

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## RIVERS AUTHORITIES AND LAND DRAINAGE BILL

*First Sitting*

*Monday 11 March 2019*

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CLAUSES 1 TO 8 agreed to, one with an amendment.  
SCHEDULES 1 AND 2 agreed to.  
Bill, as amended, to be reported.

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**not later than**

**Friday 15 March 2019**

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**The Committee consisted of the following Members:***Chair:* MR ADRIAN BAILEY

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| † Cartlidge, James ( <i>South Suffolk</i> ) (Con)  | † Pollard, Luke ( <i>Plymouth, Sutton and Devonport</i> )<br>(Lab/Co-op) |
| † Coffey, Dr Thérèse ( <i>Parliamentary Under-Secretary<br/>of State for Environment, Food and Rural Affairs</i> ) | † Pow, Rebecca ( <i>Taunton Deane</i> ) (Con)                            |
| Farron, Tim ( <i>Westmorland and Lonsdale</i> ) (LD)   | † Sobel, Alex ( <i>Leeds North West</i> ) (Lab/Co-op)                    |
| † Foster, Kevin ( <i>Torbay</i> ) (Con)  | † Tomlinson, Michael ( <i>Mid Dorset and North Poole</i> )<br>(Con)      |
| † Heaton-Jones, Peter ( <i>North Devon</i> ) (Con)   | Twist, Liz ( <i>Blaydon</i> ) (Lab)                                      |
| Hobhouse, Wera ( <i>Bath</i> ) (LD)  | † Warburton, David ( <i>Somerton and Frome</i> ) (Con)                   |
| † Hollinrake, Kevin ( <i>Thirsk and Malton</i> ) (Con)   | † Warman, Matt ( <i>Boston and Skegness</i> ) (Con)                      |
| Johnson, Diana ( <i>Kingston upon Hull North</i> ) (Lab)   | Adam Mellows-Facer, <i>Committee Clerk</i>                               |
| † Martin, Sandy ( <i>Ipswich</i> ) (Lab)   | † <b>attended the Committee</b>  |
| Morgan, Stephen ( <i>Portsmouth South</i> ) (Lab)  |  |

## Public Bill Committee

Monday 11 March 2019

[MR ADRIAN BAILEY *in the Chair*]

### Rivers Authorities and Land Drainage Bill

3.30 pm

**The Chair:** Welcome to the Committee. Please switch electronic devices to silent. We are a little understaffed in terms of Government official support, but we will crack on, as the Bill is fairly uncontroversial and you are in charge, Mr Warburton.

#### Clause 1

##### RIVERS AUTHORITIES

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to consider the following:

That schedule 1 be the First schedule to the Bill.

That schedule 2 be the Second schedule to the Bill.

**David Warburton** (Somerton and Frome) (Con): It is a pleasure to serve under your chairmanship, Mr Bailey. I thank all hon. Members for joining the Committee to discuss this important issue on this rather busy week. I introduced the Bill to the House a little over a year ago. I am grateful that it has progressed this far, and I very much hope that it makes it to the statute book. Hon. Members will recall that there is support for my Bill from across the House, and I hope that good spirit continues.

Clause 1 and schedules 1 and 2 provide the Secretary of State with powers, via regulations, to establish new bodies known as rivers authorities. On Second Reading, I and other hon. Members recalled the impact that flooding can have. It is truly devastating for all involved and, unfortunately, it can happen again and again. In fact, chroniclers described how, 400 years ago, Somerset was covered with

“huge and mighty hills of water”

that moved “faster than a greyhound”. Unsurprisingly, that was not the last time that happened, as we saw in the winters of 2013 and 2014. Statistics show that the devastation on that occasion was staggering. As the water receded, the people of Somerset argued for something to be done to avoid a repeat of their suffering.

That is where the idea of rivers authorities was formed. Since 2015, Somerset has paid for and benefited from its own rivers authority. My Bill takes the steps necessary to formalise that arrangement and secure the Somerset Rivers Authority’s future. It also opens up the opportunity for other areas to introduce rivers authorities, as long as there is due process and local support.

Rivers authorities will be flood risk management authorities. That is achieved by subsection (2) of clause 1, which amends the Flood and Water Management Act 2010 to include rivers authorities in the definition of

risk management authorities. That helps to ensure that rivers authorities co-operate with other risk management authorities, and enables them to share information for that purpose. It also ensures that they contribute to the achievement of sustainable development. That is a key part of the Bill. Rivers authorities will work with other risk management authorities and other local parties to provide local flood risk management work, in addition to anything the Government, the Environment Agency or other risk management authorities do. Consequently, they will provide a higher level of flood risk management in their area of operation.

To fund that important work, rivers authorities will also become major precepting authorities, via the amendment to the categorisation of major precepting authorities in section 39(1) of the Local Government Finance Act 1992 effected by schedule 2 to the Bill. That allows a rivers authority to issue a precept, which will be collected from local taxpayers by the relevant billing authority. That funding will be ring-fenced to ensure it is spent on flood risk management. The precept will be charged by the rivers authority across the whole of its area, in the same way that other precepting authorities charge. That is all under the premise of delivering additional flood risk management interventions, thereby helping to reduce the risk of flooding.

