



ENVIRONMENT  
AGENCY

## INFORMATION FOR OWNERS AND OCCUPIERS OF LAND ADJACENT TO SEA DEFENCES IN ENGLAND

### Why we are stopping maintaining some sea defences

#### 1. Defra Policy

Defra's policy guidance on the "Maintenance of uneconomic sea defences " see <http://www.defra.gov.uk/enviro/fcd/policy/unecseadef.htm> outlines the approach it expects the Environment Agency to take where there is insufficient economic justification for continuing to maintain sea defences.

#### 2. Purpose

The purpose of this document is to show how we will implement the Defra policy referred to above.

A similar policy will be agreed with Welsh Assembly Government in due course.

This document is designed to guide our decision-making and inform those directly affected and any interested parties.

#### 3. Background

There is no legal right to a sea defence.

Sea defences are maintained and rebuilt using our statutory powers, where it is economic to do so. Our investment in flood risk management must reflect current circumstances and priorities. Some areas that once warranted public investment may no longer do so. We have to prioritise our work to get the best value for the taxpayer while meeting our legal obligations.

#### 4. How we plan our coastal defences

We take a sustainable and long-term approach when we manage coastal flood risk, planning for up to 100 years ahead. Our decision-making covers large-scale planning through to the implementation of works on the ground.

The large-scale coastal plan is called a Shoreline Management Plan (SMP). An SMP selects the policy options to manage the current and future flood risks for that stretch of coast. It looks at three different timescales. It will identify our preferred short (0-20-

year), medium (20-50-year) and long-term management (50-100-year) options. A number of detailed studies are carried out to support our decision-making.

Estuary Shoreline Management Plan (ESMP) will be produced to cover major estuaries, such as the Humber Estuary. Other estuaries will be included in Shoreline Management Plans.

## **5. Procedure for allocation of funding**

### **5.1 Categorisation of Sea Defences**

We make an appraisal of the alternatives before deciding on a preferred flood management policy for an area of flood risk. Where the preferred option is to continue to invest in reducing flood risk we prepare a business case to determine what is worthwhile in terms of the flood risk reduction. For the appraisal we use Defra Flood and Coastal Defence Project Appraisal Guidance, see <http://www.defra.gov.uk/enviro/fcd/pubs/pagn/default.htm>.

By comparing the costs and benefits of each option we are able to determine the most economic solution. This is known as benefit-cost analysis and is expressed as a ratio of benefit to cost.

If the option to continue maintaining a seawall has a benefit-cost ratio of less than 1 then it will be considered uneconomic.

In accordance with Defra guidance, we will categorise each length of sea defence into the one of the following:

- 1 Defences for which there is an economic case to continue maintenance to reduce the risk from flooding to people and property.
- 2 Defences that are required to protect internationally designated environmental features from the damaging effect of flooding.
- 3 Defences that do not fit categories 1 and 2 above, but where work is justified because withdrawal of maintenance would cause an uncertain and unacceptable flood risk.
- 4 Defences that do not fit the above three categories.

### **5.2 Investment for these Categories**

There is a pressing need for public investment in flood risk management throughout the country. This means that we have to maximise the benefits from available funds, targeting them where they can best reduce flood risk. We have to make hard choices about where we can and cannot continue to maintain sea defences.

Defences in Category 1 and 2 are likely to be maintained. However, continued maintenance of defences in the very long term cannot be guaranteed, in the face of sea level rise and climate change.

Defences in Category 3 are likely to continue to be maintained for the time being on a short-term precautionary approach. The longer-term future of these defences will be determined through the review of strategies.

Maintenance of defences in Category 4 will cease as soon as is reasonably and practically possible.

### **5.3 Informing People of a Decision to Cease Maintenance**

We will consult widely during the various development stages of a Shoreline Management Plan and Estuary Shoreline Management Plan and during the strategy stages. It is important that everybody is given an opportunity to make representations on the preferred management solutions, prior to finalisation, including landowners and other interested parties.

