

2025 No. XXXX

WATER RESOURCES, ENGLAND

**The Southern Water Services Limited (River Test) Drought Order
2025**

Made - - - - XXXX 2025

Coming into force - - XXXX 2025

Southern Water Services Limited (“the Company”) has made an application to the Secretary of State for an ordinary drought order under section 73(3)(b) of the Water Resources Act 1991 (“the Act”)(a).

The Secretary of State is satisfied that the proper notices of the application have been published and served by the Company in accordance with paragraph 1 of Schedule 8 to the Act(b). [Certain objections to the application have been made to the Secretary of State, which have not been withdrawn.]

[In accordance with paragraph 2(1)(b) of Schedule 8 to the Act, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose has been afforded to the objectors, the Company and other persons to whom it appeared to the Secretary of State expedient to afford such an opportunity.]

[The Secretary of State has considered the objections to the proposed drought order.]

The Secretary of State is satisfied, as mentioned in section 73(1)(a) of the Act 1991(c) that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water exists or is threatened in the Hampshire and the Isle of Wight areas of supply of the Company.

It appears to the Secretary of State expedient to modify the restrictions to which the Company is subject as respects the taking of water from the River Test at Nursling, Hampshire with a view to meeting the deficiency of supplies of water in the Hampshire and the Isle of Wight areas of supply.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 73(1), 73(4), 74(2)(f) and 74(5) of, and paragraph 2(5) of Schedule 8 to, the Act(d):

(a) 1991 c. 57. Section 73(3) of the Water Resources Act 1991 was amended by paragraphs 128, and 139(1) and (3), of Schedule 22 to the Environment Act 1995 (c.25) and by S.I. 2013/755.

(b) Paragraph 1(2) of Schedule 8 was amended by paragraph 128 of Schedule 22 to the Environment Act 1995 (c.25) and by paragraph 3(7) of Part 1 of Schedule 11 to the Local Government (Wales) Act 1994 (c.19) and S.I. 2010/765 and 2013/755.

(c) Section 73(1) of the Water Resources Act 1991 was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995 (c.25) and by S.I. 2013/755.

(d) Section 73(1) of the Water Resources Act 1991 was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995 (c.25) and by S.I. 2013/755.

Citation, commencement, interpretation and application

1. (1) This Order may be cited as the Southern Water Services Limited (River Test) Drought Order 2025.
(2) This Order shall come into force on XXXX 2025.
(3) In this Order—
“the Company” means Southern Water Services Limited; and
“the Licence” means abstraction licence numbered 11/42/18.16/546 originally issued on 1st March 1982 and as varied by the Environment Agency on 15th March 2019 authorising the Company to abstract water from the River Test at Nursling, Hampshire, subject to the terms and conditions set out in the Schedule to that Licence^(e)
“the Drought Monitoring, Mitigation and Compensation plan” means XXXX

Modification of authorisation to abstract water from the River Test at Nursling

2. (1) Until XXXX 2025, the Schedule to the Licence is modified as follows.
(2) In Section 9 of the Licence headed ‘Further conditions’, in paragraph 9.1 the reference to 355,000 cubic metres is read as a reference to 265,000 cubic metres.
(3) Condition 6.1 of the Licence headed “Maximum Quantity of Water to be Abstracted” shall be deleted in its entirety and the following text shall be inserted:
“Subject to Conditions 9.6 – 9.8 the maximum daily abstraction volume shall be restricted to 80,000 cubic metres per day”.
(3) This article is subject to the conditions in article 3.

Conditions

3. (1) The Company must
(a) comply with the requirements of the Monitoring, Mitigation and Compensation plan
(2) The Company must produce a weekly report, in such format as the Environment Agency may require, detailing—
(a) the results of the Company’s monitoring;
(b) how the Company has complied with the conditions of this Order;
(c) information on how the company has operated its water sources in accordance with the Licence and this Order.

Duration of authorisation

4. The authorisation given by article 2 shall cease to have effect on [six months from the date of the Order] or when the flow on the River Test as gauged by the Environment Agency at Testwood Bridge and at its flow gauging stations at Test Back Carrier and Conagar Bridgeon recover to and persist above 500,000 cubic metres per day for at least 21 consecutive days, whichever date is earliest.

^(e) Available for public inspection at Environment Agency South East, Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD [TO CONFIRM].

Supplemental provision [TBC]

5. For the purposes of regulation 19(3)(d) of the Environmental Damage Regulations 2015^(f) nothing in this Order is to be taken as authorising any event causing environmental damage.

INSERT DATE/SIGNATURE

[TITLE] on behalf of the Secretary of State for
Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made on the application of Southern Water Services Limited ("the Company"), makes provision to meet a serious deficiency of supplies of water which is threatened in its Hampshire and the Isle of Wight areas of supply as a result of an exceptional shortage of rain.

