

WEST OXFORDSHIRE DISTRICT COUNCIL

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

7 JULY 2005

CABINET – 20 JULY 2005

UPDATED POLICY STATEMENT ON FLOOD DEFENCE

REPORT OF THE HEAD OF STREET SCENE SERVICES

(Contact: Phil Page 01993 861344)

(The Committee's decision on this matter will be a recommendation to Cabinet)

1. PURPOSE

To consider the approval of updates to the existing Policy Statement on Flood Defence.

2. RECOMMENDATIONS

That the updated Flood Defence Policy set out in Appendix I is recommended to Cabinet for approval.

3. BACKGROUND

- 3.1. Council approved the current Flood Defence Policy at its meeting on 25th April 2001. The Policy at that time required additional information relating to Critical Ordinary Watercourses (COW's) within the district which could not be provided until such time that a detailed survey of the watercourses had been complete.
- 3.2. Following completion of the COW's survey and approval by the Environment Agency the current Policy was reviewed as part of the Street Scene Best Value Review in 2004. The resulting BVSR improvement plan objectives identified a need for Sections 3.5 to 3.7 (now 2.5 to 2.7) of the existing Policy to be updated.
- 3.3. The information required to be updated for sections 3.5 and 3.7 related to certain lengths of ordinary watercourses which have now been identified as critical, that is, are at risk of flooding, in accordance with criterion set by the Environment Agency.
- 3.4. These Critical Ordinary Watercourses (COWS) are:-
 - Hailey Road Drain (1km) leading to the River Windrush.
 - Highmoore Brook (2.9km) leading to the River Windrush.
 - Cassington Stream (1.6km) leading to the River Thames.
 - Elms Road Drain (0.2km) leading to Cassington Stream

- 3.5. The Environment Agency (EA) and WODC are responsible bodies for main rivers and ordinary watercourses, respectively. The riparian owner (freeholder of the banks of rivers/watercourses) have a duty to ensure that the flow of water into section of watercourse is not impeded.
- 3.6. The EA have a responsibility to ensure that the flow of water in main rivers, which are strategically important water courses, is not impeded.
- 3.7. The four lengths of watercourse identified in paragraph 3.4, plus the connecting lengths to the main river total 11.5km and are temporarily classified as “critical ordinary watercourses”, or COWS. Through the enmaining process, the Environment Agency is intending to re-classify these as a main river. At this time these COW’s will become the EA’s responsibility. This is due to be completed in March 2006.
- 3.8. Under the Land & Drainage Act 1991 WODC has and will continue to have responsibility for ensuring that the flow of water in all other ordinary watercourses is not impeded.
- 3.9. In both cases identified in paragraphs 3.7 and 3.8 above, the riparian owners have a duty to perform such works necessary to maintain that flow. If riparian owners refuse to maintain the proper flow, the responsible body (EA for main rivers and LA for ordinary watercourses) may serve a notice to require the condition to be remedied. In default, the EA or LA may execute the work itself and recover expenses.
- 3.10. The above information has now been reflected in Sections 2.5 to 2.7 of the updated Flood defence policy at appendix I. For ease of comparison extracts form both the existing and revised policy can be found at appendix 2

4. FINANCIAL IMPLICATIONS

- a. There are no financial implications arising from this report. Any specific costs will be met from the approved budget for land drainage and flood defence.

5. REASONS

- 5.1. The Flood Defence Policy supports the Council’s aims.
 - To protect and enhance the environment

Phil Page
Head of Street Scene

(Authors: John Clark, Principal Engineer and Philip Evans, Environmental Performance and Facilities Manager, Tel: (01993) 861335, Email: john.clark@westoxon.gov.uk or philip.evans@westoxon.gov.uk)

Date: 22 June 2005

WEST OXFORDSHIRE DISTRICT COUNCIL
POLICY STATEMENT ON FLOOD DEFENCE

I. INTRODUCTION

Purpose

I.1 This policy statement has been prepared by West Oxfordshire District Council to provide a public statement of the Council's approach to flood defence in its area.

Background

I.2 The Department for Environment, Food and Rural Affairs has responsibility for policy concerning flood and coastal defence in England. However, delivery is the responsibility of a number of flood and coastal defence "operating authorities" which include the Environment Agency, local authorities and internal drainage boards. Responsibilities differ according to the type of operating authority, and for West Oxfordshire, the responsibilities are set out in paragraphs 2.1 and 2.2 below.

I.3 The Government has published a policy aim and three objectives for flood and coastal defence (see section 2).

I.4 To ensure a more certain delivery of the aim and objectives by the individual operating authorities, the Government has published a series of high level targets, the first of which requires each operating authority to publish a policy statement setting out their plans for delivering the Government's policy aim and objectives in their area. This will include their assessment of flooding and coastal erosion risk in their area, and the plans for reducing or managing that risk.

I.5 West Oxfordshire District Council's policy statement fulfils that requirement. Copies are available from the *Council's offices at Elmfield, New Yatt Road, Witney, Oxon. OX28 1PB* and on the Internet at www.westoxon.gov.uk. A copy of the Policy has been forwarded to:

- The Department for Environment, Food and Rural Affairs;
- the Department of the Environment, Transport and the Regions; and
- the Environment Agency.

2. HOW THE COUNCIL WILL DELIVER THE GOVERNMENT'S POLICY AIM AND OBJECTIVES

West Oxfordshire District Council acknowledges and supports the Government's aim and objectives for flood and coastal defence (as set out below). Our policy and approach will be consistent with them, as follows:

Government's policy aim: To reduce the risk to people and the developed and natural environment from flooding and coastal erosion by encouraging the provision of technically, environmentally and economically sound and sustainable defence measures.

West Oxfordshire District Council's response to the Government's policy aim:

Flood and coastal defence responsibilities

2.1 Apart from certain obligations to protect internationally important habitats under the EU Habitats Directive, all flood and coastal defence works are undertaken under permissive powers. This means that operating authorities, such as West Oxfordshire District Council, are not obliged to carry out flood and coastal defence works. It is also important to note that the Council does not normally accept responsibility for maintenance of flood defences on private land; this is the responsibility of the landowner.

2.2 West Oxfordshire is the relevant operating authority for flood defences on ordinary watercourses which are not within the area of an internal drainage board;

2.3 The flood and coastal defences that are owned or managed by the Council are detailed in our return for the database which is maintained by the Environment Agency.

2.4 The Environment Agency is the relevant operating authority for flood defences on designated main rivers. Culverts under roads are generally the responsibility of the relevant Highways Authority (Oxfordshire County Council or Highways Agency).

Assessment of flood risk

2.5 At present there are 77 km of ordinary watercourses for which West Oxfordshire is the relevant operating authority. These are all of the watercourses in the Council's area except those which are designated as Main River and thus the responsibility of the Environment Agency. There is no internal drainage board operating in the Council's area.

2.6 It has been agreed with the Environment Agency that within the Council's area there are 11.5 km of ordinary watercourses which have been re classified as "critical ordinary watercourses". (These are watercourses which are not classified as "main river" at present but which the Council has agreed with the Environment Agency are

critical because they have the potential to put at risk from flooding large numbers of people and property). The watercourses concerned are non-main river sections leading to the Rivers Thames and Windrush.

The Council is satisfied that there is minimal risks to human life created by these flood risks from ordinary watercourses, but emphasises the need for the Environment Agency's flood warnings to be heeded, where these are provided (see below).

2.7 Based on historical flooding information, coupled with the Environment Agency's indicative flood plain maps, the Council has carried out an assessment of the risk of flooding from the ordinary watercourses in our area.

Some of the areas through which watercourses pass are also subject to sewer flooding in connection with storm water flooding, however, they do not, at this time, fulfil the requirements of the EA as Critical Ordinary Watercourses.

Action to reduce or manage flood risks

2.8 The main means by which flood risks will be managed is through the Environment Agency's flood warning dissemination plan of June 2002. This makes arrangements for warnings to be provided within this Council's area, including individual warnings to high risk properties. West Oxfordshire DC has included plans for responding to both major and minor flooding in its emergency planning procedures and has arrangements for cascading warnings received from the Environment Agency to relevant Council services.

2.9 The Council has a programme in place to inspect the state of flood defences (whether or not owned by the Council) on all ordinary watercourses; and all critical ordinary watercourses and related culverts.

2.10 The Council will ensure that regular maintenance is carried out on the flood defences and channels which it owns, or for which it accepts responsibility, so that they operate at optimum efficiency. Where the responsibility for maintenance rests with a landowner, West Oxfordshire will aim to secure co-operation in ensuring appropriate maintenance takes place, drawing on enforcement powers if necessary.

2.11 By following Government guidance in Planning Policy Guidance Note 25 on development in flood risk areas, the Council, acting as a local planning authority, will ensure that risks are further minimised. This includes measures for ensuring sustainable urban drainage systems to control surface water run off.

Government's Objective (a): To encourage the provision of adequate and cost effective flood warning systems.

Provision of flood warning systems is the responsibility of the Environment Agency. However, West Oxfordshire recognises its related and important role in emergency planning and response. We will therefore:

- ensure our emergency response plans include appropriate arrangements for flooding emergencies and that such plans are reviewed, in consultation with the Environment Agency, at least every two years;
- maintain an awareness of the Environment Agency's flood warning dissemination plan for our area and contribute to its implementation as necessary; and
- undertake an agreed role in any flood warning emergency exercises organised by the Environment Agency covering our area.

Government's Objective (b): To encourage the provision of adequate, economically, technically and environmentally sound and sustainable flood defence measures.

West Oxfordshire District Council will:

- provide an adequate, economically, technically and environmentally sound approach to providing the flood defence service. We will:
 - ◇ adopt a strategic approach to provision of flood and coastal defences, particularly by assessing any potentially wider effects of proposed defences. To this end we will continue to play a full role in Local Environment Agency Plans, for our area;
 - ◇ aim to provide sustainable flood defences which provide social and/or economic benefits to people whilst taking account of natural processes and which avoid committing future generations to inappropriate defence options;
 - ◇ ensure work is carried out in accordance with best practice and to deliver best value for money including:
 - (a) keeping up-to-date with policy and technical developments in flood and coastal defence, in particular by reference to DEFRA guidance, other Government publications and relevant technical manuals;
 - (b) consulting the Environment Agency on flood defence options to ensure that best practice is adopted and shared; and
 - (c) using appropriately qualified experts to advise on analysis and design of works or programmes of management;
 - ◇ consider alternative approaches to funding, such as Public Private Partnerships;
 - ◇ where appropriate, seek contributions from developers or other direct beneficiaries of works, in accordance with Planning Policy Guidance Note 25.
 - ◇ ensure that appropriate maintenance regimes are in place for flood defences for which the Council takes responsibility;
 - ◇ inform landowners of what responsibilities for maintenance rest with them (see paragraph 3.1 below);
 - ◇ make publicly available the Council's expenditure plans for flood defence maintenance and capital works.
- undertake a positive role in fulfilling our statutory and other responsibilities for furthering nature conservation, including achievement of the Government's environmental obligations and targets. In particular we will:

- ◇ fulfil our responsibilities in relation to nationally and internationally important conservation areas, under the Wildlife and Countryside Act 1981 and as a competent authority under the terms of the Conservation (Natural Habitats &c.) Regulations;
- ◇ when carrying out flood and coastal defence works, seek opportunities for environmental enhancement, and aim to avoid damage to environmental interest and to ensure no net loss to habitats covered by Biodiversity Action Plans. We will monitor all losses and gains of such habitats as a result of these operations and report on them annually to the Environment Agency; and
- ◇ ensure that, for those Water Level Management Plans where we are the lead operating authority, we work in partnership with English Nature to complete, implement and review Plans in accordance with DEFRA guidance on plan completion and the timetables set out in DEFRA High Level Targets.

Objective (c): To discourage inappropriate development in areas at risk from flooding and coastal erosion.

