



## Caldicot & Wentlooge Levels IDB

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### National Assembly for Wales Sustainability Committee

**Enquiry into the implications of the Draft Floods and Water management Bill on our Organization and Wales.**

**Submission by the Caldicot and Wentlooge Levels Internal Drainage Board.**

#### **1) GENERAL INTRODUCTION & BACKGROUND**

We broadly welcome the Draft Bill and fully recognize the need for many of the proposals and in particular the need to implement the recommendations of the Pitt Report.

The Caldicot and Wentlooge Levels Internal Drainage Board (CWLIDB), is a key member of the group of Operating Authorities in Wales responsible for Flood and Coastal Erosion Risk Management (FCERM) with particular responsibility for the Caldicot and Wentlooge Levels Drainage District. In addition we provide the full administration and operating functions for the following IDB's -

- **Lower Wye IDB – Monmouth ( Wales ) to Hereford**
- **Powysland IDB – Welshpool – Powys Area – ( Wales )**
- **River Lugg IDB – Ledbury to Leominster – Welsh Marches – Herefordshire**

Also we provide the full Engineering Services to the **West Mendip IDB** – based on the North Somerset Levels at Weston-super-Mare. This service is likely to increase to the supply of Engineering Services to the North Somerset IDB ( Avonmouth to Clevedon ) - in 2012 when these two Boards amalgamate.

Discussions have also taken place with Environment Agency / Welsh Assembly Government and the Countryside Council for Wales - regarding the possibility of the full administration of the 11 IDB's within North Wales. These currently come under the responsibility of the Flood Risk Management Committee for Wales, who are the IDB's. This function does not sit well with the executive function of this Committee - This could be undertaken by the C & W L IDB , if this was done, would deliver many of the objectives and aims for the local communities as detailed below. It would deliver an **exemplar**

**coordinated 'All Wales' package** for the delivery of this most important service.

It is entirely feasible and practicable that new IDB's could be established in other areas of similar needs - these areas would then begin to reap the benefits of being within a prescribed Internal Drainage Board area.

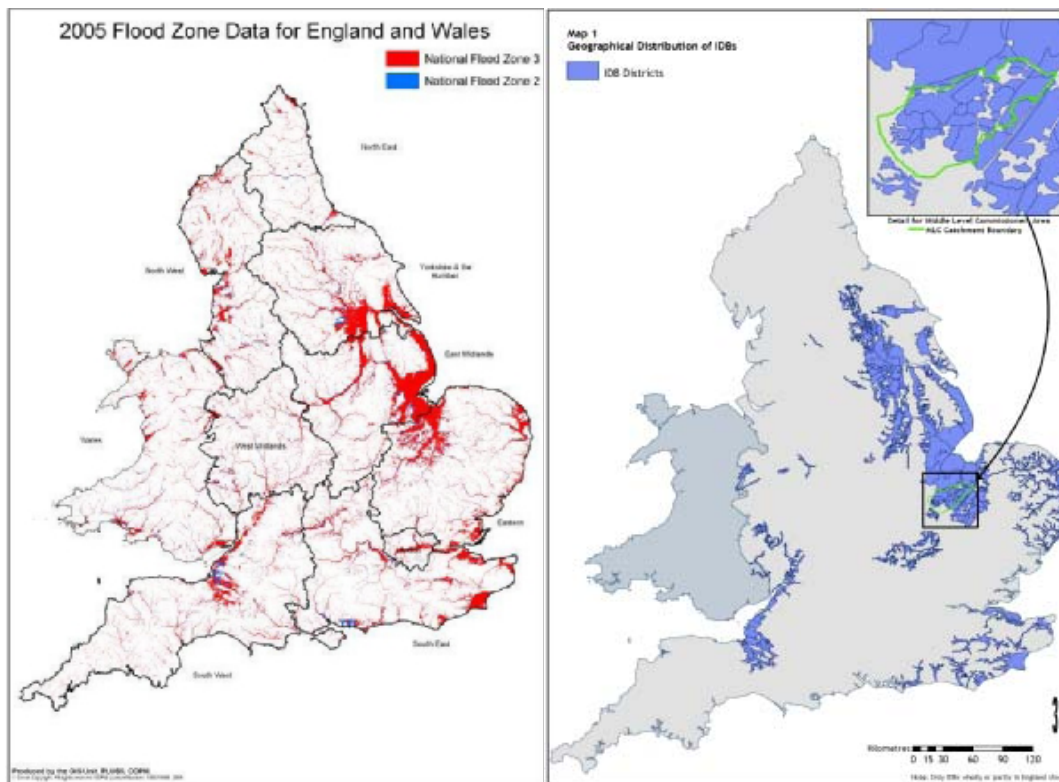
This could provide the Assembly with an opportunity to create something radically better and greatly beneficial to the Local Communities / Citizens of Wales, and something that is different to what is being undertaken within England.

For yours and your colleagues information I feel I should just briefly advise what actually is an IDB as this will give both an understanding and contextual appreciation of our comments.

### **An Introduction to Internal Drainage Boards**

Internal Drainage Boards are long established statutory operating authorities with histories dating back hundreds of years – with my own Board the C & W L IDB dating back to the Commissioners of Sewers in 1531. IDBs predominantly operate under the Land Drainage Act 1991 and have permissive powers to undertake work to secure drainage and water level management of their districts and undertake flood risk management works on ordinary watercourses within their districts (e.g. watercourses other than 'main river'). Much of their work involves the maintenance of rivers, drainage channels and pumping stations, facilitating drainage of new developments and advising on planning applications. They also have statutory duties with regard to the environment and recreation when exercising their permissive powers.

1 Based on Info taken from - *Internal Drainage Board Review: Final Report* February 2006 modified by DJJ – June 2009.



Map 1, Indicative Flood Map from Office of the Deputy Prime Minister presentation on PPS25 (2006)

Map 2. Geographical Distribution of IDBs in England

<http://www.defra.gov.uk/enviro/fcd/studies/idbrev/map1>

The IDBs in existence in England and Wales in April 2005 covered approximately 1.2 million hectares of England and Wales – representing 9.7% of the total land area (Map 2) 2 and approximately 90% of the indicative flood map zone 3 for England (Map 1)3. There are 13 IDB's within Wales.

Their average annual expenditure is in excess of £50 million, they employ directly or indirectly over 590 staff, have assets in excess of £150 million and operate and maintain over 500 pumping stations, 22,000 km of watercourse, 174 automatic weed screen cleaners and have a part in providing flood risk management to 900,000 properties.

They also have responsibilities associated with over 400 Sites of Special Scientific Interest plus other designated environmental areas. IDBs are providing a valuable contribution to Defra's Making Space for Water Strategy by protecting and managing the water corridor and the **National Assembly for Wales, Key Policy Documents which are strongly supported by the Board – 'Environment Strategy' and 'Making the Connections' policy documents.**

They provide a valuable service to the Town and Country Planning process by guiding and advising Planning Authorities regarding surface water management, flood risk and sustainable urban drainage. They cover growth areas in Wales extending from Cardiff, Newport, Monmouth, Skenfrith through to Welshpool in Powys.

It should be fully appreciated that the area of the C & W L IDB is the 7<sup>th</sup> most valuable such IDB area in the whole of both Wales and England of lands

within some 180 such IDB areas – with infrastructure / development etc alone  
- valued at circa  
£14 Billion.

We feel that we can play a major role in the implementation of many elements of the Bill in Wales and particularly in the drainage districts where the Board has an interest and in the surrounding catchments, including urban areas. We have considerable experience and expertise in relation to FCERM, including drainage, sea defences, ground water and surface water management, nature, landscape and heritage. conservation, habitat creation and community involvement and education. **We have a key advantage of being locally based, represented, financed and accountable and work very closely and respond to the needs and demands of the local population – clearly putting the Citizen at the centre of our works – again in line with NAW's Policies.**

Other areas where we feel we could make a contribution are given in the following sections.

**Our principal comments on the Draft Bill are given below under relevant headings:**

## **2) LOCAL AUTHORITY LEAD ROLE**

We fully support the need to implement the recommendations of the Pitt report in respect of better coordination of the operating authorities and local authorities are the obvious body to coordinate these activities and take the lead role in communicating with the public.

