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**THE ENVIRONMENT AGENCY’S PLAN TO STOP ITS FLOOD RISK MANAGEMENT ACTIVITIES BETWEEN PALLINGHAM WEIR AND PULBOROUGH IN THE ARUN VALLEY, WEST SUSSEX**

**FREQUENTLY ASKED QUESTIONS**

**OUR PLAN**

We are planning to have stopped all our flood risk management (FRM) activities in the Arun Valley between Pallingham Weir and Pulborough by the end of 2021. We refer to this area as Strategy Unit 1 or SU1 ([See Map 1](Maps/Arun_SU1.jpg)).

Between now and when we stop our activities, we will advise landowners and other affected parties how they can prepare for the changes.

We invite you to respond to our consultation on a reasonable notice period by completing the 'online survey'.

This plan is separate to the proposed abolition of the River Arun Internal Drainage District (IDD) currently being considered by the Secretary of State for the Environment.

**WHO MIGHT BE AFFECTED BY OUR PLAN AND HOW**

Owners or tenants of land bordering the River Arun (known as riparian landowners or tenants) are the main people who will be affected by our plans.

This is because we will no longer inspect the riverbanks or structures or inform landowners or tenants of any issues they may need to address or undertake any maintenance ourselves. The landowners or tenants can decide whether to undertake these activities themselves. <https://www.gov.uk/guidance/owning-a-watercourse>.

As we currently do little flood risk management (FRM) work in Strategy Unit 1 (SU1), other people will be largely unaffected by us stopping our FRM activities, particularly if riparian landowners and tenants chose to continue them.

If riparian landowners do not continue our activities, other landowners and tenants, residential and business property owners and those who work in or visit SU1 for business or leisure could be affected by more frequent flooding of agricultural land and properties.

**WILL THERE BE ANY EFFECT ON THE ENVIRONMENT?**

The River Arun channel in Strategy Unit 1 (SU1) is environmentally designated as a Site of Special Scientific Interest (SSSI). Further downstream there are also SSSIs at Pulborough Brooks, Waltham Brooks and Amberley Wildbrooks. These sites are internationally designated as the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

We will carry out an assessment of any possible impacts stopping our flood risk management (FRM) activities could have on the SSSI and the Arun Valley sites and implement appropriate mitigation measures agreed with Natural England.

**WHO ELSE MIGHT HAVE AN INTEREST IN OUR PLAN**

Organisations and individuals that have responsibilities within Strategy Unit 1 (SU1) and may have an interest in our plan are:

Councils (county, district and parish) covering SU1

The South Downs National Park Authority

Natural England

The National Farmers Union (NFU)

The Country Land and Business Association (CLA)

The Department for Environment, Food and Rural Affairs (Defra)

The Southern Regional Flood and Coastal Committee (SRFCC)

The Arun Valley Vision Group (AVVG)

Land and property owners or tenants elsewhere in the Arun Valley

**WHY WE WANT TO STOP OUR FLOOD RISK MANAGEMENT (FRM ACTIVITIES) IN SU1**

Following extensive technical studies and consultation, we published our Lower Tidal River Arun Strategy (LTRAS) in 2014. LTRAS sets out how flood risk should be managed in the Lower Arun Valley between Pallingham Weir and Littlehampton for the next 100 years.

LTRAS split the area into 7 strategy units (SUs), each having specific recommendations of how to manage the flood risk in that area ([see Map 2](Maps/LTRAS%20strategy%20units.png)). For Strategy Unit 1 (SU1), LTRAS found that it was uneconomic to continue our current FRM activities as there are so few houses at risk of flooding. At that time, LTRAS recommended that we should agree a timescale with landowners to stop our FRM maintenance activities and expected this to be within 2 years (ie by 2016).

**HOW WE ARE PLANNING TO STOP OUR FLOOD RISK MANAGEMENT (FRM) ACTIVITIES IN STRATEGY UNIT 1 (SU1)**

The principles we adopt when stopping maintenance activities are summarised at <https://www.gov.uk/guidance/flood-and-sea-defences-when-maintenance-stops> . Further details are given below.

