younger respondents (16 to 34) were more negative about the ban and had lower levels of agreement with all of the individual measures.

The profile of levels of agreement with the individual banned measures is given in Figure 1. The most notable point is that whilst watering gardens and plants were the most 'unpopular' measure relative to the overall set of measures, over 68% either agreed with or were neutral on the instigation of those measures.

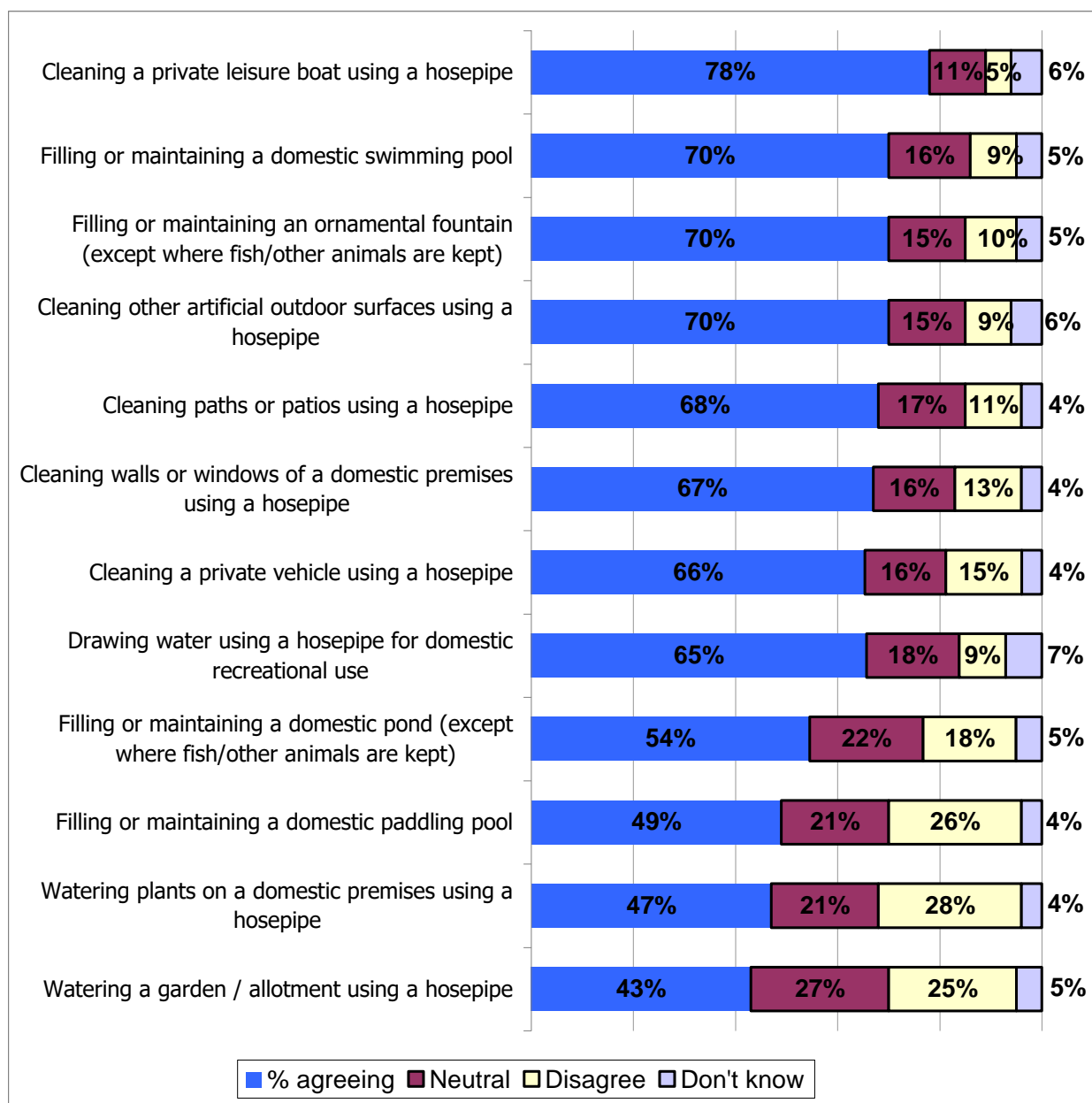


Figure 1 Levels of agreement on activities banned under the Temporary Ban

Exemptions

As shown below in [Figure 2](#), based on the results all but offensive graffiti and gardens open to the public could be said to have good customer support.

