

# **WATER ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### **Part 2**

#### **Water Resources**

##### ***Section 57: Report on water abstraction reform***

206. This section places a duty on the Secretary of State to report to Parliament on progress on the arrangements for water abstraction reform in England. The section requires the report to be laid before Parliament within 5 years of Royal Assent to this Act.

##### ***Section 58: Withdrawal of compensation for undertakers***

207. This section modifies section 61 of the WRA (compensation where licence modified on direction of the Secretary of State or the Welsh Ministers) to remove the right of compensation for water and sewerage undertakers when abstraction or impoundment licences are revoked or varied by either the Secretary of State or the Welsh Ministers under section 54 (following Environment Agency or Natural Resources Body for Wales proposals) or section 56 (following an application by an owner of fishing rights).
208. This section also repeals section 61A (recovery of compensation from new licence-holder) of the WRA. This is necessary because, with the removal of the right to compensation for water and sewerage undertakers, section 61A is made obsolete.

##### ***Section 59: Main rivers in England and Wales***

209. This section amends provisions for the determination and maintenance of main river maps, replacing sections 193 and 194 of the WRA with sections 193 to 193E for England and sections 194 to 194E for Wales. Main rivers are designated by being marked as such on a main river map. Flood risk management functions are determined in relation to the type of watercourse; the Environment Agency in England and the Natural Resources Body for Wales in Wales are responsible for carrying out functions on a main river, internal drainage boards are responsible for all other watercourses within internal drainage districts and lead local flood authorities for those outside of a drainage district.
210. New section 193 transfers responsibility for maintaining the main river map for England from the Secretary of State to the Environment Agency, and requires that the map shall be kept in electronic form.
211. Section 193A requires the Environment Agency to make copies of the map available to the public. The current requirement for the Environment Agency to supply copies of the relevant maps is extended to all risk management authorities (as defined by the Flood and Water Management Act 2010) and navigation authorities. Subsection (4) sets out the part of the map that must be provided in each case.

212. The Environment Agency will be able to charge a fee for others who wish to receive copies of the map/data; those who wish to reuse the data on a commercial basis may be charged a reasonable use fee. All others may be charged a fee to cover reasonable costs.
213. New section 193B empowers the Environment Agency to amend the main river map. In most cases, the Environment Agency must first make a determination under section 193C, and follow the procedure set out in that section. The Environment Agency must amend the main river map if a scheme imposing special charges for drainage works in order to improve agricultural land is introduced under section 137 of the WRA if the Environment Agency makes a determination under section 193C or if so directed by the Secretary of State as the result of an appeal under new section 193D.
214. New section 193C specifies the circumstances in which the Environment Agency may determine that a watercourse is to be, or is no longer to be, a main river or part of a main river. Before making a determination the Environment Agency must consult with interested parties on any change being proposed, and publish the results of its decision following such a consultation. When consulting the Agency is required to publish a notice about the proposed amendments, and set out how objections might be made, including time limits and any necessary restrictions on the form in which objections may be made. The Agency will be able to publicise its notice as it considers most appropriate to provide the best opportunity for those in the relevant area to be aware of any changes, whether this be on the Agency's website and or in newspapers which circulate in the locality affected.
215. New section 193D sets out an appeals process. Appeals must be made within 6 weeks of any decision being made by the Agency. The Secretary of State will be able to allow, allow in part or reject the appeal, and to direct the Agency to publish the decision.
216. New section 193E empowers the Secretary of State to issue guidance to the Environment Agency. Such guidance may include criteria on when it is appropriate for a watercourse to become a main river and guidelines on when boundaries need to be reviewed, and may set out the criteria or other guidance that ought to be followed when proposing to vary a main river map as well as when to consult.
217. New sections 194 to 194E replicate, for the Natural Resources Body for Wales and the Welsh Ministers in Wales, the provisions of new sections 193 to 193E for the Environment Agency and the Secretary of State in England.

### ***Section 60: Maps of waterworks***

218. This section repeals section 195 of the WRA, removing the duty on the Environment Agency and the Natural Resources Body for Wales to keep and maintain a record of the resource mains, discharge pipes and other underground works that it owns. Subsection (2) makes a consequential amendment to Schedule 23 to the WRA to allow for the fact that the records of aspects of the Environment Agency's "undertaking" will no longer be recorded in maps kept by the Environment Agency.