



Statement of Response to representations on the Yorkshire Water draft Drought Plan 2019

November 2019

It's part of our
Blueprint for Yorkshire

1. Introduction

Our draft Drought Plan 2019 was submitted to the Secretary of State for the Environment, Food and Rural Affairs (Defra) in June 2019 and is currently published on our website at <https://www.yorkshirewater.com/resources/>. We held a six-week public consultation on the draft Drought Plan from 15 August to 26 September 2019. Statutory consultees and interested parties most likely to be affected by our actions during a drought were notified of the consultation. Paper copies of the draft Drought Plan were available on request from our head office in Bradford.

We received representations on our draft Drought Plan 2019 from the Environment Agency, River Wharfe Anglers Association (RWAA) and Historic England. We have considered each of the comments made in the representations and how we should address them. This statement of response explains the changes we will make to our Drought Plan as a result of the consultation.

In accordance with statutory obligations our Drought Plan is revised every five years. In 2018 we produced a draft Drought Plan and held a consultation in accordance with the statutory process. However, in 2018 we experienced a drought in our region and as a result applied for two drought permits that were not options in our draft Drought Plan 2018. The draft Drought Plan 2019 was produced to include the two additional options and supersedes the draft version we consulted on in 2018.

The draft Drought Plan 2019 will become “final” once we receive permission to publish from Defra. The Secretary of State may direct us to modify the plan before publishing. In exceptional circumstances we could be directed to hold a public hearing or inquiry prior to publication. Once we receive notification from the Secretary of State that we should publish our final Drought Plan it will be available on our website and paper copies will be available at our head office.

2. Response to Representations

Our response to the representations we received as a result of the draft Drought Plan 2019 consultation is provided below and further details are included in Table 1.

The River Wharfe Anglers Association (RWAA) representation on our draft Drought Plan 2019 raised three points relating to consulting the group on drought actions with potential to impact on the River Wharfe.

During the 2018 drought, we submitted a drought permit application for the River Wharfe, which was granted by the Environment Agency. The permit was required as a safeguard against high winter demand but was not implemented. The RWAA were consulted on the application and initially raised an objection, however, this was withdrawn following a change to the terms of the permit. Our response to the three points raised by the RWAA is provided in Table 1 and we will continue to consult the group on any drought options with potential to impact on the River Wharfe.

Historic England's representation was to inform us that they had no comments on the content of the plan.

The Environment Agency's representation stated that it considers "Yorkshire Water's revised draft drought plan demonstrates that it will provide a secure supply of water and sufficiently protects the environment during a drought". It has not made any recommendations for Yorkshire Water's revised draft Drought Plan; however, it suggests improvements could be made to;

- Improve triggers for drought actions
- Update environmental assessments and monitoring and mitigation plans and include in the final plan
- Update the plan regarding the legal responsibilities to apply for reservoir compensation releases.

We made some changes to our drought action triggers as a result of the drought we experienced in 2018. This included a longer lead time for drought permit preparation and we will add some additional comments to address the Environment Agency's points, see Table 1 for further details.

The environmental assessments, including monitoring and mitigation plans, have now been submitted to the Environment Agency for review.

The draft Drought Plan 2019 based the legal responsibilities of drought permits related to reservoir compensation releases on guidelines provided by the Environment Agency. Since publication of our draft plan, the Environment Agency has revised its guidelines ('*Compensation only reservoirs in dry weather note, June 2019*') and we will update the final Drought Plan 2019 to reflect the latest position.

Table 1 Yorkshire Water's response to representations on the draft Drought Plan 2019

Area of issue	Information or changes required	Yorkshire Water response
Environment Agency Improvement 1 - Triggers for drought actions		
<p>Issue 1.1</p> <p>The company states that it will request an updated list of downstream abstractors early in a drought incident.</p> <p>The company needs to allow time to process the list and to identify other downstream users of water.</p>	<p>The company should specify the trigger for this request to allow time to process the list and to identify other downstream users of water.</p>	<p>A request for a list of downstream abstractors will be made to the Environment Agency as part of the drought permit preparation work. The trigger for considering drought permits is when regional reservoir stocks are forecast to be 14 weeks away from the regional drought control line (DCL). At this point we would start the initial preparation work for drought permits. The preparation, submission and implementation of permits will be a phased approach based on the need for drought actions. We would request the downstream abstractor information when there was greater likelihood of applying for permits, which would be when regional reservoir stocks are forecast to be 10 weeks from the DCL.</p> <p>A reference to this will be added to Section 2.7 in the final Drought Plan.</p>
<p>Issue 1.2</p> <p>The company commits to considering the environmental impacts in the order of implementation of drought options. The Agency did not see evidence of this approach in 2018 so it remains unclear when and how this will be done.</p>	<p>The company should explain the steps it would take to consider environmental impact in prioritising drought options.</p> <p>The company should also set out the constraints likely to apply, i.e. where it may not be possible to prioritise by environmental impact.</p> <p>The company should explain when and how this assessment will be done in the application process.</p>	<p>The potential environmental impacts of all the drought options have been considered in the EARs along with the cumulative impacts where relevant. The order in which the options are implemented will depend on the localised dry weather conditions and the resource situation. This will vary considerably between droughts and therefore a decision on implementation will be made considering the situation at the time of applying.</p> <p>Many of our options reduce the compensation release from reservoirs, partly to provide additional supply but also to reduce the risk of running out of compensation flow to the environment. Although there are environmental risks to reducing compensation flow, there is also the benefit of</p>

