



Department
for Environment
Food & Rural Affairs

Waterways and Flood Water
Management Team
Flood and Coastal Erosion Risk
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7 March 2024

Dear Consultee,

Consultation on draft Statutory Instrument: The English Drainage Boards (Alternative Valuation Calculation) Regulations 2024

We are writing to invite your views on the above draft Statutory Instrument relating to internal drainage boards (IDBs) in England only.

IDBs are independent, locally funded and operated, statutory public bodies, responsible for water level management and flood risk in areas of 'special drainage need' (predominantly low-lying areas in England). They are mainly funded locally through "drainage rates" paid directly by agricultural landowners (on agricultural land and buildings) and "special levies" paid by local authorities (on other land).

In order to apportion their expenses, IDBs use calculations to value their land; in determining the special levies charge, [the Land Drainage Act 1991](#) (the LDA) refers to rateable values shown in a "non-domestic rating list of a charging authority on 1 April 1990" and "valuation list (for domestic properties) on 31 March 1990" ([section 37 \(5\)\(a\) and \(b\)](#)).

In many areas however, the 1990s rating lists are no longer available; they are either missing or incomplete which means that existing IDBs cannot extend their boundaries, and new ones cannot be established.

Through the [Environment Act 2021](#), [sections 94-97](#), we have amended [section 37](#) and [section 41](#) of the LDA to provide powers enabling a technical update of the valuation calculations to be included within secondary legislation.

The Environment Act 2021 requires the government to consult on the draft Statutory Instrument. The following documents can be found on Citizen Space, Defra's online consultation tool, (<https://consult.defra.gov.uk/flooding/consultation-on-draft-statutory-instrument>):

- Consultee letter
- Consultation document
- Draft Statutory Instrument

We welcome your views and comments on the proposals. If you have any queries on this consultation or need a hard copy of the documents please email or write to us at the details below.

Responses

This consultation will run for 6 weeks from 7 March 2024 to 19 April 2024. We strongly encourage responses through Citizen Space (link above). Consultations receive a high level of interest across



many sectors and using the online tool assists our analysis of responses, enabling more efficient and effective consideration of issues.

Responses can also be sent by email or post. We must receive these responses by 19 April 2024. Please send responses by email to: flood.reports@defra.gov.uk or by post to the Waterways and Flood Water Management Team (address at the top of this letter).

This consultation will be of interest to:

- IDBs;
- landowners / farmers that pay drainage rates to IDBs, or would be liable for such charges;
- local authorities that pay special levies to IDBs, or would be liable for such charges;
- others (e.g. members of the public, non-governmental organisations, environmental groups, etc) with an interest in IDBs, water management, flood risk, etc.

We encourage you to share this consultation widely with other organisations and individuals who may be interested.

Confidentiality and data protection

The consultation process has been planned to adhere to the Consultation Principles issued by the Cabinet Office. These can be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the FOIA and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential.

If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

A summary of responses to the consultation will be published on the government website but will not include personal names, addresses or other contact details. An annex to the consultation summary will list all organisations that responded. Defra may also publish some or all of the content of your response to this consultation.

If you have any comments or complaints about the consultation process, please send by email to: consultation.coordinator@defra.gov.uk or by post to: Consultation Coordinator, 2nd floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX.

Thank you for your help in this matter. If you have any queries, please contact us as above.

Yours faithfully

Waterways and Flood Water Management Team
Department for Environment, Food and Rural Affairs