Clause 1 also amends the Flood and Water Management Act 2010 to insert new sections 21A to 21J. Hon. Members will have to forgive me for delving a little deeper into some of them. New section 21A provides the power to create a rivers authority and sets out the conditions that must be met. The first is that a rivers authority must consist of the whole of one or more local authority areas. The second ensures fairness for households in the area by requiring that it does not overlap with another rivers authority.

New section 21B provides the Secretary of State with the power to make regulations about an initial shadow period for a rivers authority before it is established on 1 April. That enables the rivers authority to carry out preparatory functions ahead of its first year of operation.

New section 21C makes clear what can be provided for in regulations about the composition of a rivers authority, including matters relating to governance and remuneration. That includes the proper administration of its financial affairs—a key requirement, as rivers authorities manage public funds. Subsection (7) ensures that a rivers authority has a committee with sole responsibility for making the calculations in relation to the annual precept. The Government will ensure that such a committee will have a majority of members from local authorities’ elected members. That will ensure that those who are democratically elected are held accountable for the level of precept that a rivers authority raises.

New section 21D applies certain provisions of the Local Government Act 1972 on committees and local government procedure in relation to a rivers authority. Subsection (5) gives the Secretary of State the power to make further provision about the proceedings of a rivers authority or any of its committees or sub-committees.

New section 21E sets out the main functions of a rivers authority, one of which is that it will prepare a plan of flood risk management work for the coming financial year by all the risk management authorities. The rivers authority will use this to identify opportunities for co-ordination, gaps and omissions. If there are gaps in the local plan,

the rivers authority must publish a plan of proposed additional flood risk management work. It must supplement the work that existing risk management authorities have already planned to carry out.

**Peter Heaton-Jones** (North Devon) (Con): My hon. Friend is making a very powerful speech. The co-ordination role of a future rivers authority is key for me across the border in North Devon, where there are a number of organisations that do very good work, including internal drainage boards, a group call the Marsh Inspectors, which was set up by legislation in the Victorian era, the Environment Agency and the various local authorities. It is sometimes difficult to co-ordinate all that and ensure we have an overall plan. Does my hon. Friend agree that what is welcome about this idea is that it will provide that co-ordination?

**David Warburton:** I absolutely agree. The point of the rivers authority is the central co-ordination of risk management authorities, which will ensure that people are not operating in separate areas and attacking things in a disco-ordinated way. It is about co-ordination and bringing things together to plan strategically.

**Rebecca Pow** (Taunton Deane) (Con): I applaud my hon. Friend for introducing this Bill. I am a fellow Somerset MP, and this is much needed after the devastating flooding that we all experienced and never want to see again. I praise him and the Environment Minister for their involvement with this. The key is that we now do not have to have a shadow precept. The Bill ensures money and financing so we can tackle flood risk reduction work properly and get an environmental gain from it. That will now be on a much firmer footing, and we can guarantee that it will not stop.

**David Warburton:** My hon. Friend is precisely right. It is about planning for the future, and sustainability in the Somerset Rivers Authority. At the moment, it lives from hand to mouth and the local authority pays it voluntarily. Although £2.5 million of taxpayers' money goes into it, it has no certainty about whether that will continue in five years, three years and so on. The Bill provides that certainty and the safety that the residents of Somerset deserve.

As I said, if there are gaps in the local plan, the rivers authority must publish a plan of proposed additional flood risk management work, which must supplement the work that existing risk management authorities have already planned to carry out. That will help ensure that work is not left for a rivers authority to pick up on another body's behalf. The rivers authority can then either fund a relevant risk management authority to do the additional work, or contract someone else to carry out the work on its behalf.

**Sandy Martin** (Ipswich) (Lab): I think that we can all support the idea of having one agency that will do all this work. However, is there not a danger that in the areas where the work is needed the most, there will be far higher expense than there will be in other parts of the country, and that this will not in any way enable central Government to step in when there is an emergency or when a serious amount of capital work needs to be done?

**David Warburton:** The Government have increased investment in flood risk mitigation enormously. Between 2016 and 2021, the Government are investing £2.6 billion in building 1,500 new flood defence schemes to protect more than 300,000 homes. This measure in no way constitutes the Government renegeing on their responsibilities. It is about local people supporting local flood risk management in the way they already do, but putting that on a statutory footing so that they have security into the future.

Proposed new section 21F provides that a rivers authority has the power to do "anything that is calculated to facilitate, or is conducive or incidental to, the carrying out of its functions."

That includes the power to enter into contracts and other agreements and to acquire and dispose of property, including land.

Proposed new section 21G establishes that the Secretary of State

"must prepare and publish a national framework for rivers authorities", which these authorities must comply with. The national framework

"must set out priorities and objectives for rivers authorities in connection with the exercise of their functions"

and may contain guidance on transparency, accountability and scrutiny arrangements.

Proposed new section 21H allows the Secretary of State to change the boundaries of a rivers authority area by regulations if a risk management authority within the area puts forward a proposal for that or if the Secretary of State thinks it necessary in consequence of local government reorganisation. The new rivers authority area must, of course, comply with the conditions set out in proposed new section 21A.

