

Countryside Council for Wales

Maes y Ffynnon

Penrhosgarnedd

Bangor

Gwynedd

LL57 2DW

15th January 2010

Mick Bates AM, Chair
Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Dear Mick

Re: The Sustainability Committee's Inquiry into the implications of the Draft Flood and Water Management Bill in Wales: Changes between original and final drafts

The Countryside Council for Wales is the Government's statutory advisor on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales and its inshore waters. We champion the environment and landscapes of Wales and our coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity and as a place for leisure and learning opportunities. We aim to make the environment a valued part of everyone's life in Wales.

The Draft Flood and Water Management Bill

The provisions of the draft Bill sit largely outside the CCW's core remit and have little potential to impact on Nature Conservation, Recreation, Landscape and Access *above and beyond* the level that delivering our remit is currently affected by the management of floods and water in Wales. Therefore we have no formal view on the alterations, exclusions or amendments made to the draft text since its original publication in April 2009. We are aware of the suggestion in the original consultation on the draft Bill, that it could potentially be used to bring forward provisions that would assist in the implementation of the Water Framework Directive. These provisions were not however included in the draft of April 2009, and their exclusion does not therefore represent an alteration. We hope however that Government will bring forward secondary legislation to give effect to the areas of the WFD separately.

Several areas of the new draft Bill are however of interest and supported by CCW, and we are potentially affected by their implementation. For the Committee's interest, we have outlined these briefly below, with a short summary of how they will affect CCW. Again, we have no formal view on the policy areas affected by these provisions, since they will mainly be practical matters for CCW to implement as and when required.

Main points of interest for CCW

1. Sustainable drainage

The Bill will end the automatic right to connect to sewers for surface water drainage and ensure SUDS are provided for in new developments wherever practicable. CCW is very

supportive of these provisions, which will make sustainable drainage an integral part of the planning system. The extent to which these systems will be of benefit will depend upon the definition of the national standards. CCW expect to be able to recommend SuDs in our responses to LDPs and planning applications and we are likely to be asked to provide advice on the design/value of SuDs to maximise biodiversity gains.

2. Our liability as landowners

The Bill provides powers for EA and/or Local Authorities to designate “features” that are Flood Risk Management features. These may be ditches, culverts, flood defences, structures etc. CCW may be the owner of such features on National Nature Reserves, and we will need to be aware of the implications of designation for management of these sites. We do not envisage any adverse impacts on our ability to manage these reserves from this provision.

Similarly, the EA would have the power to maintain a register of all reservoirs categorised at ‘high risk’, i.e. with a minimum volume of over 10,000 cubic metres in an effort to improve reservoir safety. This provision has been altered since first drafts, and there will now be a low risk and high risk category with different surveying/safety requirements. CCW supports this change, which we believe will make it less likely that damage will occur to important habitats, whilst still lessening risks to property and life.

There is also a power for water companies to lower surface water drainage charges for organisations classified as charitable or serving the public interest. Public bodies such as CCW could be included in the definition given and anticipate that this would be the case.

3. Production of a new National Flood Risk Management Strategy

The Welsh Assembly Government has a duty to develop this national strategy in Wales, with Local Authorities being charged with drafting local strategies that are consistent with the National Strategy. CCW are supportive of this provision and we will contribute as needed if requested.

4. New Drought Measures

The Draft Bill contains provisions allowing water companies to use a wider range of restrictions on certain water uses during droughts. CCW are supportive of these provisions, which we hope will provide greater flexibility for water companies to manage water supplies during drought situations and lessen the potential impacts on the natural environment.

Yours sincerely

Dr. John Taylor
Director of Policy
Countryside Council for Wales