

Making Space for Water - Consultation on Administrative Arrangements

Executive Summary:

This report informs the Coastal SIG of the future position in respect of the position in respect of administrative arrangements that are being proposed by Defra for Local Authorities (LA's) undertaking coast protection. It also seeks the approval of Coastal SIG to support the lobbying of Government approach to being advocated.

Recommendations:

The Coastal SIG is requested to:

- (i) note the report; and
- (ii) that the Coastal Issues Special Interest Group confirms and reiterates its strong desire for maritime LA's to retain the right to exercise their Coastal Protection Powers and retain a key role in the delivery of the Coast Protection Service in England; and
- (iii) that LA's would only be prepared to accept a model of working that embodies the approach taken in (i) above, including a possible role for lead authorities to represent groups of LA's in a region in an interface with the Environment Agency (EA); and
- (iv) that LA's retain their role in the preparation of Shoreline Management Plans (SMP's) as this is an important to LA's for the preparation of their Local Development Frameworks; and
- (v) in the event that Defra are resistant to the above approach that the LGA lobby members of the Department, Food and Rural Affairs Committee as appropriate; and
- (vi) that the LGA submit a formal response to Defra by 16th December; and
- (vii) to bring this matter before the next meeting of the Coastal Group Chairmen of England and Wales on 8 December 2005 to agree an agreed joint response.

1 Background:

1. Through the Making Space for Water programme, Defra is in the process of consulting on the future administrative arrangements for managing the coast protection function. Representations have been made to Defra through both the LGA's Coastal Issue Special Interest Group and the Coastal Groups for England and Wales.
2. The main concern is that Defra is seeking to transfer the whole of its coast protection function to the EA with effect from 2008/2009. There may be a consequential loss of a local democratic input. This approach will effectively centralise flood and coastal defence risk management without a thorough study as to the economic/real value for money that this approach will deliver. Defra have also indicated that the status quo appears not to be an option.
3. Defra's future role in Flood and Erosion Risk Management will concentrate on policy only. The EA will have a strategic delivery role and will also be responsible up to certain financial limits for approving the LA schemes and studies probably from April 2008. It is anticipated that where there are the skills, some LA's will want to become lead authorities in the delivery of schemes and studies. Similarly, the production of the Shoreline Management Plans will need to be retained by the lead LA's to help in the delivery of Local Development Frameworks.
4. If the transfer of the coast protection function were to be undertaken wholesale, this will effectively

erode/remove both the LA's ability to manage their coastlines and may significantly reduce the engineering capacity within local authorities.

5. The Members are reminded that a similar arrangement has recently been created whereby there has been a loss of local democratic input into flood defence through the loss of the Local Flood Defence Committees.
6. The consultation paper is due out by the Spring of 2006 and representations are at present being made to Defra (attached copy letter from the Chairman dated 21st October 2005 to Mr. Elliott Morley, M.P. - Appendix 1.)
7. To ensure Members are kept informed I am advising you that issues raised in the Coastal SIG, see Chairman's letter (Appendix 1 above), are being brought to the attention of local M.P's to gain his assistance and support.
8. The recent discussions with the LGA and Defra have indicated that the letter from Coastal SIG has had some effect. Defra has recently commissioned a study to establish whether Local Authorities have the capacity to undertake coast protection works over the next 5 years. This study is due to report in December 2006. In parallel with this the coastal groups of England and Wales have also prepared their own report through a desktop study of all Local Authorities and this has also been reported to Defra's Coastal Defence Forum on the 16th November. The run up to the formal consultation on the future administration arrangements in the Spring of 2006 has become a fast moving exercise and Members will be updated at the meeting of any new developments. Defra have also on the 24th November requested as part of the Environment Agency Overview Project (HA 1) views on future governance of Sea Defence and Coast Protection by the 16th December 2005. The points raised in this report are to be form part of this report which is to be submitted in the Defra format by the LGA.
9. Members are requested whether to, and dependant upon, the outcome of the discussions with Defra they wish to lobby members of the Department, Food and Rural Affairs Committee (The equivalent to the Select Committee). This approach will only be adopted if Defra do not consider fully the views being expressed by Local Authorities, whereby those authorities who wish to retain their Coast Protection powers are permitted to do so.
10. The Members are asked to endorse the approach to retain the coast protection function including asset maintenance for those LA's who wish to do so, thus enabling the democratic input to be maintained for the preparation of coast protection schemes/studies and SMPs.

2. Proposal(s):

- (i) that the Coastal Issues Special Interest Group confirms and reiterates its strong desire for maritime LA's to retain the right to exercise their Coastal Protection Powers and retain a key role in the delivery of the Coast Protection Service in England; and
- (ii) that LA's would only be prepared to accept a model of working that embodies the approach taken in (i) above, including a possible role for lead authorities to represent groups of LA's in a region in an interface with the Environment Agency (EA); and
- (iii) that LA's retain their role in the preparation of Shoreline Management Plans (SMP's) as this is an important to LA's for the preparation of their Local Development Frameworks; and
- (iv) in the event that Defra are resistant to the above approach that the LGA lobby members of the Department, Food and Rural Affairs Committee as appropriate; and
- (v) to bring this matter before the next meeting of the Coastal Group Chairmen of England and Wales on 8

December 2005.

David Green

22/12/2005