

Ms. Carmel Edwards
Programme Officer
c/o Planning Services
Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS

Our ref: LT/2009/107724/CS-06/EW1-L01
Your ref: Representation 451

Sent Electronically

Date: 31 March 2016

Dear Ms. Edwards,

**DERBY LOCAL PLAN PART 1: CORE STRATEGY EXAMINATION
MATTERS, ISSUES AND QUESTIONS**

Thank you for your e-mail of 3 March 2016 inviting responses to the Inspector's final Matters, Issues and Questions dated 1 March 2016. The Environment Agency wishes to make the following representations on Matter 7 relating to Climate Change, Flood Risk and Pollution.

e) *Does the approach to flood risk in Policy CP2 accord with national policy and would it be effective?*

The Environment Agency considers the approach to flood risk set out in Policy CP2 to be in accordance with the National Planning Policy Framework and its accompanying Planning Practice Guidance.

It is our view that Policy CP2 blends key elements of national policy, such as the flood risk Sequential and Exception Tests, with best practice such as ensuring development takes into account the need to provide access to watercourses (e.g. for maintenance purposes). The Environment Agency considers Policy CP2 to be effective in managing development and flood risk.

f) *Does the 'Our City, Our River' programme provide an appropriate basis for managing flooding and development in the River Derwent corridor? Does Policy AC8 provide an effective framework for considering small scale development in this area?*

The [Our City, Our River](#) (OCOR) programme is Derby City Council and the Environment Agency's shared vision for managing the serious risk of flooding to the City of Derby. There are around 2,250 properties in Derby City currently at flood risk in a severe flood event (1 in 100 year). This includes over 1,450 homes; almost 800 businesses; key infrastructure; and many historic buildings. The existing flood defences only offer a low standard of protection (between a 1 in 25 and 1 in 50 year standard) which is low for an urban environment and below the standard required to enable sustainable growth and development to take place. In addition, the existing flood defences are nearing the end of their design life.

The River Derwent corridor has been characterised by derelict and vacant property. There are regeneration ambitions held by Derby City Council and Developers. However, redevelopment is hampered as higher value land uses (e.g. residential development) are not compatible with the high risk of flooding under the terms of the National Planning Policy Framework.

Environment Agency
Trentside Offices Scarrington Road, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Without investment in improving the standard of flood protection provided to the City of Derby, the existing flood defences will degrade and fail reducing the currently low standard of protection even further. This will be exacerbated by the effects of climate change. Over time, properties and businesses in high flood risk areas will reduce in value and the river corridor will become an undesirable place to live, work and visit.

In addition to reducing flood risk to the City of Derby, OCOR seeks to re-establish a positive relationship between Derby and its river to help the City become a more vibrant and attractive place to live, work and enjoy.

The core objectives of the OCOR programme, as set out in the adopted [Masterplan](#) (Evidence Base Document EB070), are:

- Reduce flood risk to people, property and jobs.
- Maximise regeneration and sustainable development opportunities along the river frontage.
- Release economic potential of brownfield sites currently at significant risk of flooding.
- Enhance the significant heritage assets of the City to help promote tourism to the City.
- Enhance ecology, wildlife and biodiversity along the river and deliver Water Framework Directive objectives.

The OCOR programme has been developed over a number of years and originated from the [Lower Derwent Flood Risk Management Strategy](#) ('the Strategy') prepared by the Environment Agency in January 2011. The Strategy tested a number of options ranging from 'do nothing'; 'do minimum'; through to appraising 13 different 'do something' options. As such, the Environment Agency considers the OCOR programme provides an appropriate basis for managing flooding and development in the River Derwent corridor and is founded upon a strong evidence base.

The Environment Agency considers the current development activity taking place along the River Derwent corridor to demonstrate the effectiveness of the OCOR programme. Redevelopment of the former Bath Street Mills for 82 extra care apartments (Planning Reference [03/14/00373](#)); completion of the Local Studies Library and Riverside Chambers office space at the former Magistrates Court (Planning Reference [04/13/00403](#)); and construction of a Premier Inn and riverside apartments on Full Street (Planning Reference [12/13/01486](#)) have all been enabled by the OCOR programme.

With regard to small-scale development, the Environment Agency points to the erection of 3 industrial units and a swimming academy at Alfreton Road Industrial Estate (Planning Reference [10/13/01189](#)). This is an example of small-scale development responding to the OCOR programme. Part of the development incorporates a flood defence integrated into the industrial units which is being delivered by the Developer whilst the remainder of the development relies upon construction of the flood defences by Derby City Council as part of the wider OCOR programme.

g) Is the requirement in Policy CP2 for developments to incorporate Sustainable Drainage Systems justified and consistent with national policy?

Policy CP2 requires that developments are designed and laid out to incorporate Sustainable Drainage Systems (SuDS). The Environment Agency considers this approach to be in accordance with Paragraph 103 of the National Planning Policy Framework, which states that priority should be given to the use of SuDS. Further, the approach is based upon the findings of the [Derby City Council Level 1 Strategic Flood Risk Assessment](#) (Evidence Base Document EB066) which states:

"the City Council aims to minimise the flows into the sewers and watercourses within the City to reduce or control the risk of flooding as far as possible. In this regard the application of management techniques to reduce the discharge of surface water from development sites to

'greenfield' rates is vital to achieve the policy objective of reducing flood risk. In essence the SUDs approach is to try to mimic the pre-development behaviour of the site, limiting the discharge of surface water and enabling the infiltration of water into the ground." (Section 14 / Page 104).

The Environment Agency draws the Inspector's attention to the philosophy behind SuDS which not only delivers flood risk reduction but also provides water quality and amenity / biodiversity benefits. This is clearly expressed in the [Derby Housing Market Area Water Cycle Study](#), January 2010 (Evidence Base Document EB068) which states:

"Sustainable Drainage Measures are recommended in the study area to provide multiple benefits such as providing amenity and environmental benefits, reducing pressures on the drainage system and providing more storage of rainwater. These are considered particularly important in the study area, to alleviate the existing issues with sewerage capacity and to contribute to the improvement of river water quality." (Executive Summary, Page ix).

This message about the multiple benefits of SuDS is reinforced in Derby City Council's [Water and Flooding Position Statement](#), August 2015 (Core Document CD026) which states:

"By adopting Sustainable Drainage Systems (or SuDS) as they are sometimes known, new development can contribute to groundwater recharge and help support sustainable flows in receiving watercourses. More significantly, however SuDS can help water companies manage and make the most efficient use of their infrastructure." (Paragraph 5.2).

The Environment Agency welcomes the opportunity to discuss our representation at the hearing session on Matter 7: Climate Change, Flood Risk and Pollution, which is programmed to take place on Wednesday 4th May 2016.

Please may we respectfully request 2 seats at the table for this hearing session (Mrs. Naomi Doughty – Planning Specialist and Ms. Vikki Candlish – Flood Risk Advisor).

Yours sincerely

Mrs. Naomi Doughty
Planning Specialist (Derbyshire)

Direct dial: 0203 0253346 / 07880 055307

Direct e-mail: naomi.doughty@environment-agency.gov.uk

Cc. Mr. Steve Lee, Planning Policy Manager, Derby City Council.