

## **Abolition of River Arun Internal Drainage District Order 2017**

### **Pre Inquiry Meeting on Wednesday 13 December 2017**

at Wick Hall, 76 Wick Street, Littlehampton

#### Inspector's Note of the Meeting

##### Introduction

1. The Inspector appointed to hold the public inquiry is Clive Nield, BSc(Hon), C.Eng, C.WEM, MICE, MCIWEM, an Inspector with the Planning Inspectorate. He also introduced Graham Groom, the Programme Officer for the inquiry, whose role is to act as the point of contact for all parties and to administer all documents submitted for it. If anyone has any queries they should address them to Mr Groom (grahamgroom@personaassociates.co.uk).

2. The Inspector explained that the purpose of the PIM was to deal with administrative matters and procedures for the public inquiry and that no evidence would be heard.

3. All parties intending to take part in the public inquiry then introduced themselves:

Environment Agency: William Upton, Barrister; Peter Bilbrough, Lawyer; Teresa Willway, IDD Project Manager; Alex Cutler, Flood and Coastal Risk Management Senior Adviser; Janet Reid, Admin Support.

Sussex Wildlife Trust: Matthew Boyer, Solicitor; Jane Wilmott.

RSPB: Julie Balaan, Casework Officer.

CLA: Tim Banford.

NFU: Tom Ormesher, Environment and Land Use Adviser, NFU South East.

Thyme Consultants Ltd: Simon Breasley, representing several landowners in the northern part of the IDD.

Arundel Town Council: Derek Waller.

The Norfolk Estate & The Angmering Park Estate: Peter Knight.

Arun Valley Vision Group: Gill Farquharson, Co-Chair.

West Sussex Biodiversity Project: Adrian Waller, Director (also Chairman of Arun Landowners Group).

Local residents: Mr & Mrs G J Scotcher.

Farmers: Paul Strudwick, Robert Tedbury, Mark Dallyn.

### Scope of Inquiry and Procedures

4. The purpose of the public inquiry is to consider the Environment Agency's proposals for the abolition of the River Arun IDD and the objections to those proposals. Defra received 15 No. objections in response to advertisement of the proposals in March 2017, and on 11 October 2017 a formal Notice of Intention to hold a public inquiry was issued. As there are no procedure rules for such an inquiry, it is proposed to follow the spirit of The Compulsory Purchase (Inquiries Procedure) Rules 2007. These provide guidance on the procedures before and during the public inquiry, though the Inspector has powers to vary them as appropriate, particularly to ensure fairness to all parties.
5. The Inspector briefly outlined the procedure he expected to follow at the public inquiry:
  - The EA is to present its case first, its barrister providing a short introductory statement followed by evidence from several witnesses. Each witness will first present their evidence (known as evidence in chief), then be subject to questions (cross examination) by any of the objectors who wish to ask questions, and finally be re-examined by the barrister on any matters raised in those questions.
  - Then each objector in turn will present their evidence and be subject to questions (cross examination) by the EA's barrister.
  - If new matters have been raised, the EA will have the opportunity to recall its relevant witness(es) if it wishes to respond to that evidence. That may take place after each objector's evidence or after all objectors have presented their evidence.
  - As suggested at the PIM, there will then be a discussion about the possibility of transition arrangements being made so that the IDD would continue but under the management of a new IDB (Internal Drainage Board) rather than by the EA.
  - The inquiry will close with an opportunity for the EA to make a closing statement summarising its case as it stands at the end of the inquiry. If appropriate, the Inspector will also give the main objectors an opportunity to make a similar short closing statement (before the EA).

## Main Issues

6. The Minister has issued a Statement of Matters on which she particularly wishes to be informed, dated October 2017, which (apart from several details) appears to be quite comprehensive. 6 Matters are detailed, summarised as:

Matter 1: implications for the EA of continuing to manage the IDD;

Matter 2: effects on local flood risk;

Matter 3: implications of the proposed abolition of the IDD for local interested parties;

Matter 4: likely environmental impacts of abolishing the IDD;

Matter 5: sufficiency of the measures proposed by the EA for mitigating any adverse impacts of the abolition of the IDD.

