

ANNEX 1 – Background to Internal Drainage Boards in Wales

1. IDBs are long established bodies (mostly circa 1930s) now operating predominantly under the Land Drainage Act 1991. IDBs have permissive powers to undertake work to secure drainage and water level management of the Districts they administer and undertake flood risk management works on ordinary watercourses (i.e. watercourses other than 'main rivers' which are Natural Resource Wales' responsibility).
2. IDD boundaries are determined by water catchments and land levels rather than by Local Authority or other factors. Natural Resource Wales is still responsible for watercourses designated as main rivers within an IDD.
3. Where water-dependent habitats exist in these IDDs conservation duties also apply, including maintenance of water levels. The general environmental duties of IDBs under the Land Drainage Act mean that they should also deliver nature conservation legislation such as the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Habitats Regulations 1994. Many wetland SSSIs are not in favourable condition.
4. IDB work is funded by drainage rates levied on occupiers of agricultural land within an IDD, and special levies paid by a local authority in respect of the non-agricultural land.
5. The Welsh Audit Office investigated and reported on governance issues in the Caldicot and Wentlooge Levels IDB (October 2012¹). It found that the IDB was governed and managed ineffectively, was unable to demonstrate that it spent public money wisely and also suggests that the Board acted unlawfully on occasions. The IDB has committed itself to addressing all the WAO recommendations. The National Assembly for Wales' Public Accounts Committee is holding an inquiry into the findings of the WAO's report on 16th May this year.
6. Caldicot and Wentlooge IDB is the one we are primarily involved with. Our interaction with Lower Wye IDB and Powysland IDB is minimal. Caldicot & Wentlooge undertakes the administration and operational delivery work for Lower Wye and also some operational delivery work for English IDBs.
7. EAW's statutory Flood Risk Management Wales committee used to exercise its IDD functions via section 106 of the Water Resources Act 1991. That was repealed in April 2011 when the Flood and Water Management Act 2010 changed FRMW from an executive to an advisory committee
8. At that point the Environment Agency Board took on the executive role. This includes the setting and issuing of rates and the ultimate oversight of the operation of the Environment Agency administered Districts.

¹ http://www.wao.gov.uk/news/news_4805.asp

9. The Environment Agency Board relied upon FRMW to take account of local representation and to make the EA Board aware of any relevant local issues. Thus the FRMW committee advises on the proposed annual drainage rate and NRW's Board will take that into consideration when making their executive decision.

10. EAW received approx £100k p.a. in total from Gwynedd, Conwy, Ceredigion and Anglesey councils. It should also receive a further £52k from landowners and occupiers. Importantly, each IDD's expenditure must be spent within its own District, there cannot be cross-subsidies between Districts or from Natural Resource Wales.

11. The 11 IDDs vary in nature in both land use and extent of main rivers and ordinary watercourses. Broad distinctions include:

- the main river(s) forms dominate the land drainage set up, e.g. Malltraeth, Conwy
- mainly agricultural e.g. Conwy, Llanfrothen and Towyn
- semi urban e.g. Mawddach, Afon Ganol and Glaslyn
- road/rail infrastructure within the IDD e.g. Afon Ganol, Conwy, Harlech
- many contain SSSIs e.g. Borth and Glaslyn
- a number are in locations of high landscape value and popular tourist areas e.g. Harlech.

