ESSEX&SUFFOLK WATER living water

DRAFT DROUGHT PLAN 2022

CONSULTATION STATEMENT OF RESPONSE

September 2021

1 INTRODUCTION

This document is our Essex & Suffolk Water draft Drought Plan 2022 Consultation Statement of Response.

We have updated our Drought Plan and invited statutory consultees, our customers and other interested stakeholders to comment on it.

The consultation on our draft Drought Plan took place over an eight week period which ended on 3 August 2021. The draft Drought Plan was available for review on our website www.nwg.co.uk\droughtplan.

Consultees were asked to send their written representations on our draft Drought Plan to the Secretary of State for Environment Food and Rural Affairs which were then forwarded on to us at the end of the consultation period.

This statement of response details:

i. the consideration we have given to representations;
ii. any changes that have been made or will be made to the draft Drought Plan as a result of consideration of those representations and the reasons for doing so; and
iii. where no change has been made to the draft Drought Plan as a result of consideration of any representation, the reason for this.

If our responses to the consultation comments are accepted by Defra, they will be included in our final Drought Plan which should be published on our website www.nwg.co.uk\droughtplan during 2021/22.

2 CONSULTATION STATEMENT OF RESPONSE

The following table presents our response to representation received from consultees on our Essex & Suffolk Water draft Drought Plan 2022. We received responses from the Environment Agency, Natural England and Wave Utilities.

2.1 Environment Agency Response

Area of issue	Changes Required	ESW Response
Recommendation 1 – provide justification for supply side drought permits The company's plan states that all of its groundwater sources were found to be resilient to a 1 in 200 year and a 1 in 500 year drought, with the exception of the South Essex wells. It is unclear what the justification is for increasing annual licence limits listed as supply side drought actions in the plan. Essex and Suffolk Water should justify why the planned drought permit(s) are required or whether the company needs to seek alternative sources to meet higher than expected demand.	i. Provide clarification on why the planned drought permits are needed for its groundwater sources.	i. Our latest WRMP24 drought resilience assessments have confirmed that all our groundwater sources, except the South Essex Wells, are licence and not resource constrained. However, we believe that it is prudent to identify all viable supply side drought actions and to be application ready. We would prefer to keep them as Level 3 drought actions. However, for clarity, we commit to implementing all our demand management drought actions before these drought permit supply drought actions and have clarified this in Section 6.2 of our Drought Plan.
Essex and Suffolk Water experienced problems meeting the demand for water in one zone during recent spells of hot dry weather and peak demand. This resulted in a request to take more water than is allowed under an abstraction licence. This appeared to be driven by a lack of licensed water and not a risk to security of supply caused by exceptional shortage of rain during a drought. The company must ensure it has sufficient water to meet demand during non-	ii. Include approach to addressing a potential shortfall in licensed quantity during non-drought conditions through its water resources management plan.	ii. We experienced unprecedented increases in peak customer demand across all our Water Resource Zones in 2020 as well as significant increases in annual demand. The primary reason for this was due to the Covid-19 pandemic which resulted in many people either working from home or being furloughed. In both cases, water use in both the home and garden increased. However, unlike some other Water

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drought conditions. If this is not the case it should apply for an increased abstraction licence or use alternative sources. It should explore these options through its water resources management plan.		Resource Zones, Hartismere non-household demand remained closer to normal levels during the pandemic lockdowns, mainly because the majority of non-household demand in that zone is for meat processing which continued throughout. To manage this situation, we have implemented enhanced levels of water efficiency messaging in the Hartismere WRZ, both in terms of dry weather and winter preparedness. We are also considering a new transfer of water between our Blyth and Hartismere WRZs although this is dependent on the outcomes of our Water Industry National Environment Programme (WINEP) investigations which are due to conclude this Autumn. Our latest Water Resources Management Plan 2024 (WRMP24) supply and demand forecasts show that we will have supply deficits in our ESW Water Resource Zones that are largely being driven by likely sustainability reductions to the annual licensed quantities of our groundwater abstraction licences. The impact of climate change on deployable output and the impact of the pandemic on water demand in the early years of the planning period have also continued to water resource zone supply deficits. Consequently, we are undertaking an options appraisal to identify which options should be included in our

