



Representing Drainage Water Level & Flood Risk Management Authorities

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Consultation:	Improving our management of water in the environment		
By:	Department for Environment, Food & Rural Affairs	Contact:	Ian Moodie, Technical Manager
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Date:	12 March 2019	Email:	ian.moodie@ada.org.uk

Improving our management of water in the environment

Consultation response by ADA (Association of Drainage Authorities)

About ADA

ADA is the membership organisation for drainage, water level and flood risk management authorities throughout the UK. Today ADA represents over 230 members nationally, including internal drainage boards, regional flood & coastal committees, local authorities and national agencies, as well our associate members who are contractors, consultants and suppliers to the industry.

Our purpose is to champion and campaign for the sustainable delivery of water level management, offering guidance, advice and support to our members across the UK, and informing the public about our members' essential work.

Impacts of measures

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: But, it is important that assessment of costs and benefits of flood risk and water resource management takes the broadest possible view, so that the full range of environmental, social, economic and health benefits are calculated, both in the immediate and the long term.

Long-term planning of water in our environment

Water Resources Management Plans

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

YES: In light of our changing climate, projected population and electricity demand increases, and needs of our agricultural sector and our environment we need to be sure that we are adequately planning the management of our water resources for the long term at a regional, inter-regional, and national scale.



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However, flexibility in approach should be supported given the diversity of circumstances and organisations involved in water resources in different parts of the country.

Where needed, such direction should set clear expectations about the scale of the problem that water companies should be addressing and the scale and nature of solutions that may be required. It is important that the current and future needs of all water users are considered: domestic, industrial, agricultural etc.

In these circumstances, collaboration between water companies is likely to become more effective. Specifically, it should encourage water companies to direct more resources into regional and inter-regional planning to help identify infrastructure requirements.

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.

YES: ADA would support a co-operative, partnership approach to water resources given that water companies are themselves major abstractors and are also primary actors in the WRMP process. A more collaborative approach between abstractors may also help reduce the likelihood of adversarial hearings and inquiries, while promoting a more beneficial and broader partnership environment.

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.

YES: The water resource management process should take account of possible future needs or the opportunity to deliver significant environmental improvements. Creating a legal requirement to plan on this basis should support delivery of Defra's 25 Year Environment Plan by implementing a more strategic approach for managing long-term environmental risk.

ADA would favour flexible and adaptive solutions that are designed to reduce the risk of damage from progressively more unsustainable abstractions and be more cost-effective than traditional solutions. ADA thinks that this should promote a more holistic approach to meeting environmental need by combining land and water management activities, such as the approach being taken by Water Resources East. It is important that this is integrated with, and complimentary to, any future Environmental Land Management Systems (ELMS) to be followed by land managers and farmers.

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

No comment raised.



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.

ADA would welcome further integrated planning for water and waste water services, based on a more holistic approach to achieving desired environmental and economic outcomes. This includes closer links between land and water management at a landscape scale and locally.

Drainage and Wastewater Management Plans

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

In principle this approach should improve consistency and clarify the status of such plans. It would be essential, however, that they are flexible enough to work with the drainage roles of other risk management authorities and support development of collaboration between bodies with responsibility or opportunity to adopt sustainable drainage (SuDS) features.

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?

As a minimum consultation with the public and all relevant operational and strategic bodies and agencies, including all other risk management authorities, within the area affected by the WWMP would be essential, with consideration given to the issues of regional and inter-regional connectivity described above.

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 raised.

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 raised.

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 raised.



Modernising and strengthening our regulatory systems

Water abstraction

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.

ADA agrees that the Environment Agency should be able to vary or revoke such licenses, but the punitive approach of withholding compensation should be proportionate to severity and circumstance.

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?

The duties listed are key duties under present legislation, but there may be merit in retaining a greater level of flexibility to allow for changing or unforeseen circumstances.

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.

YES.

15: Should the Environment Agency also be able to vary underused 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.

YES: Where licenses are consistently underused it should be possible to vary them. It is important to take a broad long-term view as to whether a licence is underused.

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?

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.

ADA considers that it is important to take a broad long-term view as to whether a licence is underused, at least five years.



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

No comment raised.

Land drainage: Internal Drainage Board charging methodology

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.

YES: ADA supports the specific intention of adding flexibility to the present Act, but not changing its fundamental principles. ADA has been working with Internal Drainage Boards to test an alternative charging methodology

The core data on which IDB rating is determined by law is now 30 years old and domestic valuation lists (for non-agricultural land) critical to this process are no longer available from local authorities across most of England and are not updated to take account of development. This is potentially an issue for existing IDBs, and a barrier to areas where new or extended IDBs may be considered in the future in order to locally fund water level and flood risk management (e.g. Alt Crossens pumped catchment, Lancashire).

