

For the attention of the Inspector

River Medway (Flood Relief) Act 1976

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

As owners of a historic, listed property in the centre of Yalding that has flooded in the winters of 2013 14, 2019 20 and 2020 21, including on more than one occasion when the Leigh FSA was not used to impound water despite the EA's prediction of significant flooding at Yalding, but where Tonbridge was not deemed to be at risk,

and on behalf of the many other interested parties in other downstream communities in Kent besides Tonbridge and Hildenborough that are similarly affected by Medway flooding and the operation (and/or non operation) of the FSA,

we would like to express our support for the proposed expansion of the FSA but also to draw the Inspector's attention to the need to ensure that any revised Scheme approved is consistent with the principles of the River Medway (Flood Relief) Act 1976 – making explicit provision for the improved FSA to be operated for the express benefit of all downstream communities in Kent affected by flooding in the River Medway catchment that can be alleviated through use of the FSA, and not exclusively for the protection of Tonbridge and Hildenborough (with some protection provided indirectly to downstream communities, but only when Tonbridge is threatened), as is currently the case.

The current operating procedures, implemented by the EA under the present Scheme, misstate the aims of the River Medway (Flood Relief) Act 1976, to the substantial detriment of downstream communities. The text of the Act states clearly:

“[W]hereas during and after periods of heavy rainfall there is extensive flooding of the land adjacent to the river 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 (hereinafter in this Act referred to as ‘the county’) **and further downstream:**

“And whereas the flooding of such land could be substantially alleviated by controlling the flow of the river and by storing temporarily part of such flow in a flood storage area...” (emphasis added).

Yet, the EA's operating procedures wrongly attribute a materially different aim to the Act:

“The principals [sic] of operation of the Leigh FSA stated in the Medway Rivers Relief [sic] Act 1976 are:

- The structure is to be operated to reduce flood risk from the River Medway **to Tonbridge and Hildenborough only.**” (para 6.1, emphasis added)

This reinterpretation of the purpose of the FSA, which has seemingly come to be taken for granted by those responsible for its operation, contravenes the principles laid out in the Act,

with the consequences borne by communities bordering the River Medway as it flows downstream from Tonbridge – all too often in recent winters.

On more than one occasion in the last two winters significant flooding to properties, including ours, has occurred and/or been forecasted by the EA, with corresponding Flood Warnings issued, and yet the FSA has not been used to store water, though the flooding that ensued very likely could have been prevented or lessened through the use of the FSA to store water during the peak of these events. In communities like Yalding, every additional centimeter of water potentially represents the difference between properties being flooded or not. These flood events are stressful and time consuming and place considerable strain on public services and on the communities affected, in addition to the damages to property that they cause. The FSA could be used to mitigate them but current operating procedures prevent this. Because the flooding of downstream communities like Yalding is caused by the confluence of the River Medway with other rivers that flow into it downstream from Tonbridge (such as, at Yalding, the River Beult and River Teise, the levels of both of which are already monitored by the EA), depending on the distribution of rainfall, these communities will often be vulnerable to flooding even when Tonbridge is not, or when the rate of flow at the FSA is not sufficient in itself to trigger the FSA's operation. In such events a small, managed reduction in the flow of the Medway coinciding with the peak of these other rivers in the catchment would reduce levels in at risk downstream communities, thereby minimising or preventing flooding of them. Employing the FSA to reduce flooding during these events would not have any adverse impact on Tonbridge but would be of enormous benefit to downstream communities. Similarly, in particularly extreme flood events, the timing of anticipated peak levels on these tributary rivers needs to be made a primary consideration in the operation of the FSA, so as to coordinate the managed flows on the River Medway with predicted flows on rivers flowing into it as much as possible, in order to lessen the impact of these rivers' peaks on downstream communities and, moreover, not to exacerbate them inadvertently by operating the FSA according to procedures that only take account of the immediate risk to properties in Tonbridge.

A revised Scheme should only be approved insofar as it explicitly requires that the improved structure be used, in accordance with the stated aims of the 1976 Act, to benefit not only or primarily Tonbridge and Hildenborough but also all of the downstream 'land' in Kent that is affected acutely by Medway flooding and by the operation of the FSA – including those vulnerable communities like Yalding that are currently not being afforded the critical protection offered by the FSA when Tonbridge and Hildenborough are not specifically at risk.

Dr John Ackerman and Dr Robin Schuldenfrei



6 April 2021