



River Medway (Flood Relief) Act 1976

Inquiry into the Environment Agency's revised Scheme for the Leigh Flood Storage Area

Proof of Evidence of Charles Richard Overs

Date: 26<sup>th</sup> March 2021

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## Appendix

Appendix showing details of contact with Specified and Additional Interests

## Glossary

The 1976 Act	River Medway (Flood Relief) Act 1976
Additional Interests	7 additional organisations that Defra wanted to be consulted on the Revised Scheme
Application	The Environment Agency's application for the Revised Scheme
FSA	Leigh flood storage area
Revised Scheme	The proposed variation to the Scheme
Scheme	The scheme approved under the 1976 Act which sets out key parameters of how the Leigh Flood Storage Area radial gates can be operated (see Appendix D of the Application)
Specified Interests	specified organisations and representatives specifically described under section 17(3)(d) of the 1976 Act

## **1. Personal Details and Introduction**

- 1.1. I am Charlie Richard Overs, an Associate in the firm of Dalcour Maclaren whose head office is located at Staples Farm, Weston on the Green, Bicester. The firm operates from 10 offices throughout England.
- 1.2. I am a member of the Royal Institution of Chartered Surveyors (RICS) having qualified in 2005 and hold a BSc (Hons) in Rural Enterprise and Land Management from Harper Adams Agricultural University. I have been employed with Dalcour Maclaren since 2016.
- 1.3. For the past 14 years my career has concentrated on access to land by the utility and infrastructure industries representing clients from within the public and private sectors.
- 1.4. My role within this project has been to engage with landowners to assist the Environment Agency in delivering the Revised Scheme through landowner consultation and negotiation.
- 1.5. I personally became involved in this project on 6<sup>th</sup> January 2021, taking over from my former colleague, Jonathan Young, who left Dalcour Maclaren. I have reviewed and familiarised myself with the consultation that had taken place prior to my involvement

## **2. Consultation under the 1976 Act**

- 2.1. The purpose of my evidence is to describe the consultation the Environment Agency has carried out under section 17(3)(d) of the 1976 Act (the 1976 Act) which places an obligation on the EA, before making a scheme, to consult with the Specified Interests.
- 2.2. I will set out details of the representations made including objections raised to the Revised Scheme.
- 2.3. I will also set out those Specified Interests who are subject to existing easements following construction of the Scheme, under agreements reached with Southern Water Authority

### **The Specified Interests**

- 2.4. The Specified Interests are identified in section 17(3)(d) of the 1976 Act as:

- Kent County Council
- Maidstone Borough Council
- Sevenoaks District Council
- Tonbridge and Malling Borough Council (formerly a district council)
- Tunbridge Wells Borough Council (formerly a district council)
- National Farmers Union
- Country Land and Business Association (formerly the Country Landowners Association)
- Network Rail (formerly British Railways Board), and
- Such other persons representative of interests likely to be substantially affected by the scheme as the Minister may direct.

2.5. As stated in Paragraph 8.1 of the Application, Defra has agreed with the Environment Agency's interpretation of the last category in paragraph 2.4 as being those persons owning a property within the Leigh flood storage area (FSA) or who have an easement with the Environment Agency negotiated under section 25 of the 1976 Act.

### **The Additional Interests**

2.6. Defra identified a further seven organisations (the Additional Interests) that it wanted to be consulted on the Revised Scheme, as follows:

- Southern Water Services Limited
- Natural England
- Upper Medway Internal Drainage Board
- Leigh Parish Council
- Parish councils within the FSA
- High Weald Area of Outstanding Natural Beauty
- Kent Wildlife Trust

2.7. Three parish councils represent parishes within the FSA, as follows:

- Penshurst Parish Council
- Leigh Parish Council
- Bidborough Parish Council

### **Representations of support and objections**

2.8. The following Specified and Additional Interests either support the Revised Scheme or have not objected and correspondence can be found in Appendix L of the Application:

- Kent County Council

- Maidstone Borough Council
- Tonbridge and Malling Borough Council
- Tunbridge Wells Borough Council
- Network Rail
- Sevenoaks District Council
- The Upper Medway Internal Drainage Board
- Natural England
- Southern Water Services Limited
- High Weald Area of Outstanding Natural Beauty

2.9. Of the Specified and Additional Interests, the following, as listed in paragraph 6.5 of the Environment Agency's statement of case, have objected and their objections can be found in Appendix 2 of the Environment Agency's statement of case:

- Country Landowners and Business Association
- Penshurst Parish Council
- Mr A & Mrs J L Massey
- Mr K E & Mrs J R Storey
- The Viscount De L'Isle, MBE, The Trustees of Penshurst Settled Lands Trust & The Executors of The Right Honourable William Philip Viscount De L'Isle VC KG
- Mr & Mrs M Hill
- Mr T Burraston & Ms G M Pallen
- Mr R & Mrs A Calvocoressi
- Mr J & Mrs K Thompson
- Mrs L Menard

2.10. The response of the Environment Agency to these objections can be found in Appendix 3 of the Environment Agency's statement of case and will be addressed in the evidence of Mr Tim Connell.

2.11. Following service of its statement of case the Environment Agency received another objection from the Leicester Arms, a property in Penshurst, to which it has responded and copies of both the objection and the Environment Agency's response are on the Inquiry's website.

## **Consultation Overview**

2.12. During 2019 and 2020, the Environment Agency contacted the Specified Interests to explain the proposal to increase the maximum level at which water may be retained in the FSA; how it will affect their property or the interests they represent; and inform them about the process to amend the scheme. I have set out in the Appendix, in the form of a consultation log, a summary of correspondence and meetings undertaken with them.

- 2.13. The Appendix shows that the Environment Agency engaged with the Specified Interests in November 2018, followed by a letter in May 2019 setting out the principles of the Revised Scheme and inviting the party to attend a meeting.
- 2.14. These letters were then followed up with a telephone call to encourage attendance of a meeting to discuss the Revised Scheme. 27 Interests attended meetings.
- 2.15. As part of the consultation, the Environment Agency offered meetings and briefings with the Specified Interests and a summary of the consultation can be found at Appendix L of the Application.

### **3. Existing Easements**

- 3.1. The compensation provisions of the 1976 Act continue to apply to protect the interests of landowners in the area and this is set out in section 5 of the Application.
- 3.2. Section 25 of the 1976 Act allows the Environment Agency to acquire an easement to flood land for a longer period than it would flood but for the exercise of the Environment Agency's powers under the 1976 Act.
- 3.3. The Southern Water Authority, a predecessor of the Environment Agency, acquired easements with various landowners. Appendix 5 of the Environment Agency's statement of case lists those agreements. Copies of the easements with those objectors who will appear at the Inquiry and with whom the Agency has entered into such easements, being Bridge House, the Yews, Colquhouns Cottage and Colquhouns are on the Inquiry's website.
- 3.4. Mr Storey claimed compensation from the Environment Agency arising from the flooding of his land in December 2013. I have read correspondence passing between Jonathan Young of Dalcour Maclaren and Mr Storey between 12th August 2018 and 10th December 2019. I note that Mr Storey accepted the Environment Agency's offer of compensation by way of an email to Jonathan Young dated 4th November 2019.



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Charlie Overs MRICS BSc (Hons)