

Consultation on ‘Drought: how it is managed in England’: the updated national drought response framework

We have real concerns about the questions in the consultation. They are overwhelmingly subjective: how the reader feels about the drafting, whether the reader felt “engaged” in the last drought and whether the document *describes* the reality on the ground (“does it clearly describe”: drought impact, drought actions” and “responsibilities” of various bodies; “communication”, recovery and so on.) There are a few vague questions on the actual systems in place, relating only to “local areas”. But these questions are misdirected and not aimed at what appears to be the real issues: a lack of an effective regulatory system and the chaos of multiple groups and teams whose aims and obligations are, at best, obscure.

We fail to understand how direct answers to these questions would in any way lead to enlightenment or a better understanding of how the management of drought can be improved. Instead -as below – we have provided our comments on the document and what we believe to be serious issues that need addressing in dealing with drought.

The document ‘Drought: how it is managed in England’ is primarily a high-level descriptive document which covers definitions of drought, historical records (with the overarching message that droughts are natural events that are experienced more frequently and severely because of climate change). It lists the various groups and processes without a proper structure and discussion to demonstrate how the system works. It is not immediately clear whether this document is simply meant to explain the layerings of management or to perform another esoteric task. It is therefore not clear how the stated aim to “*incorporate lessons from the past*” has been successful (nor to understand whether the “*strategic overview of drought management in England remains up to date*” or how this means the area drought plans “*put us in the best position to respond to the next drought.*”)

Apart from the basic description of process in section 4 which attempts to link drought stages to “actions”, the document is undynamic, with short, static, segmented paragraphs relating to specific and unintegrated observations. It describes entities and duties but with a limited sense of positive action or process.

The document lists the confusing array of management layers, teams and groups involved in the process of assessing and reacting to drought (“*national hydrology team*”; “*national drought team*”; “*national and local response teams*”; “*technical drought teams*”; “*strategic duty managers*”; “*strategic teams*” and “*cells*”; a “*team dedicated to comment and input on the specific application*” for drought permits and orders; the “*National Drought Group*”, its subgroups: “*Water Supply, Environment, Agriculture, Land Management, and Communications*”; the “*local resilience forum*”;

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the “*strategic coordination groups*”; stakeholders and combined groups such as the “*Water for Food Group*”; “*water abstractor groups*” and so on).

Most of these appear to be non-statutory bodies or creations without a clear understanding of how they relate to each other, whether their inputs are substantive and whether there is duplication or even whether these groups – particularly the stakeholder forums – are primarily devised as outlets for stakeholder frustration rather than as advisory or decision-making bodies.

There is a description of the process for drought order and permit applications. Such information is available elsewhere and follows the statutory regime. There is no suggestion that the regime will be changed or that (for instance) the EPR will be amended to include abstraction and abstraction related applications including for drought. Simply describing the system as it is does not enlighten or assist; nor does it provide a guiding framework for protecting rivers or meeting goals.

Of course, the questions in the consultation do not ask us to comment on the inadequacy of the system, as the consultation is restricted in scope. Nonetheless, we would say that there is a lack of real connection and coordination between specific actions and drought plans as well as long term measures set out in the WRMPs; there are obvious absences in background and baseline understanding of water resources in rivers and streams including a failure by the EA to set minimum acceptable flow levels for rivers (s 21 WRA) making our understanding of the impact of abstraction on rivers in times of drought very difficult to ascertain. We also suggest that there is no need for so many management layers which inevitably leads to inaction.

On the subject of agricultural abstraction, we note there is no consideration given to the on-going and unacceptable and unmonitored impact of exempted abstraction under s 27 WRA and a real failure to curtail this under existing legislation.

As an organisation that operates across the UK, we can see that drought has more extreme impacts in the South. In particular, we have been involved in campaigning to protect chalk streams such as the Test and Itchen that have been subjected to over-abstraction and, effectively sacrificed in times of drought. We believe that the question of whether to abstract beyond hands off flows and the inevitable reliance on IROPI to continue to operate when there are low flows is unacceptable. The situation would not have arisen if water companies – for instance, Southern Water - had been forced to put in place effective long-term water supply measures. As for how local structures can effectively manage abstraction in times of drought, we believe that the system is chaotic, poorly managed and overwhelming dictated by the water companies. Whatever the outcome of endless meetings between any number of the

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stakeholder groups, the EA must act in the best interests of the rivers. But that is not what has been happening.

The monitoring systems which are supposed to provide baseline and actual data in times of drought and to monitor the effects of drought orders and permits are basic – measuring, for instance, fishkill and not the detailed evidence of biodiversity impact. The EA places too much of a burden on NGOs to provide data on the impact of drought permits and orders when it should be doing this work itself. The framework document would benefit from insisting on what the EA should be doing if and when these drought provisions are invoked. It is also vital that monitoring, data and the analysis that follows should carefully distinguish between a healthy river (as it should be without the pressures of abstraction); the impacts of routine abstraction; the impact of the drought itself and that of the drought permits and orders. The document is clear that basic monitoring is the norm, but additional monitoring is only discretionary; the catch being that, “the type and location of monitoring is unlikely to change significantly” (para 4.9.1).

As a general point to guide the EA, we would say that the primary position of the regulator (which is not covered by the document) should be the aim to obviate the need for drought permits and orders. They should only be used in extreme conditions, and only when all other steps have been taken to avoid their use. The EA should be working with the water companies, and OFWAT particularly in drier, drought-afflicted areas of England, to make sure that sustainable schemes to source water should be the driver to avoid unsustainable abstraction.

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