The methodology provided under the Land Drainage Act 1991 to account for development can under or overvalue such development (as it is based on average annual values of 'other land' per hectare within the drainage district). Thus where significant development occurs within a drainage district the proportion of an IDB's expenses payed through drainage rates and special levy can diverge from actual proportions on the ground.

ADA has been seeking to modernise the rating system to bear reference to contemporary valuation lists for domestic and non-domestic property and contemporary valuations of agricultural land and property, whilst maintaining the principles of the current system and the net balance of payments received from agricultural drainage rates and special levy.

That is to say the aim of this exercise should not be to artificially shift the weight of payment in one direction or the other, but instead better reflect current land and property valuation and ensure that the methodology through which IDBs collect drainage rates and special levy is undertaken occurs on a sound legal footing that can be periodically updated to contemporary values.

ADA first raised the potential need for legislative change with Defra during the passage of the Water Act 2014 through Parliament in 2014.

A working group was convened by Defra and ADA on this subject to explore a revised, contemporary methodology for calculating drainage rates and special levy. The focus of this was to amend the methodology to take account of 'other land' using contemporary valuation and



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Council Tax lists. This methodology has been tested by 17 IDBs in England and the results demonstrate only a modest net change in special levy contributions versus drainage rates.

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.

YES: With similar arguments to the above question. Changes will be needed to ensure a proportionate balance is retained between drainage rates and special levy contributions. It is also noted that the methods for agricultural valuation have changed since the drafting of the Land Drainage Act 1991 and may change again in the future, it may be necessary therefore to revise the agricultural valuation methodology further in the future.

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.

YES: With similar arguments to the above 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?

ADA supports making technical amendments. Based on testing completed to date the resulting apportionment of costs to households (Special Levy) and landowners (Drainage Rates) should be broadly comparable to present, although the impact will vary between individual internal drainage districts as a result of the true value of development since 1991 when compared to the average per hectare value of existing non-agricultural land in that internal drainage district.

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.

YES: ADA considers that it would be best to transition internal drainage boards onto the new charging methodology over an agreed period of time enabling internal drainage boards to opt in whilst enabling the current methodology to be retained. After a certain period, it may be necessary for the Minister to mandate a move to the new system for all internal drainage boards to ensure consistency. ADA would suggest a 5-10 year lead in time from the point any regulations come into force.



Flood and Coastal Erosion Risk Management: Raising local funds

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.

YES: ADA considers that the ability to raise additional funding locally, in order to deliver local priorities in the management of flood risk management, may be useful in parts of England and Wales. It will be important that any funding raised, and how it is spent, is complimentary and additional to both the existing funding mechanisms available, and the functioning of existing risk management authorities. This is in order to secure and deliver a coordinated long-term strategy for flood risk management at both a national and a catchment scale.

Partnership funding model

There may be a case for exploring with local authorities the more flexible use of Council Tax, where flood risk is a key risk to local communities and where such use of funds can be demonstrated to be a genuine public good, recognised and agreed as a priority by taxpayers. However, the current partnership funding model has so far proved to be of limited effectiveness in encouraging large-scale investment in flood risk management schemes. Therefore, risk management authorities would benefit from mechanisms for developing and levying rates on commercial properties and entities to fund flood risk management schemes where it can be shown there is a significant public good in doing so.

Excluding Special Levy from the local authority referendum cap

Existing funding paid by Local Authorities to IDBs in the form of Special Levy should be removed from the existing 'referendum cap'. At present, the potential exists for an IDB to set a precept at a level that could reduce the funding available to a Local Authority before the referendum limit is reached. This is particularly the case where district authorities' areas are largely or entirely covered by one or more IDBs.

Because the Special Levy is effectively raised on behalf of IDBs and then passported to them by the district, this risks impacting upon the finances of the district council in question. As such, ADA would support the exclusion of this funding from the local authority referendum cap in order to facilitate stronger partnership relationships between risk management authorities and capacity to manage water at the local level.

ADA also views that there are several modifications to existing legislative provisions that are related to the delivery of flood risk management in England that could be made to facilitate better and more efficient use of funding. ADA has raised comment on these modifications within our answer to Question 25.



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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?

YES: In answering this question ADA has considered both the raising of local funding for the delivery of flood risk management and wider modifications to the regulation and governance of risk management authorities and their delivery and coordination of flood risk management in England.

