

RESPONSE TO REGULATION 28 NOTICE FROM DERBYSHIRE COUNTY COUNCIL

This is the response to the Regulation 28 Report to Prevent Future Deaths issued by Coroner for Derbyshire and Derby, Matthew Kewley dated 8th September 2025.

Derbyshire County Council (“DCC”) in its capacity as Lead Local Flood Authority (Floods and Water Management Act 2010) has the lead responsibility for managing local flood risk, from surface water, groundwater and ordinary watercourses. The Environment Agency is responsible for taking a strategic overview of the management of all sources of flooding and coastal erosion.

Although the primary responsibility for managing flood risk from main rivers, (of which the River Rother at Tapton Terrace, Chesterfield is) vests with the Environment Agency (“EA”) DCC continue to work collaboratively with the EA to explore ways in which the flood risk can be reduced in order to avoid the risk to life.

DCC is currently exploring the feasibility of removing an access bridge, which is located over the River Rother, just to the south of Tapton Terrace. The access bridge is public highway and is the responsibility of the authority to manage and maintain. Removal of the access bridge may provide a benefit in terms of reducing the flood risk to Tapton Terrace and surrounding flood areas. There would be a requirement to utilise the EA’s modelling and expertise, in order to evidence that removal of the bridge will actually reduce the flood risk. To explain what modelling is, the EA have river models which simulate the flows and depths over a range of different storms, which can be used to aid feasibility and design of a flood risk scheme. This modelling and evidence is essential to allow DCC to consider the removal of the access bridge, as a stopping up order would also be required, under Section 116 of the Highways Act 1980. DCC remains committed to exploring opportunities for progressing this work, and will continue to liaise with the Environment Agency to identify how the necessary evidence might be compiled, if it can be demonstrated that it would reduce the flood risk. The stopping up order would also be subject to public consultation. At this stage, it’s challenging to define precise timescales for this work due to a number of uncertainties. We’re actively working to clarify these uncertainties, and will provide a more definitive timeline as soon as conditions allow.

DCC is also exploring the feasibility of constructing a Flood Alleviation Scheme on the Spital Brook, which is an ordinary watercourse (rather than a main river) and would therefore fall under the remit of DCC as the Lead Local Flood Authority to consider, rather than the EA. The scheme would provide upstream attenuation in times of heavy rainfall, thereby potentially reducing the flood risk further downstream, at the point it connects into the River Rother. To date, two grant funding bids have been submitted which would fund the feasibility study of such a scheme. The outcome of these two bids is expected to be around February/March 2026. It’s worth noting that a scheme of this magnitude would take approximately 5 to 10 years to deliver and is subject to appropriate funding being made available.

DCC in its capacity as Lead Local Flood Authority is wholly reliant on grant funding from government agencies, to take forward and deliver any flood mitigation schemes in Derbyshire.

DCC will continue to work collaboratively with the EA, through the Derbyshire Resilience Partnership (DRP) Flood Group. This will include working closely on local engagement, encouraging residents to sign up to receive flood warnings. The DRP Flood Group will review existing flood plans and evacuation procedures for the Chesterfield area, developing these where necessary.

Derbyshire County Council 24th October 2025