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DEFRA Flood and Coastal Resilience Innovation Programme

Background

In the 2020 budget, Government announced a programme to test and demonstrate ways to help communities become more resilient to flooding and coastal change. The programme has allocated £150m to 25 areas in England to deliver projects which will inform future approaches to increasing the nation's resilience to flooding.

The City of York Council (the **Council**) successfully led a bid for funding, in collaboration with project partners, for a project to manage water within the 3,500km² Swale, Ure, Nidd and Ouse (**SUNO**) catchment upstream of York. Recognising that water doesn't respect authority boundaries, the project will develop a pipeline of projects across North Yorkshire which use 'natural flood management' measures to slow and store flood water.

Approach

Future flood resilience in York and North Yorkshire communities can be achieved through the development of measures away from urban areas that deliver direct benefits to those communities and work with hard engineered flood defences where they exist.

Natural flood management (**NFM**) includes a wide range of measures including soil and land management changes and features such as small earth bunds and shallow depressions to slow runoff at a catchment scale. Our project will work in partnership with farmers and land managers to develop NFM measures that can be implemented in a way that supports farm businesses and the wider rural economy. Agricultural subsidies, which are changing as part of the developing Environmental Land Management Schemes, are expected to be an important element of funding for NFM measures in the near future. The project will provide advice to farmers and land managers to encourage uptake of NFM measures and helps them access funding.

The project has been developed with involvement from a number of key partners including JBA Consulting, Environment Agency, University of York, Yorkshire Dales Rivers Trust, Yorkshire Dales National Park and a range of other catchment-based organisations. The experience and local relationships held by these organisations has been invaluable in developing the project to date. There are numerous initiatives, including

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tree planting and habitat improvement projects, within the SUNO catchment which can contribute to NFM outcomes and are potential candidates for project funding.

The project will use innovative modelling approaches to understand how these NFM measures could benefit both local communities and downstream urban areas. Based on this understanding, the project will explore options for financing NFM measures in the upper catchments from established funding sources (including existing Government funding streams for managing flood risk) and also from downstream beneficiaries.

To help all communities to understand the interconnections within the catchment, the project will trial innovative engagement techniques. This will aim to present the complex dynamics within the catchment in simple terms and communicate in engaging ways.

Progress

The project has received development funding to enable a project manager to be employed. The next step is to develop an Outline Business Case, which will be submitted to the Environment Agency for approval to release the next phase of funding.

The Council is managing the drafting of the business case in close collaboration with partners, including North Yorkshire County Council. A non-technical summary of the business case will be shared with the City of York Council Executive Committee in early summer 2022. It is expected that the total project value will be around £6m (including contingency and inflation) and the duration will be to March 2027, when the funded programme ends.

Challenges

A truly coordinated scheme delivered through many partners will require the development of effective governance arrangements. The linkages between City of York Council and North Yorkshire County Council will be essential to the project's success. We are currently developing these approaches which will be outlined further in the paper to the Executive, but initially a high level non-legally binding shared Memorandum of Understanding which sets out a long-term approach to managing water across the catchments, is proposed (see **Appendix 1** of this Annex). A template form for a detailed legally binding Collaboration Agreement based upon the principles set out in non-legally binding Memorandum attached in **Appendix 1** of this Annex has been drafted with advice from

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Legal Services and will be used to support our work with partners across the catchment as we seek to formalise the governance arrangements for the project going forward.

This will provide a framework for the project but will also provide a basis for longer-term collaboration, North Yorkshire County Council are similarly scrutinising the current and future governance proposals

The project is ambitious in scale, innovative in approach and presents a good opportunity to inform Government policy and funding arrangements based on practical application. Most importantly, the project aims to establish a lasting legacy of ways of working that improve flood resilience across the catchment for the benefit of all our communities.

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Appendix 1

Memorandum of Understanding between the City of York Council and North Yorkshire County Council in relation to managing water to reduce flood risk

Background

City of York Council (CoYC) and North Yorkshire County Council (NYCC) are 'lead local flood authorities' under the Flood and Water Management Act 2010 and have duties under this Act to cooperate in order to manage flood risk. CoYC and NYCC act collaboratively to manage flood risk to their communities, and their flood risk management strategies are aligned.

Water does not respect administrative boundaries and actions taken in one part of a river catchment can have effects downstream, in different local authority areas. Catchment-wide approaches to managing flood risk are increasingly recognised as an important tool to mitigate the impact of more intense rainfall caused by climate change. The Government's flood and coastal risk management policy and the Environment Agency's national flood risk management strategy both promote the use of nature-based measures to slow and store water within catchments, alongside investment in engineered flood defences.

Purpose

This Memorandum of Understanding (MoU) sets out the commitment from CoYC and NYCC to work together to increase flood resilience within their communities.

The councils recognise that a collaborative approach to managing water across catchments is mutually beneficial but it does bring challenges. Catchment-wide working means councils need to take an interest in work outside the area they administer. A catchment-based approach also means local communities across the catchment need to be engaged: in particular, farmers and land managers who hold back water on their land must be recognised and appropriately supported.

This MoU will form the basis for the councils' approach to working together to balance the needs of all communities to improve resilience to flooding.

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Our commitment to working together

- We will support transparent decision making that recognises potential trade-offs between different areas and maximises benefits to all our communities
- We will build the evidence base to better understand how actions in one part of the catchment can impact other places
- We will engage with communities across the catchments so they understand the interconnections within the catchment and how they can help increase flood resilience
- We will develop measures to reduce flood risk in a collaborative way which recognises connections within the catchment
- We will investigate and promote funding opportunities which support catchment-wide approaches
- We will work together to enable efficient delivery of catchment-wide measures, including any consenting needed.

Termination

Either party may terminate this MoU by giving at least one (1) month's notice in writing to the other party at any time.

Variation

This MoU may only be varied by written agreement of the parties.

Charges and liabilities

Except as otherwise provided, the parties shall each bear their own costs and expenses incurred in complying with their obligations under this MoU. Both parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and neither party intends that the other party shall be liable for any loss it suffers as a result of this MoU.

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Status

For the avoidance of any doubt, this MoU is not intended to be legally binding, nor does it constitute a binding obligation upon either of us to enter into any kind of legally binding collaboration agreement at any later date, and no other legal obligations or legal rights of any kind shall arise between the parties from this MoU.

The parties enter into the MoU intending to honour all their obligations.

Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the parties, constitute either party as the agent of the other party, nor authorise either of the parties to make or enter into any commitments for or on behalf of the other party.

Governing law and jurisdiction

This MoU shall be governed by and construed in accordance with English law and each party agrees to submit to the exclusive jurisdiction of the courts of England and Wales.

Signed for and on behalf of the City of York Council

Signature:

Name:

Position:

Date:

Signed for and on behalf of North Yorkshire County Council

Signature:

Name:

Position:

Date: