

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Memorandwm Cydsyniad
Deddfwriaethol (MCD) mewn
perthynas â Bil Amgylchedd y DU
NHAMG (5) EB08a
Ymateb gan Cyfoeth Naturiol Cymru

National Assembly for Wales
Climate Change, Environment and
Rural Affairs Committee
Legislative Consent Memorandum in
relation to the UK Environment Bill

CCERA(5) EB08a
Evidence from Natural Resources
Wales



Further to your email on 17 March 2020, Natural Resources Wales can provide the following response to the questions raised. If you require any further information, please contact us.

Pre-bill consultation

It does not appear the Welsh Government has consulted on the changes in Part 5 (Water) of the Bill. What are your views on this?

The Bill and consultation to date has been the responsibility of Defra. Some aspects of the Bill are the responsibility of the WG as the devolved administration. It would be for WG to decide if they are satisfied that all stakeholders concerns have been properly raised and considered as part of the Defra consultation.

The body of the Bill is compatible with the aspirations of WG under their Water Bill. Devolved aspects of the Bill could be subject to consultation led by WG prior to enactment of these aspects in Wales.

Comment on any discussions your organisation may have had with the Welsh Government on these issues

WG have regular discussion with relevant stakeholders including NRW. Consistent two-way communication allows us to raise issues of concern directly mainly through the Water Branch of Welsh Government.

Clause 75 – Water resources management plans, drought plans and joint proposals.

Views on the power to direct water companies to prepare and publish joint proposals (on the joint management and development of water resources).

The Water environment is not restricted by political boundaries. Cross-border consistency and catchment scale management of water resources are beneficial, both politically and environmentally. Where there is a joint proposal within England that affects Wales, Welsh interests should be considered to enable a holistic picture of the resource and its constraints that balances all needs both English and Welsh equally.

Views on the powers to make regulations about the procedure for Water Resources Management Plans, drought plans and joint proposals.

This change will allow the procedures to be kept up to date and adapt to changing circumstances such as climate change pressures requiring more frequent assessments.

Views on removing certain procedural requirements for preparing Water Resource Management Plans from the Water Industry Act 1991 and instead setting them out in regulations.

The regulations mean that the requirements of the Act are maintained as required by secondary rather than primary legislation. Provided the essence of the protection established in the WIA 1991 is maintained or enhanced we are not concerned about it being set out in regulations.

Clause 76 – Drainage and sewerage management plans

Views on the requirement for sewerage companies to prepare and publish a drainage and sewerage management plan.

It is our view that this is a positive step to allow a holistic, long-term, planned look at the drainage and sewerage provision provided by each company. This will aid investment planning and long term investment and provide information for other authorities in their approach long-term planning (e.g. Local Authority Planning Departments.)

Views on whether sufficient work has been done to understand the potential cost of developing these plans, both for sewerage companies and other stakeholders.

NRW and Welsh Government have been active members in the implementation groups. Although we have not been privy to cost information the process builds on and replaces the Drainage Area Plans water companies already undertake, the work on Drainage and sewerage plans needs to be proportionate to the benefit. There is likely to be a cost implication, and an engagement burden upon stakeholders for these plans. However, their benefit if made a legitimate

consideration for other public authorities to have regard, could allow their benefits to outweigh cost.

Clauses 77 and 79 – Regulation of water and sewerage companies.

Views on the power of Ofwat to serve a notice on a water or sewerage company requiring it to produce certain information within a specified time – is it appropriate and proportionate?

Provided this power is used in a nationally consistent manner that is appropriate to the request and consistent with other information request legislation such as Freedom of Information, NRW is not concerned by this change.

Clauses 81, 82 and 85 – Water quality

Views on the content of the regulation making powers for the Secretary of State and the Welsh Ministers to amend or modify water quality legislation.

We are not concerned about this change. However, clarification on the procedure such as timeframes for reviews, the need to seek consent or not when reviewing substances and the need to ensure non-regression of standards needs to be detailed within the regulation. It will be critical to ensure a nationally consistent approach and standards to enable these standards to be understandable and enforceable.

The Bill includes a regulation making power about the substances to be taken into account in assessing the chemical status of surface water or groundwater and other related matters. The Secretary of State can make these regulations for Wales which are areas of non-devolved competence (if given consent by Welsh Ministers). Under this power the regulations would not be subject to Assembly scrutiny. What are your views on this?

National consistency is beneficial for the regulation of chemical status in water bodies as they are not constrained by political boundaries. Establishing non-regression of standards as a requirement will ensure that future changes only secure improvement rather than allow regression. Again, this will require resourcing as a new duty as well as clarification on the procedures, roles and responsibilities.

Clauses 87,88 and 89 – Valuation of land in internal drainage districts

Views on the regulation-making power for the Welsh Ministers to make provision for the valuation of ‘other land’ (non-agricultural land) in a Welsh internal drainage district.

The ability for Welsh Ministers to make a valuation on non-agricultural land within an IDD will be useful as this will allow the Special Levy to be more appropriately valued based on current land use and benefit from the IDD.

Views on the regulation-making power for the Welsh Ministers to make provision for the annual value of each ‘chargeable property’ (agricultural land and buildings) on a Welsh internal drainage district.

The ability for Welsh Ministers to make a valuation of the agricultural land and buildings is very welcome. This will allow the rateable values on which the drainage rates are based to be changed and updated from the historic values, for which the original documents are often not available.

Views on the new sections that would govern the disclosure of revenue and customs information by the Valuation Office Agency to specified organisations (qualifying persons).

NRW is unsighted on any purpose or benefit is for allowing NRW, as a qualifying person, the disclosure of revenue and customs information by the Valuation Office Agency.

Views on the regulations under these clauses being made by the affirmative procedure. (The other regulations in Part 5 (water) are made under the negative procedure)

NRW has no comment on these clauses.