

Date: 24 July 2009.

Our Ref: DESS/JDG/smf

Your Ref:

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

John Gilbert  
(01992) 564062  
email: [jjgilbert@eppingforestdc.gov.uk](mailto:jjgilbert@eppingforestdc.gov.uk)

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 defences 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, which in our case would be Essex County Council. 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 that EFDC should be the LA under the new 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. What may be a high priority at district level may not be given the same status on a county wide basis. For example, earlier on this year a potential flooding incident was averted in Loughton, a residential/shopping area in the south of the district. It was known through local knowledge that the blockage of a particular storm grill would have resulted in a significant flooding incident and resources were swiftly deployed and the storm grill cleared. An agent dealing with flooding at a strategic level would not have the local knowledge to understand the criticality with regard to the impact the flooding would have caused and indeed agents acting on behalf of the Environment Agency were unable to attend site in time.

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, 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 strong legally binding frameworks and agreements are needed.

The Bill refers to the 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 consultation document makes an assumption that the costs of any new responsibilities arising from the Bill will be covered by the future savings achieved by the transfer of private sector drainage from local authorities to utility undertakers and better local flood risk management. 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 reassurance 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 Susan Stranders (Drainage Manager) on 01992 564197 or [sstranders@eppingforestdc.gov.uk](mailto:sstranders@eppingforestdc.gov.uk)

Yours faithfully



J D Gilbert  
Director of Environment & Street Scene

c.c. Q Durrani  
S Stranders