

Flood Risk Management Bill 2012
Third Reading approved

1. Mr Downie to move:

That the Flood Risk Management Bill 2012 be read a third time and do pass.

The President: The first Item on our Order Paper, Hon. Members, is the Third Reading of the Flood Risk Management Bill. I call on Mr Downie.

Mr Downie: Thank you, Madam President.

I am grateful to Hon. Members for their support during the First and Second Readings and for their contributions during the clauses stage. In moving this Third Reading, I propose to briefly summarise the purpose of the Bill

Madam President, the main aim of the Flood Risk Management Bill is to replace the Land Drainage Act 1934 with modern legislation, to enable a wide range of measures needed to reduce the likelihood and impact of flooding on the Island's community. It makes the Water and Sewerage Authority the flood risk management authority for the Isle of Man.

While recognising the continued importance of land drainage, the Bill empowers the Authority to manage the risk of flooding from all sources, including storm tide surges, surface water run-off and flooding from rivers and other watercourses.

The Bill carries forward and modernises a number of provisions from the Land Drainage Act. It will enable the Authority to maintain or improve existing flood protection works and watercourses and construct new works. It enables the Authority to designate work or watercourses that it considers to be of major importance in terms of flood risk management. The Bill empowers the Authority to make byelaws with the approval of Tynwald.

An important and entirely new provision enables the Authority to deal with any emergency flooding event on the Island and to enter into agreements or arrangements with other public bodies, including the emergency services, for them to respond to flooding incidents.

The Bill will also enable the Authority to carry out flood protection works on behalf of private landowners on a rechargeable basis or, if appropriate, to take over responsibility for private works.

Madam President, it is vitally important that the legislation is effective. The Authority will be empowered to take appropriate enforcement action backed by criminal law, but balanced by the right of appeal to a new Flood Risk Management Tribunal.

Flood risk management will become a material consideration for planning purposes, by imposing a requirement on the planners to consider the extent to which development may create a significant risk of flooding.

Finally, the Bill amends the Sewerage Act 1999 in two important respects. Firstly, unless the development has been granted planning permission, it enables the Authority to refuse consent for a connection between a private drain and a public sewer, where this would create an additional risk of flooding.

Secondly, there is an enabling provision for the Authority to introduce sewerage charges at some stage in the future, subject of course to the approval of Tynwald.

Madam President, I beg to move that the Flood Risk Management Bill be read for a third time and that this Bill do pass.

Mr Crowe: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Braidwood.

Mr Braidwood: Thank you, Madam President.

I am very supportive of the Bill, particularly how it has been illustrated by Mr Downie, through the flood risk management, serious flood risk and also with the watercourses, but also another point I think which is very important is the drainage on other land with landowners, which was between clauses 46 to 56, which would allow development of land and they would not be obstructed by a neighbouring property. I think that is a very important part of the Bill.

The President: The mover to reply.

Mr Downie: I would just like to thank my colleague, Mr Crowe, for seconding the Bill this morning as it has had its Third Reading.

I thank Mr Braidwood for his support for the Bill, with particular reference to clauses 46 to 56, landowners' drainage on other land. This is quite an important provision and I think, in general, it will be interesting to see when the regulations and the other things appertaining to the legislation come before us in another place.

I would just like to finally take this opportunity of thanking the Council for their support with this Bill and beg to move the Third Reading.

The President: The motion before you, Hon. Members, is that the Bill be read a third time and do pass. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.