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		WRMP24 final "best Value" plan to restore supply headroom in all our WRZs. We have updated Section 2.4.3 of our draft Drought Plan to reflect the above points.
Essex and Suffolk Water proposes to use a trigger of when utilisation of its boreholes sources is 15% over target. This is to start consideration of whether use can be brought back within target, or to request an increase in annual licensed quantity. This could mean that the company is using the option of increasing abstraction first, rather than using demand management as a priority. These circumstances could also occur in a non-drought year. Essex and Suffolk Water should clearly show how this trigger will be used in its drought plan to ensure it uses demand side actions ahead of applying for permits and to prevent potential illegal over abstraction – see also Recommendation 2.	iii. clarifies the use and timing of the trigger of 15% above target licence use in relation to its other actions	iii. Flexibility in abstraction is required within a Water Resource Zone. For example, a planned outage to allow planned maintenance at one Water Treatment Works will temporarily require increased abstraction at another. This can then be rebalance once the maintenance has been completed. However, the proposal to use a trigger of when utilisation of a borehole source is 15% over target is specifically in relation to drought. We recognize the importance of reducing customer demand prior to considering supply side actions. Therefore, the actions associated with this trigger have been updated in Section 5.5 of our Drought Plan so that Level 1 (Appeal for restraint), Level 2 (Temporary Use Ban – TUB) and Level 3 Non-essential use bans drought actions proceed consideration of a level 3 drought permit action to increase annual licensed quantity.
	iv. provides a worked example of how it would trigger and implement its	iv. We have included a worked example in Appendix 3 of our Drought Plan to illustrate how drought actions would be triggered and implemented in response to

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	drought actions in response to high demand and to show that it will have exhausted efforts to reduce demand before seeking drought permits for increased licence volumes.	high demand. This shows that we will exhaust efforts to reduce demand before seeking drought permits for increased licence volumes.
Recommendation 2 – improve the presentation of drought triggers Essex and Suffolk Water has provided its control curves for Abberton and Hanningfield Reservoirs and a worked example of proposed triggers for its groundwater sources. The worked example for the groundwater sources does not include supply side actions and there is no reference to the 15% above normal utilisation trigger the company has identified to consider applying for drought permits (see Recommendation 1).	We recommend that Essex and Suffolk Water should include labels and notes on its control curves and example graphs to show when each drought action is triggered and when engagement with the Environment Agency will begin.	We have updated Appendix 3 of our draft Drought Plan and have included labels and notes on the updated worked example for groundwater sources to show when each drought action is triggered and when engagement with the Environment Agency will begin.
Recommendation 3 – amend the relevant environmental assessments to support the proposed drought permits Essex and Suffolk Water did not supply the required Environmental Assessment Reports (EARs) to support its proposed drought permits and drought orders when it submitted its draft plan to Defra. The EARs were submitted soon after the company began its consultation. Due to this, the Environment Agency has not been able to assess whether the proposed permits and	We recommend that Essex & Suffolk Water amends its draft plan and statement of response to include a work plan that sets out if and when it will amend its drought permit EARs and associated monitoring plans. This will mean the company is 'drought application ready' and help ensure security of supply during a drought whilst minimising the impact on the environment.	All Environmental Assessment Reports (EARs) have been updated and submitted to both the Environment Agency and Natural England. No changes to our draft Drought Plan are needed. We consider the EARs to be live documents and if we receive further advice from the Environment Agency, we will look to revise them accordingly.

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orders have the appropriate sequence to protect the environment and water supplies. This means drought permits could be delayed if the EARs do not contain sufficient information. We will work with Essex and Suffolk Water to assess the EARs and, where relevant, expect the company to revise the reports following our advice.		
Improvement 1 – make the plan tactical and operational Essex and Suffolk Water has provided a clear non-technical summary, but the draft plan is currently a complex and technical document.	We recommend that the company should update its plan to ensure it is a tactical, operational plan that clearly sets out the actions that it will take at each stage of a drought or extreme event. This should ensure that the plan can be easily understood and followed by people including customers, regulators and interested groups.	While water company Drought Plans are tactical, operational plans, the Drought Planning Guideline clearly sets out what should be included in the Plan. We have considered whether to remove some of the detail from the Drought Plan. However, we have concluded that we have provided the right level of technical detail to comply with the planning guideline and on this occasion, do not plan to make any changes to the document.