Proposed new section 21I enables the Secretary of State, by regulations, to wind up a rivers authority. Before making the regulations, the Secretary of State must consult certain parties, as set out in proposed new section 21J. That section makes further provision about regulations relating to rivers authorities. The main points are that all regulations will be made under the affirmative procedure and, before making certain regulations, the Secretary of State must consult certain parties, including the rivers authority itself, the relevant risk management authorities, Natural England, persons liable to pay council tax within the area of the rivers authority and such other persons as are considered appropriate.

Clause 1 also gives effect to the two schedules to the Bill. Schedule 1 makes consequential amendments to the Flood and Water Management Act 2010. It also sets out the procedure for establishing a rivers authority. That includes the fact that a relevant risk management authority must submit to the Secretary of State a scheme proposing the establishment of a rivers authority. Prior to that, any draft scheme must be consulted on. The consultees include persons liable to pay the precept, and the consultation period must not be less than six weeks. The Secretary of State has the power, before making regulations, to cause an inquiry to be held and can consult on the regulations if they differ significantly from the original scheme. That builds on the requirement that the local community support the proposal.

Schedule 2 makes consequential amendments to local government legislation. In particular, it adds rivers authorities to the category of major precepting authorities, enabling one to issue a precept across its whole area.

[David Warburton]

Rivers authorities will also be subject to the council tax referendum regime set out in the Local Government Finance Act 1992.

This versatility demonstrates one of the strengths of such a model: a rivers authority can identify and support small-scale projects that contribute localised benefits and support large-scale projects that could protect thousands of homes and businesses.

3.45 pm

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank the hon. Member for Somerton and Frome for introducing the Bill. He spoke with detail and authority about its contents. I am pleased that we nearly have a south-west majority in Committee—it is about time that the south-west got its fair share, and if we have to get it by taking control of Bill Committees, I support that. We also have several hon. Members from SERA—Labour’s Environment Campaign, which is good.

The Opposition welcome and support this good Bill, because changes to flood protections for communities are long overdue, but I hope that the hon. Member for Somerton and Frome will not mind my asking a few questions to understand how the powers will be implemented. Some of my questions will be for him, but I suspect that the Minister and her officials will have some insight on the more technical ones.

The Bill is timely, because there have been flooding incidents not only in the south-west. In the Lake district and across the country, flooding has had huge and disproportionate effects on small communities that often do not have the resources to provide the protection they need on their own. It is important that we set out a regulatory framework that will help them to pool the risk and the effort.

The Bill is also long overdue. Many of its measures should have been introduced by the Government long before they were proposed in a private Member’s Bill and we would have liked Government time to have been used for debating its provisions. None the less, we welcome the effort that the hon. Member for Somerton and Frome has put into introducing the legislation. We need to invest time and energy in considering the proposals to make sure that they work for all our communities. We know that not every community will be affected by flooding and that not every community affected by flooding will be affected by the same type of flooding—coastal flooding and river flooding are very different.

**Sandy Martin:** Does my hon. Friend agree that although it is true that coastal flooding and river flooding are different and occur at different times for different reasons, the effects of climate change will tend to exacerbate both through increased and unpredictable rainfall and through rising sea levels?

**Luke Pollard:** My hon. Friend is right and pre-empted one of my questions for the hon. Member for Somerton and Frome about how the provisions will work in coastal communities. From my reading of the provisions, it seems that many of them work for inland communities and river flooding in particular. I would be grateful if he set out how he envisages the provisions working in an

environment where there is the risk of both river and coastal flooding, especially with regard to the cost implications that he just spoke about. Clearly, the responsibility for coastal flooding is much more expensive and, with the risk of climate change, can have much bigger impacts.

As I said, the Opposition welcome the Bill. Although we have no problem with the clauses, I have a few questions that I hope will provide some clarity about how the provisions will be implemented. As is outlined in clause 1, a rivers authority established under the Bill will be a locally accountable body with the powers to issue precepts to billing authorities that will collect money from council tax payers for additional local flood management work.

I understand from the Association of Drainage Authorities that the Department is not expecting a flurry of requests for the establishment of rivers authorities. The Bill does not impose rivers authorities on local councils, so it is for those that want them to be proactive. How will that work for councils that have suffered huge cuts and might not have the in-house resource to do that? How does the hon. Member for Somerton and Frome envisage rivers authorities being rolled out? Will there be additional support for the pilot rivers authorities to effectively overcome the early administrative obstacles that will inevitably come with the formation of a new rivers authority, so that pioneer projects can share best practice with the ones that follow?

How will local communities challenge and hold accountable local river and drainage authorities for their actions? It is good to hear that the majority of members of those committees will be from local councils, and so will be elected; that flow through of democratic accountability is important. On Second Reading in the main Chamber, I asked whether the Department would publish guidance on the composition of those boards, particularly on their gender balance. Having observed several such committees, they can be quite bloke-heavy—and, indeed, retired bloke-heavy—which, as a general rule, we should try to avoid when creating new public bodies. I will be grateful if the Minister or the Member in charge sets out whether there will be any guidance to that effect.