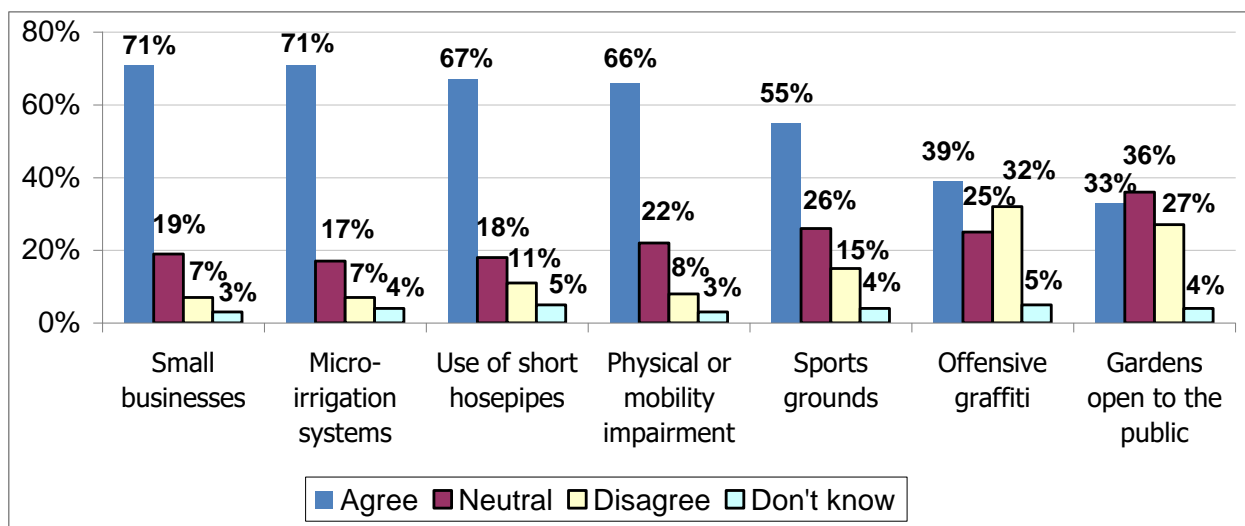


Figure L2

Figure 2- Levels of agreement on possible Temporary Use Ban exemptions
Phasing

In this context, 'phasing' is when one or more categories of use are excluded from the list of banned water use activities until a later phase of the drought event. The wider range of powers that is now available for Temporary Use Bans means that water companies should give careful consideration to the phasing of demand restrictions. A more flexible approach to the implementation of the legislation is now possible, for example first banning the watering of lawns and verges, later followed by plants grown as food. However, under the new legislation, each phase is to be treated afresh, and so a formal period of notice would have to be given prior to the introduction of each new phase, in our case, this would be 3 weeks. Multiple phasing would also tend to increase customer uncertainty during the course of the drought as to what activity was or was not currently banned.

In the survey, two phases gained a 2 to 1 majority over one phase. However, the principal reason for preferring two phases was either allowing more time to adjust or it lessens the impact on the customer. Unsurprisingly, there was a majority consensus on watering a garden using a hosepipe and watering plants on domestic or other non-commercial premises using a hosepipe being the two activities left for Phase 2. However, this option could reasonably be rejected on grounds of such a lax policy on reducing water use would not pass the proportionality test (2nd Principle of Code of Practice). Clearly, a two-phase approach with the highest water uses being in the second phase would not demonstrate a clear commitment to reducing demand and could be considered by Defra or the Environment Agency as an ineffective use of full powers. The principal reason given for just having one phase was the obvious one: less confusing/easier to understand.

