

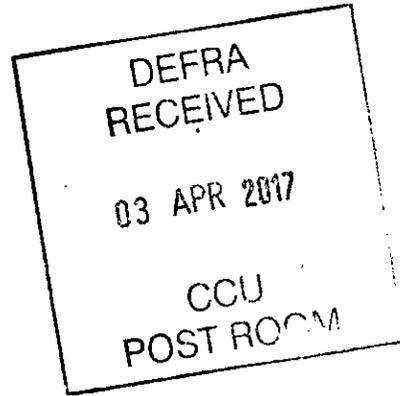


THE RT HON NICK HERBERT CBE MP

MEMBER OF PARLIAMENT FOR ARUNDEL & SOUTH DOWNS

HOUSE OF COMMONS
LONDON SW1A 0AA

Dr Therese Coffey MP
Parliamentary Under Secretary of State
Department for Environment, Food and
Rural Affairs
Nobel House
17 Smith Square
London
SW1P 3JR



30 March 2017

Dear Therese

I enclose a copy of a letter I have received from my constituent Robert Tedbury of Hårdham in West Sussex concerning the abolition process of the Arun Internal Drainage Board.

As you know from our meeting, I share Mr Tedbury's concerns. I did suggest to you that the abolition of the IDB was postponed so that it could be considered in the round by the Arun Vision project. I felt that this made sense, and I am somewhat disappointed that the process of abolition was triggered regardless. Perhaps it would still be possible to suspend this to allow the Arun Vision project to consider it? I am very pleased that we have successfully set up this stakeholder group, in which the Environment Agency is playing a key role, and it is well placed to look at the issues.

In any case, I should be grateful if you would formally lodge Mr Tedbury's objections and let me have sight of any response you send to him on this matter.

I have approved this letter personally but signed electronically.

With kind regards.

Yours sincerely

NICK HERBERT

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Fold View, Church Farm, Hardham
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FAO Dr Therese Coffey MP

Parliamentary Under Secretary of State

DEFRA

Nobel House

17 Smith Square

London

SW1P 3JR

24th March 2017

Dear Dr Coffey

Re: Proposed Abolition of the Arun IDB

Ref: LDC 2505

I write to you in follow up to a meeting with EA staff on 22nd March 2017, the draft notice of abolition in the London Gazette of 6th March 2017 and your letter to The Rt Hon Nick Herbert MP dated 15th February 2017 in which you state you have agreed to proceed to the second stage of the abolition process for the Arun Internal Drainage Board. You state in that letter that EA has been working closely with local parties in order to address local concerns.

These local concerns have most certainly not been addressed and the work and agreement with local parties required to conclude the Scheme of Abolition (as set out to us by Carol Tidmarsh, Defra in July 2016) has not yet occurred and no agreements have yet been reached. We feel that the abolition process has been badly handled by EA and that you have been serially misinformed.

I am a cattle breeder and beef producer farming 340 acres at Church Farm, Hardham in the Arun Valley. IDB pumping stations are positioned at 2 locations on my land – at Greatham and at Hardham. These pumps drain a wide catchment of higher land on our side of the River Arun and through powers deriving from unintended consequences of water company privatisation also deal with commercial waste water from Southern Water's pumping station and treatment works at Hardham and their associated settling reservoir. Southern Water currently make only a very small token contribution to these costs via a precept to the IDB (EA). Following abolition of the IDB Southern Water will have no requirement at all to make any financial contribution to the costs of dealing with their commercial waste water. Continued IDB pumping also protects adjacent protected designated wildlife sites such as Waltham Brooks SSSI.

Locally, we understand that EA will pull out of the direct ownership and management of the IDB but we feel that this is currently being done in the most unhelpful way possible by EA. It appears that both EA and Defra have reneged upon, or are in the process of reneging upon, a series of previous

commitments, including the wording of the Draft Abolition Order and that EA are both acting unlawfully and are also knowingly misinforming DEFRA about the situation locally.

One of your predecessors, Mr Owen Paterson MP made a written commitment to Arun District Council in May 2014 that management of the Arun Drainage District would be transferred to an equivalent body in local ownership and that there would be flexibility in the transfer of responsibilities and IDB assets. No such body is in place and the recently formed Arun Vision Project which has an objective of delivering a new local IDB has seemingly been undermined by Defra and EA's recent actions.

Surely the Arun Vision Project should be allowed to run its course and a replacement body be formed so that IDB responsibilities and assets can then be simply transferred. EA's current policy is basically one of abandonment and such a hiatus is short-sighted at best. Without a replacement body in place the only mechanism for raising funds for essential IDB works (via precept and levy) is lost at the point of abolition.

The draft Arun IDB Abolition Order from August 2015 states the following regarding the transfer of property and assets at point 6 – *"For avoidance of doubt, as from the commencement date, all property is transferred to and vested in the Environment Agency absolutely (from the IDB) and the scheme operates as conclusive evidence of such transfer and vesting without the necessity of any further assignments, conveyance or deed of transfer"*. The Order is clear that IDB assets such as the IDB pumps and structures on my land will be transferred to EA at abolition of the IDB.

EA locally however has subsequently proposed that they will abandon or remove essential IDB drainage and flood protection infrastructure such as the Greatham and Hardham pumps if I do not agree to take these on personally along with all associated liabilities, costs and risks in perpetuity. EA have even suggested that the IDB pumps and structures do not belong to EA and have always belonged to me since they were put in place under various Land Drainage Act powers. The Hardham and Greatham pumps are no more my property than the public roads, telegraph poles and electricity pylons that also sit on my farm, the risks are uninsurable and the costs and loss of income would make my farm business untenable and bring me and my family in to financial ruin.

This is a wholly unacceptable situation to me and many of the other landowners in the valley who find themselves to be in the same unfortunate position of having IDB property and assets on their land. Such IDB property and assets benefit a wide catchment area but if the pumps are removed or abandoned the first land to flood would be mine. EA are seeking to use this position to try and enforce that I (and others like me) personally take on current IDB responsibilities. This loosely veiled blackmail is nothing short of forced labour and an infringement to my human rights to property. EA accept that their actions are unsupported by statute or case law and is open to legal challenge.

Previous EA commitments to restore all IDB assets so that they are performing to the standard required of them prior to abolition have also been reneged upon and abandonment of IDB property has already commenced elsewhere in the valley – the IDB structures on Robert Ayling's land at Houghton for example.

EA's actions and proposals in connection with the proposed abolition of the Arun IDB do not reflect the situation locally, are legally untested and procedurally unsound, are not in the best interests of local communities, do not represent the most cost effective solution, are unfair and undermine locally generated attempts to ensure that a replacement IDB is created to take on future ownership, management and responsibilities.

Please can I urge you to review this situation, see sense and:

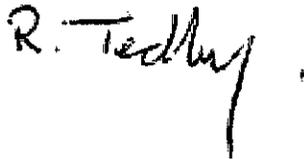
- 1) **Order a Public Inquiry in to the proposals and actions of EA in connection with the proposed Arun IDD abolition, or**
- 2) **Put the Arun IDB abolition process in to abeyance until the Arun Vision Project has properly run its course and a new local replacement body for the IDB has been formed.**

This will ensure that future funding of essential IDB works throughout the catchment can continue to be funded and that IDB property and assets such as pumping stations can be transferred properly and without hiatus to this new body.

- 3) **In the context of the above, could I also extend an invitation to you and your advisers to visit my farm and see these issues first-hand before any further decisions are taken regarding the abolition of the Arun IDB at Ministerial level.**

Thank you very much

Yours sincerely



Robert Tedbury

cc Rt Hon Nick Herbert