Will there be guidance on whether the heads of those authorities should serve for a fixed period, or will that period run and run? In some communities, the people who will be in charge of such bodies have also been in charge of everything else that came before. I just want to understand whether there will be accountability and a rotation of those roles. I assume that there will be the usual registers of interest to avoid any conflicts of interest, especially because these authorities will be dealing with small communities, where expertise is essential. There is a risk of a conflict of interest, so will the Minister set out how we will engineer out any of those risks at an early stage?

It seems that many of the provisions regarding rivers authorities’ proceedings in proposed new section 21D apply to local government, such as access to agendas, inspection of papers and inspection of minutes. Will there be guidance that such meetings should be open to the public to ensure full accountability, and that any private proceedings should be limited and face proper scrutiny? What input will members of the public have

into the exercise of the duties of a rivers authority, especially in how the provisions in new section 21D will be implemented?

We know that there is an awful lot of experience in how to deal with flooding in our local communities, especially among farmers who have farmed land affected by flooding for many generations. A yearly flood risk management plan seems like a good option. I will be interested to see how the new bodies interact with water companies, particularly with the upstream thinking pioneered by many water companies that cover water catchment areas. A few of us in the Committee are covered by South West Water, which has pioneered upstream thinking for some time. We need to make sure that we are not setting up two bodies with slightly different agendas. That interaction needs to be there.

**Alex Sobel** (Leeds North West) (Lab/Co-op): I am a representative of Leeds, which has had significant flooding. Some of the solutions that local communities want involve upland management, which provides better long-term solutions in terms of the risks of climate change than large, built flood management schemes. However, those upland areas are in a different local authority. Rivers authorities only operate in one local authority, so I am interested in my hon. Friend's and the Minister's opinion on how it will work across authorities.

**Luke Pollard:** I thank my hon. Friend for that. It is worth saying that, even though the Committee has a south-west majority, those people with a south-west link, even if they represent a different part of the country, are very welcome as well.

That question relates to the patchwork quilt of responsibilities that is the underlying context for rivers authorities. How will these new authorities work with different local authorities? My hon. Friend is entirely right that we are moving to an era where we want fewer carbon-intensive end-of-pipe solutions, which are both expensive for those who pay for them and have a large carbon impact in their construction. Lower-carbon interventions, such as the re-wetting of peat bogs or the planting of more trees, are frequently required in an area other than where flooding takes place. I would be grateful if the Minister addressed that.

Proposed new section 21F provides powers to acquire and dispose of property. I am working on the assumption that those powers will be deployed in the same way as local councils deploy them at the moment, with authority and judgment. I would be grateful if the Minister set that out for the record. I am interested to know whether the Minister is confident that the Secretary of State's framework under proposed new section 21G will not inhibit the autonomy of rivers authorities in relation to how those powers are implemented.

On proposed new sections 21H and 21A, we hope that rivers authorities will be a success and that there will be no need to abolish them, but it is useful to look ahead at all scenarios when creating them in the first place, so what criteria will there be for abolishing a rivers authority? Will there be any scrutiny or appeals in relation to that? A concern from time spent observing the coalition Government is that many bodies were swept away and some of the people who relied on those bodies did not have a say in the process, so I would like to understand how that might work.

It is important, when we talk about flooding, to recognise that with the advent of additional flood planning when new developments come through, those new developments are well protected, but bringing forward flood defences for new developments sometimes means that communities that were not previously affected by flooding now will be. It would be useful to get a sense of how rivers authorities, which will look at flooding in the wider sense, will have an eye on not only the area that they cover, but the impact of their work on other areas.

We have no opposition to the clause, but I would be grateful if those questions could be clarified.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):** It is a pleasure to serve under your chairmanship, Mr Bailey, and I thank all hon. Members present for taking an interest. The Government support the Bill and all the clauses and amendments that will be discussed today.

It is fair to say that the creation of the rivers authority came about because of the situation in Somerset. To answer the question about pilot authorities, Somerset has effectively had a shadow rivers authority running, so I would expect any learnings to be taken from what has happened there to other councils. If communities wish to come forward and take advantage of these powers, we will consider them, but as it stands the only expression of interest so far is from Somerset, which is the reason the Bill has arisen.

It is worth pointing out to the Committee that one of the reasons for creating this wider opportunity for other people to come forward was to avoid the political difficulty of what is called a hybrid Bill to create a specific authority, which can take anywhere between five and 10 years to get through, if it ever does. The Bill provides that opportunity, but it is not the Government's intention to go around proactively creating rivers authorities. However, the door will be open if there is local support to do that.

Quite a lot of the powers will be set out in regulations. My hon. Friend the Member for Somerton and Frome talked about the majority of members being from the local authorities comprising the rivers authority. It could be the case that every single member is from those local authorities, but it might make sense to put the Environment Agency on as a member. That will vary from area to area. As things stand, that level of detail has yet to be discussed with the councils from Somerset, but it is something that the Government are open to and it is important that we have that consultation discussion up front.

On the coastal situation, obviously Somerset has a coast. The Bill is intended to address the issue that was identified of a special coming together of a series of rivers, particularly in the levels, which can create a particular situation. All of those rivers are in Somerset and do not go across authorities. However, in answer to my hon. Friend the Member for North Devon, a rivers authority would be required to complement and work with neighbouring areas, as he would expect.