At the request of Nick Herbert MP, we put our plans to stop our FRM activities on hold in 2016. This allowed time for the Arun Valley Vision Group (AVVG), a collaboration of interested parties, to develop a Vision for what the community wants for the Arun Valley. In 2019 the Group published its report - A Vision for the Arun Valley (available at <https://www.avvg.co.uk/>) - recommending that adaptive management should be adopted as the agreed way forward for the management of the Valley. The Vision also asked that we work with affected farmers, landowners and the NFU to help them determine how, individually and collectively they wish to operate following the implementation of the Lower Tidal River Arun Strategy (LTRAS). This is in line with our commitment in LTRAS and our published principles for stopping maintenance of FRM assets <https://www.gov.uk/guidance/flood-and-sea-defences-when-maintenance-stops> .

We are now planning to stop our flood risk management activities in SU1 by the end of 2021.

Between now and when we stop our activities we will advise landowners and other affected parties how they can prepare for the changes and how they can protect themselves, as recommended in LTRAS and the Vision. See Table 1.

**Table 1 – proposed SU1 work and engagement programme 2019-2022**

|  |  |
| --- | --- |
|  | SU1 |
| 2019 | No change to current FRM activities  Engage all landowners/tenants and other interested parties in our plan to stop FRM activities by the end of 2021 and determining notice period(s)  Undertake any necessary environmental assessments and agree any mitigation measures with Natural England |
| 2020 | No change to current FRM activities.  Complete any necessary environmental assessments and agree any mitigation measures with Natural England  Implement any measures agreed with Natural England to mitigate any risk to the environment  Continue to work with landowners/tenants and affected parties to resolve issues before the end of the notice period.  Secure Natural England’s assent to stopping our FRM activities  Serve formal notice of stopping all FRM activities in SU1 |
| 2021 | All notice periods elapsed. No further FRM activities |

**THE PURPOSE OF THE NOTICE PERIOD**

The notice period commences with our issuing formal notice of the date when we will stop our activities. The purpose of the notice period is to allow landowners and other affected parties to put in place any reasonable management arrangements they feel necessary to adapt to the changes, before we stop our flood risk management (FRM) activities, such as applying for and obtaining any necessary consents or permissions <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> .

The notice period also allows time for landowners and affected parties to challenge our decision on the length of the notice period and for us to consider and respond to those challenges.

**HOW MUCH NOTICE YOU’LL GET**

You’ll usually get at least 6 months’ notice. More notice is given when appropriate. We will continue our flood risk management activities throughout the notice period.

Under exceptional circumstances, we can’t provide reasonable notice, eg if an embankment or structure unexpectedly fails and it’s uneconomic to repair. In this situation, you may be given the opportunity to carry out repairs yourself, as long as you have the necessary approvals and permits. You’ll need to maintain the embankment or structure after you’ve repaired it.

**WHAT DO WE MEAN BY FLOOD RISK MANAGEMENT (FRM) ACTIVITIES**

In this context FRM activities are:

* inspections of riverbanks and FRM structures to inform programming of maintenance, refurbishment or replacement
* maintenance (including vegetation management), refurbishment and replacement of riverbanks and FRM structures
* public safety and health and safety inspections of FRM structures (including works required)
* removal of fallen trees and blockages in the channel that could cause flood risk.

Environmental permitting and incident response are unaffected by these changes.

**CURRENT FLOOD RISK MANAGEMENT (FRM) ACTIVITIES IN STRATEGY UNIT 1 (SU1)**

We remove fallen trees and blockages in the channel that could increase flood risk and clear any vegetation that builds up at Stopham Bridge which may restrict river flow. We also:

* inspect all riverbanks and FRM structures
* maintain one outfall
* carry out public safety and health and safety inspections of the outfall we maintain and one privately maintained outfall on a public footpath
* refer any concerns identified during inspections for all other riverbanks and FRM structures to riparian landowners/tenants for their action
* refer any concerns with regard to flood risk caused by 6 bridges and one aqueduct built on the riverbanks to West Sussex County Council or Southern Water Services Limited respectively for their action.