As the local planning authority for our area, West Oxfordshire will take account of flooding risks in all matters relating to development control, including development plans and individual planning applications, in accordance with Planning Policy Guidance Notes 20 and 25.

3. PARTNERSHIPS AND REVIEW OF THIS POLICY STATEMENT

3.1 The Council has set out its policy and approach to flood defence. The need to work in partnership with central Government and other operating authorities is recognised. Our local population also has an important part to play, in recognising the vital importance of watercourses in controlling flood risk and the need to avoid blockages, whether by dumping rubbish or obstructing flows in other ways. Members of the public are invited to let the Council know of any problems which might increase the risk of flooding.

3.2 West Oxfordshire intends to review this policy statement in three years' time, when it will be revised and re-issued as necessary. Meanwhile, the Council welcomes any comments on the approach and policies set out in this statement.

References

¹ *Strategy for Flood and Coastal Defence in England and Wales* MAFF and Welsh Office, September 1993

This document is still current – read DEFRA for MAFF.

DEFRA envisage launching the *Strategy for flood and coastal risk management*' in early 2005.

² *High Level Targets for Flood and Coastal Defence Operating Authorities and Elaboration of the Environment Agency's Flood Defence Supervisory Duty* MAFF, November 1999.

Note that the printed version still refers to MAFF throughout.....but for practical purposes these references should be read as DEFRA. The document is still current.

Appendix 2 - Comparison extracts form both the existing and revised policy.

Existing policy extract

Assessment of flood risk

3.5 There are xxx km of ordinary watercourses for which West Oxfordshire is the relevant operating authority. These are all of the watercourses in the Council's area except those which are designated as Main River and thus the responsibility of the Environment Agency. There is no internal drainage board operating in the Council's area.

3.6 It has been agreed with the Environment Agency that within the Council's area there are x km of "critical ordinary watercourses". (These are watercourses which are not classified as "main river" but which the Council has agreed with the Environment Agency to be critical because they have the potential to put at risk from flooding large numbers of people and property). The watercourses concerned are the non-main river sections of the River X, and all of the River Y.

3.7 Based on historical flooding information, coupled with the Environment Agency's indicative flood plain maps, the Council has carried out an assessment of the risk of flooding from the ordinary watercourses in our area. The main areas at risk of flooding are the town of [location] and the village of [location]. In addition, Council inspections show there to be significant deficiencies in the river walls at [location] creating an increased flood risk to the town. We also found that the River Z at [location] is subject to a build up of silt which, if not cleared regularly, will significant reduce the flow so as to increase the risk of flooding at [location]. The Council is satisfied that there are minimal risks to human life created by these flood risks from ordinary watercourses, but emphasises the need for the Environment Agency's flood warnings to be heeded, where these are provided (see below).

Proposed amended policy extract

Assessment of flood risk

2.5 At present there are 77 km of ordinary watercourses for which West Oxfordshire is the relevant operating authority. These are all of the watercourses in the Council's area except those which are designated as Main River and thus the responsibility of the Environment Agency. There is no internal drainage board operating in the Council's area.

2.6 It has been agreed with the Environment Agency that within the Council's area there are 11.5 km of ordinary watercourses which have been re classified as "critical ordinary watercourses". (These are watercourses which are not classified as "main river" at present but which the Council has agreed with the Environment Agency are critical because they have the potential to put at risk from flooding large numbers of people and property). The watercourses concerned are non-main river sections leading to the Rivers Thames and Windrush. The Council is satisfied that there is minimal risks to human life created by these flood risks from ordinary watercourses, but emphasises the need for the Environment Agency's flood warnings to be heeded, where these are provided (see below).

2.7 Based on historical flooding information, coupled with the Environment Agency's indicative flood plain maps, the Council has carried out an assessment of the risk of flooding from the ordinary watercourses in our area. Some of the areas through which watercourses pass are also subject to sewer flooding in connection with storm water flooding, however, they do not, at this time, fulfil the requirements of the EA as Critical Ordinary Watercourses.