

# 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

**customer service line**      **03708 506 506**

**incident hotline**              **0800 80 70 60**

**floodline**                      **03459 88 11 88**

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