



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Climate and Environment Overview and Scrutiny - 23 March 2023</b>
Subject	<b>FLOOD RISK MANAGEMENT SERVICE REVIEW</b>
Report Number	<b>Agenda Item No. 5</b>
Wards affected	ALL
Accountable member	Cllr Arciszewska - Executive Member for Environment Email: <a href="mailto:Lidia.Arciszewska@westoxon.gov.uk">Lidia.Arciszewska@westoxon.gov.uk</a>
Accountable officer	Phil Martin – Assistant Director Business Support Services Tel: 07764352360 Email: <a href="mailto:phil.martin@publicagroup.uk">phil.martin@publicagroup.uk</a>
Summary/Purpose	The purpose of the report is to provide the Committee with a structured summary of the review, the areas explored, relevant findings and a proposed way forward that will not only meet current but future challenges facing the District and its residents regarding the risk from flooding.
Annexes	Appendix 1 - Flood Risk Management Final Proposal
Recommendation/s	That the Committee considers the outcomes of the review and agrees the recommendations outlined within the report.
Corporate priorities	The proposal in this report supports the following Council priorities: Priority 3 – Creating a Better Environment for People and Wildlife Priority 4 – Responding to the Climate and Ecological Emergency
Key Decision	YES
Exempt	NO
Consultees/ Consultation	

## 1. BACKGROUND

A review of the current flood risk management arrangements that are in place and delivered by a single team who support West Oxfordshire, Cotswold and Forest of Dean District Councils was started in June 2022. The key purpose of the review was to -

*'Deliver a Flood Risk Management service that meets the needs of the partner Councils, residents and businesses within the legislative and budgetary constraints'.*

The review group had representatives from the 3 Councils; Cllr Arciszewska - Executive Member for Environment (WODC), Cllr Doherty - Cabinet Member for the Environment, Waste and Recycling (CDC) and Cllr Tim Gwilliam - Leader of the Council and Cabinet Member for Overall Strategy.

## 2. MAIN POINTS

2.1. The review adopted a formal project management approach and was supported by not only the Lead Flood Risk Management Officer, Laurence King but also a trained project manager.

2.2. The approach was structured around –

- a) Clarifying the extent of the legislative requirements that fall on the Councils;
- b) Assessing the ambition, scope and capacity to deliver additional support locally beyond statutory duties;
- c) Reviewing the services capacity and capability to meet the statutory requirements and any additional requirements that the partners wish to deliver;
- d) Considering the opportunities to work with partners and other agencies

### 2.3. Clarifying the extent of the legislative requirements that fall on the Councils

2.3.1. The review established that actual legal responsibilities of the District Council under the Land Drainage Act 1991 are limited as major watercourses and rivers such as the River Windrush and Thames are designated "main rivers", which are under the control of the Environment Agency (EA).

2.3.2. Almost all other watercourses, including streams, ditches (whether dry or not), ponds, culverts, drains, pipes and any other passage through which water may flow, are defined as 'ordinary watercourses' and fall under County Councils, who in the majority of cases are also the Local Lead Flood Authority (LLFA).

2.3.3. The Council as a land owner does have a legal duty as a 'riparian owner' to maintain any watercourse that passes through its land to ensure the free flow of water is not impeded. However, whilst riparian owners must accept the natural flow from upstream they do not need to carry out work to cater for increased flows resulting from some types of works carried out upstream, for example a new housing development. If a riparian owner fails to carry out their responsibilities under the Land Drainage Act, or if anyone else causes a watercourse to become blocked or obstructed, the County Council has powers of enforcement by serving a notice under section 25 of the Act.

### 2.4. Assessing the ambition, scope and capacity to deliver additional support locally beyond statutory duties

- 2.4.1. The Council currently provides more support to local residents & communities than required to satisfy its statutory duties, this include the provision of sandbags for people so they can protect their homes and businesses, as well as hosting events such as the Waterways Day to give local residents the opportunity to learn about the current status of our watercourses and to engage with the organisations that are responsible for their management.
- 2.4.2. The review established that whilst the Council was doing more than meeting its statutory obligation, as this was a key area of importance that had been recognised in the recently launched Council Plan more needed to be done such as the formalisation of the current ad-hoc liaison / lobbying role and monitoring of the performance of Thames Water (TW) and the Environment Agency (EA).
- 2.4.3. Taking a more pro-active stance in regards to carrying out inspections on critical ordinary watercourses and assets with a view to seeing riparian owners carry out work before watercourses become congested and assets become dilapidated was another area identified, which the review felt would make a significant impact and potential reduce the risk of flooding in some areas of the district.
  