Internal drainage boards

In ADA's view the development of a new charging methodology for IDBs (Q19-23) can help facilitate both the extension of existing internal drainage districts and the creation of new internal drainage boards where there is a need to equitably raise local funding to better manage flood risk to those areas. IDBs represent a well-established form of democratic water governance facilitating the rational collective responsibility of local communities to manage water levels and negotiate necessary works and their maintenance and repair. They enable the raising of funding from both the agricultural beneficiaries of this work and the wider society as represented by the principal councils in England. Therefore IDBs remain the most appropriate and democratically accountable structure to raise and spend additional local funding where the need arises for a hydrologically contiguous area of need, such as a catchment or sub-catchment.

Rivers Authorities

In other areas ADA recognises that there is a need to secure broader funding to enable long-term strategic planning, goal-setting and subsequent coordinated delivery of additional flood risk management work between risk management authorities, such as that identified by the Somerset Flood Action Plan 2014. ADA considers that the proposal for Rivers Authorities can provide additional secure local funding as a precepting authority.

Community Interest Companies

At a more local scale where there is only a limited number of, or type of, beneficiaries, developing partnerships or community interest companies between authorities, businesses and community groups may facilitate more appropriate funding solutions.

Special Drainage Charge

For a small, discrete, and predominantly agricultural area, ADA considers that it could be beneficial to broaden the provisions of section 137 and 138 of the Water Resources Act 1991 to enable any Risk Management Authority to raise a Special Drainage Charge. This would be where it appears to a RMA that the interests of agriculture require the carrying out, improvement or maintenance of drainage works in connection with any watercourses in the area. Currently a special drainage charge may only be levied by the Environment Agency, but this provision has never been used owing to the complications of its appropriate application by a national agency. However, ADA would not support the use of such a provision where the water level management needs of a local community are broader, and thus are better served by the creation or expansion of an internal drainage district.



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Cooperation between Risk Management Authorities

If the Environment Agency is to focus on its core objectives, from a flood risk angle, that means concentrating its efforts on the high flood risk and high consequence river systems and flood risk assets. According to their own data, the EA currently manages ~42,000km of main river, of which ~13,000km are deemed by the EA to be of low flood risk consequence and to give you a feel for the scale, England has a total watercourse length of ~302,400km. Of the ~42,000km of main river, ~9,300km relates to watercourses which are less than 2m wide and ~1,600km of low flood risk consequence systems sit within Internal Drainage Districts.

Taking a catchment-based approach, all water managers accept that as a society we cannot simply stop maintaining sections of watercourse whilst continuing to maintain other sections of the same watercourse. Such a piecemeal approach would not provide the best outcomes either in terms of flood risk management to society, or for water quality and biodiversity.

So rather than just not maintaining certain assets and systems, ADA supports efforts for closer working between the Environment Agency and other risk management authorities towards transferring low and medium consequence systems and assets to others to operate, manage and maintain, especially where those risk management authorities own systems are dependent on the condition of a main river or flood defence assets.

ADA sees the opportunity of local operation and delivery as it offers the potential for better value for money and lower costs proportionate to the risk associated with these lower consequence systems and assets. At the same time, this means local Environment Agency staff can focus their own efforts on the remaining high consequence systems and assets in their area, and having better capacity to do that critical work with the existing resources that they have.

ADA considers that the proper transfer of assets represents a sound investment for the future, providing long-term savings. So where assets or watercourses have been under-maintained over a period of years, it is appropriate that investment is made to either put such assets back into a good condition or defray the cost of the receiving authority to do so. ADA asserts that this approach ultimately represents better value for money to the taxpayer, as the alternative would result in further deterioration and greater costs and potential liability for the EA in the future.

ADA strongly supports the existing arrangement for Public Sector Cooperation Agreements between Risk Management Authorities to allow two public sector bodies to set out how they will deliver public tasks of mutual benefit together. Each agreement places both parties on a sound legal basis to efficiently deliver river and coastal maintenance works and provide mutual assistance during flood events and subsequent flood recovery works.

Transfer powers

ADA seeks improved and simplified powers for asset, land and property transfers between risk management authorities to facilitate changes in the management of systems over time and ensure that the best authority to deliver and fund necessary work is in charge of these assets and that any revised legislation/powers encourages that.



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Currently, where there is a need to transfer assets and land associated with a flood and coastal risk management function between risk management authorities, the River Maintenance Transfer Pilot projects have shown that the existing legislative framework requires Risk Management Authorities to sell such property at commercial value, despite its specific purposes and functions to manage flood risk. This currently acts as a barrier to facilitating the transfer of systems and assets between Risk Management Authorities so as to ensure that the most appropriate and cost effective Risk Management Authority manages and maintains these assets. This is currently creating additional costs for the taxpayer.

