

# A G E N D A

## PLANNING AND TRANSPORTATION CABINET ADVISORY BOARD

**Monday 11 November 2019 at 6.30 pm**  
**Committee Room A, Town Hall, Royal Tunbridge Wells, TN1 1RS**

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**Members:** Councillor McDermott (Chairman), Councillors Bland (Vice-Chairman), Backhouse, Hamilton, Lewis, Lidstone, Neve, Mrs Soyke, Stanyer and Willis

**Quorum:** 3 Members

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|----------|--|-----------------|
| <b>1</b> | <b>Chairman's Introduction</b><br>Announcement on procedural matters.  | (Pages 5 - 6)   |
| <b>2</b> | <b>Apologies</b><br>The receive any apologies for absence.   | (Pages 7 - 8)   |
| <b>3</b> | <b>Declarations of Interests</b><br>To receive any declarations of interest by members of the Council in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer before the meeting.              | (Pages 9 - 10)  |
| <b>4</b> | <b>Notification of Visiting Members Wishing to Speak</b><br>To note any members of the Council wishing to speak, of which due notice has been given in accordance with Council Meeting Procedure Rule 18, and which items they wish to speak on. | (Pages 11 - 12) |
| <b>5</b> | <b>Minutes of the meeting dated 19 August 2019</b><br>To approve the minutes of a previous meeting as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.  | (Pages 13 - 14) |
| <b>6</b> | <b>Work Programme as at 31 October 2019</b>  | (Pages 15 - 18) |
| <b>7</b> | <b>Leigh Flood Storage Area Expansion - Consultation on amendment to the River Medway (Flood Relief Act) 1976</b>  | (Pages 19 - 30) |

**8 Urgent Business**

(Pages 31 - 32)

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

**9 Date of the Next Meeting**

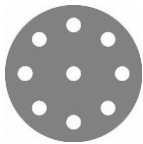
(Pages 33 - 34)

To note that the date of the next scheduled meeting is 13 January 2020, at 6.30pm in Committee Room A, Town Hall, Tunbridge Wells.

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**Cheryl Clark**  
**Democratic Services Officer**  
**Tel:** (01892) 554413  
**Email:** [Cheryl.Clark@TunbridgeWells.gov.uk](mailto:Cheryl.Clark@TunbridgeWells.gov.uk)

**Town Hall**  
**ROYAL TUNBRIDGE WELLS**  
**Kent TN1 1RS**



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### **Options that the Cabinet Advisory Board Can Consider**

The Cabinet Advisory Board is asked to consider each report and in each case come to a consensus and advise the Cabinet which one of the three options identified below it supports:

- 1) The Cabinet Advisory Board supports the recommendation(s) in the report.  
or
- 2) The Cabinet Advisory Board supports the recommendation(s) subject to the issues it has identified being taken into account by the Cabinet (any issues identified should be stated and recorded).  
or
- 3) The Cabinet Advisory Board does not support the recommendation(s) on at least one of the following grounds
  - 3.1 Inadequate consultation with stakeholders; and/or
  - 3.2 Inadequate evidence on which to base the decision; and/or
  - 3.3 Insufficient consideration of legal and financial information; and/or
  - 3.4 Another reason, as decided by the meeting of the Cabinet Advisory Board.

In each case the final Cabinet report will be amended to outline the option selected by the Cabinet Advisory Board and explain why this option was selected.