We feel, however, that this role should be undertaken in close working partnership with the other relevant operating authorities. e.g. a 'Local partnership Approach' needs to be pursued. IDBs are ideally placed to continue to have responsibility for FCERM in their drainage districts and where appropriate in the surrounding catchment/area. This would ensure that the existing expertise and experience of the IDB was used to best effect and remove the need to 'grow the local authority technical expertise'.

**One example is the potential role for IDBs to oversee the implementation of SUDS and this has been done within the area to great benefit within the C & W L IDB area.**

We are also concerned to ensure that the funding for this work remains with the IDBs. If it were to go into the overall wider local authority 'pot' it would be in direct competition with funding for other local authority priorities and thereby undermining the basic intentions of the Pitt Report.

## **IDB Concerns / Comments**

- Local Authorities not organised on catchment boundaries.
- Lack of expertise and financial resources in Local Authorities.
- IDBs (where they exist) must be fully integrated into Local Area Partnerships (i.e. local knowledge, expertise and as delivery agents to all partners).
- IDBs should retain their supervisory powers.
- It is not considered that any conflict will result if Local Authorities take on EA's supervisory role over all local flood risk i.e. IDBs supervise in IDB areas,
- Local Authorities to act ONLY where IDBs default.
- The responsibility for determining significant local flood risk (ordinary watercourses, surface water and ground water) should be the responsibility of the local lead authority working in agreement with their **local area partners** through development of local area flood risk management strategies
- Regulation of the ordinary watercourse network (where there are no IDBs) should be a matter for determination by the **local area partnership**.

### **3) ENVIRONMENT AGENCY ( EA ) - OVERSIGHT ROLE**

We support this proposal and are committed to offering our full support to the EA.

As discussed below there is a need to clarify in the Bill the relationship between this role for EA in Wales and the local authority lead role.

#### **IDB's Concerns / Comments.**

- IDBs consider the supervisory role undertaken by the EA to be appropriate but would accept that if the role is to be transferred it should be to the local lead authority.
- Powers should be directly transferred (equivalent to those currently exercised by EA)
- The responsibility for determining significant local flood risk (ordinary watercourses, surface water and ground water) should be the responsibility of the local lead authority working in agreement with their local area partners through development of local area flood risk management strategies

### **4) CLARIFICATION OF ROLES OF OPERATING AUTHORITIES**

At the moment there is little reference in the Bill to geographical areas of responsibility. We feel it would be useful to address this in more detail. Thus there is potential for IDBs to support the local authorities in their lead role in their drainage districts and surrounding areas whilst Welsh Water might have a similar role in other areas. This might also help in clarifying the relationship between the EA 'Oversight Role' and the local authority 'Lead Role'.

**We firmly believe that we are well placed, with one of the largest and most pro-active of IDB's within both Wales and England, to take forward**

and indeed lead in this area. This has been clearly demonstrated in the development of all CWLIDB's works for the various other IDB's within our 'Group' / Consortia.

## **5) ISSUES DIRECTLY RELEVANT TO IDBs**

### **A). Powers to Form Consortia / Participate In Limited Companies / Limited Liability Partnership for the Purposes of sharing and benefiting from services.**

It is critical to the future and successful implementation of the most beneficial changes that the bill could bring to the Community of Wales that the above is embodied within the Bill and applied within Wales.

- IDBs need clear legislation for consortia and a clear direction from WAG / Defra.
- Must be clear what powers IDBs have for consortia arrangements and that they can spend funds on ALL current/future IDB activities.
- Gives IDBs equal powers to those of other Operating Authorities (Local Authorities and Environment Agency).
- Consider using an alternative term such as partnership or alliance instead of consortium.
- Provides greater flexibility to IDBs management and operational capability.
- Should be used by IDBs where locally required.
- Will not be required by all IDBs.
- Gives IDBs powers that Local Authorities and the Environment Agency already have.
- Imperative to maintain special levy link to Local Authorities.
- Group considered liabilities of rate payers noting that By an IDB being part of a Ltd company/partnership it would limit liability to rate payers of any external activity
- On this basis therefore, negative impacts are minimal.
- Adoption of consortia/partnerships/limited companies must continue to be of an IDB's own choosing.

