

Flood and Water Management Bill Team  
Department for Environment, Food and Rural Affairs  
Area 2C Ergon House  
London  
SW1P 2AL

John Gilbert

Dear Sir

**Draft Flood and Water Management Bill  
Response from Epping Forest District Council**

Epping Forest District Council (EFDC) welcomes the draft Bill in that it seeks to cover all forms of flooding and shift the emphasis from building defence to managing risk. It also seeks to transpose new legal obligations such as those arising from the EU Floods Directive and a range of outstanding commitments to legislate arising from water policy statements.

Epping Forest District has over 1000km of Ordinary Water Courses and suffers from incidences of both fluvial and pluvial flooding. Two major river systems; the River Lee and River Roding form part of the district's catchment. We are a district authority which has a wide range of experience dealing with flood risk management.

The Council's Overview and Scrutiny Committee has recommended:

- 1) That the local knowledge and expertise that exists within the Council be used to make a comprehensive response to the consultation and where possible and feasible seek the best outcome for the residents of the District, and
- 2) That the newly formed Pitt Review Task and Finish Panel will look into the impact of this Bill on the Council.

The Council has responded to the draft Bill by following the list of questions at Annex B. It was considered that some questions would be best answered by those with direct experience or knowledge of the issues relating to the question and a comment to that effect has been made.

Some of the subject matters covered in the draft Bill will not have a direct impact on this Council but there are a number of proposals within the Bill which will have a significant impact on the way the Council provides its front line flood risk management services.

One of the major areas of concern for EFDC is the interpretation that a Tier 1 authority is the Local Authority (LA) in a two tier Local Government structure. In order to deliver effective front line defences for the residents of this district, given the nature of flood risk issues and on going commitment to flood risk management, we believe this authority should be the LA as defined under the Bill, with adequate funding provisions being made available for all additional duties arising from the Bill.

The Council has concerns that if the responsibility for all matters relating to flooding rest with the Tier 1 authority this could detrimentally impact on the level and effectiveness of flood risk management services currently provided, for example the response to a local flooding emergency may not be as rapid as that of a Tier 2 or alternatively may not be as cost effective

We recognise that in the vast majority of cases the Bill, if implemented along the lines of the draft and if adequate funding provisions are made, will result in an improvement in the way flood risk is currently managed. However, where best practice exists, either in a Tier 1 or Tier 2 authority, that there is a real risk that deterioration in services and flood defence could potentially occur. To avoid this we would like to see a provision for exceptions in the definition of the LA i.e. where Tier 2 authorities are able, competent and resourced that they can be the LA under the Act. If this is not considered practicable then stronger legally binding and clear frameworks and agreements need to be proposed and well defined in the new legislation so that all tiers of Local Government can delegate and work across boundaries.

The Bill refers to formation of local partnering arrangements but it is not clear how these will be formed and what sanctions will be available if relevant organisations do not co-operate.

The costs and resource implications of taking on these new flood risk management responsibilities will be significant. The Summary Impact Assessment supporting the draft Bill makes a number of conclusions about the cost benefit to local authorities. This Council has concerns that the cost benefit to local authorities when compared with the real costs of taking on the new responsibilities, in the short term and certainly in the longer term, may not be realistic.

The draft Bill makes an assumption that significant savings will be achieved by the transfer of private sector drainage and with better local flood risk management and that this will cover the cost of any new responsibilities under the Bill. We disagree with these assumptions especially in a district which has already undertaken significant investment in flood risk management.

Flood defence in EFDC has always been allocated a high priority. The Council would seek to ensure that the Bill does not result in a diminished level of service for residents of the District and will be pleased to work with Defra and other relevant organisations in developing the Bill, or in providing further details to support our response.

In the meantime if any further clarification is required please contact me on the above on 01992 564062 or [jjgilbert@eppingforestdc.gov.uk](mailto:jjgilbert@eppingforestdc.gov.uk).

Yours faithfully

John Gilbert  
Director of Environment and Street Scene