All visitors wishing to attend a public meeting at the Town Hall between the hours of **9.00am and 5.00pm** should report to reception via the side entrance in Monson Way. **After 5pm**, access will be via the front door on the corner of Crescent Road and Mount Pleasant Road, except for disabled access which will continue by use of an 'out of hours' button at the entrance in Monson Way

### **Notes on Procedure**

- (1) A list of background papers appears at the end of each report, where appropriate, pursuant to the Local Government Act 1972, section 100D(i).
- (2) Items marked \* will be the subject of recommendations by Cabinet to full Council; in the case of other items, Cabinet may make the decision, subject to call-in (Overview and Scrutiny Procedure Rule 12).
- (3) Members seeking factual information about agenda items are requested to contact the appropriate Service Manager prior to the meeting.
- (4) Members of the public and other stakeholders are required to register with the Democratic Services Officer if they wish to speak on an agenda item at a meeting. Places are limited to a maximum of four speakers per item. The deadline for registering to speak is 4.00 pm the last working day before the meeting. Each speaker will be given a maximum of 3 minutes to address the Committee.
- (5) All meetings are open to the public except where confidential or exempt information is being discussed. The agenda will identify whether any meeting or part of a meeting is not open to the public. Meeting rooms have a maximum public capacity as follows:  
Council Chamber: 100, Committee Room A: 20, Committee Room B: 10.
- (6) Please note that the public proceedings of this meeting will be recorded and made available for playback on the Tunbridge Wells Borough Council website. Any other third party may also record or film meetings, unless exempt or confidential information is being considered, but are requested as a courtesy to others to give notice of this to the Democratic Services Officer before the meeting. The Council is not liable for any third party recordings.

Further details are available on the website ([www.tunbridgewells.gov.uk](http://www.tunbridgewells.gov.uk)) or from Democratic Services.

**If you require this information in another format, please contact us, call 01892 526121 or email [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk)**

**Accessibility into and within the Town Hall** – There is a wheelchair accessible lift by the main staircase, giving access to the first floor where the committee rooms are situated. There are a few steps leading to the Council Chamber itself but there is a platform chairlift in the foyer.

**Hearing Loop System** – The Council Chamber and Committee Rooms A and B have been equipped with hearing induction loop systems. The Council Chamber also has a fully equipped audio-visual system.

<b>Planning and Transportation Cabinet Advisory Board</b>	<b>11 November 2019</b>
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## **Chairman's Introduction**

**Procedural Item:**

Announcement on procedural matters.

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## **Planning and Transportation 11 November 2019 Cabinet Advisory Board**

### **Apologies for Absence**

#### **Procedural Item:**

To receive any apologies for absence.

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## **Planning and Transportation    11 November 2019 Cabinet Advisory Board**

### **Declarations of Interest**

#### **Procedural Item:**

To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.

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## **Planning and Transportation    11 November 2019 Cabinet Advisory Board**

### **Notification of Visiting Members wishing to speak**

#### **Procedural Item:**

To note any members of the Council wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18, and which item(s) they wish to speak on.

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## PLANNING AND TRANSPORTATION CABINET ADVISORY BOARD

Monday, 19 August 2019

**Present: Councillor McDermott (Chairman)**  
**Councillors Backhouse, Dr Basu, Hamilton, Lewis, Lidstone, Neve, Mrs Soyke, Stanyer and Willis**

**Officers in Attendance:** Cheryl Clark (Democratic Services Officer) and David Scully (Landscape and Biodiversity Officer)

**Other Members in Attendance:** Councillor Ellis

### CHAIRMAN'S INTRODUCTION

PT19/19      The Chairman opened the meeting and outlined procedural matters of the meeting.

### APOLOGIES

PT20/19      Subsequent to the meeting, it was ascertained that apologies had been sent to the Chairman by Councillor Bland.

### DECLARATIONS OF INTERESTS

PT21/19      No declarations of interest were made.

### NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

PT22/19      There were no Visiting Members who had registered to speak at the meeting.

### MINUTES OF THE MEETING DATED 5 AUGUST 2019

PT23/19      Members had the opportunity to review the minutes.

**RESOLVED** – That the minutes of the meeting dated 5 August 2019 be approved as a correct record.

### WORK PROGRAMME AS AT 24 JULY 2019

PT24/19      The Chairman advised that the Forward Plan had been re-published on 14 August 2019. He also advised that Councillor Lidstone had identified that the consultation period relating to the Cabinet Decision on 15 August had been incorrectly shown and should have read September/October. The Chairman confirmed that the decision on 15 August was however made on the correct basis.

