



# Flood and Water Bill

Submission to the Sustainability Cttee



WLGA • CLILC

## **INTRODUCTION**

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA welcomes the introduction of the Flood and Water Bill. Local government is all too aware of the consequences on its citizens of incidence of flooding and is willing to take on the lead role for local flood risk management that the Bill proposes for them. However in terms of this submission the committee wishes to focus upon those elements of the Draft Bill which have altered and to seek key stake-holders views on the matter. Given the timescales this has been difficult and a broader response is given below.
4. The Bill underwent pre-legislative scrutiny by the EFRA Select Committee in spring 2009 as well as discussions before this Assembly committee. The WLGA and LGA highlighted several areas of concern which we sought to have addressed prior to the Bill's presentation to parliament. Whilst some efforts have been made to resolve our concerns there are still some key issues that we would like the government to address with urgency.
5. In particular this focuses on three key areas that need further clarification or amendment. Funding for the new lead authority (and how that would work in a Welsh context), Skills and training for the new lead local flood authority role, and funding and approval of Sustainable Drainage Systems (SUDS). There also remains a fundamental issue that the public may not appreciate the fine tuning of the roles of different agencies tackling flooding issues and a danger persists of confusion.

### **Funding for the new local flood authority role**

6. Following on from the evidence given by the LGA/WLGA, the EFRA Select Committee's Report on the Draft Flood and Water Management Bill concluded:

*"Despite DEFRA's assurances, we remain concerned that the impact assessments are insufficiently precise and provide meagre evidence to support their cost and benefit calculations. We note that DEFRA intends to do further work on impact assessments - this is essential. Parliament will expect that, when the Bill is introduced, its accompanying impact assessments provide a clear accurate exposition of the costs and benefits and how the funding will work, particularly in relation to the new roles and responsibilities for local authorities".*

**(EFRA Select Committee, Sixth Report of Session 2008-09, pg 50)**

7. Defra argue that costs for local authorities will be offset by 'savings' from the reduced risk of flooding in the future. There are, however two problems with this: Council's don't budget specifically for contingencies like flooding, response and recovery costs are funded from reserves and other budgets. Any 'savings' made at some point in the future don't mean funds are available for building up the flood risk management role now.
8. This is exacerbated by the current state of public sector finances and the likelihood and further significant cuts in the future. Defra have said that they will monitor costs and meet any new net burdens if they emerge. They have also identified some initial funding to help begin this process in England (16m). Therefore the WLGA calls on the UK government to undertake an urgent reassessment of the expected costs of the authority role and to ensure that new costs are met. WAG must ensure that any additional funding for this issue is passed onto the front line services that need it in Wales.

### **Skills and training for the new local authority role**

9. It is clear that many local authorities have severe skills and capacity shortages which could affect their ability to deliver the functions of the lead role effectively. The WLGA believes that more needs to be done to address potential shortfalls in skills and provide training for the new roles that could come as a result of the Bill.
10. In tandem with the LGA we recommend that a UK working group, consisting of local authorities, universities, training providers and professional institutes should be set up as a matter of urgency to make recommendations to the Government on skills and training issues that will need to be addressed as a result of the new role to be taken on by local authorities.

11. This should be supported by a review of the potential to provide this expertise on a shared service basis across groups of authorities or between agencies across Wales.

### **Funding and approval process for SUDS**

12. Sustainable Drainage Systems (SUDS) will increasingly become vital to our management of surface water. Parts of Wales are all too aware that the incidence and severity of surface flooding incidents are on the increase as the Climate changes. The provisions of the Bill will mean that water from new developments will no longer drain into the mains, but into SUDS which are managed and maintained, potentially by Local Authorities but also other agencies in Wales. This is positive and given the energy and resources used in managing and treating water it is vital in Climate Change terms. It also presents opportunities for increased biodiversity in the context of the NERC Act duty for local authorities. There are also potential social and health benefits of increased green space within an urban context.
13. Defra have stated that the creation and maintenance of SUDS will be funded in part through the transfer of private sewers to water and sewerage companies, alleviating local authorities of the responsibility for investigating and dealing with potential problems. The Bill makes some heroic assumptions on those savings on the basis of very patchy information. Those assumptions are based upon 7 year old data gathered from only 12% of local authorities (UK wide) and therefore create a fundamental weakness in the impact assessments.
14. Again in their report the EFRA Select Committee stated:

*"We are not convinced that local authorities will benefit from the transfer of sewers to the degree anticipated in the impact assessments there remains some uncertainty about the cost of adopting and maintaining SUDS - until these questions are answered doubts remain about the impact assessments' robustness."*

### **(EFRA Select Committee, Sixth Report of Session 2008-09, pg50)**

15. Once again therefore there needs to be an urgent reassessment of authorities' current expenditure on private sewers so we have a more robust evidence base on the expected costs of the adoption and maintenance of SUDS.

16. The Bill also moves away from the principle of polluter pays. All properties should pay a drainage charge, including those that are drained into SUDS. This would not be a new burden upon householders. Those already connected to mains drainage already pay a charge as part of their water bill. It is vital that a sustainable funding model for SUDS is developed from the outset otherwise this will risk undermining the implementation of SUDS as local authorities and potentially other agencies will not have the income stream to maintain them.

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