DERBYSHIRE COUNTY COUNCIL

AUTHORISATION OF DELEGATED POWERS BY THE EXECUTIVE DIRECTOR – ECONOMY, TRANSPORT AND ENVIRONMENT

STATEMENT OF COMMON GROUND – FLOOD RISK

Report of the Assistant/Service Director

(1) Purpose of Report For Derbyshire County Council to confirm its support of the Chesterfield Borough Council - Statement of Common Ground Document (Flood Risk), which has been prepared jointly between Chesterfield Borough Council, Derbyshire County Council and the Environment Agency.

(2) Information and Analysis The Purpose of this Statement of Common Ground is to set out the main points of agreement between all parties with regard to the submitted Chesterfield Borough Council Local Plan December 2018 ('the Plan'). The Statement specifically relates to the Flood Risk in Chesterfield, considering all sources of flooding and also the parties responsible for Flood Risk in Chesterfield. The Statement also highlights areas where further work will be needed in the future and what mechanisms are or will be put in place to address these. The Statement is intended to assist the Inspector during the examination of the Plan.

The purpose of this Statement is also to set out the agreed arrangements for on-going co-operation and liaison on identifying, monitoring and mitigating the impacts of the levels of growth set out in the submission version of the Chesterfield Borough Local Plan and identifying agreed key matters and issues that should be the focus of cooperation and liaison.

This Statement of Common Ground confirms the agreement between all parties that “the current site specific sequential assessments use the existing best available flood risk data at the time of undertaking the assessments, which is also to be found in the existing SFRA. Until the new data from the Chesterfield Flood Risk Investigation is released, this is the best available information to use.

This Statement of Common Ground confirms that once the Chesterfield Flood Risk Investigation has been released by the Environment Agency, Chesterfield Borough Council commits to re-engaging with all partners in applying the new data to inform an early review of the approach to flood risk policy in the Local Plan both within the policy in the Local Plan, and to determine whether an addendum to the existing SFRA is required, in order to
continue to ensure that the highest sensitive uses are directed to the areas of lowest flood risk, in line with national policy."

(3) **Financial Considerations** There are no financial considerations associated with this report.

**Other Considerations**

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Background Papers** Statement of Common Ground Document (Flood Risk). Officer contact details – Richard Ward, extension 35487.

(6) **OFFICER’S RECOMMENDATION** That the Executive Director – Economy, Transport and Environment approves the request for supporting the Statement of Common Ground Document (Flood Risk)

Signed........................................... Dated...26/6/19

Mike Ashworth
Executive Director – Economy, Transport and Environment
Statement of Common Ground
Chesterfield Borough Council and
Environment Agency and
Derbyshire County Council
JUNE 2019

1. Purpose of the Statement of Common Ground

This statement of common ground has been prepared jointly between the parties consisting of Chesterfield Borough Council ("the Council"), The Environment Agency, and Derbyshire County Council in its role as Lead Local Flood Authority for the County of Derbyshire (DGLG).

The Purpose of this Statement of Common Ground is to set out the main points of agreement between all parties with regard to the submitted Chesterfield Borough Council Local Plan December 2018 ("the Plan"). The statement also highlights areas where further work will be needed in the future and what mechanisms are or will be put in place to address these. The statement is intended to assist the Inspector during the examination of the Plan.

The purpose of this statement is also to set out the agreed arrangements for ongoing co-operation and liaison on identifying, monitoring and mitigating the impacts of the levels of growth set out in the submission version of the Chesterfield Borough Local Plan and identifying agreed key matters and issues that should be the focus of cooperation and liaison.

2. Background

The Council, the Environment Agency, and DCC have been working positively together throughout the preparation of the Plan in respect to flood risk issues.

As a two tier area, Chesterfield Borough Council is responsible for the preparation of a Local Plan for the borough of Chesterfield, the most recent prior to the emerging Local Plan being the Local Plan Core Strategy (adopted 2013). Derbyshire County Council acts as Lead Local Flood Authority (LLFA) is responsible for managing local flood risks. The Environment Agency has a strategic overview of all sources of
flooding and (as defined in the Flood and Water Management Act 2010) and is responsible for flood risk management activities on main rivers.

Flood Risk

Chesterfield is liable to flooding due to its location at the confluence of numerous main rivers, and exacerbated by its urban nature. During storm conditions, the positive drainage networks are regularly overwhelmed as they ultimately drain to the main rivers.

Derbyshire County Council as LLFA has produced a Local Flood Risk Management Plan (July 2015) which identifies Chesterfield as being at risk from multiple sources of flooding. The plan ranks Chesterfield as at highest risk in the county, with 1802 dwellings at risk, and 45% of the borough with significant surface water flood risk.

The council has taken a coordinated approach to flood risk for some time, having prepared a joint SFRA along with BDC and NEDDC in 2009.

Since the adoption of the Core Strategy, the council has contributed to an Environment Agency commissioned project called the Chesterfield Flood Risk Investigation involving comprehensive flood modelling of the River Rother and its tributaries. Following discussions with Chesterfield Borough Council, the geographical extent of the flood modelling was extended to incorporate the Staveley regeneration area. The Environment Agency recognises this is a key regeneration site for Chesterfield Borough Council.

When completed the Chesterfield Flood Risk Investigation will provide the best available flooding information for Chesterfield and will test options for flood alleviation works to better protect the town from the devastating impacts of flooding.

In addition to this EA project, Derbyshire County Council has secured funding for a project known as the Chesterfield Integrated Model. The intention was to bring together sewer modelling from Yorkshire Water; surface water modelling held by Derbyshire County Council; and river modelling from the Chesterfield Flood Risk Investigation.