### **B). Funding arrangements, Special Levies and Precepts.**

It is vitally important that the Flood Risk Management Committee Wales and IDBs retain their ability to raise funds locally and have powers to levy general

drainage charges (GDCs) and agricultural drainage rates (ADRs) in future, otherwise the risk of flooding will increase in the most vulnerable areas of the country:

(a) The EA should therefore retain powers to levy GDCs and the charge should be applied nationally in non-IDB areas, as opposed to just in the Anglian region in England.

(b) IDBs should retain their powers to levy ADRs as they protect both urban and rural communities in the most vulnerable areas of the country, and powers should not therefore transfer to Local Authorities. Instead IDB boundaries could be extended,

**(Review of the Medway Letter 1933)** - which would bring in more income from ADRs to fund works outside historic IDB boundaries. **In other areas of special need new IDBs should be constituted.**

It is important to note that GDCs and ADRs are not levied in return for solely providing benefits to farmers. GDCs and ADRs have a dual purpose - funding services in rural and urban areas which benefit the public, private and voluntary sectors "the costs of increased flood risk may also affect a wider group of people and business than the group of farmers who bear the direct cost of the charge" - Impact Assessment on FCERM funding reforms + ADA IDB Consultation Workshop (11/05/2009) on the Draft Flood and Water Management Bill - Responses from Work Group Questions

#### IDB Comments

- Long term certainty of finance is essential to good flood risk management
- Consistency with locally agreed Council strategies
- Needs outside IDBs addressed by extending those areas
- Must not politicise delivery of Flood Risk Management
- Defra will achieve their objectives if IDBs are given statutory duty to comply with locally agreed strategies.

IDBs have the knowledge, expertise and, increasingly, the critical mass required to deliver local flood risk management services to Local Authorities. It is therefore important to encourage the Local Authorities to engage with the IDBs through Local Area Partnerships. If Local Authorities had powers to raise money themselves they may **decide not to engage with IDBs and other operating authorities**, which is contrary to the views expressed in the consultation document.

Furthermore if funding is taken away from Internal Drainage Districts (IDDs) to do work in other areas this will increase the risk of flooding in IDBs. There is also the issue of cross-subsidisation (IDB funds being used to finance a variety of activities outside IDBs or in other counties where IDBs operate across more than one county). Local flood risk management is a long term business and needs to remain depoliticised.

We agree that IDBs should retain funding to determine their own delivery plans as long as they comply with the locally agreed county strategies. To ensure that this happens, IDB's could be given a statutory duty to comply with locally agreed county strategies. Upper Tier Authorities could fulfil their new leadership role, without needing the power to raise money.

## **IDB Special Levies**

- Current system provides accountability.
- Must ensure responsibility for delivery is maintained.
- Accountability and responsibility for delivery cannot be ensured through long term contracts.

IDBs should retain their powers to raise Special Levies. Mere reliance on long term contracts through the local Authorities would not provide the certainty required to guarantee delivery in Internal Drainage Districts and may therefore lead to increased flooding in these areas:

1. Responsibility for delivery would at best be unclear, which may complicate delivery and increase costs (please consider the byzantine arrangements involving the former Railtrack).

2. Flood risk may increase in the most vulnerable areas of the country, if funding was reprioritised and redistributed to other areas.

3. Flood risk may increase per se if ring fencing funds for FCERM was removed from Local Authorities.

Local Authorities are multi-functional organisations and funds may therefore be taken from FCERM to finance other priorities, an issue which has been acknowledged in the Impact Assessment on FCERM funding reforms.

<http://www.defra.gov.uk/environment/water/flooding/pdf/flow/iafunding-reforms.pdf>).

4. FCERM expertise may be lost if IDBs disappeared because the Local Authority decided not to enter into an arrangement with the IDB to provide local flood risk management services (perhaps due to issues relating to the EU Procurement Directive).