Findings- Commercial Survey

Overall there was good agreement with domestic survey results. Again there is support for banning most activities, without exemptions being required. However, 'watering plants at a commercial garden premises (excluding those grown or kept for sale)' was only agreed with if exemptions were to be applied, as were 'cleaning of industrial plant' and 'suppressing dust'. The

only activity where a ban was disagreed with outright was 'operating cisterns'. This was for health and safety reasons. However, there has likely been some misunderstanding on the conditions of the ban, as the legislation refers to "operating a cistern in any building that is unoccupied and closed".

In regard to the suggested exemptions under the Temporary Use Ban the respondents did not agree with the exemptions on 'offensive graffiti' and 'gardens open to public', a very similar result to the quantitative domestic survey.

Two phases were preferred with watering gardens and plants in the 2nd phase, an identical result to the domestic survey.

For NEUB exemptions, 'short hosepipe', 'small businesses' and 'mechanical car washers' were all endorsed.

Understandably, health and safety was often cited as a reason for exempting an activity. Cricket clubs all made the case for watering the cricket square, often for health and safety reasons.

L.4 Inter-company liaison

Introduction

Water companies, regulators and customers alike all agree that water use restrictions should be implemented in a clear and consistent manner across the South East of England. For example, in his letter of 14 January 2011 to Thames Water, Richard Benyon, the Minister for Natural Environment and Fisheries, expressed a particular concern that had been raised on the risk of confusion for customers in neighbouring areas where different approaches are taken and stated that it would be helpful if consideration could be given on how to avoid such confusion.

We have worked with the other WRSE water companies to align our phasing and exemptions as much as possible, however it should be noted that this does not mean that the measures would be triggered at the same time.

Points of agreement

At a meeting in 2011 with most of the other companies in the South East they gave unanimous support for working towards a consistent approach, although it was acknowledged that due to inherent differences in water resource systems and variations in rainfall patterns, it was unlikely that the implementation of restrictions could always be simultaneously applied across the South East. However, the reasons for any differences should be understood and clearly explained to customers. It was agreed that a joint statement (see Section 7.4.3 in Main Report) explaining the position should be included in each updated company drought plan. This agreement was reviewed through the WRSE Drought Group in 2021 and the joint statement has been updated.

Companies also discussed progress towards their implementation policy for the incorporating the new legislation. Generally companies would introduce the Temporary Use Ban measures in one phase, although some companies that were solely reliant on groundwater sources had decided on a more gradual introduction involving two or three phases. With regard to exemptions, a minimalist approach had been adopted by all companies. The two main exemptions on using a hosepipe were for undue commercial impact principally on businesses whose income depended largely on the banned activity and the elderly or disabled whose impairment was such that they were physically unable to cope with watering their garden, plants or allotment with a watering can. In implementing the banned activities under a NEUB, all companies would apply to the Secretary of State for the full powers. It was felt in this case that if such powers were needed the drought would have to be posing a serious risk to supplies and so maximum water use savings should be aimed for.

L.5 Changes resulting from December 2011 Consultation

Introduction

Thames Water undertook consultation on its 2012 draft Drought Plan in 2011 and used the response to amend its policy on TUB implementation. The response from the consultation, ongoing dialogue on the draft Plan with stakeholders and internal review resulted in two substantive changes to the implementation policy for the Temporary Use Ban, namely the inclusion of two further exemptions relating to sports grounds and micro-irrigation). The internal review was undertaken in the light of the representations that Thames Water received to its announcement of the implementation of a Temporary Use Ban on 5 April 2012. This appendix describes the changes and the reasons for them.