The Environment Agency confirmed to the Borough Council in October 2016 (Letter to CBC 6th October 2016) that having had regard to the Planning Practice Guidance, the Chesterfield Flood Risk Investigation and the proposed Chesterfield Integrated Model would fulfill the requirements of a Level 2 Strategic Flood Risk Assessment and negate the need for Chesterfield Borough Council to carry out a separate Level 2 Strategic Flood Risk Assessment.
In their representations to the publication draft local plan in February 2019 (30\textsuperscript{th} January 2019), the Environment Agency highlighted that since their previous response in February 2017, The Chesterfield Flood Risk Investigation is still to be released, and is expected at some point in 2019. The Environment Agency also stated that the Chesterfield Integrated Model is currently no longer being taken forward. This decision was taken on the basis that both the Environment Agency and Yorkshire Water hydraulic models were either completed or nearing completion, and it was considered by project partners that Chesterfield was now well represented in terms of modelling and understanding flood risk and the mechanisms. In addition, it became clear that Yorkshire Water would retain ownership of the sewer model which would have undermined the ability of other agencies to access and interrogate the data, despite the project being publicly funded. Discussions between the Environment Agency, Derbyshire County Council as the LLFA, as well as Chesterfield Borough Council took place in summer 2018 to discuss the next steps and will continue on a constructive basis.

Against this background when it becomes available the Environment Agency’s new Chesterfield Flood Risk Investigation model will be used alongside all other sources as a combined evidence base to inform flood risk policy in the Local Plan and specifically to assess potential housing allocations from the perspective of flood risk in a way which would satisfy the requirements of the NPPF/Planning Policy Guidance.

The Environment Agency also recognised that, as preparation of the Local Plan progressed, there may be the need for some bespoke work by the Borough Council to test the deliverability of sites if, following application of the Sequential Test, allocations are proposed in areas at high flood risk.

In response to this, and in order to ensure compliance with Policy Guidance, the Borough Council prepared a sequential assessment on the housing and employment allocations proposed within the publication draft Local Plan, using the most up to date flood risk data available.

In their representations to the publication draft local plan in February 2019, the Environment Agency welcomed the sequential assessment on the housing and employment allocations proposed within the Local Plan. Whilst taking the view that the sequential test process is for the Local Planning Authority to undertake the Environment Agency did have a number of detailed site specific comments. The council will reflect these comments in preparing the submission draft Local Plan.
3. Agreed matters

This Statement of Common Ground confirms the agreement between all parties that the current site specific sequential assessments use the existing best available flood risk data at the time of undertaking the assessments, which is also to be found in the existing SFRA. Until the new data from the Chesterfield Flood Risk Investigation is released, this is the best available information to use.

This Statement of Common Ground confirms that once the Chesterfield Flood Risk Investigation has been released by the Environment Agency, Chesterfield Borough Council commits to re-engaging with all partners in applying the new data to inform an early review of the approach to flood risk policy in the Local Plan both within the policy in the Local Plan, and to determine whether an addendum to the existing SFRA is required, in order to continue to ensure that the highest sensitive uses are directed to the areas of lowest flood risk, in line with national policy.

Water Efficiency

Local Plan Policy LP14 (Managing the Water Cycle) includes measures designed to aimed at improving water efficiency. In support of representations made on the publication draft Local Plan in relation to the justification for requiring water efficiency measures in new development in Policy LP14, the Environment Agency has provided further written justification in support of the policy approach, as follows:

Severn Trent, like all water companies, will have to meet the challenge of higher population numbers, and predicted reduced water availability due to climate change in the future. By 2050, England can expect significant seasonal variations, with higher winter and lower summer flows in the rivers, and a reduction in flow overall. This issue has been raised in reports throughout the last decade and the Environment Agency’s Chief Executive, Sir James Bevan, highlighted these issues in his speech on the 19th March 2019 at the Waterwise Conference (https://www.gov.uk/government/speeches/escaping-the-jaws-of-death-ensuring-enough-water-in-2050)

Severn Trent provide water to the area covered by Chesterfield Borough Council. Chesterfield Borough Council sits within the Humber River Basin. The latest Humber River Basin Management Plan (2015) highlights that climate change will cause a reduction in water availability. The Strategic Environment Assessment (SEA) highlights the negative effects of water availability could be partially mitigated through water efficiency measures to reduce the demand for water locally.
4. Outstanding Issues

None identified

5. On-going Cooperation and Liaison

All parties are committed to continuing to work together through regular liaison and consultation.

The Environment Agency and DCC will continue to be consultees on the Chesterfield Local Plan and in future Local Plan Reviews.
## APPENDIX A: SIGNATORIES OF THE PARTIES

<table>
<thead>
<tr>
<th>AUTHORITY</th>
<th>Officer</th>
<th>Member</th>
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<tbody>
<tr>
<td>Chesterfield Borough Council</td>
<td>Name: Alan Morey</td>
<td>Name: Cllr Terry Gilby</td>
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<td></td>
<td>Position: Planning &amp; Key Sites Manager</td>
<td>Position: Portfolio Holder, Economic Growth</td>
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| Derbyshire County Council | Name: Mike Adamson | Name:                        |
|                          | Position:          | Position:                   |
|                          | ![Signature]       | ![Signature]                |
| Date: 24/7/19            | Date:              |

| Environment Agency       | Name: Joseph Drewry |
|                         | Position: Planning Specialist |
|                         | Signature: J. Drewry |
| Date: 17/6/19           | Date:              |