

LGA response to the Defra consultation on improving management of water in the environment

March 2019

The Local Government Association (LGA) is the politically led cross-party national voice of local government. We work with councils to support, promote and improve local government.

We have answered those questions that relate to local government activity or areas where the LGA has views on behalf of councils in their roles as leaders of place.

Key messages

- Consultation with local authorities on Water Resources Management Plans and new statutory Drainage and Wastewater Management Plans will help to ensure that future water supply as well as drainage and wastewater management infrastructure support the growth ambitions of local authorities and delivery of Local Plans.
- The government should provide urgent clarity on the impact that the new charging methodology to determine Internal Drainage Board special levies will have on local authorities.
- The government should change the rules relating to council tax referendums so that levies such as IDB levies do not count against councils' own referendum limits.
- Councils would welcome greater flexibility on local revenue and capital-raising powers, to support their ability to manage local flood and coastal erosion risk management risks.
- Proposals for securing additional local funding should be pursued in order to provide additionality to existing national funding, not to replace it.
- The Government should ensure that the legislation put in place to establish the Somerset Rivers Authority will provide sufficient flexibility to allow other areas to use a similar mechanism where there is local agreement to do so.
- Any new burdens on local authorities arising as a result of the proposals in the consultations should be fully funded.

Impacts of proposed measures

Question 1: Do you have any specific evidence that you think could assist Defra in our assessment of the costs, benefits or other impacts of these possible measures? If yes, please provide details.

No comment.

Long-term planning of water in our environment

Briefing

Question 2: Do you agree that the Secretary of State should be able to direct water companies to plan on a regional and inter-regional basis? Please provide reasons.

No comment.

Question 3: Do you agree that the Secretary of State should be able to direct water companies to take account of other abstractors' needs? Please provide reasons.

No comment.

Question 4: Do you agree that the water resources management planning process should be recognised in legislation as a measure to deliver environmental objectives? Please provide reasons.

No comment.

Question 5: Do you agree with our proposals to improve the legislation governing Water Resources Management Plans? Please provide reasons.

We support the proposal to include powers in legislation to allow the Secretary of State to specify that water companies should develop its Water Resources Management Plan in consultation with local authorities.

Any new burdens on local authorities that arise as a result should be fully funded.

This will help to ensure that future water supply supports the growth ambitions of local authorities and that Water Resources Management Plans align more effectively with Local Plans.

Question 6: Do you have any further suggestions about how we could improve the primary legislation that governs water resources management planning? These could be either administrative improvements, such as how confidential information is dealt with, or to achieve better water resources outcomes. Please provide reasons for your suggestions.

No comment.

Drainage and waste water management issues

Question 7: Do you agree that Drainage and Wastewater Management Plans should be made statutory and produced every five years? Please provide reasons.

Yes.

We consider that statutory Drainage and Wastewater Management Plans will provide greater opportunities to support the development of statutory local flood plans produced by Lead Local Flood Authorities through increased partnership working and information sharing.

They will also help to ensure that future drainage and wastewater management infrastructure supports the growth ambitions of local authorities and delivery of Local Plans.

Question 8: Who should a water company consult with, and obtain information from in developing their Drainage and Wastewater Management Plans and at what stage in the development of their plans?

We consider that a water company should develop their Drainage and Wastewater Management Plans in consultation with local authorities.

This will help to ensure that future drainage and wastewater management infrastructure supports the growth ambitions of local authorities and delivery of Local Plans.

Any new burdens on local authorities that arise as a result should be fully funded.

Question 9: What, if any, are the lessons we could use from the water resources management planning process in making Drainage and Wastewater Management Plans statutory?

No comment.

Question 10: Is the current non-statutory Drainage and Wastewater Management Plan framework clear and complete, and are there any changes/lessons learnt which we should take on board in making the process statutory?

No comment.

Question 11: Should there be government or regulator oversight in the Drainage and Wastewater Management Plan process and review of plans? What level and type of oversight should this be? Please provide reasons.

No comment.

Water abstraction

Question 12: Do you agree that the Environment Agency should be able to vary or revoke any licence that is causing unsustainable abstraction without paying compensation? Please provide reasons.

No comment.

Question 13: Do you agree with our proposal to link unsustainable abstraction to various environmental duties as set out in this consultation? If not, how would you determine what constitutes unsustainable abstraction and why?

No comment.

