**Consultation on proposals to introduce a statutory duty on Fire and Rescue Authorities (FRAs) in Wales to respond to Flooding and Other Water-Related Emergencies**

**Consultation response form**

The consultation seeks your views and any evidence relating to all aspects of the consultation document; in particular comments are welcomed on the key questions 1-9 listed below.

Please return this form to reach the Welsh Government no later than 22 December 2016.

If you have any questions, please email:

fire@wales.gsi.gov.uk

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| **Consultation on proposals to introduce a statutory duty on FRAs in Wales to respond to Flooding and Water-related Emergencies**  |
| **Date**  | 21 December 2016 |
| **Name**  | Jeremy Parr, Head of Flood & Incident Risk Management |
| **Organisation**  | Natural Resources Wales |
| **Address**  | Ty Cambria29 Newport RoadCardiffCF24 0TP |
| **Email address**  | Jeremy.Parr@cyfoethnaturiolcymru.gov.uk |
| **Telephone** | 0300 065 4389 |
| **Type***(please select one from the following)* | Individual |  |
| Business |  |
| Local Authority |  |
| Government agency/Other public sector body | **X** |
| Professional body/Interest group |  |
| Voluntary sector (community group, volunteer group, self-help group, cooperative, enterprise, religious group, not-for-profit organisation) |  |
| Other group not listed above |  |

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| **Q1.** | What are your views on the proposed definition of inland waters in Article 2 of the draft Order?  |
| **Comments:** The proposed definition has the advantage of being simple, pragmatic and readily applicable to many water bodies.However, it is not clear whether it covers all possible inland water bodies, for example:tidal reaches of riversall man-made watercourses and bodies of water (e.g. lagoons, irrigation storage lakes, flood storage reservoirs) including those that may not normally carry water but can do so under certain conditions (e.g. bypass channels used for flood alleviation purposes, reservoir dam spillways).We recommend the definition is amended so that it is clear it includes tidal reaches of rivers and all man-made watercourses and water bodies, not just canals, but with an explicit exclusion for swimming and paddling pools. We also recommend the definition is amended so it is clear that inland waters includes those which may not permanently contain water or not. If water is present it should be treated as an inland water regardless of how much it contains or for how long. This avoids the risk that artificial channels which can sometimes be dry are treated as outside of the FRA statutory duty. |

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| **Q2.** | Do you have any alternative proposals for a definition of ‘inland waters’?  |
| **Yes** | **X** | **No** |  |
| **Supporting Comments:** Consideration needs to be given to whether the definition should include tidal reaches of rivers (see response to Q1).Our view is that the definition should include tidal reaches. A simple approach for the Statutory Order could be for the definition to say “including tidal stretches of rivers”. However, for it to work in practice there will need to be a more detailed definition to ensure the geographic area of FRA responsibilities is clear, especially in relation to the responsibilities in coastal waters of other agencies. In deciding on a detailed definition which includes tidal reaches, consideration should be given to existing definitions, such as Normal Tidal Limits on Ordnance Survey maps and Maritime and Coastguard Agency definitions of coastal waters.A review involving organisations who respond around coastal waters may be needed before the Statutory Order is enacted, to ensure remits and responsibilities are clear for tidal waters and avoid potential issues or gaps in response within tidal reaches. |

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| **Q3.** | Do you have any views on the proposal to limit the duty to emergencies that cause or are likely to cause people to die, be seriously injured or become seriously ill, whether by direct exposure to water or because of other damage that flooding might cause?  |
| **Yes** | **X** | **No** |  |
| **Supporting Comments:** The current FRA policy is limited to the emergency phase of the incident.The recovery stage from an incident (especially severe flooding) is usually a multi-agency approach which Local Authorities lead on with appropriate advice from responding agencies. If the proposed Order was not limited to emergencies then FRAs would need to co-ordinate and assess a range of matters which other partner organisations already contribute to or lead on through the emergency planning and response framework underpinned by the Civil Contingencies Act 2004 (see response to Q6 below) or other supporting arrangements. It would create a statutory duty which would cut across and/or duplicate other emergency planning and response legislation. |

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| **Q4.** | Do you think that a duty to ‘make provision’ in respect of flood and inland water rescue should mirror the approach already in place for responding to fires and road traffic collisions?  |
| **Yes** | **X** | **No** |  |
| **Supporting Comments**: None. |

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| **Q5.** | Do you agree that there is no need to place a duty on FRAs to respond to flooding and water rescue emergencies across FRA boundaries as set out in Article 5 of the 2007 Order?  |
| **Yes** | **X** | **No** |  |
| **Supporting Comments:** We agree with the proposal. Local arrangements should ensure resources are shared when needed. However, we would recommend that national resilience measures include the definition for severe flooding response. This would ensure that the co-ordination of FRA assets (e.g. High Volume Pumps) is triggered at an early stage through the Fire and Rescue Authorities national deployment system.  |

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| **Q6.** | Do you agree that we should not include a duty to lead or co-ordinate the multi-agency response to flooding or water rescue incidents?  |
| **Yes** | **X** | **No** |  |
| **Supporting Comments:** The Civil Contingencies Act 2004 provides the statutory framework for multi-agency emergency planning and response for flooding and other incidents, delivered through the Wales Resilience Forum, 4 Local Resilience Fora (LRF) and other supporting groups.Furthermore, the Joint Emergency Services Interoperability Programme (JESIP) and Joint Decision Making (JDM) principles allow for a dynamic and flexible identification of lead responders for a range of incidents.We would expect the FRAs to remain a core part of Resilience Fora emergency planning at a national and local level which ensures the FRA response to flooding and other incidents is integrated and co-ordinated with that of other responders. |

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| **Q7.** | Do you have any other comments on the draft Order?  |
| **Comments:** None. |

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| **Q8.** | We do not believe that this policy affects opportunities for people to use Welsh or treats the language less favourably than English**,** or that it could be **re**formulated or revised to have positive effects**.** If you disagree, we **would** welcome your comments on this issue. |
| **Comments:** Agree. |

**Additional Comments**

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| **Q9.** | We have asked a number of questions, but are there any other issues you would like to raise in this area?  |
| **Comments:**Overall, Natural Resources Wales supports the proposal to introduce this statutory duty on the Fire and Rescue Authorities (FRAs) in Wales. We would be willing to review any further developments or amendments to the proposal and draft Order, especially in relation to the definition of an inland water. |

How to respond

Please submit your comments by email or post, to reach the Welsh Government by 22 December 2016.

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| **Email** |
| Please send the completed consultation response form to: fire@wales.gsi.gov.uk(Please include **‘Consultation Response - Statutory duty for FRAs to respond to Flooding and Water-related Emergencies’** in the subject line). |

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| **Post** |
| Please send the consultation form to:Lisa WaltersFire Services BranchWelsh GovernmentFirst Floor, NorthRhydycar Merthyr TydfilCF48 1UZ |

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| **Confidentiality — Responses to consultations may be made public on the internet or in a report** |
| Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please indicate here: |  |