



10 DOWNING STREET

From the Private Secretary

2 January 1985

Dear Ivor,

Administration of Land Drainage, the Prevention  
of Flooding and Coast Protection - Issues of  
Ministerial Responsibility

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The Prime Minister was grateful for your Minister's minute of 20 December on the above. She would be content for the proposed transfers of Ministerial responsibility set out in that minute to be included in the forthcoming consultation document.

I am sending copies of this letter to John Ballard (Department of the Environment), Richard Mottram (Ministry of Defence), John Graham (Scottish Office), Colin Jones (Welsh Office), Richard Broadbent (Chief Secretary's Office), Paul Thomas (Chancellor of the Duchy of Lancaster's Office) and Richard Hatfield (Cabinet Office).

Yours ever,  
David

David Barclay

Ivor Llewelyn Esq  
Ministry of Agriculture, Fisheries and Food.



RITA admin

GENO 1



MINISTRY OF AGRICULTURE, FISHERIES AND FOOD  
WHITEHALL PLACE, LONDON SW1A 2HH

Note: RITA content

From the Minister

PRIME MINISTER

ADMINISTRATION OF LAND DRAINAGE, THE PREVENTION OF FLOODING, AND  
COAST PROTECTION - ISSUES OF MINISTERIAL RESPONSIBILITY

*ours*  
*2/1/85*  
*Yes - of me to*  
*consulted - document*  
*contains their*  
*proposals*  
*Agree to these*  
*transfers of Ministerial responsibility*  
*subject to the news on*  
*in about Amartya?*

*JD*  
*22/1/85*

When we set up an Interdepartmental Review on the financing and administration of land drainage, flood prevention and coast protection in England and Wales, we told Parliament that following the Review we would issue a consultation document. The Ministers directly concerned have agreed on the line to be followed in that document, and I am in the course of clearing a final text with them. I would be grateful for your agreement to include in the forthcoming paper four statements concerning matters of Ministerial responsibilities.

Coast Protection Act 1949

Confusion exists between the provisions of the Coast Protection Act 1949 (administered by DoE), relating to construction of works to protect land against erosion and encroachment from the sea, and the provisions of the Land Drainage Act 1976 (administered by MAFF), which cover the construction of works to protect land against tidal surges and flooding from the sea. The distinction between coastal erosion and sea defence in legal terms has become increasingly blurred in recent years and was further confused by a Court case in 1980. There is a strong suspicion that because of this blurring grant aid is being sought, by the local and water authorities responsible for these coastal works, under whichever Act provides the best rate of grant in their particular circumstances. The forthcoming consultation paper will suggest a new statutory definition embracing all coastal works; but this proposal can only be implemented following primary legislation, and will therefore take time to introduce. In the meantime it is proposed to transfer responsibility for the Coast Protection Act from the Secretary of State for the Environment to me. This transfer of functions from Environment to Agriculture would eliminate control of largely the same activities by two different Departments. There would be a transfer of one post from DoE to MAFF, together with funds currently amounting to about £11.5m a year.

*7*  
*immediate*

/Public Inquiries under ...



## Public Inquiries under the Land Drainage Act 1976

Consult | The consultation paper will say that the current arrangements should continue, whereby the Minister of Agriculture, Fisheries and Food has sole statutory responsibility in England to call public inquiries under the Land Drainage Act 1976. Inquiries under this Act may be called to investigate flood alleviation schemes proposed by drainage authorities. During the passage of the Water Act 1983, Parliament was told that further consideration would be given to whether the Secretary of State for the Environment should also have powers to call flood protection inquiries when environmental and conservation issues are at stake. Our conclusion is that no changes are necessary because, in calling inquiries, I act on behalf of the Government as a whole, after appropriate collective consideration. Both the Secretary of State and I also have responsibilities under the Wildlife and Countryside Act 1981 to further conservation and enhance the countryside, which ensure full consideration of these matters where they are involved.

## Responsibility for Land Drainage in Border Areas

Consult | Nicholas Edwards and I would like the consultation paper to state that our respective responsibilities for grant aid to Water Authorities and Internal Drainage Boards under the Land Drainage Act 1976 should be divided according to the boundary of the Welsh Water Authority rather than, as at present, on the basis of the geographical boundary between England and Wales. Water Authority areas are determined on hydrographic principles so that complete river systems are the entire responsibility of one Authority. The Welsh WA therefore extends into England to take in the lower reaches of the River Wye, and the Severn-Trent WA extends into Wales to include the catchment area of the River Severn. At present however grant-aided land drainage and flood prevention projects which straddle the England/Wales boundary have to be broken down into their English and Welsh components in order to conform with the separate financial responsibilities of the two Ministers concerned. The change Nick and I propose would result in much simpler administration. It would need a Transfer of Functions Order in due course. In view of the sensitivity of water issues in parts of Wales, we advise formal consultation on this point.

## Storm Tide Warning Service (STWS)

7 It is proposed that MAFF should have sole financial responsibility for the STWS, which warns of the occurrence of surge tides affecting the east and south coasts. At present, in addition to the costs MAFF incurs, the Minister of Defence incurs costs relating to naval hydrographers. There is currently no statutory provision for this expenditure. The change proposed would make for more efficient administration and would be introduced at the same time

/as legislation making ...



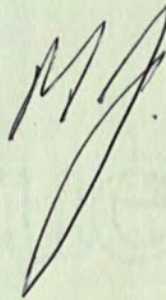
as legislation making statutory provision for the expenditure. No staff transfers would be involved but some budgetary changes would be necessary.

Subject to your agreement I plan to inform Parliament of these matters when announcing the issue of the Green Paper, probably in the Spring (I would clear the wording with you). The transfer of responsibility for the Coast Protection Act 1949 would be likely to take effect by Transfer of Function Order as soon as arrangements can be made. The other changes would be left until the necessary legislation was passed following discussion on the consultation document.

I am copying this to Patrick Jenkin, Peter Rees, Michael Heseltine, Nicholas Edwards, Grey Gowrie, George Younger and Sir Robert Armstrong.

NMTCs

MOD



M J  
20 December 1984