Question 14: Should the Environment Agency be able to vary under used licences in the case of unsustainable abstraction to remove the underused portion, with suitable safeguards to protect necessary headroom? Please provide reasons, including possible safeguards you consider appropriate.

No comment.

Question 15: Should the Environment Agency also be able to vary under used licences where there is unmet need for additional water in the catchment, to remove the underused portion, with suitable safeguards to protect necessary headroom? Please provide reasons, including possible safeguards you consider appropriate.

No comment.

Question 16: Should the Environment Agency be able to change any under used licence, once necessary headroom is taken into account, irrespective of proportion of under use? If not, what proportion of under use is appropriate?

No comment.

Question 17: What do you consider is the appropriate length of time for a licence to be under used before the Environment Agency could use this power? Please provide reasons.

No comment.

Question 18: Do you think anything more is needed in primary legislation to deliver the aims of the abstraction plan? Please provide reasons.

No comment.

Land Drainage: Internal Drainage Board charging methodology

Question 19: Do you agree that the Land Drainage Act 1991 should be amended to enable a new charging methodology to determine special levies? Please provide reasons.

Without understanding the impact that this will have on local authorities we are unable to comment. We request urgent clarity on this from government.

Notwithstanding the above however, there does need to be a change on the rules relating to council tax referendums so that levies such as IDB levies should not count against councils' own referendum limits.

Question 20: Do you agree that the Land Drainage Act 1991 should be amended to enable a new charging methodology to determine drainage rates? Please provide reasons.

No comment.

Question 21: Do you agree with the list of provisions that the alternative methodologies could include? Should anything else be taken into account? Please provide reasons.

No comment.

Question 22: With regards to both these methodologies what could the impact of provisions (a) and (b) be and are there any issues that government should take into account before making the regulations?

No comment.

Question 23: Should the new charging methodologies include exemptions for existing Internal Drainage Boards? For example the new charging methodologies could apply automatically to all Internal Drainage Boards, or existing Internal Drainage Boards could remain on the existing charging methodologies or could decide between the new or the old charging methodologies.

Whilst we recognise that there may need to be an appropriate transitional period, we consider that for transparency and consistency all IDBs should operate using the same methodology.

The government should ensure that there is clear guidance on the new methodology and work with relevant stakeholders to raise awareness of the impact that this will have on affected ratepayers in local areas.

Flood and Coastal Erosion Risk Management: Raising local funds

Question 24: Do you agree that there is a need for new or modified powers or mechanisms to raise additional local funding to manage local flood and coastal erosion risk management risks? Please provide reasons.

Councils would welcome greater flexibility on local revenue and capital-raising powers, to support their ability to manage local flood and coastal erosion risk management risks. The LGA has commissioned research which is looking at options for securing an increase in local contributions towards local flood and coastal erosion risk management. We would be happy to share our findings with Defra once this research is complete.

Proposals for securing additional local funding should be pursued in order to provide additionality to existing national funding, not to replace it.

Question 25: Do you have any views on how best additional local funding can be raised fairly to better manage these risks and which existing public body is best placed to take on this function?

The LGA has commissioned research which is looking at options for securing an increase in local contributions towards local flood and coastal erosion risk management. We would be happy to share our findings with Defra once this research is complete.

Given Lead Local Flood Authorities statutory role in local flood risk management, they should be responsible for deciding how any additional local funds are spent in line with their Local Flood Risk Management Strategies. However any new burdens arising would need to be fully funded.

Question 26: Do you support legislating to enable the Somerset Rivers Authority to be formalised (as a flood Risk Management Authority with precepting powers)?

Yes. We would also like the Government to ensure that the legislation will provide sufficient flexibility to allow other areas to use a similar mechanism where there is local agreement to do so.

Modifying the process for modifying water company licence conditions

Question 27: Do you agree with the case for modernising the way in which Ofwat modifies licence conditions? Please provide reasons.

No comment.

Question 28: Do you agree with the proposal to base a modernised model on that currently used within the energy sector? Please provide reasons.

No comment.

Question 29: Have you any other suggestions for a different model for licence condition modification? Please provide reasons and explain what this could be.

No comment.

Question 30: Do you agree with the proposal to modernise Ofwat's information gathering powers? Please provide reasons.

No comment.

Question 31: Do you agree with the proposal to modernise the way in which documents can be served, to include email? Please provide reasons, including any groups of people or type of documents for which email is not appropriate.

No comment.