It is important to point out to the hon. Member for Leeds North West that these areas can cover more than one local authority area, so a rivers authority could go across borders if it was deemed appropriate by the councils that wanted to take it forward. The Bill is not prescriptive about there being only one local authority;

[Dr Thérèse Coffey]

as I say, there will be ongoing collaboration. I stress that this is not about trying to replace things, but about complementing what already exists by pulling together this new authority concept, which can have a separate precept on a council tax bill. In order to have that privilege, of course the rivers authority will be subject to the elements of local government legislation that were set out.

I do not think that public access to meetings is written into the Bill, but if it were necessary and it needed to be in legislation, I am sure it could be put into the statutory instrument that will be required to create the Somerset Rivers Authority. In effect, the authority would be subject to investigation by the local government ombudsman for England, so protections are in place to ensure there is accountability.

4 pm

There are already powers that go back 70 years for coastal authorities to raise local levies to protect coastal defences, if that is required. I am not aware that they have ever been used in that regard, but there is no reason for there to be a conflict between fluvial flooding and coastal flooding. I represent a coastal constituency and the main difference between those types of flooding is that the impacts of fluvial flooding, while damaging, tend to be temporary, whereas coastal flooding impacts can be more serious, although the level of seriousness can vary.

In terms of the precept of a billing authority, we are not expecting a flurry of requests. I think I have covered the points about proposed new sections 21A and 21H made by the hon. Member for Plymouth, Sutton and Devonport. Turning to planning, planning authorities are already required to anticipate and stop any planning applications that would impact on the flood risk to other properties. I am not sure that rivers authorities will have a direct role in that element. We already have the Environment Agency, which can act as a statutory consultee and provide advice. I do not think that will be necessary on this occasion, because the majority of—if not all—the people on the rivers authorities will come from local authorities. I would anticipate that that concern would not be a barrier to the creation of any rivers authorities.

On the points raised by my hon. Friend the Member for North Devon, there is no anticipation that any of the Devon authorities will be directly involved, but I have no doubt that, under the principles of transparency, any collaboration that is needed will be welcomed by the rivers authority. With that, I support the clause.

**David Warburton:** I am grateful to the shadow Minister and the Opposition for their support, and to the Minister for her support throughout this process and for fending off those questions with such dexterity. There is nothing left for me to say, which is something of a joy.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

## Clause 2

VALUATION OF OTHER LAND IN DRAINAGE DISTRICT

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss the following:

Amendment 1, in clause 3, page 14, line 11, leave out “Data Protection Act 1998” and insert

“data protection legislation (within the meaning of section 3 of the Data Protection Act 2018)”.

*This amendment updates an outdated reference to the Data Protection Act 1998.*

Clauses 3 and 4 stand part.

**David Warburton:** We move on to the second part of the Bill. Hon. Members will be pleased to hear that I will endeavour to be briefer in my comments about these clauses.

Another important body involved in water management that helps tackle flood risk management is the internal drainage board. Clauses 2, 3 and 4 cover internal drainage boards and, in particular, how they determine the drainage rates and special levy, which are used to meet most of their expenses. As Members will know, internal drainage boards provide an important service to their local area by maintaining water levels for agricultural and environmental needs, managing water courses and reducing flood risks.

An IDB operates within an area that is known as an internal drainage district. In Somerset we are fortunate—as we are in so much else—because we have three IDBs: the Axe Brue, the North Somerset Levels, and the Parrett. Two of those cover some of my constituency, and I have personally seen the hard work that they undertake. As the Minister mentioned, on the low-lying ground of the Somerset levels, much of which is below sea level and is intended to flood annually, though in a managed way, drainage board work is crucial and exceptionally important to us all.

**Peter Heaton-Jones:** My hon. Friend is making a good point about the importance of the internal drainage boards, which gives me—and him, I suspect—the perfect opportunity to celebrate the work of the Braunton Marsh internal drainage board in North Devon, which has been in the eye of the storm. Hon. Members might remember coverage of the Braunton floods over the Christmas period of 2012, when, sadly, the village was inundated. Unfortunately, many businesses never recovered from that. The drainage board, working with a number of other organisations, has done fantastic work in bringing together a lot of the flood risk management strategies. They are important, and that is why the second part of my hon. Friend’s Bill, on which he is speaking so fluently, is so welcome.

**David Warburton:** I am grateful in many ways to my hon. Friend for his exceptionally important intervention. He is absolutely right that the drainage boards do tremendous work and are vital. We are lucky to have them. One of the important things about the Bill is that it will facilitate other places’ setting them up—something which they are unable to do at the moment.

In total there are 112 internal drainage boards across England, which cover some 1.2 million hectares—around 10% of the land. The work they do protects 600,000 people and nearly 900,000 properties. They operate and maintain over 500 pumping stations and 22,000 km of watercourse, which is slightly further than from this room to New Zealand. Those are incredible numbers, but there is

scope to increase that local support and allow more of the country to benefit. However, to enable this support to be available where it is wanted and where it is appropriate, the Land Drainage Act 1991 needs to change.