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		<p>maintaining the flow for longer if conditions do not improve. Therefore, we prioritise the order of compensation flow applications based on the potential benefit to supply and the risk of running out of compensation if it is not reduced. During the onset of drought, we will be monitoring reservoir levels and demand, and we will continually review the risk of running out of compensation flows. We will take action to re-route supplies, where possible, to maintain the compensation flow requirements for the environment. However, in prolonged dry weather we may not be able to maintain compensation flows and will therefore apply for permits. The order of applications will be on an area basis (as in 2018) and based on the risk of running out of compensation, as stated on page 37 of the draft Drought Plan 2018.</p> <p>Other options we could potentially implement involve abstraction permissions and additional abstraction of water. During a drought we would be continually monitoring the situation and reviewing the need for drought options. We would consider the potential environmental impacts and mitigation measures of the available options, as well as the benefits, before deciding which actions to implement. In 2018 we identified two new supply options that were less environmentally impacting than the other abstraction options available to us. These actions were also more beneficial than the other options. In a future drought we may make a different decision depending on the situation at the time.</p>

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<p>Issue 1.3</p> <p>The company has stated that it does not wish to apply for permissions for in-river mitigation measures before a drought develops but has not set out how this fits into the drought applications timetable.</p>	<p>The company should include in the Drought Plan a trigger for preparing applications for in-river mitigation measures.</p>	<p>In-river works permits will be considered during the onset of drought period and applications made if required. We will add a reference to Table 2.2 to state this will be part of the preliminary permit preparation work to be considered when regional reservoir stocks are 14 weeks from crossing the drought control line.</p>
<p>Environment Agency Improvement 2 - Update and include its environmental assessment reports and monitoring and mitigation plans</p>		
<p>Issue 2.1</p> <p>The company has committed verbally to completing Environmental Assessment Reports and Monitoring and Mitigation Plans by end September 2019 (the former was work the company had intended to complete in September 2018 but directed the resource to dealing with the 2018 drought; the latter the company has chosen to add as learning from the 2018 drought). The Agency supports this timeline.</p>	<p>The company should include the September 2019 timetable as a commitment in its Drought Plan and keep the Agency informed of progress. If there is any change, provide justification and firm commitments to any revised timeline.</p>	<p>We have undertaken updates to our EARs and monitoring and mitigation plans in line with discussions with the Environment Agency. A timetable is no longer relevant as the reports have been submitted to the Environment Agency for comment. A reference to this will be added to Section 7 of the final Drought Plan.</p>

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<p>Issue 2.2</p> <p>To ensure holistic environmental assessment of drought options, and appropriate monitoring and mitigation measures, the company needs to demonstrate the active involvement of its wastewater division.</p> <p>Waste water teams need to be engaged when assessing the significance of water quality risks due to reduced dilution of discharges downstream of drought options.</p>	<p>The company should take a cross- functional approach to their drought planning and ensure that their wastewater teams take part in technical discussions internally and with regulatory water quality experts.</p>	<p>We note the Environment Agency comment and plans are being put in place to ensure the wastewater aspects of the plan are addressed.</p>
<p>Issue 2.3</p> <p>Long-term options include two groundwater sources. Both sources are resilience options in WRMP 2019 and will be subject to full hydrogeological assessment (including pumping tests) in that AMP.</p> <p>If the sources were needed before the AMP investigations are complete, preliminary environmental screening would include this hydrogeological investigation.</p>	<p>The company should factor these studies into the timetables for these options.</p>	<p>We have reviewed the implementation timescales for both options. If the options were required in a drought, we would consult the Environment Agency on the assessment requirements prior to applying for the necessary authorisations (most likely drought permits). In the draft Drought Plan, the North Yorkshire Ground Water option had a lead time of 12 months and the East Yorkshire Groundwater option 6 months. In the final Drought Plan we will increase the implementation time to of the East Yorkshire Groundwater option to “up to 12 months” to allow for any pumping tests.</p>

Environment Agency Improvement 3- Update the plan regarding the legal responsibility to apply for reservoir compensation releases		
<p>Issue 3.1</p> <p>Appendix 5: The company is working with the Agency to resolve legal responsibility for applications to reduce reservoir compensation releases at public water supply and non- supply reservoirs.</p>	<p>This work should be completed and incorporated into the final version of the 2019 plan.</p>	<p>We are currently in discussion with the Environment Agency on the legal responsibility of applications and how to incorporate changes made, after our draft Drought Plan 2019 was submitted, to the Environment Agency guidelines 'Compensation only reservoirs in dry weather note, June 2019'. We will update the final plan based on the outcome of these discussions.</p>
Information or changes required		Yorkshire Water response
<p>River Wharfe Anglers Association comments (RWAA)</p>		
<ol style="list-style-type: none"> Clearly no-one wants a drought, and this extensive Drought Plan seems to exhaustively cover all aspects of possible future actions, qualified by a commitment to consult and liaise with affected users before action is taken. We are re-assured by this, and trust that every effort will be made to obtain and consider fully our views on proposed actions concerning the river Wharfe, should they become necessary. A longer lead-in period, of, I believe 14 weeks, perhaps as a trigger approaches or concerns mount is also welcome. It is of course essential that all who may be affected are apprised of possible actions at the earliest opportunity, and to that end, please regard me as the formal contact for the RWAA. We note that YWSL will, in the event of drought action being taken, monitor the effects of that action on the environment. If the river Wharfe is likely to be affected, we would expect to be consulted and informed on the monitoring arrangements, in detail. (This commitment was given in connection with the temporary Drought Order sought by YW in 2018). 	<p>We will continue to consult the RWAA on any actions we take that impact on the River Wharfe. The initial preparation of permit applications will start when reservoir stocks are 14 weeks from our drought control line. If at this stage there is potential for permits on the River Wharfe, we will include discussions with the RWAA in our permit preparation, which will be ongoing up until the point of submission.</p>	



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