

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Memorandwm Cydsyniad
Deddfwriaethol (MCD) mewn
perthynas â Bil Amgylchedd y DU
NHAMG (5) EB07a
Ymateb gan Hafren Dyfrdwy

National Assembly for Wales
Climate Change, Environment and
Rural Affairs Committee
Legislative Consent Memorandum in
relation to the UK Environment Bill

CCERA(5) EB07a
Evidence from Hafren Dyfrdwy

Cwestiynau / Questions: Water

Pre-bill consultation

- It does not appear the Welsh Government has consulted on the changes in Part 5 (Water) of the Bill. What are your views on this? *Many of the elements within this section of the Bill have been subject to discussion within the regional water resource groups; we believe that Welsh Government have been party to the discussions within the Water Resource West group, which also includes both Welsh water companies (ourselves and Dwr Cymru Welsh Water).*
- Comment on any discussions your organisation may have had with the Welsh Government on these issues. *Aside from those held within Water Resource West, we have not had any specific discussions with Welsh Government or Natural Resources Wales on these issues.*

Clause 75 – Water resources management plans, drought plans and joint proposals.

- Views on the power to direct water companies to prepare and publish joint proposals (on the joint management and development of water resources). *This appears to bring into statute, voluntary agreements that are already under discussion within the regional water resource groups. The intention of the proposed directions appears to be ensure that the joint proposals will include actions to achieve specific environmental objectives; we can see the benefit of this proposal to ensure that – for example – delivery of environmental improvement schemes for the individual water companies involved in the proposals aren't adversely affected. We would ask that consideration is given to how this fits alongside the responsibilities that water companies currently have to secure long term water supplies for their own customers. Potentially this is addressed by the two points below which remove this from primary legislation and enable flexibility to manage this through regulations.*
- Views on the powers to make regulations about the procedure for Water Resources Management Plans, drought plans and joint proposals. *We're not clear on the justification for removing the procedures from the primary legislation and therefore cannot comment on whether or not this is a helpful change.*

- Views on removing certain procedural requirements for preparing Water Resource Management Plans from the Water Industry Act 1991 and instead setting them out in regulations. *We're not clear on the justification for removing the procedures from the primary legislation and therefore cannot comment on whether or not this is a helpful change.*

Clause 76 – Drainage and sewerage management plans

- Views on the requirement for sewerage companies to prepare and publish a drainage and sewerage management plan. *We support the introduction of this requirement and already have a drainage and wastewater management plan in development. It fits with the Welsh Government ambition for drainage and wastewater planning as set out in the Water Strategy for Wales in 2015.*
- Views on whether sufficient work has been done to understand the potential cost of developing these plans, both for sewerage companies and other stakeholders. *The industry has carried out a significant piece of work on the development of these plans through Water UK's 21st Century Drainage programme, including costings and how to build them into the water industry planning process, which Defra has used as the basis for developing these proposals.*

Clauses 77 and 79 – Regulation of water and sewerage companies.

- Views on the power of Ofwat to serve a notice on a water or sewerage company requiring it to produce certain information within a specified time – is it appropriate and proportionate? *All water companies already provide annual returns to Ofwat, reporting against performance commitments and a range of other standard measures. It is unclear how this power will differ from their current operation and therefore we are not able to comment on whether it is appropriate or proportionate.*

Clauses 81, 82 and 85 – Water quality

- Views on the content of the regulation making powers for the Secretary of State and the Welsh Ministers to amend or modify water quality legislation. *As new pesticide and herbicide products come onto the market, the water companies are continually having to reassess their water treatment processes for new chemicals, some of which will be very costly to treat as well as having the potential to cause Water Framework Directive failures. Therefore, the ability for Ministers to modify water quality legislation is welcomed although any additions or removals will require consultation with a wide range of stakeholders; in Wales, this could be co-ordinated through the various forums such as the Wales Land Management Forum and Wales Water Management Forum.*
- The Bill includes a regulation making power about the substances to be taken into account in assessing the chemical status of surface water or groundwater and other related matters. The Secretary of State can make these regulations for Wales which are areas of non-devolved competence (if given consent by Welsh Ministers). Under this power the regulations would not be subject to Assembly scrutiny. What are your

views on this? *We believe that, under the Wales Act 2017, the only relevant non-devolved competence would discharges of water from coal mines; this is outside our area of expertise and therefore we do not feel it is appropriate to comment.*

Clauses 87,88 and 89 – Valuation of land in internal drainage districts

We have no comments to make on these clauses.

- Views on the regulation-making power for the Welsh Ministers to make provision for the valuation of 'other land' (non-agricultural land) in a Welsh internal drainage district.
- Views on the regulation-making power for the Welsh Ministers to make provision for the annual value of each 'chargeable property' (agricultural land and buildings) on a Welsh internal drainage district.
- Views on the new sections that would govern the disclosure of revenue and customs information by the Valuation Office Agency to specified organisations (qualifying persons).
- Views on the regulations under these clauses being made by the affirmative procedure. (The other regulations in Part 5 (water) are made under the negative procedure)