**RESOLVED** – That the Work Programme be noted on the amended basis.

### NET GAIN FOR BIODIVERSITY IN THE BOROUGH

PT25/19      Mr David Scully, Landscape and Biodiversity Officer, introduced and summarised the contents of the report. Members of the Committee had the opportunity to ask questions and discussed matters including:

- Interim measures and longer term policy;

- The government provided DEFRA Biodiversity Metric;
- Resources to monitor and oversee the Council's proposed policy including use of consultants;
- Application of conditions to planning permission;
- Risks that offsets would not reflect the true impact of a loss;
- Control or restriction of pesticides not being within the remit of planning conditions;
- Definitions of native species; and
- Engagement of key partners and stakeholders such as the Kent High Weald Partnership, Kent Wildlife Trust and the Woodland Trust.

The Chairman thanked Mr Scully for providing such an informative report and for the provision of further member presentations in the future. The options for reporting the Advisory Board's recommendations were referred to on page 3 and the officer recommendations to Cabinet on page 17 of the agenda report.

## **RESOLVED –**

That the Cabinet Advisory Board support the recommendations in the report.

## **URGENT BUSINESS**

PT26/19      There was no urgent business for consideration.

## **DATE OF THE NEXT MEETING**

PT27/19      **RESOLVED** – That the next meeting take place on 30 September 2019, at 6.30pm,

## **NOTES:**

1. An audio recording of the full proceedings of this meeting is available on the relevant Cabinet Advisory Board page of the Tunbridge Wells Borough Council website.
2. The meeting concluded at 7.10 pm.

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# FORWARD PLAN

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[www.tunbridgewells.gov.uk/forwardplan](http://www.tunbridgewells.gov.uk/forwardplan)



## Notice of Key Decisions / Notice of Private Meetings

Pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

This Plan gives at least 28 days notice if the Cabinet of Tunbridge Wells Borough Council intends to make a key decision<sup>1</sup> or make a decision in private<sup>2</sup>. Other decisions by the executive are also included on the Plan wherever possible.

Relevant documents can be downloaded from the Council's website or are available on request from: Democratic Services, Town Hall, Royal Tunbridge Wells, TN1 1RS or [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk). Documents may be submitted to the decision maker via Democratic Services.

If it is necessary to hold a meeting in private, the reasons for this are stated alongside the decision. These reasons are prescribed by Schedule 12A of the Local Government Act 1972 (as amended) and summarised at the back of this Plan.

Representations against the intention to make a decision in private can be submitted in writing to Democratic Services no less than ten working days before the meeting date.

If the Council is unable to give 28 days notice, it will publish the reasons for this on its website and at its offices.

A handwritten signature in black ink, appearing to read 'Alan McDermott'.

**Councillor Alan McDermott**  
**Leader of the Council**

**Publication Date: 31 October 2019**

The most recent version of the Plan supersedes all previously issued versions  
Guidance notes are provided at the back of this document

## Members of the Cabinet and their respective portfolios

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### **Councillor Alan McDermott** **Leader of the Council**

- Planning Policy
- Development Management
- Heritage and Conservation
- Planning Enforcement
- Land Charges
- Building Control
- Parking (on and off-street)
- Transportation

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### **Councillor Jane March** **Culture, Leisure and Economic Development**

- Culture, Leisure and the Arts
- Economic Development and Tourism
- Assembly Hall Theatre
- Museum and Art Gallery
- Events (including Ice Rink)
- Parks and Grounds Maintenance
- Sports and Leisure Centres
- Community Grants
- Customer Access and Gateway
- Cemeteries and Crematorium
- Business Engagement

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### **Councillor Tom Dawlings** **Finance and Governance**

