



Adoption of Our City Our River Master Plan – Interim Report

SUMMARY

- 1.1 There are over 3,600 properties within Flood Zone 3 (the zone of highest flood risk) along the River Derwent between Milford and Shardlow. The vast majority of these properties are within the City of Derby.
- 1.2 The Lower Derwent Flood Risk Management Strategy was approved by the Environment Agency (EA) in January 2011. The strategy to reduce flood risk for Derby is to construct new defences along a new alignment stepped back from the river. This approach would allow more space for flood water along the river and ensure that flood risk in upstream and downstream communities is at manageable levels.
- 1.3 The realignment of flood defences through Derby is being treated as an opportunity to encourage the regeneration of the City and improving its connectivity to the River Derwent. To ensure that these opportunities are fully grasped, we have been working in partnership with the EA and have commissioned a Master Plan for the City's river frontage. The intention is that the finalised Master Plan should guide regeneration and the provision of flood defences and act as a material consideration for planning applications.
- 1.4 In January 2012 the draft Master Plan was published for public consultation. The period for comment was initially to 9 March but has been extended to 30 April. It was originally proposed to submit the finalised Master Plan to Cabinet in April 2012, but the level of engagement and response has been significant. It is therefore intended to report to Cabinet on proposed changes to the Master Plan in June to give time to fully consider the issues being raised. This is therefore an interim report on the process so far. Appendix 2 sets out the consultation undertaken and reviews the issues raised.
- 1.5 A draft Memorandum of Understanding (MoU) (Appendix 3) between the Council and the EA has been prepared which Cabinet is asked to approve. The purpose of the MoU is to set out how both parties will work together. An agreed MoU at this stage is necessary for the EA to get the project included in the Department for Environment, Food and Rural Affairs (Defra) medium term programme in order to pursue funding.

RECOMMENDATIONS

- 2.1 To note the report on public consultation (Appendix 2) and to agree that a further report on proposed changes to the Master Plan in the light of the consultation is brought to Cabinet in June.

- 2.2 To approve the proposed Memorandum of Understanding between the Council and the Environment Agency (Appendix 3) and to authorise the Director of Planning and Facilities Management to formally sign off the document.

REASONS FOR RECOMMENDATION

- 3.1 The public consultation will inform changes to the Master Plan which will provide guidance for realigning flood defences and unlocking the economic potential of the City's river frontage
- 3.2 The Memorandum of Understanding will allow the EA to secure the project in a Defra funding programme

SUPPORTING INFORMATION

Background

- 4.1 In September 2008 the Environment Agency (EA) published its Lower Derwent Flood Risk Management Strategy Public Consultation Document and associated Strategic Environmental Assessment Report. There was extensive consultation, including member engagement, and Cabinet agreed in principle to work with the EA to deliver the Strategy in respect of Derby. The Strategy was formally adopted by the EA and published in January 2011.
- 4.2 A key action identified in the Strategy is the preparation of a Master Plan to establish the best alignment of the new defences through Derby and to promote regeneration. The Council agreed to use EA funding to commission a Master Plan to identify how flood defences can be brought forward in a way that promotes the regeneration of the city, improves social connectivity and delivers environmental enhancements.
- 4.3 Our consultants Atkins have worked closely with the EA's consultants who have been undertaking detailed modelling of various flood defence alignment options. The consultants have jointly held several workshops with a wide range of officers across the Council and other organisations in order to inform the Master Plan's preparation
- 4.4 In January 2012 the draft Master Plan was published for public consultation. The consultation period was initially to 9 March, but due to the level of interest this has been extended to 26 March.

Public consultation

- 4.5 The EA appointed Counter Context to advise on public consultation on the draft Master Plan to ensure communities are actively reassured and involved in the development of the strategy. Counter Context specialise in designing effective stakeholder and community consultation programmes. They have previously supported the Council on the Riverlights development.
- 4.6 During the consultation, the Council and the Environment Agency have worked together to engage openly with local communities. Over 7000 leaflets have been circulated to local properties and made available in over 30 city centre outlets. A

dedicated website and helpline were also launched. Meetings have been arranged with residents, community groups and local businesses at a time and date of their choosing, rather than expecting local people to attend events chosen by the Council and EA.

