

To: Council

Date: 8th February 2016

Report of: Head of Law and Governance

Title of Report: Oxford Flood Alleviation Scheme – Delegation of planning powers to Oxfordshire County Council

Summary and Recommendations

Purpose of report: To outline the proposed Oxford Flood Alleviation Scheme (“the Scheme”) and to seek approval for the delegation to the Oxfordshire County Council of any planning responsibilities that would otherwise be exercised by the Oxford City Council in relation to the Scheme.

Policy Framework: Not applicable

Recommendations: The Council is recommended to:

- (1) delegate the discharge of the District Planning Authority functions of the Oxford City Council to the Oxfordshire County Council, in connection with the processing and determination of the expected planning application for the Oxford Flood Alleviation Scheme, under section 101 of the Local Government Act 1972;
- (2) to authorise the Head of Planning and Regulatory Services, in consultation with the Head of Law of Governance, to negotiate and agree a Memorandum of Understanding with the Oxfordshire County Council to determine the operational arrangements of the delegation of the Oxford City Council’s planning functions in relation to the Scheme.
- (3) agree that a long stop date be placed on the delegation such that the delegation will be revoked if any Scheme application is not determined by the 18th February 2019.

Introduction

1. There are 4500 properties at a 1% or greater annual risk of flooding in Oxford. This figure will rise to over 6000 properties by 2080 because of the effects of climate change. In addition major roads, railway lines, schools and businesses are also at risk.
2. The Environment Agency is working with a range of partners including Oxford City Council, the Vale of White Horse District Council, the

Oxfordshire County Council, Thames Water and the Oxfordshire Flood Alliance, to develop a scheme, the Oxford Flood Alleviation Scheme to reduce flood risk in Oxford. This will involve improving the capacity in Oxford's western flood plain, between the Botley Road and Sandford-on-Thames, by constructing a flood relief channel.

3. It is proposed that instead of multiple planning applications having to be submitted to and determined by a number of authorities that a single application be submitted to and determined by the Oxfordshire County Council. As matters currently stand, unless the Scheme in substance amounts to mineral extraction, it would have to be dealt with by each district authority that the new flood channel passes through.

The Oxford Flood Alleviation Scheme

4. This project has arisen out of very significant local concern. The Environment Agency's existing flood risk management operations across Oxford, which include operating weirs and channel maintenance, reduce the number of properties at a 1% or greater annual risk to 1800. The objectives of the project are to further reduce risk of flooding in Oxford.
5. If approved a new channel would flow through the western floodplain of Oxford in two sections between Botley Road and Redbridge and between Kennington and Sandford-on-Thames. Wherever possible it is likely to consist of a two stage channel formed from a combination of widened existing watercourses and new sections of channel.
6. The new channel would provide additional capacity and would work with the natural processes of the local watercourses and the flood plain to help manage the movement of water through Oxford. During a flood this would reduce the risk of water entering homes, businesses and disrupting transport links.
7. Although a channel would reduce flood risk it cannot remove it entirely. In extreme weather the western flood plain would still be utilised as the channel would fill up and be overtopped, with flood water spilling into the surrounding flood plain.
8. The Scheme does not seek to address foul and sewerage flooding issues.
9. The appraisal, design and construction of a flood relief channel would cost approximately £120 million. The Scheme has been allocated £42 million in Flood Risk Management Grant in Aid funding from the government. The government will decide on the level of further funding for the Scheme as the design is developed.

Delegation of powers

10. This Council has the power to make arrangements for the discharge of its functions by another local authority under section 101 of the Local Government Act 1972. This means that the responsibility for the function will be passed to the Oxfordshire County Council. Schemes of delegation are matters for local agreement and can be varied or changed or cancelled by any of the parties involved. This is very different from a contractual arrangement when responsibility for the function remains with the awarding public body. This report is seeking approval for this Council's functions in connection with the processing and determination of the expected planning application for the Scheme to be discharged by Oxfordshire County Council.

Legal issues

11. The details as to the operational arrangements of the proposed delegation to the Oxfordshire County Council of the powers to process and determine the planning applications in connection with the Scheme will be negotiated and agreed with Oxfordshire County Council officers by the Head of Planning and Regulatory Services in consultation with the Head of Law and Governance.

Financial Issues

12. None

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Background papers: None

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