

Abstract

“Blue Green Services” in the Aa valley: how to agree on flood damage with farmers

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An important part of the project "Dynamisch Beekdal" is brook restoration and the realisation of 3.2 million cubic metres of water storage. The land necessary for this project will come from seventeen farms.

The waterboards in the Province of Brabant in The Netherlands have jointly developed a legal instrument for realising a water storage area. Before the project "Dynamisch Beekdal" is realized, the next steps of this legal instrument have to be taken:

- The water storage area is a well defined area which needs a long and intense participation procedure with land owners, water board and municipality;
- The water storage area has to be laid down in the local land use plan;
- Its function and technical information has to be laid down in the water board technical archives;
- The realisation of the water storage can only be done, by technical measures like dikes and weirs, when there are juridical agreements with the land owner. Sometimes expropriate of the land is needed.

When the water storage is realised, and the water inundates the agricultural land or nature, the owner can apply for compensation of the damage in two ways:

1. The disadvantage compensation regulation and
2. A private inundation damage compensation agreement.

The main points of this private agreements are:

- The water board will compensate for inundation and floating rubbish.
- The compensation is associated with a predefined amount of money related to the kind of crop, the inundated area, the inundation period, the fertilisation used, management costs and the state of the crop at the time of damage.
- They are based on known standards for crops in the Netherlands.
- The amount of money for compensation is further more dependent on measures the owner himself could take at the flooding event.
- The owner has to notify the damage to the waterboard.
- The agreements are reached on a voluntary basis.
- These regulations will next year be incorporated in the new Dutch Water legislation.