- 4.7 The draft Master Plan identified that the preferred option for the area around Duke Street would need to be confirmed through further engagement with local residents. A separate leaflet seeking public views on how best to protect the Duke Street area from flooding was circulated to local residents during the week commencing 12 March. Members of the Master Plan team from the Council and EA met with local residents during March as well as liaising with the Neighbourhood Manager.
- 4.8 Up to 27 March we had received a total of 189 responses and had held 17 meetings with businesses, land owners, residents, local councillors and housing providers. The locations which have attracted most comments so far are Darley Abbey Mills and Chester Green. Many responses have been supportive. However, concerns have been expressed from some areas, including residents in the Chester Green and Duke Street areas and the major land owner on North Riverside.
- 4.9 A summary by Counter Context of the consultation undertaken and the main issues arising is attached as Appendix 2.

Delivering the programme in partnership

- 4.10 Flood risk management schemes are partially funded by the EA through the Defra Partnership Funding regime. The EA will secure this funding when partnership funding is in place. In order for the EA to secure funding and support the delivery of the scheme, it will be necessary for the Council to take more of a lead role in implementing the Strategy.
- 4.11 The nature of the proposed partnership between the Council and EA has been defined through the development of a draft Memorandum of Understanding (MoU). Cabinet is asked to approve the MOU as attached at Appendix 3. The MOU will help to confirm issues, roles and responsibilities; most importantly it will confirm the partners' commitment to address flood risks in Derby. It is an essential step to enable the EA to get the project placed on Defra's medium term plan. The MoU would eventually be developed into a formal legal agreement. It is proposed that the Council will be the lead promoting authority and the EA will be the lead delivery authority.

Next Steps

- 4.12 The intention is to report proposed changes to the Master Plan arising from the consultation exercise to Cabinet in June and for the Master Plan to be adopted. This will then form a material consideration when determining planning applications. The report will also include more information on the potential financial and land implications for the Council
- 4.13 Subject to Cabinet's eventual approval of the finalised Master Plan, the objectives for the coming year are to:
- Promote a flag ship regeneration scheme along the river corridor
 - Progress more detailed design and development briefs for the various sections

- along the river
- Continue dialogue with Duke Street residents to agree a way forward
- Develop a fuller understanding of the costs of the project to better appreciate the Council's potential financial exposure and implications in relation to delivery of the project
- Prepare a draft contract for the Council and the EA to enter into.

OTHER OPTIONS CONSIDERED

- 5.1 A longer period for consultation. This would however extend the period of uncertainty for local property owners and occupiers within the area affected by the strategy.
- 5.2 Not to progress the MOU. This would mean that there would be no partnership with the EA to bring forward improved flood defences.

This report has been approved by the following officers:

Legal officer	Stuart Leslie
Financial officer	Michael Kirk
Human Resources officer	Not Applicable
Service Director(s)	Christine Durrant
Other(s)	Rob Salmon

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Background papers:	None
List of appendices:	Appendix 1 Implications Appendix 2 Consultation and Memorandum of Understanding - Summary Appendix 3 Memorandum of Understanding

IMPLICATIONS**Financial and Value for Money**

- 1.1 In relation to the full project delivery, this will be addressed in the June report on the Master Plan's adoption as part of a more detailed assessment of the Councils exposure. It is likely that the Council will need to commit funding to the scheme over a number of years. The level of funding will be affected by the success of grant bidding and the private sector input. However, the scheme offers significant benefits for Derby.

Legal

- 2.1 To initially be addressed in the Memorandum of Understanding and to be later addressed in more detail in a legal contract.
- 2.2 There may be a need for the Council to use its compulsory purchase powers.

Personnel

- 3.1 The Council will need to resource the project's Boards and teams and officers will need to work on a range of issues to help deliver the project

Equalities Impact

- 4.1 The need for an Equalities Impact Assessment for the Master Plan is currently under consideration.

Health and Safety

- 5.1 To be addressed in detail as part of the Master Plan.

Environmental Sustainability

- 6.1 The Lower Derwent Flood Risk Management Strategy was subject to a Strategic Environmental Assessment. The Master Plan addresses more detailed environmental considerations. The Master Plan provides ways of increasing the value of the river as a wildlife corridor and encourages more wildlife to travel through Derby City Centre and to make use of habitats it provides.

Asset Management

- 7.1 Some Council land holdings will be affected. The more detailed report in June will set these issues out in more detail. The Council's may need to consider disposing of land at less than market value in order to bring forward otherwise unviable development sites. Council properties are within areas identified as corridor and

these will need to be demolished.

Risk Management

8.1 To be addressed as part of the detailed assessment of the Master Plan

Corporate objectives and priorities for change

9.1 The master plan will further the aim of a thriving, sustainable economy.