Internal drainage boards are funded by the areas they serve. Drainage rates are paid by agricultural landowners, and the special levy is paid by local district or unitary councils, which in turn recoup these costs. Under the Land Drainage Act 1991, the proportion of IDBs' expenses raised by drainage rates is equal to the agricultural proportion of land values in an internal drainage district. In turn, the proportion of expenses raised by the special levy is proportionate to the value of all other land in the internal drainage district.

The calculations that IDBs are required to carry out, in order to apportion the payment of their expenses between the drainage rate and the special levy, depend on an assessment by each IDB of the relative value of agricultural land and buildings, and the value of other land. However, the assessment of the value of other land in internal drainage districts currently depends on data from 1990, which, unfortunately, in many instances is missing or incomplete. This prevents the creation of new IDBs or the expansion of existing ones.

This part of the Bill amends the Land Drainage Act 1991, to enable new data to be used by internal drainage boards when calculating the value of other lands, if they elect to do so, thereby addressing the current barrier to creating or expanding IDBs. Clause 2 amends section 37 of the Land Drainage Act 1991 to enable the Secretary of State to make regulations that provide an alternative methodology for calculating the value of other land. The regulations will be made subject to the affirmative procedure. In the new regulations, the Secretary of State will be able to provide a methodology for calculating the value of other land by making use of data that is not only available and complete, but more up to date.

Among other things, proposed new subsection (5ZB) of the 1991 Act will allow the regulations to make provision about methods to be applied or factors to be taken into account in valuing other land. This proposed subsection allows the regulations to provide for internal drainage boards to elect to have the regulations apply to them and to specify a procedure for making such an election. The IDBs would not have to adopt the new methodology; the Bill provides them with the ability to adopt it if they wish. That benefits those that do not wish to change their procedures; if they do nothing, nothing will change.

IDBs will need access to information from the Valuation Office Agency—the executive agency of Her Majesty's Revenue and Customs—to calculate the value of other land using a new methodology set out in regulations. Clause 3 provides a power enabling the VOA to share revenue and customs information with IDBs—

**Dr Coffey:** I encourage my hon. Friend to leave the IDBs for the next part of his speech.

**David Warburton:** Before speaking to clause 3, I need to address amendment 1—which I was just about to do, obviously. Since I introduced the Bill, new data protection legislation—the Data Protection Act 2018—has come into force, and the amendment updates the Bill to reflect that. Rather than simply changing the year of the Act mentioned, the amendment refers to data protection legislation as defined in section 3 of the 2018 Act, which

means that it incorporates other related and relevant data protection legislation, including the general data protection regulation and related secondary legislation.

Returning to clause 3, proposed new section 37A(5) of the 1991 Act enables the appropriate national authority—the Secretary of State or Welsh Ministers—to update and/or amend references to qualifying persons and/or qualifying purposes by regulations to be made under the affirmative procedure. Proposed new subsection (8) ensures that such regulations may be made only with the consent of the commissioners for HMRC.

New section 37B provides restrictions on onward disclosure of Revenue and Customs information. In essence, all onward disclosure is prohibited unless it meets certain criteria, as set out in subsection (1). Subsection (2) sets out the circumstances under which information may not be disclosed by the VOA without the consent of the commissioners for HMRC. It is an offence if a person contravenes the first two subsections by disclosing information relating to a person whose identity is specified in or can be deduced from such a disclosure, as is set out in subsection (4). The associated penalty of imprisonment, a fine or both is set out in subsection (6). Finally, new section 37C sets out further provisions about disclosure of information under the previous new sections, such as the conditions under which the data issued by the VOA would be exempt from the Freedom of Information Act 2000.

While clause 2 amends the Land Drainage Act 1991 in respect of calculating the value of other land, clause 4 makes amendments in respect of calculating the value of chargeable land—namely, agricultural land and buildings. Clause 4 inserts new section 41A into the 1991 Act, enabling the Secretary of State to make regulations, again by the affirmative procedure, to establish an alternative methodology for calculating the value of chargeable land. Although the issue of missing or incomplete data does not affect the 1991 Act's method for calculating the value of chargeable land, the change is necessary to reduce the risk of imbalance on either side of the apportionment calculation. The Secretary of State will be able, within the new regulations, to provide a new methodology for calculating the value of chargeable land that makes use of more recent data than that dating back some 30 years.

New section 41A(3) allows the regulations to make provision about the methods to be applied or the factors to be taken into account in valuing chargeable property, including land. As before, subsection (9) allows the regulations to provide for IDBs to elect that the regulations apply to them and to specify the procedure for making such election. As I mentioned in respect of clause 2, that means that they can determine whether to adopt the new methodology and, if they do not wish to do so, nothing will change. Together, the changes will enable new, complete, available data to be used to provide alternative, fair methodologies for the calculations, which fairly apportion payment of IDB expenses between the drainage rate and the special levy.

4.15 pm

In Wales, the situation is slightly different from England. There are 12 internal drainage districts, but each is administered by Natural Resources Wales. However, those districts are funded in a similar way, and these provisions of the Bill extend to Wales to enable the Welsh Government to make similar updates there.