See [Map 1](Maps/Arun_SU1.jpg).

These activities, along with those carried out by riparian landowners and tenants to keep the river and outfalls clear, help provide protection against flooding to two residential and business properties and 250ha of agricultural land in SU1.

**REQUIREMENT FOR ENVIRONMENTAL PERMITS**

Although we may be stopping our flood risk management (FRM) activities we still have responsibilities as a regulator. We use environmental permits (formerly flood defence consents) to regulate activities:

* on or near a main river
* on or near a flood defence structure
* in a flood plain
* on or near a sea defence.

Anyone operating without the correct permit is breaking the law.

Landowners, either individually or in partnership, should check whether they require a permit for any activity they intend to carryout in the above locations before commencing work<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits#activities-that-do-not-need-permission-before-you-start-work>.

Not all activities require a permit and it is unlikely that a permit will be required to continue any of the FRM activities we currently carryout in Strategy Unit 1 (SU1). To avoid unnecessary applications, please contact us at [Teresa.Willway@environment-agency.gov.uk](mailto:Teresa.Willway@environment-agency.gov.uk) or on 03708 506 506 mentioning ‘SU1 Consultation’ before completing any application for consent to continue our FRM activities when we stop.

**WHAT COULD HAPPEN WHEN WE STOP OUR FLOOD RISK MANAGEMENT (FRM) ACTIVITIES IN STRATEGY UNIT 1 (SU1)**

If riparian landowners or tenants do not continue our activities, over time, the condition of the riverbanks will deteriorate and outfalls could occasionally become blocked. This, together with anticipated effects of climate change, may mean that 4 residential and business properties and 250ha of agricultural land may be flooded more frequently in the future.

**WHAT IS THE CURRENT CONDITION OF THE RIVERBANKS AND STRUCTURES AND WHAT CONDITION WILL THEY BE IN WHEN WE STOP OUR ACTIVITIES**

All riverbanks and structures were last inspected in March 2016 when they were all found to be in a ‘Fair’ condition. This means that whilst they may have defects which could reduce their performance, they are performing to the standard required of them.

We will carry out a joint inspection with landowners and tenants if requested before we stop out activities. The next inspections are scheduled for March 2021. We will record and share the condition of the riverbanks and structures with the riparian landowners. We will ensure the outfall we currently maintain is in a ‘Fair’ condition before stopping our flood risk management (FRM) activities. We will pass recommendations on remedial action needed to restore any other riverbanks or structures to ‘Fair’ condition to the riparian landowners or tenants.

**WHAT LAND AND WHICH PROPERTIES MAY BE FLOODED MORE FREQUENTLY IN THE FUTURE**

With anticipated effects of climate change and if riparian landowners or tenants do not continue our activities, the Lower Tidal River Arun Strategy (LTRAS) estimated that 250ha of agricultural land and 4 residential and business properties may be flooded more frequently in the future.

The 250ha of land is that within the boundaries of Strategy Unit 1 (SU1) ([see Map 1](Maps/Arun_SU1.jpg)). The boundary is based upon the land our flood risk models show as currently at risk from a one in one hundred year flood event. You can look more closely at the land within this boundary at <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map> .

The estimate of properties at risk was made using a strategic hydraulic model which did not identify the local flood risk to specific individual properties.

As we learn more about riparian landowners’ plans for future maintenance of the riverbanks and structures, we will identify any specific properties that may be at a greater risk of flooding in the future. We expect this to be less than 4. At that time we will contact those property owners affected.

In the meantime, all property owners can find out whether their properties are at risk of flooding at <https://flood-warning-information.service.gov.uk/long-term-flood-risk> and how to protect themselves from flooding at <https://www.gov.uk/prepare-for-flooding/future-flooding> .

**OWNERSHIP OF FLOOD RISK MANAGEMENT (FRM) STRUCTURES**

FRM structures are owned by the landowner on whose land they are built. We do not own any of the riverbanks or FRM structures in Strategy Unit 1 (SU1).

We are writing to all landowners who we believe have, and therefore own, FRM structures on their land. However, landowners should confirm for themselves that they do own the land beneath the structures by referring to the Land Registry Official Copy of Register of Title or their deeds.

