

Cherwell District Council

Executive

6 January 2020

Resumption of Land Drainage and Flood Risk Management Services

Report of Director Communities

This report is public

Purpose of report

The purpose of this Report is to highlight a significant gap that has emerged in the abilities of Cherwell and its Partner Authorities to respond effectively to flooding events. It provides reasons why flood risk in the District has increased over the past few years and recommends how Cherwell can reverse this trend.

1.0 Recommendations

The meeting is recommended to agree that:

- 1.1 The policy decision taken by the Executive on 11 October 2010 to disengage altogether from land drainage and flood risk management services is rescinded.
- 1.2 A policy to re-engage with these services, at a slightly reduced level than previously, is agreed.
- 1.3 A revenue budget of £50,000 per annum is allocated to a reinstated land drainage and flood risk management service for 2020/21 and ensuing years.

2.0 Report Details

- 2.1 Through a formal policy decision of the Executive taken on 11 October 2010, Cherwell discontinued its engagement with land drainage flood risk management on 1 April 2011.
- 2.2 It is now recognised that this has rendered the District increasingly vulnerable to flooding and has exposed the Council to a high reputational risk through not being able to respond effectively to flooding events.

- 2.3 The decision to discontinue this service was taken when the Flood and Water Management Act 2010 created Oxfordshire County Council as the “Lead Local Flood Authority” (LLFA) for the whole of the County. There was an expectation at that time that the LLFA would take on all the services and role being discontinued by Cherwell. However, the LLFA has in practice only assumed a strategic role, leaving the day to day management of watercourses and other elements of the service unattended. Importantly also, this has left a gap in local community leadership which Cherwell used to fill.
- 2.4 Since 2011 this has had the following effects:
- There is now no local leadership in this field
 - Cherwell’s preparedness to respond to a flood event has greatly reduced
 - Cherwell’s preparedness to support its community after a flood has greatly reduced
 - The maintenance of smaller (“ordinary”) watercourses has greatly reduced
 - The ability to advise on and encourage riparian maintenance, and ultimately to enforce, has been lost
 - Only minimal consenting takes place, for example, to ensure that when ditches are culverted, this is done without increasing flood risk
 - “minor” planning applications (those for residential developments of less than 10 units) receive no site specific flood risk consideration
- 2.5 District Council powers in this service area have not diminished as a result of the Flood and Water Management Act. The powers to manage, maintain and where necessary undertake enforcement are still intact and remain largely contained in the Public Health Act 1936, the Land Drainage Act 1976 and the Land Drainage Act 1991.
- 2.6 It is now proposed that Cherwell re-engages in land drainage and flood risk management in order to fill the service gap that has formed.

3.0 Consultation

- 3.1 Cherwell has developed this proposal in full consultation with its principal Partner, Oxfordshire County Council as the Lead Local Flood Authority.

4.0 Alternative Options and Reasons for Rejection

- 4.1 The proposal is not to replicate the work or role of the LLFA but instead to fill the gaps in service which have formed by the LLFA having adopted what is very largely only a strategic role.
- 4.2 The alternative of do-nothing would expose Cherwell to a significant reputational risk. When (not if) the next flood event occurs, the community would first look to Cherwell for local leadership.
- 4.3 The alternative of do-less, by approaching the matter in a less than resolute manner, would still leave the Council exposed to risk and criticism would likely ensue if the Council could not be relied upon to fully respond.

5.0 Implications

Financial and Resource Implications

- 5.1 It is proposed that an annual revenue budget of £50,000 is allocated to the resumption of this service, to fund the flood risk responsibilities of the Council, is included as a growth item within the Medium Term Financial Strategy for 2020/2024 as part of the budget setting process to be approved by Council on 24 February 2020.

Comments checked by:

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Legal Implications

- 5.2 There are no legal implications. In resuming this service, the Council would act entirely within its powers under the relevant legislation, mainly the Public Health Act 1936, the Land Drainage Act 1976 and the Land Drainage Act 1991. It would also act within its duties and powers contained in the Flood and Water Management Act 2010.

Comments checked by:

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Risk Implications

- 5.3 If not adopting the recommendations contained within this Report the Council would continue to expose itself to allegations of unpreparedness for flood events and lack of community leadership. This will be managed as part of the operational risk register and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:

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6.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All Wards

Links to Corporate Plan and Policy Framework

Clean Green and Safe - Support Community Safety

Thriving Communities and Wellbeing – Enhance Community Resilience, Support and Safeguard Vulnerable People

Lead Councillors

Councillor Colin Clarke, Lead Member for Planning

Councillor Daniel Sames, Lead Member for Clean and Green

Document Information

Appendix No	Title
None	
Background Papers	
None	
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