- Finance
- Operational Partnerships (including Mid Kent Services)
- Revenues and Benefits
- Fraud and Debt Recovery
- Internal Audit
- Legal Services
- ICT / Digital Transformation / Cyber Security
- Project and Programme Management
- Performance Management
- Data Protection
- Democratic Services
- Human Resources (including Learning and Development)

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### **Councillor David Scott** **Property, Major Projects and Strategic Engagement**

- Major Projects
- Property and Estates
- Facilities
- Communications
- Strategic Policy and Engagement

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### **Councillor Carol Mackonochie** **Communities and Wellbeing**

- Housing (including Private Sector and Housing Needs)
- Health
- Community Centres and Hubs
- TN2 and The Camden Centre
- Community Partnerships
- Assets of Community Value
- Community Safety and CCTV
- Rural Communities
- Younger and Older People
- Equalities and Equal Access

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### **Councillor Matthew Bailey** **Sustainability**

- Recycling and Waste Collection
- Street Cleansing and Littering
- Fly Tipping and Abandoned Vehicles
- Environmental Protection
- Environmental Health
- Food Hygiene and Health & Safety Standards in businesses
- Corporate Health and Safety
- Licensing
- Sustainability
- Drainage and Flooding



## Leader of the Council – Councillor McDermott

Date of decision/ Decision maker	Full Council	Advisory Board	Report Title, Summary and Ward	Consultation Details	Relevant Officer	Key? <sup>1</sup>	Private? <sup>2</sup>
05/12/19 Cabinet		11/11/19 Planning and Transportation Cabinet Advisory Board	<b>Leigh Expansion and Hildenborough embankment scheme - Consultation on an amendment to the River Medway (Flood Relief) Act 1976</b> This report provides Members with information on a consultation being undertaken by the Environment Agency on an amendment to the River Medway (Flood Relief) Act 1976 that is required in order to deliver the Leigh Expansion and Hildenborough Embankment Scheme. The scheme affects a small area of land within Tunbridge Wells Borough, within the parish of Bidborough. It is recommended that the amendments are supported in light of the benefits that the scheme will deliver to residents and businesses in Tonbridge and Hildenborough. <i>(Speldhurst &amp; Bidborough)</i>	The relevant Cabinet Advisory Board will be consulted.	Sharon Evans, Principal Planning Policy Officer	No	Open
06/02/20 Cabinet		13/01/20 Planning and Transportation Cabinet Advisory Board	<b>Revised JTB Agreement</b> To consider a proposed revised JTB agreement governing the Joint Transportation Board. <i>(All Wards)</i>	JTB on 15 April 2019 and 14 October 2019. The relevant Cabinet Advisory Board will be consulted.	Mark O'Callaghan, Scrutiny and Engagement Officer	No	Open

## Guidance Notes

### Note 1: KEY DECISIONS

A “key decision” means a decision which is to be taken by the executive of the Council which is likely to:

- (a) result in the Council incurring expenditure which is, or the making of savings which are over £250,000 as well as otherwise being significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough of Tunbridge Wells.

### Note 2: REASONS A MEETING MAY BE HELD IN PRIVATE

In accordance with section 100A(4) of the Local Government Act 1972 (as amended), the public may be excluded from a meeting on the grounds that it may involve the disclosure of exempt information as defined in Schedule 12A of the Act. The exemption must be by virtue of one or more specified paragraphs which are shown on the meeting agenda (giving 5 days notice) and, in the case of the Cabinet, on the Forward Plan (giving 28 days notice). The exemptions are summarised as follows:

Paragraph (1) - Information relating to any individual.

#### QUALIFICATIONS:

Paragraph (2) - Information which is likely to reveal the identity of an individual.

