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EA Flood Defence Maintenance Survey

Background

The Environment Agency (EA) is conducting a survey to identify how well they engage with individuals and organisations on matters of watercourse maintenance and how they can improve this engagement. The NFU will be responding nationally but there is also the ability for regions and individuals to respond too. As maintenance of flood defences is of key interest to members at flood risk, the more responses the EA receives that highlights the issues of flood defence maintenance NFU members face, the higher the likelihood of the EA to react. Therefore, everyone who has worked with or contacted the EA about watercourse maintenance e.g. grass cutting; tree/bush work; channel maintenance; obstruction removal; defence repair; structure maintenance; or works to improve habitat and biodiversity should complete the online survey.

NFU National Response

The survey takes approximately ten minutes to complete and at the end there is a section for more comments. The following is the supplementary information that we have provided at a national level. Please feel free to use and/or adapt to suit your region:

Over recent years there has been a distinct increase in the number of flood and coastal erosion defence assets that the EA have 'withdrawn from maintaining'. This has led to our members feeling abandoned by the EA and in some cases responsible for considerable flood defence assets (e.g. Lyth Valley Pumping Station).

Appendix 1 of the EA's protocol for asset maintenance outlines its procedure for withdrawing from river maintenance. The Flood and Water Management Act 2010 states the procedure which should be followed for decision-making with regards to withdrawal of maintenance. This includes presenting and discussing the asset where the maintenance will be withdrawn at Regional Flood and Coast Committees.

The EA does not have to inform landowners or farmers in every circumstance of their decision to withdraw, but if they do they should follow the following three stages:

- **Stage One:** A consultation period lasting at least three months. The EA will seek views from people, including landowners and tenants, who may be affected by the withdrawal. Discussions include reasons for withdrawal and length of notice period.
- **Stage Two:** A written notice letter will be sent to affected stakeholders. This will state when maintenance will cease and contain details of a contact at your local EA office. The EA anticipate that most notice periods will be between six months and two years.
- **Stage Three:** EA stops maintaining at the date specified within stage two, unless there are subsequent agreements to delay withdrawal.

NFU members have raised concern that the EA procedure is not always being adhered to. In some cases they have expressed a distinct lack of transparency associated with the EA's withdrawal of maintenance of flood defence assets.

There have also been inconsistencies with terminology used (e.g. instead of 'withdrawal of maintenance' it is being referred to as 'effectiveness initiatives' or 'decommissioning') which has led to confusion across the board at both regional and local levels.

The NFU recognises that the total amount of funding available for flood risk management has increased, with budgets confirmed until 2021. Between 2016 and 2019 there was an increase of more than £100m in the annual funding available for the installation of new flood defences. However, the importance of maintaining existing defences must stay at the forefront of the Government's flood risk management strategy.

Community confidence will be strengthened if the procedure is adhered to in full and the reason for the withdrawal of maintenance is clearly conveyed. The protocol will only be successful if the EA informs and works with landowners/farmers from the outset. Consistent and open discussions about the potential withdrawal of maintenance will help to instil confidence in farmers, landowners and members of the public and help to create a resilient 'place'.

Whilst the NFU accepts that agricultural land forms a large proportion of our natural environment there needs to be a balance struck between the "war on water", the environment and food production. The NFU agrees that in some cases extensive hard engineered defences may not be ideal and are often costly however, if the 'space' required for floodwater is expected to be agricultural land there needs to be a mechanism in place that clearly identifies these areas. Notification to farmers and landowners must be made immediately so that time and money is not invested into producing high value crops which may be destroyed if intentionally flooded. Adequate compensation must be agreed (this may be based on an 'as and when' policy) and an action plan needs to be in place to evacuate the floodwater after an event where cropped land is flooded and within a reasonable timeframe to mitigate crop loss.

Within the NFU's Flooding Manifesto, that the EA supported, we made clear that it is imperative that agricultural land is no longer considered 'sacrificial'. Nor should there be an expectation that farmers or landowners should give up land for temporary floodwater storage as an act of charity. Farming is a business that can be equalled to any other, the only difference between farmland compared to a factory is that fields do not have ceilings.

Further Information

The survey is available at: <https://www.smartsurvey.co.uk/s/newlinktotest/?m=40381038wgg7l>

For any further information or queries please contact NFU Flood Management and Access Policy Adviser Mhari Barnes.

Deadline for the survey is **Monday 21st October 2019**.