

PUBLIC INQUIRY

The Leigh Flood Storage Area(FSA): Increasing the height of the Storage Area

SUBMISSION by C M FINDLAY

Summary

I am a Chartered Engineer and a resident of Yalding. In principle I fully support the EA's proposal to increase the height of the storage area at Leigh . However I would urge the Inspector to address the EA's continual reluctance to consider the potential implications of the FSA , both positive and negative, for the downstream communities on the River Medway. The EA's Statement of Case only refers to the potential benefits for Hildenborough and Tonbridge; it does not consider the impact on the downstream communities such as Maidstone and Yalding as is required by the River Medway(Flood Relief) Act 1976.

If the Inspector is minded to Approve the Application then I would urge the Inspector to append a Condition that requires the EA to operate the FSA in a manner that takes full account of the impact on all communities downstream of the FSA.

This proposal represents a considerable investment of Public funds . The enhanced FSA must be utilised to the benefit of all communities on the River Medway downstream of the FSA, as was the intent of the 1976 Act.

RECENT HISTORT OF FLOODING

The most recent extreme flooding in the Medway /Beult/Teise catchments was in late December 2013. It is believed that at that time the decision to

commence impounding flood water at the Leigh FSA was taken with little regard for the river conditions downstream of Tonbridge and in particular at the settlements such as Yalding and the County town of Kent, Maidstone. Furthermore the decision making process relating to the release of flood water stored at the Leigh FSA was solely based on the “need” to ensure that minimum flooding occurred to properties in Tonbridge and Hildenborough and thereby NOT ensuring that the minimum number of properties were flooded in the overall Medway catchment. There is no doubt that this restricted operational decision was due, in part, to the lack of data on river conditions downstream of the Leigh FSA, but also as a result of the operators prime focus on the “need” to protect Tonbridge and Hildenborough irrespective of the wider downstream implications. The result of these flood conditions and actions was that the following number of homes were flooded in the various communities in December 2013. In total 938 properties were flooded including:

Tonbridge	86
Hildenborough	180
Collier Street	50
Yalding	263

(Source: EA’s Internal Report on 2013 Floods -Table 1.7)

Following the 2013 floods the Environment Agency(EA) have been asked to clarify the decision making process /Operating Procedures for the Leigh FSA and in particular how the operators are instructed to take account of downstream river and expected rain conditions. In response the EA have stated that their procedures are solely focused on minimising the impact of flooding in Tonbridge and Hildenborough.

“The Leigh operating procedures have never specified that we operate the Leigh FSA for the benefit of Yalding”

“.....The Leigh FSA remains operative to protect domestic and industrial properties in Hildenborough and Tonbridgewe do not use the Leigh FSA to specifically protect downstream communities”.(Correspondence from at the EA’s Regional Director.)

RIVER MEDWAY (FLOOD RELIEF) ACT1976

The Leigh FSA was established through the River Medway (Flood Relief) Act 1976. Inter alia, in Chapter xxii, with respect to flood relief, the Act states :

“and in particular of the land in the parishes of Tonbridge and Hildenborough in the District of Tonbridge and Malling in the County of Kent and further downstream” .

In the Act these areas are defined as “such land” and that the planned FSA could “substantially alleviate” flooding of “such land” . In other words , the “further downstream ‘ communities should be provided the same flooding protection from the FSA as Tonbridge and Hildenborough.

The Operating Procedures applied by the EA operators in the December 2013 floods would not appear to have considered these requirements , the result being that the downstream communities suffered many more flooded properties than should have been the case.

The EA commissioned consultants (H.R. Wallingford) to review their actions during the 2013 floods. One of the Consultants conclusions(sections 4.6 and 4.7) was that if more optimal procedures had been followed the water levels in the Yalding area would have been 40 cms lower(see table 4.2) ; clearly this would have resulted in significantly fewer properties being flooded. To date the EA have rejected the H R Wallingford suggestions on the grounds that to follow them would require perfect foreknowledge. This is not accepted.

THE ENHANCED LEIGH FSA.

In November 2018 the EA undertook a Public Consultation on the planned enhancement to the Leigh FSA, namely to increase its storage capacity. The following information was obtained from the EA’s officers at the consultation:

- The enhanced FSA should be operational by 2022.
- There are no plans to change the Operational Procedures ; the focus will continue to be on reducing flooding in properties in Tonbridge and Hildenborough
- There are no plans to utilise the FSA to reduce potential flood conditions downstream when the Medway is not itself posing potential flooding in Tonbridge and Hildenborough; the EA believe that utilising the FSA in such circumstances would provide minimal benefit to the downstream communities.

From the EA’s current Statement of Case it would appear that they intend to continue to be selective in addressing the objectives of the FSA ; in essence they will ignore the needs of many of the downstream communities . They

will continue to use the FSA to solely look after the needs of Tonbridge and Hildenborough.

CONCLUSION

Increasing the height of the storage area at the Leigh FSA represents a significant investment of Public Funds. It is essential that this enhanced facility is fully utilised for the benefit of all communities on the Rivers Medway downstream of the FSA and not simply to minimise flooding in Tonbridge and Hildenborough. The intent of the 1976 River Medway (Flood Relief) Act should be honoured.

To this end I would urge the Inspector to address this concern and if minded to grant permission , then a Condition should be attached to ensure the Leigh FSA delivers benefits for all downstream communities.

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