5. Democratic accountability would at best be unclear with there being less focus on delivery and greater emphasis on fulfilling contractual obligations and commercial objectives.

It is worth noting that the 'Impact Assessment on Local Flood Risk Management

(<http://www.defra.gov.uk/environment/water/flooding/pdf/flow/ia-local-riskmanage.pdf>) does not appear to have taken into account the increase in flood risk that would arise from emasculating IDBs as proposed by changing their income streams. In fact there is a presumption that flood risk will reduce and as such there would be £172m of cost savings that could be made available to Local Authorities to fund their new leadership role.

## **Board Membership**



- Principle of 'He who pays gets a say' should be supported – current System with Elected Ratepayers and Local Authority Appointments fully reflects this and should be continued as present very successful – democratic / local accountability / representation etc – **in line with NAW – policies.**
- Representation of wider community by Local Authority (LA) representatives is essential.
- Expertise is the key to good local representation – comes also from Ratepayers Representation and is fully democratic.
- Land managers local knowledge must be maintained on Boards.
- Accept directly proportionate representation to Boards (abolishing the bare majority limit for LAs) on condition that...
- LAs divide their representation between LA councillors and community/environment representatives to ensure wider community issues
  - are represented on Boards.
  - Should potentially include local Flood Forum leaders, Wildlife Trusts/organisations, Community leaders, National Park Authorities, others with specialist knowledge.
  - Guidance should be provided to IDBs/LA by Defra/LGA/ADA on how to achieve a suitable division of representation from the local community.
  - IDBs must ensure that their Board's representation is suitable to their drainage district.

### **C). Community involvement and education.**

By the very nature of the way that the IDB operates there is and day to day involvement with the local community in the drainage district. We are also often a catalyst or interface between the public sector and the general public. We feel we have a significant and increasing potential role to fulfil WAG's commitment to 'Making the Connections', Citizen Centre and the Beecham agenda.

The CWL IDB has also been very active and leading our Sector in developing a most beneficial working relationship, sharing and exchange of ideas and best practice that we have developed **within Wales**, not only with our colleagues in England but into **Europe** as well as is evidenced by study trips and inspections to the following countries :-

- To the Waterschappen in the Netherlands ( Middenbeemster ) - in 2000
- To the Consorzio Di Bonfica Adige Bacchiglione – Padua Area – Italy – October 2005
- Visit by the 21 Directors of the Dutch Waterschappen to the Boards Area – May 2008
- To the 'Rivers Agency' – Northern Ireland – Department of Agriculture and Rural development – Northern Ireland / Colrane & Port Rush area – October 2008

## **D). IDB Boundaries, Name, Size and Structure.**

We advise as follows –

- IDB title has high level of local community understanding.
- Change of name an unnecessary expense.
- Duties of IDBs are not just drainage.- e.g. conservation / community involvement – e.g. with Local Groups such as the Gwent Levels Flood Defence Alliance.
- Appreciate there may be a need to demonstrate the wide role of IDBs in title.
- ‘Local Flood Risk Management Board’ is too long winded a title.
- Fails to reflect the importance of water level management for infrastructure, agriculture and environment.

### **If name has to change we advise:-**

- Duties of IDBs are not just drainage or flood risk. ( see above ).
- Water level management better reflects whole function of IDBs.
- If name change does happen ADA would suggest ‘Water Level Boards (WLBs)’ to be a suitable alternative.
- Boards could always use a tag line on written material (if so desired) to explain their responsibilities in terms understood by the local community.

e.g. **Caldicot and Wentlooge Water Level Board**

*‘The drainage authority for the Gwent Levels’*

## **Medway Letter 1933.**

The Medway Letter should be relaxed allowing IDBs to expand their boundaries beyond their traditional areas? **(but see comment A above)**

- Must allow IDBs to be flexible to suit local community/landscape.
- Must keep catchment basis of IDBs (Local Authorities are not catchment based).
- Boundaries are based on the principle that those within drainage district are in areas of drainage need and through the work of IDBs avoid danger and derive benefit.  
reflecting local views.

