

HTA Information Sheet

Temporary Bans on Water Use Growers



March 2012

Fact: The Water Use (Temporary Bans) Order of 2010 does not apply to professional growers. It applies only to domestic uses.

Why are temporary bans likely?

Droughts are natural events when a period of low rainfall creates a shortage of water for people, the environment or industry. Some droughts are short and intense, for example in a hot dry summer. Others are long and take time to develop. The current water resource situation in the UK follows two consecutive dry winters and an exceptionally dry spring in 2011. As a result, some parts of the UK are drier now than they were at this time of year in 1976.

Which regions are most affected?

East Anglia and south east England are already officially in drought.

Parts of central England, south west England and the south east of Yorkshire are also affected, and the risk of drought in the spring and summer in these areas is high.

How long might temporary bans last?

The replenishment of groundwater levels depends largely on winter rainfall. Most rainfall at other times is taken up by trees and native flora before it can permeate down to the rock layers where groundwater gathers. If restrictions are implemented we should therefore be prepared for them to continue throughout the spring and summer. And if next winter should be dry for the third successive year, it is likely that any restrictions would still be in place next spring.

What temporary bans can the water companies impose?

Water companies have the power to implement temporary bans without seeking approval from Government. Under previous legislation, these powers were limited to banning the use of hosepipes for watering domestic gardens and for washing private motor-vehicles. The Water Use (Temporary Bans) Order of 2010 extends these powers to nine other uses.

The full list is as follows:

- Watering a garden using a hosepipe;
- Cleaning a private motor-vehicle using a hosepipe;
- Watering plants on domestic or other non-commercial premises using a hosepipe;
- Cleaning a private leisure boat using a hosepipe;
- Filling or maintaining a domestic swimming or paddling pool (all means of filling, not just hosepipes);
- Drawing water, using a hosepipe, for domestic recreational use;
- Filling or maintaining a domestic pond using a hosepipe (except when the pond contains fish or other aquatic animals);
- Filling or maintaining an ornamental fountain (all means of filling, not just hosepipes);
- Cleaning walls or windows of domestic premises using a hosepipe;
- Cleaning paths or patios using a hosepipe;
- Cleaning other artificial outdoor surfaces using a hosepipe.

Water companies can choose to implement any or all of these restrictions of use. It is also within their powers to provide concessions for any restrictions they impose, e.g. for water-efficient drip irrigation systems, or for elderly or disabled customers.

If temporary bans are imposed, members should consult their local water company for precise details on what restrictions, exceptions and concessions are in place.

What about spray irrigation?

Spray irrigation is covered separately under Section 57 of the Water Resources Act 1991. This enables the temporary restriction on the abstraction of water for the purpose of spray irrigation in times of exceptional shortage of rain or other emergency. At present there are no restrictions in place and the Environment Agency believes it unlikely that they will be implemented in 2012.

What is considered to be spray irrigation?

The Spray Irrigation (Definition) Order 1992 defines that the following irrigation activities are **NOT** considered to be spray irrigation (and therefore cannot be restricted under Section 57):

- a) within a building or other structure, whether fixed or mobile, used for the production of agricultural produce, being a building or structure which excludes from the plants growing in or under it water falling as rain (ie polytunnel or glasshouse);
- b) on land in the immediate vicinity of cloches, in or under which plants are growing, for the purpose of securing a supply of moisture to those plants;
- c) on containers or pots in the open in which plants intended for sale are grown in such a way as to be unable to take moisture from the soil.

The Order further states that the following are **NOT** considered to be spray irrigation if the activity is being carried out:

- a) by means of a combination of water and substances used for protecting plants against pests or disease or for exterminating or restricting the growth of weeds or grass and emerging from apparatus that is moveable;
- b) by means of a combination of water and growth regulators or nutrients emerging from apparatus that is moveable;
- c) by means of a combination of water and manure or dung
 - i. emerging from apparatus that is moveable, or
 - ii. emerging from spray guns insofar as the water used by such guns in any period of 14 days does not exceed the aggregate capacity of the effluent pits or tanks situated on the holding from which the manure or dung is derived; or
- d) by means of a combination of water and quality additives emerging from apparatus that is moveable.

In the Order 'moveable' means, in relation to any apparatus, mounted on wheels or portable and in either case not connected by pipe to inland water or to water contained in any underground strata.

What about Drought Permits and Drought Orders?

The Water Resources Act 1991 allows for three mechanisms for dealing with drought situations: drought permits, ordinary drought orders and emergency drought orders. In an escalating drought, water companies may have to apply to the Environment Agency for a drought permit or to the Secretary of State for Environment, Food and Rural Affairs for a drought order.

Drought permits enable companies to take water from new sources, or to alter restrictions on existing abstractions.

Ordinary drought orders go further and extend restrictions on non-essential use of water to commercial users.

However, growers would not be affected by an ordinary drought order as there is a concession for watering plants that are grown or kept for sale or commercial use.

Emergency drought orders are the last resort and can only be applied for after all other supply and demand measures have been implemented. Water companies can apply to prohibit or limit the use of water for any purpose they consider appropriate, but they are required to analyse the implications for all water users, including industry. Such orders can provide for water to be supplied by standpipe or bowsers.

Further Information

This information sheet is one of three on the HTA website to advise members in each sector:

- Temporary Bans on Water Use - Growers
- Temporary Bans on Water Use - Retailers
- Temporary Bans on Water Use - Landscapers

A poster with water saving tips is also available at www.the-hta.org.uk/waterposter to download and print for your customers.

For further information including links to the Environment Agency and water company websites please visit www.the-hta.org.uk/water