Like other hon. Members, I am keen for the benefits of IDBs to be more widely available, where appropriate and where communities and local authorities support them. I am aware of hon. Members who support the creation of new IDBs, or the expansion of existing ones. The hon. Member for Westmorland and Lonsdale, who is not in his place, supports the Cumbria flood action plan, which proposes the establishment of an IDB for the Lyth valley.

I do not want to delay things any further, so I hope that hon. Members agree with all that I have said and I commend these clauses to the Committee.

**Luke Pollard:** The Opposition have no problem with the clauses that the hon. Gentleman has talked us through. However, we have one question about charges for non-rate payers: do businesses have similar protection against increases? Beyond a certain percentage, council tax payers have the protection of the referendum; is there a similar protection for businesses, and small businesses in particular? Small businesses affected by flooding frequently use up available capital to restore their businesses and sometimes struggle with insurance. We would not want a situation whereby businesses in an area affected by flooding face increases that are greater in proportion than the increases rate payers face. We should make sure that there is an element of fairness, and I would be grateful if the hon. Gentleman set that out for the record.

**Matt Warman** (Boston and Skegness) (Con): I will be brief and will begin, as others have, by congratulating my hon. Friend the Member for Somerton and Frome on bringing the Bill forward. When a number of constituents wrote to me urging that I support it, I wrote back confident that it would face either the chop or the Chope. However, it has got through, which we should all be grateful for. According to the Association of British Insurers, my constituency is the most likely in the country to flood, and in 2013 it did so, which is why the Minister is spending £100 million on a flood barrier for it. I am as grateful for that as I am for the five IDBs that work in my constituency.

I want to ask two brief questions. First, the Bill is clearly aimed at the south-west, and I will not pretend for a moment that I begrudge that. However, I would like some reassurance that the IDBs in my constituency that work so well together could, if they wanted, avail themselves of the opportunity to form a rivers authority. Would the Government look favourably on that sort of thing? I say that without wishing to indicate that those IDBs necessarily want to do so, but that option is working well for Somerset in its shadow form and will hopefully work well in the future. I would like to think that we, too, could have that potential benefit.

Secondly, as the expansion of areas that are rated for IDBs is permitted elsewhere in the country, and since we all know that drainage boards work and that their benefits often extend well beyond the areas that pay for them, I hope that the expansion of IDBs will reach not just Somerset but other areas. Unfortunately, councils such as mine in Boston are often affected financially by necessary and sensible rises in drainage rates filtering through to their bottom line. That effectively means that borough councils cannot responsibly raise taxes as much as they wish to, because the 2% cap on council tax

might be disproportionately taken up by that rise in drainage rates. A rivers authority is one way of solving that problem, but it strikes me that it is not the only way.

I commend this excellent Bill, and the excellent Member who has brought it forward. I hope that he and the Minister will be able to tell me that it is not only the south-west that will benefit from it.

**Dr Coffey:** To answer the hon. Member for Plymouth, Sutton and Devonport, internal drainage boards operate in a quite different way. Effectively, cash comes from local councils, which appoint people to them, and there are people who have to pay the drainage rates—that relates to agricultural land. They carry out their own elections and make decisions together. The local businesses will be ones that are concerned with agricultural land, and they run their own election process. I hope that that provides the hon. Gentleman with some reassurance.

I am conscious of the issue raised by my hon. Friend the Member for Boston and Skegness that there is not a separate way of accounting for the item in question on the council tax bill. I am sure he recognises that it is not possible under the Bill to change the existing arrangements by which councils might want to show clearly how money is raised, or, indeed, other aspects of the referendum. However, I assure him that if people in his area, working with the councils, want to come forward on the matter of a rivers authority, it would be open to them to do so if they believed that the benefits would outweigh those of their current arrangement.

I reiterate that the Government support the changes. In my area the East Suffolk internal drainage board operates exceptionally well and, with the de-maining pilot, will take on further responsibilities for certain rivers in the area, with no extra cost to councils or indeed agricultural landowners. I believe that IDBs are generally a force for good. They are a key part of the Cumbria flood action plan.

**Rebecca Pow:** I thank the Minister for injecting her expertise and local knowledge into the debate. Does she agree that the Somerset IDBs do a complicated job representing landowners, as well as a great job on the conservation front? What is amazing about the Somerset levels is that they are an internationally famous wetland site and the largest area of lowland wetland grassland in the UK. Huge populations of wading birds come there. We have three IDBs in Somerset and they have just jointly produced a biodiversity action plan. It is all part and parcel of why we need to control the water and why the Bill is so important. It is not just about people and businesses, but about wildlife.

**Dr Coffey:** My hon. Friend makes an important point, which just goes to show how committed farmers and landowners are to improving and enhancing the natural environment in whatever way they can. The flow of water can have a significant impact on nature, and not only in landlocked areas. Members with coastal constituencies will be aware of saltmarsh and intertidal habitats that are critical for the conservation of many special species. I agree with my hon. Friend and support the work going on in Somerset.

**David Warburton:** I am grateful to the Minister for fielding all the questions so well. My hon. Friend the Member for Taunton Deane is well known as a passionate

advocate of environmental matters. She is right that the Somerset biodiversity action plan is exciting and that the IDBs will play an integral part in ensuring that our splendid Somerset heritage is maintained.