Sports grounds

Exempting sports grounds is an option open to water companies that is noted in UKWIR's Code of Practice (described therein as 'sports pitches'). Watering areas of grass used for sport or recreation using a hosepipe is covered under Category of Use 1 with the much wider definition of a 'garden'. This includes all sports pitches or similar, such as cricket and football pitches, bowling greens, horseracing tracks and golf courses. It applies to both publicly and privately owned facilities; both can be large users of water but some may have private water supplies for watering sports pitches. Watering for health or safety reasons is exempt from the legislation in any case and sports pitches can still be watered using other sources of water and innovative recycling methods can be encouraged.

This option was discussed as part of the Company's initial consideration of the new Temporary Use Ban powers (see Appendix L2 (Table 3) and Appendix L3 ('Exemptions')). In the customer research quantitative survey the option gained good support with 81% either agreeing or remaining neutral on its inclusion as an exemption. In the end the Company decided against its inclusion because of its uncontrolled broad and general scope and the potential significant loss of water savings that such a wide scope could produce.

During the fifteen week consultation/response period, the current drought has brought into much sharper focus the need to re-consider sports ground irrigation, in particular respect to national and international events, such as Wimbledon, various Premiership games and Test matches. On the basis of the proportionality principle, it is felt that the loss of water savings is outweighed by the need to maximise the success of such widely enjoyed events, albeit limited in number. In addition, the national or international criterion would enable certain specified events to be exempt, thereby overcoming any issues of uncontrolled abuse of this exemption.

The new exemption for sporting events of national or international importance is worded as follows:

Using a hosepipe to water an area of grass or artificial outdoor surfaces used for sport or recreation, where this is required in connection with a national or international sports event.

(NB for implementation of the TUB in 2022 this exemption was not included as it was originally included to cover the Olympics in 2012 and so was not deemed necessary in late summer 2022.)

Micro-irrigation (water-efficient irrigation)

Like sports grounds, it is suggested in the Code of Practice as an exemption that water companies may wish to consider exempting water-efficient apparatus such as drip irrigation or micro-irrigation through perforated hosepipes and sprinkler systems. Micro-irrigation /drip irrigation received a majority of 88% (agree with or neutral) in the customer research survey (see Appendix L2 (Table 3) and Appendix L3 ('Exemptions') . Whilst the Company was keen to encourage water efficiency, given that garden irrigation formed a majority of potential water use savings, it decided against this exemption due to the ambiguity of the definition of micro or drip irrigation systems, which it believed could lead to uncontrolled, incorrect and inefficient application of such systems.

Ongoing representations from the Horticultural Trades Association (HTA) and Waterwise on the water-efficiency merits of this exemption have led to a change of policy. The HTA argued that such an exemption, if implemented wisely, would help to gain support of garden retailers in promoting water-efficient gardening, not only in a drought, but for every year. Just as importantly from the point of view of practicable implementation, Waterwise provided a working definition, which the Company consider will greatly help to limit widespread and inefficient application of micro-irrigation systems.

The Environment Agency has accepted the inclusion of this exemption provided the opportunity was taken to gather information on its effectiveness.

The new exemption for allowing water-efficient irrigation is worded as follows:

drip or trickle irrigation watering systems, 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.

L6. Implementation Policy

Policy formulation

The Company's implementation policy has been based on the following factors:

- Defra/EA guidance.
- UKWIR Code of Practice generally and in particular adherence to the 2nd principle of proportionality, see Appendix L2
- Findings from customer research survey.
- Clarity of message- consistent with our experience with recent droughts, Defra and the EA, Ofwat and CCWater have emphasised the need for clear and straightforward customer communication to facilitate an effective response to the new measures.
- South East companies consistent approach. We have reviewed our implementation policy jointly with the other WRSE companies through the WRSE Drought Group in 2021 and adopted a closely aligned approach.
- Consultee representations from the December 2011 consultation process, ongoing stakeholder dialogue and internal review