## **E). Loss of IDB Land Drainage Consenting Powers,**

**This is STRONGLY resisted by the Board –**

- IDBs should retain their general supervisory role within drainage districts.
- It is considered inappropriate for Local Authorities to exercise general supervisory role over the ordinary watercourse network in IDB district unless an IDB is in default.

IDB general concerns:

- IDBs would be demoted to a role of contractor only
- Could lead to a loss of control over finances and with it service would potentially deteriorate
- IDBs give general support to a review of the Medway letter principle to assist the development of Local Area Partnerships
- The majority of IDBs consider the present arrangements whereby the Environment Agency supervises IDBs to be appropriate
- If Local Authorities are to undertake future supervision of IDBs it is essential that strong guidance is issued by WAG /Defra/EA to be developed in consultation with ADA/IDBs.

IDB/ADA General concerns:-

- Resource issues - Local Authorities lack expertise and funding to undertake the role.
- ADA should issue guidance to IDBs on best practice working arrangements with Local Authorities.
- Opportunities. IDBs are best placed to take responsibility and advise on (lead) on flood risk from surface water, ground water and ordinary watercourses in their districts.
- Certainty of funding of IDB activity – FRM is a long term business and needs guaranteed basic funding free from political influences. I.e. Long Term Investment linked to a statutory local flood risk management strategy.
- Danger exists that as Local Authorities currently have a lack of expertise they would potentially be seeking to redirect funding and staff from IDBs.

## **6. THE POSITION IN WALES ( AND THE BORDERS).**

The Caldicot and Wentlooge Levels Internal Drainage Board (CWLIDB ) is a key member of the group of Operating Authorities in Wales responsible for Flood and Coastal Erosion Risk Management (FCERM) with particular responsibility for the Caldicot and Wentlooge Levels Drainage District. In addition we provide the full administration and operating functions of the following IDB's -

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- **Powysland IDB – Welshpool – Powys Area – ( Wales ),**

- River Lugg IDB – Ledbury to Leominster – Welsh Marches – Herefordshire

We believe we are ideally based and have a proven track record to ( subject to comments detailed above as applicable ) :-

- Deliver the Key objectives of the NAW Policies focussed and delivering community involvement and accountability.
- IDB's are locally elected very efficient and cost effective autonomous statutory bodies, which are locally financed, representative and directly accountable to and controlled by the local communities they represent.
- The IDB's are recognised experts in water level management within their prescribed IDD areas and are willing to take forward new initiatives e.g. the Maintenance of Suds – which are a direct benefit to the local communities they serve.
- IDB's have a proven commitment to working with the 'other' key delivers – e.g. Local Authorities, Environment Agency, Welsh Water. Community Councils. etc.
- The Board is continually working with Local Groups / Organizations – e.g. Community Councils / other Community Groups – e.g. the Gwent Levels Flood Defence Alliance / Wildlife Trusts etc.
- Discussions have also taken place with Environment Agency / Welsh Assembly Government and the Countryside Council For Wales - regarding the possibility of the full administration of the 11 IDB's within North Wales – ( currently under the responsibility of the Flood Risk Management Committee for Wales, who are the IDB's. This function does not sit well with the executive function of this Committee - This could be undertaken by the C & W L IDB – if this was done, would deliver many of the objectives and aims for the local communities as detailed below – and would deliver an exemplar coordinated 'All Wales' package for the delivery of this most important service.
- It is entirely feasible and practicable that new IDB's could be established in other areas of similar needs - these areas would then begin to reap the benefits of being within a prescribed Internal Drainage Board area.
- This could provide the Assembly with an opportunity to create something radically better and greatly beneficial to the Local Communities / Citizens of Wales, and something that is different to what is being undertaken within England.

I trust that the above is the information you require – if you need any further detail on any particular matter please do not hesitate to contact me direct.

Kind regards,

*Dean Jackson-Johns*

## CEO, Clerk & Engineer to the Boards



### **The IDB Alliance**

#### ***Recognised Experts in Water Level Management***

*Caldicot & Wentlooge Levels • Lower Wye • Powysland • River Lugg • Engineer to West Mendip*

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