2.2 Natural England Response

Area of issue	Changes Required	ESW Response
Habitats Regulations Assessment (HRA) While an HRA of the drought actions has been undertaken for earlier versions of the Essex & Suffolk water Drought Plan, Natural England advises that a new HRA assessment	**Habitats Regulations Assessment (HRA)** A new HRA assessment following HRA guidance should be undertaken.	**Habitats Regulations Assessment (HRA)** We met with Natural England on 16 August 2021 to discuss their representation on our draft Drought Plan and to agree actions. We have agreed with Natural England that

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following HRA guidance is undertaken.		we will undertake a new HRA assessment to reflect new data collected since the last one. We plan to complete this by 31 March 2022. We will include a summary table which sets out which designated sites have drought actions and which ones need an HRA and environmental report. A source pathway receptor approach will be used with sites being be screened out in the absence of a pathway. The HRA assessment will be presented as Appendix 12 of the Drought Plan.
Strategic Environmental Assessment (SEA) A SEA has not been undertaken for this drought plan.	**Strategic Environmental Assessment (SEA)** A SEA must be undertaken and the conclusions of the SEA and HRA must be consistent with each other.	**Strategic Environmental Assessment (SEA)** We do not believe that an SEA is required for the reasons set out in our draft Drought Plan. However, we have agreed with Natural England that we will take further legal advice on this matter and if our position changes, we will undertake an SEA taking account of all the wider SEA points Natural England included in its representation. If the further legal advice is to undertake an SEA of our Drought Plan, we will complete this alongside our draft Water Resources Management Plan 2024 SEA by 31 March 2021.

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Natural England notes the monitoring plans are associated with the drought permit EARs but highlights gaps within the baseline data used	Consider whether further baseline monitoring is required.	We will update our monitoring plans to take account of the refreshed HRA assessment and if required, SEA. We will agree with Natural England what additional baseline monitoring is required and will implement it from 1 April 2022.
It is unclear within the dDP and EARs that a cumulative impact assessment has been undertaken for the drought options identified.	Clarify whether a cumulative impact assessment has been completed.	A qualitative assessment of cumulative impacts has been undertaken and reported in the EAR. However, we will refresh this following completion of the HRA assessment and, if required, the SEA.
Protected and priority species and habitats There is no information for protected species and priority habitats and species within the detailed environmental assessments for each drought action. Most notably, for Abberton and Hanningfield Reservoirs.	**Protected and priority species and habitats** Clarify position on protected species and priority habitats and specifically in relation to Abberton and Hanningfield reservoirs.	**Protected and priority species and habitats** Our Environmental Assessment Reports (EAR) assess the potential effects of the drought actions on flora and fauna and identify what monitoring and mitigation may be required. As agreed with Natural England, we will update the EARs to specifically mention protected species and priority habitats by 30 April 2022 following completion of the updated HRA assessment. Abberton and

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It is unclear within the monitoring plans how these monitoring requirements involving external partners are going to be communicated and delivered.	Clarify approach to ecological monitoring.	Hanningfield reservoirs are the main winter storage reservoirs in our Essex Water Resource Zone. However, there is not a drought permit supply drought action for Abberton Reservoir. There is a drought action to reduce compensation releases into Sandon Brook. However, this action would leave more water in Hanningfield reservoir. We will ensure that all ecological monitoring is undertaken either by qualified inhouse ecologists else by approved NWL consultants using our standard procurement procedures. All monitoring will be undertaken using agreed monitoring methods. We have updated Section 11.3 of our Drought Plan to reflect this commitment.
Monitoring of protected species is not currently specifically mentioned in the EAR monitoring plan, but it is noted in the main report as potential for monitoring. NE suggests further monitoring for protected and priority species and habitats is added to the monitoring plan.	Clarify approach to ecological monitoring.	We will update our EAR's by 30 April 2022 to include any new ecological monitoring of protected and priority species and habitats. We have updated Section 11.3 of our Drought Plan to reflect this commitment.