The Company is authorised to abstract water from the River Test at Nursling, Hampshire under abstraction licence numbered 11/42/18.16/546. Under this abstraction licence, the Company may not abstract water from the River Test at Nursling, Hampshire when the combined flow in the River Test as gauged by the Agency at Testwood Bridge and at its flow gauging stations at Test Back Carrier and Conagar Bridge is equal to or less than 355,000 cubic metres per day as may be notified by the Agency.

The effect of this Order is to temporarily modify the level of the combined flow in the River Test at which the Company is required to cease abstraction from the River Test at Nursling, Hampshire to 265,000 cubic metres per day (and hence permit more abstraction by the Company than would be permitted if the licence were left unmodified) (article 2). This is subject to the conditions listed in article 3.

The authorisation given by this Order ceases to have effect on XXXX 2025 (article 4).

Article 5 provides that the modifications made by this Order are not to be taken as authorising any environmental damage for the purposes of the Environmental Damage Regulations 2015 (S.I. 2015/810) (and accordingly the Company may not rely on this Order to support grounds for an appeal against a notice relating to remediation of environmental damage).

The abstraction licence are available for public inspection at Environment Agency South East, Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD [TO CONFIRM].

^(f) S.I. 2015/810.

2025 No. XXXX

WATER RESOURCES, ENGLAND

**The Southern Water Services (Hampshire and the Isle of Wight)
(Non-Essential Use) Drought Order 2025**

Made - - - - XXXXX 2025

Coming into force - - XXXXX 2025

The Secretary of State is satisfied, as mentioned in section 73(1)(a) of the Water Resources Act 1991(g) (“the Water Resources Act”) that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water is threatened in the Hampshire and the Isle of Wight areas of supply of Southern Water Services Limited (“the Company”), being the areas referred to in article 1(4) of the following Order (“the specified areas”).

An application to the Secretary of State has been made by the Company for an ordinary drought order under section 73(3)(b) of the Water Resources Act(h).

The Secretary of State is satisfied that the proper notices of the application have been published and served by the Company in accordance with paragraph 1 of Schedule 8 to the Water Resources Act(i).

[Certain objections to the application have been made to the Secretary of State.]

[In accordance with paragraph 2(1)(b) of Schedule 8 to the Water Resources Act, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose has been afforded to the objectors, the Company and other persons to whom it appeared to the Secretary of State expedient to afford such an opportunity.]

Under section 74(2)(b) of the Water Resources Act, the Secretary of State has given to water undertakers generally a direction dated 29th March 2011 and entitled the Drought Direction 2011(j).

It appears to the Secretary of State expedient, with a view to meeting the deficiency of supplies of water in the specified areas, to authorise the Company, under section 74(2)(b) of the Water Resources Act, to prohibit or limit the use of water which it supplies in the specified areas for

(g) 1991 c. 57. Section 73(1) of the Water Resources Act 1991 was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995 (c.25) and by S.I. 2013/755.

(h) Section 73(3) of the Water Resources Act 1991 was amended by paragraphs 128, and 139(1) and (3), of Schedule 22 to the Environment Act 1995 (c.25) and by S.I. 2013/755.

(i) Paragraph 1(2) of Schedule 8 was amended by paragraph 128 of Schedule 22 to the Environment Act 1995 (c.25) and by paragraph 3(7) of Part 1 of Schedule 11 to the Local Government (Wales) Act 1994 (c.19) and S.I. 2010/765 and 2013/755.

(j) A copy of the Drought Direction 2011 can be obtained from Water Supply & Regulation Division, Department of Environment, Food and Rural Affairs, Room 304, 55 Whitehall c/o 3-8 Whitehall Place, London SW1A 2HH [UPDATE ADDRESS].

certain purposes, being the purposes set out in the Drought Direction 2011.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 73(1), 74(2)(b) and 74(5)(a) of, and paragraph 2(5) of Schedule 8 to, the Water Resources Act(k):