(8) Information falling within paragraph (3) above is not exempt information by virtue of that paragraph if it is required to be registered under –

Paragraph (3) - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

Paragraph (4) - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

(9) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph (5) - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph (6) - Information which reveals that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

(10) Information which –

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Paragraph (7) - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## Planning and Transportation Cabinet Advisory Board

**11 November 2019**

Is the final decision on the recommendations in this report to be made at this meeting?	<b>No</b>
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## Leigh Flood Storage Area Expansion – Consultation on amendment to the River Medway (Flood Relief Act) 1976

<b>Final Decision-Maker</b>	Cabinet
<b>Portfolio Holder(s)</b>	Councillor Alan McDermott – Portfolio Holder for Planning and Transportation
<b>Lead Director</b>	Lee Colyer – Director of Finance Policy and Development
<b>Head of Service</b>	Stephen Baughen – Head of Planning
<b>Lead Officer/Author</b>	Sharon Evans – Principal Planning Policy Officer
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	Speldhurst & Bidborough

### **This report makes the following recommendations to the final decision-maker:**

1. That the content of the report be noted; and
2. Subject to any comments that the Advisory Board wish to make, that the proposed amendments set out by the Environment Agency in section 2 of this report be supported.

### **Explain how this report relates to the Corporate Priorities in the Five Year Plan:**

The Planning Policy Team within the Council work collaboratively with the Environment Agency on the impact of any future development proposals and any impacts that they might have on the Council's corporate priorities. Working jointly with neighbouring authorities is also a legal requirement under the 'Duty to Cooperate' mechanism found within the Localism Act 2011.

There are no specific impacts of the proposals on the Corporate Priorities in the Council's Five Year Plan.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Agreed for publication by Portfolio Holder	1 November 2019
Agreed for publication by Head of Service	1 November 2019

# Agenda Item 7

Management Board	23 October 2019
Cabinet Advisory Board	11 November 2019
Cabinet	5 December 2019
Council	N/A
Other committee(s)	N/A

Tunbridge Wells Committee Report, version: March 2019

## **Leigh Flood Storage Area Expansion – Consultation on amendment to the River Medway (Flood Relief Act) 1976**

### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1. This report provides Members with information on a consultation being undertaken by the Environment Agency on a proposed change to the stored water level in the Leigh Flood Storage Area which is governed by the River Medway (Flood Relief) Act 1976. This will increase the capacity of the storage area in order to reduce flood risk to residents and businesses in Tonbridge and Hildenborough.
2. The scheme affects a small area of land within the Tunbridge Wells Borough, within the parish of Bidborough.

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### **2. INTRODUCTION AND BACKGROUND**

1. Following the very significant and damaging flooding events that took place in 2013/14, considerable work has been undertaken by the Environment Agency, in partnership with other bodies/stakeholders to pursue robust flood mitigation solutions for the future. Tunbridge Wells Borough Council has been involved in the Medway Flood Partnership, which has secured funding through the Local Growth Fund Round 3 grant funding via the South East Local Enterprise Partnership.
2. The Environment Agency has made considerable progress towards the implementation of the Leigh Expansion and Hildenborough Embankment Scheme, which will increase the capacity of the Flood Storage Area and reduce the risk to a greater number of homes and businesses in Tonbridge and Hildenborough. However, in order to deliver the scheme, an amendment to the River Medway (Flood Relief) Act 1976 is required.

#### The River Medway (Flood Relief) Act 1976

3. Under the River Medway (Flood Relief) Act 1976 sits a short document known as the 'Scheme' which sets the maximum level to which water can be stored. Under the Scheme, the Environment Agency can store water to 28.05m Above Ordnance Datum Newlyn (AODN). This means above mean sea level at Newlyn, Cornwall, which is used as the benchmark for Great Britain.
4. At the time of original construction of the Flood Storage Area (FSA), landowners who owned land within the boundary of the FSA were paid a single compensation payment, and the area affected by the FSA was described in the

land registry deeds for the property. This noted that the area within the boundary could be flooded to any depth and for any duration required.