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Order of options and levels of service The levels of service are clearly illustrated within Section 2.2.1 and the order of drought options with lesser environmental impacts have been given higher priority (Section 6.2). This should be reviewed following update of the HRA.	**Order of options and levels of service** Review order of implementing drought actions following update of HRA.	**Order of options and levels of service** Our draft Drought Plan does commit to implementing all demand reduction actions first, prior to implementing drought permit supply side actions. Additionally, those actions which have the most significant adverse environmental effects would be implemented last. We will review the order in which the supply side drought options are implemented by 30 April 2022 following update of the HRA assessments by 31 March 2022.
We would expect any drought orders and "extreme drought options" receive the necessary and appropriate level of scrutiny and consultation in accordance with all statutory requirements before they are used as they are excluded from dDP.	Scrutinise and consult on Extreme Drought Actions prior to implementation.	We commit to scrutinising and consulting with, among others, Natural England prior to implementing any drought Order or "extreme drought options". We have updated Section 9 to reflect this commitment.
Within Section 12.1, we note "If Level 3 drought permits were required, we will continue to carry out environmental monitoring and assessment for a period after hydrological triggers have recovered to understand how the environment is recovering." This "period" needs to be clearly defined and/or related to how varied the response will be within the environment post-drought as this can and will vary	Update Section 11.3 to recognise that some species and habitats will take longer to recover from drought and potential drought actions than others. Confirm that recovery monitoring (ecological and hydrological) will continue until full recovery is observed and agreed with Natural England.	We have updated Section 11.3 accordingly.

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between habitats and species. Therefore, post-drought monitoring and assessment should reflect this variation and the manner in which an environmental receptor responds should determine the period of post-drought monitoring and assessment.		
According to the table of Drought Actions (Section 6.2), we note the use of dry weather river support schemes to meet supply appear to be implemented prior to any formal appeals for restraint for voluntary reductions. If there is a need for rivers to be supported due to low flows and dry weather conditions by abstracting from groundwater sources, it raises the question as to why voluntary demand actions would not be implemented prior to or at the same time as dry weather support schemes to reduce pressure on the environment.	Consider making an Appeal for Restraint prior to operating river support schemes.	The river support schemes in our river catchments are owned and operated by the Environment Agency. Some schemes are used more often than others (e.g. Waveney Augmentation Groundwater Scheme is likely to be used more than say the Stour Augmentation Groundwater Scheme) and so a one size fits all approach is not necessarily appropriate. We do not consider it appropriate to implement a formal Level 1 Appeal for Restraint for all schemes. However, we agree that we should enhance our dry weather messaging. We have updated Section 6.2 to reflect this commitment.
We note that the assessment of system resilience to a 1 in 500 year level drought has been partially completed for groundwater sources but no assessment has been completed for surface water supply. This is a welcomed step in preparing for the statutory requirement to plan for 1:500,	Clarify position on surface water drought resilience assessments.	1 in 500 year drought resilience assessments have been completed for our surface water systems. Planning to this level of resilience reduces the deployable output of our surface water systems. Consequently, we are undertaking options appraisal to identify what demand reduction and supply schemes will be required to maintain supply headroom

