

Defra Floods Casework Team  
Dept. of Environment, Food and Rural Affairs (Defra)  
Seacole Block  
3<sup>rd</sup> Floor, South West Quadrant,  
2 Marsham Street  
London SW1P 4DF  
Dear Sir/Madam

Re: Submission to Defra Floods Casework Team -Ref: Leigh FSA

**Objections and Comments.**

My name is Mr Alan Massey and my wife and I, Mrs Janet Massey, have resided in the same premises for 43 years and have extensive experience of the flooding that affects the area of our property and the Village of Penshurst.

**Objections to proposal**

We feel that this is a very poorly thought\_out plan based on theoretical reports rather than real life evidence. Highways have not been consulted and no local monitoring has been done. Given that the Eden and the Medway rivers meet in the village, we feel it would be one of the first places that monitoring should have been undertaken to determine flood levels. There is a natural barrier formed by the road between the two bridges and it seemed logical that there should have been monitoring both sides of the road to assess flood levels. This should have been done right back to 1976. To now claim that is caused by natural flooding, with no actual measurements just theoretical projections, is flawed.

**Personal Experience and Observations**

We own a warehouse and land that borders the backwater from the River Medway. In 1976 there was an easement that permitted an area of our land to be flooded. This easement is on record and there is an outline plan with regard to the flood area. At the time of our purchase we were informed of this easement which had already been signed and agreed by the existing owners. We were clear on this matter and were also in agreement with this permission to flood a small area of our land. During the course of our tenure this agreement has been consistently broken. There have been numerous floods, usually around two to three a year, and in extreme conditions, the agreed area has been exceeded extensively. Some of the facts quoted in the documentation, that has been presented, are incorrect. The document states that large areas of the upper Medway are subject to extensive flooding prior to the operation of the FSA. This can be seen when the fields around the village flood and the water is held back by the two bridges and the road connecting them. When the FSA is operated, water backs up, and on a number of occasions, the water flows over the road and meets the water backing up from the FSA. This is usually taking between one and two hours. At the point where the water is flowing over the road, the water then backs up almost to our warehouse and also floods our neighbours' buildings. **This is the condition that already exists under the existing level of 28.05m and clearly breeches the terms of the easement to only flood a smaller area of land.**

On the occasions when the terms of the easement have been broken, compensation has been paid by the appropriate authorities without any argument to our neighbours. To state that "Whilst the impounded FSA would have an influence upstream, the land would already be flooded and the influence would be proportionately small" is incorrect. Damage to our property has already been incurred by the existing flood barrier. Raising the flood barrier by .55m will almost certainly mean my warehouse would be flooded and serious damage will occur to the building and goods inside.

Given all of the above, the Environmental Agency has already demonstrated a lack of integrity. They are not seeking our permission to flood our land but are using the existing easement and a claim that it would already be flooded naturally, to obfuscate you. In the event that the Agency is allowed to higher the level, then I would need to make preparations for the inevitable flooding that would occur and therefore the buildings would need to be rebuilt in such a way that they were flood proof and that the goods inside would be protected. At the time of writing we have only had very loose discussions with regard to any compensation which we will seek. I feel that they are using the natural flooding as an excuse not to pay appropriate compensation.

#### **Impact on the Village**

On the wider issue of the impact to the Village as a result of the higher level, I am extremely concerned for the health and safety of both the Villagers and traffic through the village. The water flowing over the road between the two bridges caused a major incident this year with the toppling of a mobile crane. The rate of flow is such that eventually the police arrived to ensure that no further vehicles attempted to cross. It is only a matter of time before we see a vehicle swept downstream with all the horrors attached to that. By using the term natural flooding, is this a way of avoiding their moral responsibility?

This road is a major artery through the village and is used by the emergency service vehicles on a regular basis. There is a nursery at Well Place and a school in the village. The traffic through the village is substantial and we feel that there is a moral hazard here.

#### **Conclusion**

Notwithstanding our personal loss/damage to our property my major concern is that the road between the two bridges has not been properly considered and the problem resolved. There is a serious risk to life and surely this must be one of the major considerations before the plan goes forward.

I look forward to your comments.

Kind regards

Alan Massey