5. In order to reduce the risk to more homes and businesses, the Environment Agency are planning to increase the stored water level to 28.6m AODN (increasing the capacity of the FSA by 24%), and as such this will require an amendment to the maximum water level set out in the Act.
6. In order to achieve this amendment, the Environment Agency are required to undertake a number of key stages;
  - Contact key organisations as described in the Act, all landowners within the current flood storage area and anyone who will be brought into the flood storage area through its expansion to explain the proposals and seek their views. Where required, meetings will be arranged to discuss and answer any questions. The Environment Agency has met with senior officers of Tunbridge Wells Borough Council in Planning Services: at this meeting Officers emphasised to the Environment Agency the need to consult with Bidborough Parish Council and landowners.
  - Before submitting a proposed amended 'Scheme' to the Ministry of Environment, Food and Rural Affairs for approval, the Environment Agency will supply a copy of it to those described above and notify them of the date on which they plan to submit to the Ministry for approval. The Environment Agency will then write to the Ministry with the proposal.
  - The Ministry will refrain from making a decision for one month. If in that time there are no objections, the Ministry can take a decision on whether to approve the 'Scheme'. If there are objections which cannot be resolved, an Inquiry or Hearing will be held to review the evidence and make a recommendation to the Minister, who will then make the decision.
7. The Environment Agency has informed the Ministry of their intent to submit a revised scheme and are consulting with specified interests in 2019 with a view to submitting the revised scheme later this year/early 2020.
8. The Environment Agency has also confirmed that with regard to the impact of the expansion on areas downstream, expanding the FSA will allow more water to be stored upstream which will reduce the likelihood of flooding downstream. The operating procedures will stay the same so downstream communities will not see a change in how the FSA functions. The Environment Agency models the impact of proposed schemes and cannot progress with any works that will increase flood risk to others. This scheme has passed that assessment.
9. A briefing note has been prepared by the Environment Agency and is attached at **Appendix A**.
10. A map showing the area affected is attached at **Appendix B**.

## **3. AVAILABLE OPTIONS**

Option 1: Support the amendment proposed by the Environment Agency to the River Medway (Flood Relief) Act 1976 that is required in order to deliver the Leigh Expansion and Hildenborough Embankment Scheme.

1. As summarised in this report, the proposed amendments to the River Medway (Flood Relief Act) Act 1976 required in order to deliver the above scheme, will enable the increased storage of flood water in order to reduce the risk to more homes and businesses in the neighbouring authority of Tonbridge and Malling, in particular for homes in Tonbridge and Hildenborough.

Option 2: Do not support the amendment proposed by the Environment Agency to the River Medway (Flood Relief) Act 1976 that is required in order to deliver the Leigh Expansion and Hildenborough Embankment Scheme.

2. As, above, the Environment Agency has carried out considerable work to bring forward the proposals for the amended scheme in partnership with Tonbridge and Malling Borough Council and other stakeholders and funding arrangements are in place to fund the scheme.

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## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

1. The preferred option is Option 1: that Tunbridge Wells Borough Council supports the proposed amendment to the River Medway (Flood Relief) Act 1976 in order to deliver the Leigh Expansion and Hildenborough Embankment Scheme as set out in the above report.
2. To not support the amendment to the Act at this time would jeopardise the scheme being delivered by the Environment Agency in a timely way and may have implications for the current funding position. Ultimately, it may have implications for the delivery of flood storage measures, and the flood risk to neighbouring settlements.

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## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

1. As referred to above, the Environment Agency is carrying out consultation with affected bodies including Tunbridge Wells Borough Council and Bidborough Parish Council.

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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 This report will be taken to the Council's Cabinet meeting on 5 December 2019.