Citation, commencement, interpretation and application

6. (1) This Order may be cited as the Southern Water Services (Hampshire and the Isle of Wight) (Non-Essential Use) Drought Order 2025.
- (2) This Order shall come into force on XXXXX 2025.
- (3) In this Order—
- “the Act” means the Water Industry Act 1991;
- “the 2010 Order” means the Water Use (Temporary Bans) Order 2010 (S.I. 2010/2231)
- “health or safety reasons” includes—
- (a) removing or minimising any risk to human or animal health or safety; and
- (b) preventing or controlling the spread of causative agents of disease;
- “hosepipe” has the same meaning as in section 76A of the Act;
- “non-domestic building” means any of the following not being domestic premises within the meaning of section 76(2)(i) of the Act and article 12(3) of the 2010 Order —
- (a) a building that is not used principally as a dwelling or dwellings;
- (b) any other structure.
- “the Company” means Southern Water Services Limited; and
- “signed plan” means the plan prepared in duplicate, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and marked Southern Water Services (Hampshire and the Isle of Wight) (Non-Essential Use) Drought Order 2025, one duplicate of which has been deposited and is available for inspection at the offices of the Company and the other at the offices of the Water Supply & Regulation Division, Department of Environment, Food and Rural Affairs, Room 304, 55 Whitehall Place, London SW1A 2HH [UPDATE ADDRESS].
- (4) Using a hosepipe, in relation to a purpose set out in articles 3 to 12 of this Order, includes the following—
- (a) drawing relevant water through a hosepipe from a container and applying it for the purpose;
- (b) filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.
- (5) In paragraph (4), “relevant water” does not include water supplied by a water undertaker before the use of water to which the purpose relates was prohibited under an ordinary drought order.
- (6) This Order applies in relation to water supplied by the Company in any part of its Hampshire and the Isle of Wight areas of supply, shown in [INSERT COLOUR] on the signed plan.

(k) Section 73(1) of the Water Resources Act 1991 was amended by paragraph 139(1) and (2) of Schedule 22 to the Environment Act 1995 (c.25) and by S.I. 2013/755.

Power to prohibit or limit the use of water for certain purposes

7. The Company may prohibit or limit the use of water for any of the following purposes set out in articles 3 to 12 of this Order.

Purpose 1: watering outdoor plants on commercial premises

8. (1) Watering the following plants on commercial premises using a hosepipe—
- (a) plants which are in a pot or other container that is outdoors or under cover;
 - (b) plants which are in the ground under cover.
- (2) The purpose specified in paragraph (1) does not include watering plants that are—
- (a) grown or kept for sale or commercial use; or
 - (b) part of a National Plant Collection or temporary garden or flower display.
- (3) In this article—
- “commercial premises” means any land, building, other structure or premises not being domestic or other non-commercial premises within the meaning of section 76(2)(c) of the Act and article 6(2) of the 2010 Order;
- “grown” includes cultivated or propagated;
- “National Plant Collection” means a plant collection which is part of the National Council for the Conservation of Plants and Gardens’ National Plant Collection scheme;
- “plants” includes plant organs, seeds, crops and trees;
- “temporary garden or flower display” means a garden or flower display that is—
- (a) at a show or exhibition; and
 - (b) on public display for a period not exceeding 7 days; and
- “under cover” means in a greenhouse or outbuilding or under a permanent canopy.

Purpose 2: filling or maintaining a non-domestic swimming or paddling pool

9. (1) Filling or maintaining a swimming or paddling pool other than a domestic swimming or paddling pool within the meaning of section 76(2)(e) of the Act and article 8(2) of the 2010 Order.
- (2) The purpose specified in paragraph (1) does not include—
- (a) filling or maintaining a pool that is open to the public;
 - (b) filling or maintaining a pool where necessary in the course of its construction;
 - (c) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap;
 - (d) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment;
 - (e) filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease;
 - (f) filling or maintaining a pool that is used in the course of a programme of veterinary treatment;
 - (g) filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity;
 - (h) filling or maintaining a pool that is for use by pupils of a school for school

swimming lessons.

- (3) For the purposes of article 4(2)(a), a pool is not open to the public if it may only be used by paying members of an affiliated club or organisation.

Purpose 3: filling or maintaining a pond

10. (1) Filling or maintaining—

(a) a non-domestic pond; or

(b) a domestic pond within the meaning of section 76(2)(g) of the Act and article 10(2) of the 2010 Order.

(2) The purpose specified in paragraph (1) does not include—

(a) filling or maintaining a pond in which fish or other aquatic animals are being reared or kept in captivity;

(b) filling or maintaining a pond using a hand-held container which is filled with water drawn directly from a tap.

(3) The purpose specified in paragraph (1)(b) does not include filling or maintaining a domestic pond using a hosepipe.

Purpose 4: operating a mechanical vehicle-washer

11. Operating a mechanical vehicle-washer, whether automatic or not.

Purpose 5: cleaning any vehicle, boat, aircraft or railway rolling stock

12. (1) Cleaning any vehicle, boat, aircraft or railway rolling stock using a hosepipe.

(2) The purpose specified in paragraph (1) does not include cleaning any vehicle, boat, aircraft or railway rolling stock for health or safety reasons.