To resolve this problem ADA proposes that the Flood & Water Management Act 2010 should be amended to grant a new power on Risk Management Authority to transfer land and property associated with flood and coastal risk management to another Risk Management Authority without cost. This is analogous with the powers bestowed within the Highways Act 1980 to transfer land and property associated with highways between highways authorities owing to a change in highway status.

ADA recognises that care will need to be taken to ensure that incidental economic activities, such as the leasing of grazing rights on flood embankments, can continue so as to not increase the costs of managing and maintaining such assets. ADA would also assert that if an RMA were in the future to sell land or property associated with flood and coastal risk management commercially any profit derived should be reinvested in flood risk management or returned to the exchequer.

General powers for flood risk and land drainage works by local authorities

Given reductions in the capacity of some district councils to deliver flood risk and land drainage works since the Flood & Water Management Act 2010, ADA seeks the review of the general powers of county and district councils to carry out flood risk management work. As currently defined a county council, as a lead local flood authority, for an area where a District Council is also present, does not have the power to undertake such works under the Land Drainage Act 1991 Sections 14 and 14A. This can act as an impediment to the effective delivery of flood risk management by local authorities, and the better integration of delivery between risk management authorities.

Land Drainage Byelaws for IDBs and local authorities

ADA seeks the revision of model bylaws for local authorities and IDBs to cover off-line attenuation features such as those created by natural flood management schemes and sustainable drainage systems (SuDS). There is a need to ensure the adequate maintenance and management of sustainable drainage systems and attenuation features created to manage flood risk. This is especially the case where such features are of a locally strategic nature and have been transferred to the maintenance of a risk management authority. For instance the Bedford Group of IDBs currently manage and maintain the strategic SuDS attenuation ponds for Wixam, a major new town near Bedford. These strategic attenuation features have boat ramps into, and a seven meter wide grass strip around, each pond, which enable access for maintenance by the IDB. These features were all designed sympathetically into the amenity of the sites. Currently IDB and local



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authority land drainage byelaws only refer to watercourses that are vested in or under the control of the authority and therefore exclude such important water level management features.

Land drainage consent charges

ADA seeks carefully considered revisions to land drainage consent charges for lead local flood authorities and internal drainage boards. Currently these authorities can charge a maximum of £50 as an application fee to a person seeking consent under section 23 of the Land Drainage Act 1991 relating to the prohibition on obstructions in ordinary watercourses. It may be appropriate to consider certain specified exemptions or standard rules for certain activities where basic criteria are followed by the applicant. Any revised procedure and charging should remain separate from the Environmental Permitting system undertaken by the EA, owing to the centralised nature of this system that would make it challenging for other authorities to adequately respond within the required time period.

Water transfer licencing

ADA seeks to remove the requirement for the Water Transfer Licencing and charging between risk management authorities under the Water Act 2003 where common working arrangements, standards of water management and information sharing have been agreed. This would be similar to the working relationships between Dutch Water Boards and Rijkswaterstaat in the Netherlands and legally delivered under the existing Water Framework Directive. ADA remains concerned that the implementation of licencing and charging for water transferred from main rivers into internal drainage districts risks adversely impacting on the way that water levels are currently managed in internal drainage districts, and may lead to significant detrimental impacts to: existing licenced end users, collaboration and coordination of water resources between risk management authorities, designated environmental sites and the water quality and ecology of managed lowland waterbodies.

Internal drainage board electoral procedures

ADA seeks reform and simplification of the electoral system for IDBs elected members. Current provisions within the Land Drainage Act 1991 Schedule 1 are outdated in relation to the number of votes for electors. In ADA's view this could be simplified to give one vote per elector rather than the current scale dependent on assessable value of land within the internal drainage district. This would create a more transparent process for internal drainage board elections and facilitate the democratic process further.

Valuation of agricultural land

Funding for schemes in rural areas is an on-going concern for ADA. The current methodology and guidance for valuing the benefit associated with a flood defence scheme undervalues the long term benefit to society provided by farmland in terms of the food and environmental services it provides. This methodology applies discounted market values, related to government subsidy at an average per hectare amount. Given changes to agricultural subsidy as a result of the United Kingdom's exit from the European Union, and likely transition towards payments for public benefit and ecosystem services, ADA would strongly support the review of this Government guidance.



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ADA considers that the methodology should take account of the true value per hectare of agricultural land taking account of its regional productive capability; and the output per hectare to the food processing and manufacturing sectors as well as its amenity and conservation value to society. Given the importance of the food sector to the economy, it is important that the value of agricultural land should reflect regional variations in both the price of land and the add-on business that it supports in the same way that the value of domestic properties are able to reflect regional variations in the Flood Defence Grant in Aid process.