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which we hope will be continued into the upcoming Water Resources Management Plan (WRMP) process.		during a 1 in 500 year drought. We will update Section 2.4.3 to clarify that 1 in 500 year deployable output assessment have been completed for our surface water sources.
Natural capital and resilient landscapes and seas No natural capital or ecosystem service assessments have been undertaken as part of this drought plan. Abstraction during droughts when environmental water availability is already limited will expose the protected and Habitats sites and their qualifying features to further environmental pressures; this can adversely affect the condition of a site and the fitness and viability of populations.	**Natural capital and resilient landscapes and seas** Considers implementing precautionary measures to enhance the resilience of protected sites before the implementation of supply side drought actions.	**Natural capital and resilient landscapes and seas** Our draft Drought Plan sets out the order in which drought actions will be implemented with Level 3 drought permit supply side actions only being implemented after all Level 1, 2 and 3 demand reduction actions. We have prepared environmental assessment reports which confirm likely effects, monitoring plans and mitigation. We note Natural England's suggestion to implement precautionary measures to enhance the resilience of sites. However, we already work closely with stakeholders via various conservation and catchment management projects / partnerships to deliver such outcomes. For example, we lead the Trinity Broads Partnership, Lound Lakes Partnership and the River Waveney Catchment Partnership. Consequently, we do not agree that there is a need to implement further precautionary

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		measures specifically in relation to Level 3 drought permit actions, particularly given the extremely low likelihood of ever needing to implement such drought actions.
Connecting people with nature - demand management The dDP confirms there will be an increase in customer communications regarding water savings and efficiency once an environmental drought has been declared by the Environment Agency. However, we would welcome increased customer communication during periods of prolonged dry weather and in advance of an environmental drought to allow the environment to benefit from any potential reduced demand.	**Connecting people with nature - demand management** ESW commitment to increase customer communication during periods of prolonged dry weather and in advance of an environmental drought to allow the environment to benefit from any potential reduced demand.	**Connecting people with nature - demand management** We have updated Section 8.6 of the Drought Plan to clarify that we will increase dry weather messaging during periods of prolonged dry weather (i.e. before an environmental drought).
Natural England would welcome greater ambition towards reducing leakage during prolonged dry weather and drought to reduce the need for drought actions aimed at increasing abstraction and most notably, reducing compensation flows which support the environment and protected area objectives.	Commitment to greater ambition towards reducing leakage during prolonged dry weather and drought.	Section 7.1.2 of our draft drought Plan already covers our commitments to reducing leakage during drought and as well as our ambitious target to reduce leakage by 17.5% by 2025.

2.1 Wave Utilities Representation

Area of issue	Changes Required	NW Response
As a large Retailer in the open market we continue to review the part we can play in relation to water resources and drought management to ensure we can add real value. The market codes detail the supporting role that Retailers play during a drought event, primarily as a communication channel to non-household customers on the run up to and during an event. We are confident that when called upon we can fulfil these requirements and would support the roll out of messages on our website and social media platforms and, where required to do so, targeted communication with specific customers. We would like to encourage Water Companies to consider a more proactive approach to drought management with advanced communications on summer demand ahead of any drought level triggers. In particular we would like to encourage the closer working of Water Company's Wholesale functions and Water Resources teams. This would allow the key drivers from drought plans to be delivered in a way that is consistent with the open market. As the party that now holds the direct relationship with the non-household customer base we believe Retailers can play a key part in the promotion of voluntary restraint during a drought event but believe that early preparation and advance communication will facilitate this.	In addition to the reactive communication role that Wave will play in a drought event, it would like to encourage a more proactive, targeted approach that will ensure maximum non-essential demand reduction when required.	We are pleased to work with Wave and other retailers and welcome the proactive targeted approach that Wave has asked for. We have set out how we will communicate with Retailers in the communications section of our draft Drought Plan. We have developed with Anglian Water and Wheatley Solutions a web based application called Watersource. Watersource comprises a number of modules, one of which is to show the current drought status (e.g. no drought, environmental drought, water resources drought and whether level 1, 2 or 3 drought actions are live) in all water company water resource zones. Currently, Watersource covers, Essex & Suffolk Water, Northumbrian Water, Anglian Water, Cambridge Water, Hartlepool Water and Yorkshire Water although the ambition is for it to cover all water companies in the future. We believe that this will be a useful tool for sharing information with Wave and other retailers.

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Wholesalers should identify the customers or supply areas that may need this intervention during non-drought times to allow Retailers to draw up plans with these customers in a less reactive manner. These plans could be captured in Site Specific Arrangements that are again supported by the market codes and could set out steps that could be taken should a drought occur.		