- 2.5. **Reviewing the services capacity and capability to meet the statutory requirements and any additional requirements that the partners wish to deliver**
- 2.5.1. As part of current duties, the council's Flood Risk Management team provide expert advice to residents, councillors and internal teams, including major and minor planning applications in terms of land drainage. The Council has also carried out a number of flood alleviation schemes over the years.
- 2.5.2. The team currently operates as a 'shared service' across the 3 partner Councils, as this helps provide both resilience as well as shared learning and consistency when responding to planning applications. A key benefit of this approach is that as both Cotswold and West Oxfordshire share key waterways and catchment areas, interventions and solutions can be looked at in a more holistic way.
- 2.5.3. The Review looked at the current level of resources, skills and capacity of the team and undertook a detailed analysis of the activities they were undertaking. The results of this work highlighted that a significant element of the team's workload was associated with responding to planning consultations, thus ensuring that the appropriate flood risk management controls / mitigations are in place for all new developments. Other key activities included Section 23 consenting work, Planning / Section 25 enforcement enquiries and under taking site visits for flood risk problems across the districts.
  
- 2.6. **Considering the opportunities to work with partners and other agencies**
- 2.6.1. Due to the projects and schemes the team have either led or actively supported in the past the team has the skills, geographical knowledge and understanding of land drainage to not only continue to carry out the delegated functions as requested by OCC under the agency agreement but could take a greater role in the design of new schemes for them and the other district who inevitably have to rely on procuring consultants because of their lack of resource capability.
- 2.6.2. The team could also pro-actively explore Natural Flood Management schemes that either LLFA, EA or others do not intend to construct and respond to internal and external consultations (such as GWT, Water companies, upper Thames catchment, Severn estuary catchment etc), which will shape the future of the landscape and flood defence.

- 2.6.3. The review also identified that significant benefits could be had by working with the LLFA to ensure they are meeting their statutory duties, i.e. highways maintenance, as surface run off is a major cause of flooding in some parts of the district.

### **3. FINANCIAL IMPLICATIONS**

- 3.1. The review identified the additional resources and capabilities required to deliver a more pro-active and resilient service, having looked at various options. It was agreed that a new Senior Flood Risk Engineer post needed to be recruited to provide the team with the additional skills and capacity as well as a trainee post.
- 3.2. The review recognised that in the current employment climate where the demand for people with relevant flood risk management skills is strong and salary levels very high, it was important to start planning for the future and adopt a 'grow our own' approach to help with longer term resilience and capacity.
- 3.3. Originally all 3 partner Councils were going to fund the proposal but due to financial pressures CDC weren't able to progress with the proposal and therefore will not be accessing the additional capacity provided. As the team will continue to operate as a 'shared service' clear work plans will be put in place and monitored to avoid any risk of cross subsidisation.
- 3.4. An initial funding proposal of £39,000, which is the Council's contribution towards the posts as they will be jointly funded with FODDC, was presented as part of a wider package of opportunities to the Council's Chief Executive for consideration before Christmas, see Appendix I. The proposal was included in the 2023/24 draft Budget that was presented to full Council on the 15<sup>th</sup> February 2023.

### **4. LEGAL IMPLICATIONS**

- 4.1. All three Councils currently have paid agency agreements with the respected County Councils (Oxfordshire & Gloucestershire County Councils) for the consenting and enforcement of the Land Drainage Act including flood incident investigations. The current agreement with OCC is in the final stages of being renewed and will be in place for 3 years. All the District Councils across Oxfordshire are in a similar position and the terms of the agreements are consistent, however the funding offered does differ depending on the area of water courses covered and work involved.

### **5. RISK ASSESSMENT**

- 5.1. The risks associated with not approving the funding proposal, thus not increasing both the capacity and skill base of the Flood Risk Management Team is that the service provided will continue to be re-active and their ability to reduce the impact of flooding and improve the water quality of the rivers and water courses across the district limited.

### **6. EQUALITIES IMPACT (IF REQUIRED)**

- 6.1. No equalities implications have been identified through the review.

### **7. ECOLOGICAL AND CLIMATE EMERGENCY IMPLICATIONS (IF REQUIRED)**

- 7.1. If the funding proposal was approved then the Flood Risk Management team will be able to take a more pro-active stance on not only monitoring the performance of organisations like Thames Water, whose recent storm discharge map has shown the volumes / number of

times sewage is discharged into local rivers from the Sewage treatment works across the district, but to actively work with them on ensuring there is enough capacity within their network.

- 7.2. The team would also be able to explore and where viable introduce Natural Flood Management schemes thus reducing the impact of flooding on residents, whilst also protecting the local ecology and habitat.

## **8. ALTERNATIVE OPTIONS**

- 8.1. The Executive could choose to not adopt the review's recommendation in regards to expanding the capacity and capability of the team to take on a more proactive approach choosing to continue with the status quo.
- 8.2. The down side of this decision would be that limited impact will be made in regards to improving the water quality across the district by lobbying / working closely with the likes of Thames Water and enforcement would continue to be ad hoc.
- 8.3. Alternatively the Executive could advocate looking at partners or community organisations to provide the capacity to delivery what's been identified, however as we know resources are stretched in the LLFA / EA this isn't feasible and community organisations would require funding support due to their limited capacity.

## **9. BACKGROUND PAPERS**

- 9.1. None

(END)