If this is not achieved, then funding for flood defences will continue to ignore the rural environment and put agricultural production at risk, compromising both food production and the significant contribution that the food processing sector makes to the UK economy.

This should be properly considered within any future revision of Defra's Policy Statement on Appraisal of Flood and Coastal Erosion Risk Management.

Capital funding

ADA would support a review of the current process for allocating capital project funding to risk management authorities to ensure the system is fair and transparent, simplified, less bureaucratic, and independently assessed. It should ensure that there is an equitable and fair process for apportioning benefits to schemes where multiple schemes delivered by different risk management authorities are required to address the multiple sources of flooding that an area may face.

ADA considers that whilst the current appraisal method set out in the Multi-Coloured Manual is reasonable, ADA would welcome a review of the outcome measures to ensure that the direct, indirect and consequential benefits on businesses, infrastructure, agriculture, amenity, and the environment are fully considered alongside the impact on residential properties.

Currently one risk management authority (the Environment Agency) assesses and allocates this funding (Flood Defence Grant in Aid) through the Partnership Funding process. Separating this allocation role from the flood risk management delivery functions of the Environment Agency may reduce the risk of internal conflicts within the Environment Agency, and create a more streamline and cost effective allocations process. Determinations for funding currently take a lot longer than they did in the mid-2000s, and can be subject to delays, with the process sometimes challenging for other risk management authorities to follow.

Finally, ADA is also aware that a significant number of existing flood risk assets in rural areas are nearing the end of their useful asset life, many of which have outlasted their original design life. In the next investment period, it is essential that a proportion of Flood Defence Grant in Aid is available for risk management authorities to replace critical assets such as pumping stations where efficiency savings over existing infrastructure can be achieved. For instance rationalising the number of pumping stations in a catchment by combining/linking multiple pumped areas.



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

YES: ADA recognises a local need to establish secure funding for Somerset and enable long-term strategic planning, goal-setting and subsequent coordinated delivery of additional flood risk management work within the county.

ADA therefore supports the proposal that the SRA become a precepting body to secure this essential funding going forward, facilitating, coordinating and commissioning existing RMAs within the county to deliver their local flood risk management functions.

However, in the majority of cases ADA's preferred method would be to ensure that existing risk management authorities develop joint strategies and action plans, and deploy their resources accordingly.

Where there is a need to equitably raise additional local funding to better manage flood risk, we then think the formation or expansion of an internal drainage district should be considered. Internal drainage boards represent a well-established form of democratic water governance facilitating the rational collective responsibility of local communities to manage water levels and negotiate necessary works and their maintenance and repair. They enable the raising of funding from both the agricultural beneficiaries of this work and the wider society as represented by the principal councils in England. Therefore IDBs remain the most appropriate and democratically accountable structure to raise and spend additional local funding where the need arises for a hydrologically contiguous area of need, such as a catchment or sub-catchment.

ADA views the following elements critical to the effective functioning of the SRA and any other future Rivers Authorities that are established. We would therefore look to Defra to provide adequate direction in the establishment of Rivers Authorities with regards to:

Formation:

- a. Ensuring that the establishment of any new Rivers Authority as a risk management authority has the support of the existing risk management authorities within the area that it is proposed to cover.

Governance:

- a. Representation: All existing types of RMA and RFCCs within the proposed area covered by a Rivers Authority, as well as Natural England, should be represented on the Board of a Rivers Authority. No one RMA or type of RMA should have a controlling influence over a Rivers Authority. This is to facilitate effective coordination and collaboration between public authorities with a relevant interest and function in the delivery of flood risk management in that area.
- b. Independence of chair: The Chairmanship of a Rivers Authority should be 'independent' and made through an open public appointment process overseen by the Commissioner for Public Appointments, or similar. This is critical to ensuring the



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impartiality of the chair and cooperation needed to achieve an AGREED programme of deliverables by those authorities represented on the Board of the Rivers Authority.

Functions, powers and funding:

- a. It is important that in establishing a Rivers Authority, its functions are properly defined and agreed with the existing RMAs for its proposed area. This is to ensure that a River Authority's functions are complimentary to those of existing RMAs to avoid confusion, duplication, or ambiguity of delivery with existing RMAs, which could potentially undermine the ability of the Rivers Authority to coordinate flood risk management delivery.
- b. Any Rivers Authority should operate independently from the funding or spending constraints on other RMAs.

Modernising the process for modifying water company licence conditions

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

No comment raised.

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 raised.

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 raised.

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

No comment raised.

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 raised.