## 7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Legal</b> including Human Rights Act	There are no legal implications to the Council as a result of the proposals.	Jo Smith Lawyer (Planning) Mid Kent Legal Services
<b>Finance</b> and other resources	There are no financial implications to the Council of the proposals contained within the report.	Sharon Evans Principal Planning Policy Officer 31 October 2019
<b>Staffing establishment</b>	There are no staffing implications as a result of the proposals.	Sharon Evans Principal Planning Policy Officer 31 October 2019
<b>Risk Management</b>	There are no implications to the Borough Council in terms of risk management. The Environment Agency is responsible for the delivery of the proposals (in partnership with Tonbridge and Malling Borough Council) and has ensured that the relevant risk management measures are in place.	Sharon Evans Principal Planning Policy Officer 31 October 2019
<b>Data Protection</b>	There are no data protection implications identified as a result of the proposals.	Ingrid Weatherup Corporate Governance Officer 31 October 2019
<b>Environment and Sustainability</b>	<p>The proposals are being put forward by the Environment Agency, in part to ensure resilience to future climate change impacts and possible impacts on flood risk.</p> <p>The Environment Agency as the statutory body will oversee the proposals and ensure that no adverse impacts will result to the environment as a result of the proposals.</p>	Sharon Evans Principal Planning Policy Officer 31 October 2019
<b>Community Safety</b>	The proposals will help to ensure that the risk of flooding is reduced in the neighbouring borough of Tonbridge and Malling.	Sharon Evans Principal Planning Policy Officer 31 October 2019



<b>Health and Safety</b>	The proposals will help to ensure that the risk of flooding is reduced in the neighbouring borough of Tonbridge and Malling.	Sharon Evans Principal Planning Policy Officer 31 October 2019
<b>Health and Wellbeing</b>	The proposals will help to ensure that the risk of flooding is reduced in the neighbouring borough of Tonbridge and Malling.	Sharon Evans Principal Planning Policy Officer 31 October 2019
<b>Equalities</b>	There are no equalities impacts as a result of the proposals.	Ingrid Weatherup Corporate Governance Officer 31 October 2019

## 8 REPORT APPENDICES

The following documents are to be published with and form part of the report:

- **Appendix A:** Environment Agency Briefing Note on Leigh Expansion and Hildenborough embankment scheme
- **Appendix B:** Map of affected area

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# Leigh expansion and Hildenborough embankment scheme

## Consultation on an amendment to the River Medway (Flood Relief) Act 1976

### Summary

The Environment Agency is consulting on a proposed change to the stored water level in the Leigh Flood Storage Area which is governed by the Medway (Flood Relief) Act 1976 (MFRA). Increasing the capacity of the storage area will reduce flood risk to a further 230 homes, more than 1,400 in total.

A Scheme appended to the MFRA details (amongst other information) the maximum impoundment level within the Leigh Flood Storage area, currently 28.05m AODN. The Environment Agency manage and operate the Leigh Flood Storage Area within the parameters of the Scheme.

The Environment Agency are leading a partnership project to increase the capacity of the Leigh Flood Storage Area by raising the maximum impoundment level to 28.60m AODN.

The Environment Agency are consulting landowners and organisations on the proposed changes to the Scheme prior to the submission of a revised Scheme to Defra and the Minister for approval.

### Background

In 1982, the then-Southern Water Authority finished constructing the Leigh Flood Storage Area (FSA) to reduce the risk of flooding to approximately 1,200 homes and businesses in Tonbridge and Hildenborough. The FSA works to store the peak of a flood upstream and release it in a controlled manner once the peak has passed.

Climate change will increase the risk of flooding in the coming years so the Environment Agency is working with Kent County Council and Tonbridge and Malling Borough Council on a project to increase the capacity of the Leigh FSA to reduce the risk to more homes and businesses in Tonbridge and Hildenborough.

### The River Medway (Flood Relief) Act 1976

The operation of the existing FSA is governed by the River Medway (Flood Relief) Act 1976. Under this Act sits a short document known as the 'Scheme' which sets out the maximum level to which water can be stored. Under the Scheme, the Environment Agency can store water to 28.05m Above Ordnance Datum Newlyn (AODN) as measured at the structure. This means above mean sea level at Newlyn, Cornwall, which is used as the benchmark for Great Britain.