**Sandy Martin:** Is it not the case that making more provision for wildlife and helping to keep any possible river flooding upstream also creates savings for people downstream? Will there be any mechanism for those savings to be used to compensate upstream agricultural operations that might lose out financially?

**David Warburton:** The hon. Gentleman makes a good point. Drainage boards operate area by area, and those within the area will benefit. However, of course they work together and they understand the needs of surrounding areas. That brings us back to rivers authorities and the reason, perhaps, why my hon. Friend the Member for Boston and Skegness wants to bring them together and create a rivers authority. It is about working together in the best interests of us all.

*Question put and agreed to.*

*Clause 2 accordingly ordered to stand part of the Bill.*

### Clause 3

#### DISCLOSURE OF REVENUE AND CUSTOMS INFORMATION

*Amendment made:* 1, in clause 3, page 14, line 11, leave out “Data Protection Act 1998” and insert

“data protection legislation (within the meaning of section 3 of the Data Protection Act 2018)”.—(*David Warburton.*)

*This amendment updates an outdated reference to the Data Protection Act 1998.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clause 4 ordered to stand part of the Bill.*

### Clause 5

#### CONSEQUENTIAL PROVISION

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss clauses 6 to 8 stand part.

**David Warburton:** I turn to the last four clauses of the Bill, which are the usual final provisions that generally are found in one form or another at the end of a Bill.

Clause 5 confers powers on the Secretary of State to make consequential amendments by regulation. Any such regulations may amend, repeal or revoke any enactment, and where they amend primary legislation, they will be subject to the affirmative procedure to ensure parliamentary scrutiny. The Bill makes a number of consequential changes in the rather dense and opaque field of local government finance legislation, so it is possible that not all necessary changes have been identified. As such, it is prudent for the Bill to contain a power to deal with those in secondary legislation. Subsections (3) and (4) provide for the parliamentary procedure to apply to regulations made under the Bill.

Clause 6 simply covers the extent of the Bill—the legal jurisdictions in which the Bill forms part of the law. The Bill extends to England and Wales, subject to subsections (2) and (3). Subsection (2) sets out that an amendment made by schedule 2 has the same extent as

the legislation it amends. That ensures that the Government can amend legislation with a wider extent than England and Wales. For example, the provisions of the Local Government and Housing Act 1989 amended by paragraphs 5 to 7 of schedule 2, extend to Scotland, although the amendments made are relevant only to rivers authorities in England. Subsection (3) sets out that clauses 5, 6, 7 and 8 extend to England and Wales, Scotland and Northern Ireland, because of the possibility that regulations under clause 5 may need to amend legislation that extends to Scotland or Northern Ireland as well as to England and Wales, for example tax legislation. Clause 1 and schedules 1 and 2 apply to England only. Clauses 2, 3 and 4 apply to England and Wales, for which the Welsh Government will secure a legislative consent motion from the Welsh Assembly.

Clause 7 sets out the arrangements for commencement of the different provisions in the Bill and how they will be brought into force. Subsection (5) allows the Secretary of State to include transitory or saving provisions in commencement regulations. That does not apply to clauses 2, 3 or 4 insofar as they relate to internal drainage districts that are wholly or mainly in Wales. Subsection (7) gives Welsh Ministers the equivalent power for clauses 2, 3 and 4 insofar as they relate to internal drainage districts that are wholly or mainly in Wales.

Finally, clause 8 provides for the short title of the Bill once it becomes an Act, as I hope it does, on Royal Assent. The short title will be the Rivers Authorities and Land Drainage Act 2019.

**Luke Pollard:** The Opposition have no problem with any of the clauses. It would be good if the officials who beaver away behind the scenes could make the manuscript change to correct “2018” to “2019”. I thank the hon. Member for Somerton and Frome for the way he has conducted himself and listened to cross-party concerns during the Bill’s passage. The Opposition will support these clauses, and the entire Bill, should they be pressed to a vote.

**The Chair:** May I say that the Public Bill Office has that message?

**Dr Coffey:** The Government support the Bill.

4.30 pm

**David Warburton:** I am very grateful to colleagues who gave up their time on such a busy week, and to the shadow Minister and Opposition Members for their support. I am immensely grateful to all those who participated in the Committee, and indeed to all those who did not participate but enjoyed the—

**Kevin Foster (Torbay) (Con):** Spectacle.

**David Warburton:** Yes, the spectacle and the ride.

I thank the Clerks very much for their superb and invaluable guidance, the Whips from all parties, the team from the Department for Environment, Food and Rural Affairs—particularly Will Harrington, who has been tremendous—and of course my hon. Friend the Minister, who has been instrumental in getting us this

*[David Warburton]*

far and fabulously supportive throughout. May I also thank you, Mr Bailey, for your excellent chairmanship? I hope that hon. Members support the final clauses, and I commend the Bill to the Committee.

*Question put and agreed to.*

*Clause 5 accordingly ordered to stand part of the Bill.*

*Clauses 6 to 8 ordered to stand part of the Bill.*

*Schedules 1 and 2 agreed to.*

*Bill, as amended, to be reported.*

4.32 pm

*Committee rose.*