Proposed Policy- Overview

Temporary Use Ban Exemptions

Table 6 Temporary Use Ban – Exemptions

TUB Category	Statutory exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)
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 only in relation to the active strip/playing area, not the entire ground.	<ul style="list-style-type: none">• To Blue Badge holders on the grounds of disability• Use of an approved drip or trickle irrigation system fitted with a pressure reducing valve (PRV) and timer	<ul style="list-style-type: none">• To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge• To water newly laid turf for first 28 days
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">• To Blue Badge holders on the grounds of disability• Use of a hosepipe in the course of a business to clean private motor vehicles where this is done as a service to customers	<ul style="list-style-type: none">• To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge

TUB Category	Statutory exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)
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"> • To Blue Badge holders on the grounds of disability • Use of an approved drip or trickle irrigation system fitted with a PRV and timer 	<ul style="list-style-type: none"> • To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge • To water newly laid turf for first 28 days
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"> • Commercial cleaning • Vessels of primary residence • Cases where fouling is causing increased fuel consumption • Engines designed to be cleaned with a hosepipe 	<ul style="list-style-type: none"> • To prevent or control the spread of non-native and/or invasive species
5. Filling or maintaining 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 infection 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	None	
6. Drawing water, using a hosepipe, for domestic recreational use	None	None	
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"> • Blue Badge holders on the grounds of disability 	<ul style="list-style-type: none"> • To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge
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"> • To operate water features with religious significance
9. Cleaning walls, or windows, of domestic	Using a hosepipe to clean the walls or	<ul style="list-style-type: none"> • To Blue Badge holders on the grounds of 	<ul style="list-style-type: none"> • To customers on the company's Vulnerable

TUB Category	Statutory exception	Discretionary Universal Exception (granted by all water companies)	Suggested Discretionary Concessional Exception (granted by individual water companies)
premises using a hosepipe	windows of domestic premises for health or safety reasons	disability • Commercial cleaning	Customers List who have mobility issues but are not in possession of a Blue Badge
10. Cleaning paths or patios using a hosepipe	Using a hosepipe to clean paths or patios for health or safety reasons	• To Blue Badge holders on the grounds of disability • Commercial cleaning	• To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge
11. Cleaning other artificial surfaces using a hosepipe	Using a hosepipe to clean an artificial outdoor surface for health or safety reasons	• To Blue Badge holders on the grounds of disability • Commercial cleaning	• To customers on the company's Vulnerable Customers List who have mobility issues but are not in possession of a Blue Badge

Phasing of Temporary Use Ban

The Temporary Use Ban legislation includes an option for phased implementation of the possible prohibitions.

In line with EA guidance we are not proposing any phasing to the imposition of the eleven categories of use as set out in the TUB. However, dependent upon the Drought Event Level assigned, we may not prohibit all of the categories of use in any one year.

As part of a Drought Event Level 2, DEL2 the introduction in a single phase of all eleven categories of use as set out in the new legislation is considered to be the most appropriate way for us to implement the Temporary Use Ban measures. A single phase would help to maximise water savings as well as send out a strong simple message that the situation is worsening. In practice, because a combined Level 1 and 2 Media Campaign (see Table 15) would be introduced well in advance to prepare the way for the Temporary Use Ban, customers would not experience an abrupt start to restrictions.

In addition and as noted above, the other water companies in the South East are proposing to introduce the full eleven Temporary Use Ban activities in a single phase.

Drought Direction 2011 (DD11)

In regard to DD11 restrictions, which primarily affect non-essential water use in connection with commercial activities, we would not be introducing such extreme measures as given in the Drought Direction 2011 legislation if the water situation was not becoming demonstrably very serious. We consider that a straightforward total ban without exemptions not only sends a clear message underlining the severity but also maximises water savings and is easier to communicate

and administer. In the unlikely event of the need to apply for an Emergency Drought Order, such an approach would stand us in good stead for a successful application.

The administration of the policy should take full account of the formal statutory health and safety exemptions written into both the Temporary Ban and Drought Direction 2011 legislation.