We will publish an SMP and ESMP once it has received the necessary approvals and has been adopted by the relevant Regional Flood Defence Committee. If a decision is made to withdraw from maintenance then we will write to affected landowners/occupiers to let them know. A reasonable period of notice of withdrawal of maintenance will normally be within the time span of 6 to 24 months. Longer time periods may also be appropriate in some instances because what is reasonable will depend upon many factors.

We may take a decision to stop maintenance in advance of a SMP, ESMP or strategy if there is an economic case to do so. We will treat landowners/occupiers in a similar manner with consultation, advice and prior notice.

We will continue with planned maintenance throughout the notice period to maintain the same condition of a sea defence as it was at the time the notice period started. However, we will not undertake repairs to a sea defence if it is damaged during a storm during this period.

## **6. Options for Land Owners**

We will write to landowners that have a sea defence on their land that we intend to stop maintaining. We will tell them:

- Estimated residual life of the defined sea defence
- Current condition (visual inspection) of the defined sea defence.

We will offer to inspect jointly a landowner's sea defences to help them to decide on future management options.

If landowners wish to continue maintaining their sea defence they will need to apply to us for byelaw consent. Depending on the scale of proposed work we will endeavour to give appropriate time-limited consents for routine maintenance. We will advise landowners of their local Development Control team who can provide further advice. Currently there is no charge for byelaw consent.

If a landowner wishes to change the shape or height of the defence then planning permission may be required, but normal maintenance should not require planning permission. Landowners should check with their local planning authority.

We will need to consult Natural England when determining our byelaw consent where a defence is adjacent to an internationally designated wildlife site.

If the maintenance of the defence involves an operation likely to damage a site of special scientist interest landowners may need consents from Natural England under the Wildlife and Countryside Act (contact details below). Affected landowners should already have been notified of any operation likely to damage such a site.

If a landowner does not wish to continue maintaining a sea defence, they could apply for agri-environment payments to create inter-tidal habitat or sell or lease their land for habitat creation.

## **7. Other Considerations**

We have no legal responsibility to maintain a sea defence in order to preserve a public right-of-way. However, legal responsibilities and the desirability of improving public access will be taken into account throughout the development of SMPs, ESMPs and strategies.

The existence of a right-of-way on a sea defence will not prevent us from ceasing maintenance where our business case determines that it is uneconomic to continue future maintenance. If ceasing maintenance causes an impact to a right of way we will consult with the appropriate authority, normally the local Highway Authority. Where damage to a right-of-way cannot reasonably be avoided, we will work with the appropriate authority to identify the best course of action.

## **8. How to contact us**

If anyone would wish to make representations on the contents of this paper or any issues in relation to the maintenance of sea defence, then please contact our National Customer Service Centre.

Tel no: 08708 506 506;

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Or write to us at:

Environment Agency Customer Service Centre,  
Bowbridge Close,  
Bradmarsh Business park,  
Templeborough,  
Rotherham S60 1BY.

The Natural England Enquiry Service can be contacted at:

Enquiries, Natural England, Northminster House, Peterborough, PE1 1UA

Tel: 0845 600 3078

Fax: 01733 455103

Or on their web site at:

<http://www.naturalengland.org.uk/>

## 9. Definitions

Sea Defence means the 'provision of defences that protect low-lying land from flooding from the sea or tidal waters'.

Maintenance means 'undertaking works to minimise deterioration of a defence from its current condition'.

Economic case means a business case that considers all costs and benefits over a period of up to 100 years in accordance with Treasury Guidance. A benefit / cost analysis based on discounted present day values is used to make comparisons of different options.

Benefits are assessed from the flood damages averted as a result of flood risk management works to reduce the frequency of flooding or reduce the impact of flooding on property and economic activity, or a combination of both.

The benefits for agriculture are based on the damages averted on agricultural land from either saturated soils or surface inundation. They are assessed using different scenarios:

- Permanent loss of agricultural land ( write off values)
- One-off damages arising from infrequent flooding
- Permanent reduction in the value of agricultural output

Whole life costs are determined by considering the costs of maintenance together with rebuilding costs based on the current residual life and the anticipated future deterioration of a sea defence.