As the bed of the River Arun in SU1 is owned by the Duke of Norfolk, he may own the structures or the elements of structures on the bed and landowners/tenants should contact the Norfolk Estates if they have any concerns about those structures/elements.

**OPTIONS FOR RIPARIAN LANDOWNERS/TENANTS**

Riparian landowners or tenants living next to the River Arun are responsible for maintaining the riverbanks and not causing obstruction to flow.

There are several options open to riparian landowners/tenants and affected parties when we stop our activities. These include:

* maintaining the riverbanks and structures themselves
* setting up a community partnership or neighbourly arrangement with others who benefit from it
* doing nothing, or removing the structure and accepting that your risk of flooding may increase
* changing land use, eg creating a wildlife habitat
* a combination of these options.

Further details are given at <https://www.gov.uk/guidance/flood-and-sea-defences-when-maintenance-stops>.

**WHAT WE CAN DO TO HELP LANDOWNERS AND AFFECTED PARTIES**

We are happy to discuss and offer practical advice to:

* riparian landowners and tenants in Strategy Unit 1 (SU1) on their options,
* property owners on how they can protect themselves from future flooding <https://www.gov.uk/prepare-for-flooding/future-flooding> .
* other affected parties

However, it is for them to decide what they do next and what action to take.

**HOW WE ARE INVOLVING THOSE AFFECTED OR INTERESTED**

We are writing directly to all riparian landowners and tenants (as per the HM Land Registry) and owners of properties that could be at a greater risk of flooding when we stop our flood risk management (FRM) activities, explaining our plan and how they might be affected. We will offer to discuss and provide practical advice on their options.

We have also briefed local councils and representative bodies including the National Farmers Union (NFU) and the Country Landowners and Business Association (CLA) who represent some landowners and tenants.

We will keep information on Citizen Space up to date and accessible.

**WHAT WE WILL DO AFTER THE INITIAL CONSULTATION**

We will consider all representations received.

We will publish a summary document of the consultation within 12 weeks.

We will continue to work with those affected to ensure plans are in place to resolve outstanding issues before or during the notice period.

We will issue all riparian landowners/tenants with a formal letter giving notice of the date after which our flood risk management (FRM) activities will stop and inform other interested parties.

**WHAT ABOUT OTHER AREAS OF THE ARUN VALLEY?**

In urban areas, the Lower Tidal River Arun Strategy (LTRAS) recommends seeking funding from government and other sources to maintain or enhance assets (such as raised riverbanks, outfalls and sluices) to manage increased flood risk from climate change.

In some rural areas like SU1 (between Pallingham Weir to Pulborough) and SU4 (between Houghton and Arundel) – see [Maps 2](Maps/LTRAS%20strategy%20units.png) and [3](Maps/Arun_SU4.jpg), LTRAS found that it was uneconomic to continue our current flood risk management (FRM) activities. At that time, LTRAS recommended that we should agree a timescale with landowners to stop our FRM maintenance activities and expected this to be within 2 years (ie by 2016).

We put our plans to stop our FRM activities in SU1 and SU4 on hold until January 2019 whilst the Arun Valley Vision Group prepared and published its Vision of what the community wants for the Valley. [www.AVVG.co.uk](http://www.AVVG.co.uk)

We are now planning to stop our FRM activities in SU1 by the end of 2021.

For SU4 our plan is to incrementally reduce our FRM activities from our current level of service to no FRM activities in SU4 by 2022.

**FURTHER INFORMATION**

If you have any further questions, please email the Project Manager at [Teresa.Willway@environment-agency.gov.uk](mailto:LTRAS@environment-agency.gov.uk) or call 03708 506 506 mentioning ‘SU1 Consultation’.

**HOW WE WILL RESPOND TO YOUR QUESTIONS**

We will respond to all questions either by phone or email within 10 working days.

Where requested, we will:

* undertake joint visual inspections of flood defences and structures with riparian landowners or tenants
* meet with other affected parties
* arrange joint meetings/workshops or demonstrations to discuss shared areas of concern.

**September 2019**