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FAO Dr Therese Coffey MP
DEFRA
Area 3C
Nobel House
17 Smith Square
London
SW1P 3JR

Our Ref:

Date: 3rd April 2017

Dear Dr Coffey

Reference LDC 2505

Proposed Abolition of the River Arun Drainage District

We represent a number of landowners and organisations in the Arun Valley and write requesting that you put the Arun IDD process in to abeyance and order a Public Inquiry into EA's handling of this matter.

EA's actions and proposals in connection with the abolition of the Arun IDD do not reflect the situation locally, are legally untested and procedurally unsound and the Scheme is not concluded. EA's proposals are not cost effective, are unfair and undermine locally generated attempts to ensure that a replacement IDB is formed to take on essential future responsibilities, management and IDB asset ownership.

EA's performance has been so extremely poor that to list all problems and issues would be too time consuming but to give a flavour of the problems that have been incurred through this process, EA have:

- Conflated their roles as IDB and EA without any distinction re work programmes and finances.
- Raised funds through IDB powers (levy and precept) without proper accountability for how that money was spent. Note - there was and continues to be no practical internal financial separation of EA's function as an IDB from other functions.
- Misleadingly represented IDB abolition as a statutory requirement until challenged on this.

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- Consistently misrepresented riparian responsibilities and IDB asset ownership.
- Withheld relevant information from interested parties.
- Misrepresented the position of other organisations such as Natural England, objectors and local authorities.
- Apparently misled Defra, yourself and previous Ministers.
- Presented the views and opinions of EA staff opinion as if it were legal fact.
- Undermined local community efforts and the Arun Vision Project which was set up to try and resolve many of the issues created by EA and their planned abolition of the IDD (including undermining the recently formed Arun Vision Project's aim of creating a replacement body to take over EA's functions after abolition).
- Reneged upon previous commitments and assurances from themselves (EA), Defra and previous Ministers.
- Threatened prosecution on adjacent landowners that if they do not take on current EA responsibilities.
- Sought to remove the only established source of local funding for essential ongoing land drainage requirements (levy and precept through the IDB).
- Sought to force ownership of IDB pumps, sluices etc upon riparian landowners where these are known through threats to remove, partially remove to make non-functional, abandon and consequently flood adjacent lands – a form of forced labour and an infringement to property rights.
- Sought to try and reverse decades of established local mutual understanding through attempting to re-interpret relevant legislation. EA accept that their position is untested in law.
- Used statutory powers of access to carry out works and then sought to pass on all future responsibilities and liabilities created to adjacent landowners.
- Reneged upon commitments to ensure that all structures and IDB maintained ditches are functioning and performing to the standard required of them.
- Proceeded to misleadingly advise Defra and yourself that all necessary assents and agreements are in place to allow for the second stage of abolition to commence. No such agreements are in place.
- Boasted that local EA staff (Mr Robinson and Mrs Willway) were in effect producing the responses to the many concerns that have been raised locally with Defra etc. – i.e. circumventing proper accountability and proper procedure.

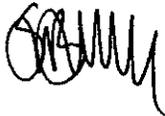
We have great concerns that Defra and yourself have been routinely misled by EA in the same way as landowners and other interested parties in the Arun Valley have throughout this process and would suggest that you ought to see, discuss and understand the issues first-hand prior to making any further decisions regarding the abolition of the Arun IDB.

In terms of options for a practical way forward, there is only one option that appears to meet everyone's requirements (including EA). That is to create an appropriately formed and empowered local replacement IDB through the Arun Vision Project to replace EA's current essential IDB functions and to allow for the seamless transfer of IDB assets, work programmes and responsibilities.

This would necessarily require a delay in abolition of the EA IDB to enable such a new body to be formed. This proposal has been repeatedly put forward by interested parties in the Arun Valley since late 2015 but ignored by EA until the 11th hour.

Ministerial backing for this locally generated approach would be very gratefully received and any EA or Defra funding that could be provided to ensure that the new local IDB is formed as soon as possible would also be of great assistance to the local communities and stakeholders involved.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Breasley', written over a circular stamp or mark.

Simon Breasley
Managing Director

DEFRA
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