

Explanatory Memorandum to the Flood and Coastal Erosion Committee for Wales Regulations 2017

This Explanatory Memorandum has been prepared by Water, Waste Resource Efficiency and Flood Division and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with:

Standing Order 27.1

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Flood and Coastal Erosion Committee for Wales Regulations 2017.

LESLEY GRIFFITHS AM
10 August 2017

1. Description

The Regulations govern the newly established Flood and Coastal Erosion Committee, an independent advisory body to the Welsh Ministers and Welsh risk management authorities on matters relating to flood and coastal erosion risk management.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

As the contents of these regulations are administrative in nature a negative procedure is appropriate.

3. Legislative background

The power to commence provisions establishing the new Committee is set out in section 88(3) of the Environment (Wales) Act 2016. Section 81(1) of the 2016 Act inserts new sections 26B, C and D into the Flood and Water Management Act 2010. These provisions allow the Welsh Ministers to make regulations which set out the constitution of the new Committee and any payments to its members.

4. Purpose & intended effect of the legislation

The previous Flood and Risk Management Wales Committee (FRMW Committee) had the responsibility to scrutinise and approve Natural Resources Wales' flood programme, which was a residual responsibility previously exercised by the Environment Agency. However, since the creation of Natural Resources Wales (NRW), the NRW Board has scrutiny responsibility for all NRW spend. There was, therefore a duplication of responsibilities and a new committee was needed.

In addition, flood and coastal erosion risk management in Wales is wider than the responsibilities that fall into NRW's flood risk management programme. The Flood and Water Management Act 2010 (2010 Act) sets out the roles and responsibilities of all 'Risk Management Authorities' which in Wales includes NRW, the 22 Local Authorities who act as Lead Local Flood Authorities and highway authorities; internal drainage boards and water and sewerage companies.

Other stakeholders including Network Rail, private landowners and the voluntary sector and the public also have a role in minimising flood and coastal risk.

The intention is for the new Committee to exercise a wider advisory role covering all flood and coastal risk management in Wales. This legislation covers the governance of the Committee.

5. Consultation

A consultation on the Flood and Coastal Erosion Committee began on 11th August 2016 and closed on 3rd November 2016, receiving a total of 38 responses. Responses were received by key organisations such as Natural Resources Wales (NRW), Local Authorities, the Welsh Local Government

Association, Dŵr Cymru/Welsh Water and the Chair at the time of Flood Risk Management Wales (FRMW), Dr Madeleine Havard.

The idea of the new Flood and Coastal Erosion Committee was broadly welcomed by the respondents to the consultation. A review of responses can be obtained from Flood branch if required.

6. Regulatory Impact Assessment (RIA)

We do not feel that a Regulatory Impact Assessment is needed for these regulations as this has already been carried out as part of the Environment Act 2016 RIA.