(3) In this article—

“boat” means a vessel or other thing which—

(a) is designed, constructed or adapted to move through, in, on or over water; and

(b) is not a private leisure boat within the meaning of section 76(2)(d) of the Act and article 7(3) of the 2010 Order; and

“vehicle” means any of the following not being a private motor-vehicle within the meaning of section 76(2)(b) of the Act and article 5 of the 2010 Order—

(a) a vehicle designed, constructed or adapted for use on roads; or

(b) a trailer or other thing designed, constructed or adapted for attachment to a vehicle falling within sub-paragraph (a) of this definition.

Purpose 6: cleaning non-domestic premises

13. (1) Cleaning any of the following using a hosepipe—

(a) any exterior part of a non-domestic building other than a window;

(b) a non-domestic wall.

(2) The purpose specified in paragraph (1) does not include the cleaning of any exterior part of a non-domestic building or a non-domestic wall for health or safety reasons.

(3) In this article, “non-domestic wall” means a wall or any other enclosing structure or partition which—

- (a) does not form part of a non-domestic building; and
- (b) is not within the curtilage of a domestic building.

Purpose 7: cleaning a window of a non-domestic building

14. Cleaning a window of a non-domestic building using a hosepipe other than for health or safety reasons.

Purpose 8: cleaning industrial plant

15. Cleaning industrial plant using a hosepipe other than for health or safety reasons.

Purpose 9: suppressing dust

16. Suppressing dust using a hosepipe other than for health or safety reasons.

Purpose 10: operating cisterns

17. (1) Operating a cistern in any building that is unoccupied and closed.
(2) In this article, “cistern” means an automatically-operated flushing cistern which services a water closet pan or urinal.

Duration of authorisation

18. The authorisation given by article 2 shall cease to have effect on XXXX 2025.

INSERT DATE/SIGNATURE

[TITLE] on behalf of the Secretary of State for
Environment, Food and Rural Affairs

EXPLANATORY NOTE

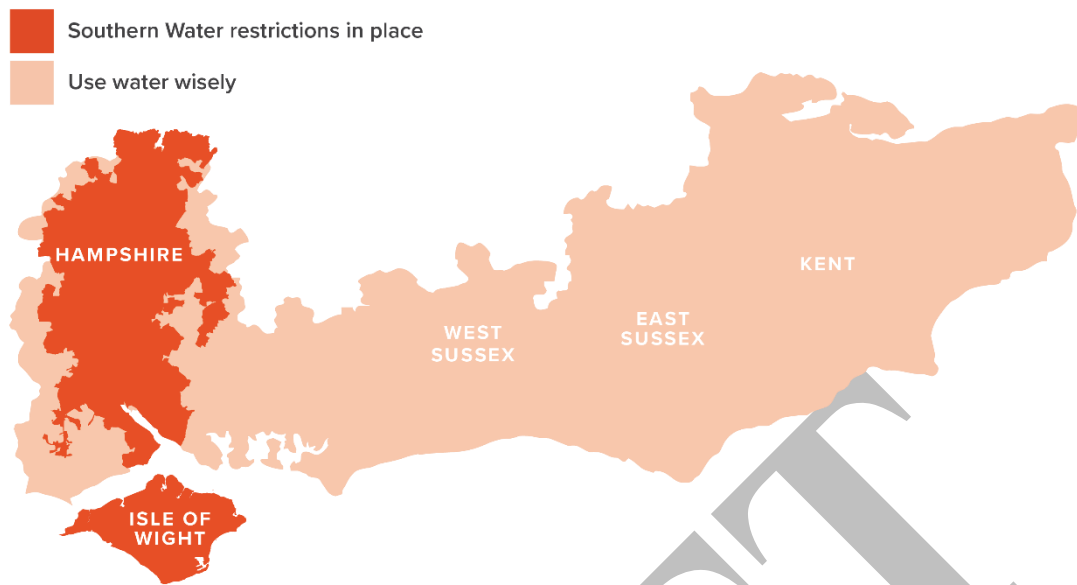
(This note is not part of the Order)

This Order, which is made on the application of Southern Water Services Limited ("the Company"), makes provision to meet a serious deficiency of supplies of water which is threatened in its Hampshire and the Isle of Wight areas of supply as a result of an exceptional shortage of rain.

It authorises the Company to prohibit or limit the use of water supplied by it for certain purposes, being purposes set out in the Drought Direction 2011.

The authorisation given by this Order ceases to have effect on XXXX 2025.

A copy of the Drought Direction 2011, which was given by the Secretary of State to water undertakers generally on 29th March 2011, can be obtained from Water Supply & Regulation Division, Department of Environment, Food and Rural Affairs, Room 304, 55 Whitehall c/o 3-8 Whitehall Place, London SW1A 2HH [UPDATE ADDRESS].



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