At the time of construction, landowners who owned land within the boundary of the FSA were paid a single compensation payment, and the area affected by the FSA was

described in the land registry deeds for the property. This noted that the area within the boundary could be flooded to any depth and for any duration required.

In order to reduce the risk to more homes and businesses, the Environment Agency are planning to increase the stored water level to 28.6m AODN as measured at the control structure. This will increase the capacity by 24%, and will require an amendment to the maximum water level set out in the scheme.

In order to achieve this amendment, the Environment Agency are required to undertake a number of key stages:

- Contact key organisations as described in the Act, all landowners within the current flood storage area and anyone who will be brought into the flood storage area through its expansion to explain the proposals and seek their views. Where required, meetings will be arranged to discuss and answer any questions.
- Before submitting a proposed amended 'scheme' to the Minister, the Environment Agency will supply a copy of it to those described above and notify them of the date on which they plan to submit to the Minister for approval. The Environment Agency will then write to the Minister with the proposal.
- The Minister will then refrain from making a decision for one month. If in that time there are no objections, the Minister can then take a decision on whether to approve the 'scheme'. If there are objections which cannot be resolved, an Inquiry or Hearing will be held to review the evidence and make a recommendation to the Minister, who will then make their decision.

The Environment Agency have informed Defra of their intent to submit a revised Scheme and are consulting with specified interests in 2019 with a view to submitting the revised scheme later this year.

## Implications

Although the FSA is being expanded, due to the landscape, most of the extra capacity will be gained closest to the control structure where we will store water up to 55cm deeper than now. Approximately 16.4 hectares of extra land around the edge of the flood storage area will be needed as part of the expanded scheme but this will allow the FSA to hold 24% more water.

The agreements to flood land within the existing FSA remain unchanged and no further compensation is due as the original compensation was made for the lifetime of the FSA.

Any land outside of the current FSA boundary (as stipulated within the Act) but which is brought into the FSA as a result of the expansion may be eligible for compensation for any damage. This can be discussed in more detail at meetings with landowners.

The Environment Agency are keen to work with landowners and organisations impacted by this change to understand any concerns as early as possible. As a result, the Environment Agency are consulting all affected landowners and organisations on the proposed changes to the Scheme prior to the submission of a revised Scheme to Defra and the Minister for approval.

## Autumn 2019



Key:

- Local Authority Boundary
- Current extent of flooding with impounding at 28.05m Above Ordnance Datum
- Modelled extent of flood outline if impounded level increases to 28.60m Above Ordnance Datum

Notes

Coordinate System: British National Grid  
Projection: Transverse Mercator  
Datum: OSGB 1936

Signed:

Date:

Location:  
River Medway, Penshurst to Leigh, Kent.

Coords: 554,251 144,600

Scheme Name:  
Leigh FSA & Hildenborough Embankment

Drawing Name:  
Local Authority Boundaries Information Plan

Drawing No: 173054\_PLN\_INFO\_97.1

Rev	Date	Description
-	04.10.2019	First Issue

Drawn:	PR
Approved:	JY
Sheet No:	1 of 1
Sheet Size:	A2



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**Tonbridge and Malling Borough Council**

**Sevenoaks District Council**

**Tunbridge Wells Borough Council**

Upstream extent of modelled risk of flooding under three Leigh Flood Storage Area operational scenarios

Inset Plan 1 0 45 90 180 Metres Scale: 1:2,500

Inset Plan 2 0 65 130 260 Metres Scale: 1:2,500

Site Plan 0 450 900 1,800 2,700 3,600 4,500 Metres Scale: 1:10,000



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## **Planning and Transportation    11 November 2019 Cabinet Advisory Board**

### **Urgent Business**

#### **Procedural Item:**

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

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## **Planning and Transportation    11 November 2019 Cabinet Advisory Board**

### **Date of Next Meeting**

#### **Procedural Item:**

To note that the date of the next scheduled meeting is Monday 13 January 2020 at 6.30pm.

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