Matter 6: consequences of the proposed abolition on future management of the watercourses and pumping stations within the IDD.

7. Several points of detail seem to have been omitted from the list of matters, and it is considered that these should also be covered in the evidence:
- Natural England is to be included as an "interested party" in Matter 3;
  - protected species and habitats outside designated sites are also to be included as "likely environmental impacts" in Matter 4; and
  - Pulborough Brooks SSSI is to be included in the list of protected sites subject to consideration of mitigation measures against adverse impacts in Matter 5.

## Documentation and Timetable before the Inquiry

8. Statements of Case have been received from: Environment Agency; The Norfolk Estate and The Angmering Park Estate; RSPB; Arundel Town Council; NFU; Sussex Wildlife Trust; CLA; Arun Valley Vision Group; and Robert Ayling. Mr Breasley is to submit his by 20 December 2017. These and all other documents may be viewed on the Programme Officer's website: <http://river-arun.persona-pi.com>.
9. Each witness at the public inquiry is to produce a detailed Statement of Evidence (sometimes referred to as Proof of Evidence) which comprehensively covers everything they intend to say. If that Statement is more than 1500 words long a shorter summary should also be

produced. Statements of Evidence are not usually read out in full at the inquiry; they are taken as read. Summaries are often read, though it is sometimes more appropriate to simply read out the most important parts.

10. Statements of Evidence may be accompanied by detailed Appendices, particularly where reference is made to extracts from large documents or reports. If several witnesses are referring to the same source document, it may be advantageous to establish a set of Core Documents which can be available as hard copies at the public inquiry. The EA and Mr Groom are to liaise with the objectors to determine appropriate Core Documents and to produce a list.
11. The EA is to submit its Statements of Evidence 3 weeks before the opening of the public inquiry, i.e. by Tuesday 30 January 2018. All objectors (and anyone else who wishes to speak) are to submit their Statements of Evidence 2 weeks before the public inquiry, i.e. by Tuesday 6 February 2018. If the EA intends to submit Rebuttal Evidence it should be submitted at the latest before the Inquiry opens on Tuesday 20 February 2018.

#### Inquiry Times, Venue and Accommodation

12. The public inquiry will open at 10.00 am on Tuesday 20 February 2018 at Littlehampton Town Hall (the Town Council offices at Manor House, Church Street). Sitting times will be approximately 10.00 am – 5.00 pm each day (Tuesday – Friday), though consideration will also be given to starting at 9.30 am after the first day and finishing early on Friday.
13. The EA indicated it would probably present 5 witnesses:
  - Peter Carver, Clerk and financial adviser to the IDD;
  - Andy Strudwick, Catchment Officer for River Arun, including the IDD;
  - Jane Birch, Biodiversity Technical Specialist (Botany), Solent and South Downs Area;
  - David Robinson, Operations Manager East for Solent and South Downs Area;
  - Richard Fuller CEng, Catchment Engineer for Solent and South Downs Area.
14. The RSPB is undecided whether it will appear or not; if so, it is likely that just 1 witness will be presented. The Sussex Wildlife Trust will use 1 or 2 site specific witnesses and will only attend part of the inquiry. The start of the inquiry conflicts with the NFU National Conference, and so some

participants will not be available for the first 2 days of the inquiry. The full extent of the intended evidence will be known by the start of the inquiry, and the Inspector will discuss the timetable for the inquiry at the start with the intention of accommodating the availability of all parties.

15. On present knowledge it is estimated the inquiry will take some 5-6 days, though the venue has been booked for up to 8 days: Tuesday 20 – Friday 23 February and Tuesday 27 February – Friday 2 March 2018.

#### Site Visit

16. The Inspector is not familiar with the area and will carry out a site visit accompanied by the various parties at the end of the inquiry. He expects to wish to see: a sample of the IDD watercourses and control structures; the pumping stations; the designated environmental sites (sufficient to appreciate their nature and character); and parts of the IDD subject to risk of flooding or drainage problems. Parties are invited to suggest specific places to visit, and these will be discussed during the inquiry.

Clive Nield

Inspector