

# Council Report



Report of Head of Planning

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## Oxford Flood Alleviation Scheme – discharge of planning functions

### Recommendations

Council is recommended to:

- a) delegate the discharge of the district planning authority functions of this council to Oxfordshire County Council, in connection with the processing and determination of a planning application for the Oxford Flood Alleviation Scheme, under section 101 of the Local Government Act 1972;
- b) authorise the Head of Planning to negotiate and agree a Memorandum of Understanding with Oxfordshire County Council to determine the operational arrangements of the delegation of the district council's planning functions in relation to the scheme; and
- c) place a long stop date on the delegation such that the delegation will be revoked if any scheme application is not determined by 18 February 2019.

### Purpose of Report

1. This report briefly outlines the proposed Oxford Flood Alleviation Scheme (OFAS) and seeks approval for the delegation to Oxfordshire County Council of any planning responsibilities that would otherwise be exercised by South Oxfordshire District Council in relation to the OFAS.

### Strategic Objectives

2. The OFAS aims to reduce the flood risk for homes, businesses and infrastructure along the Oxfordshire stretch of the Thames, including Oxford and Abingdon.

## Background

3. The Environment Agency advises that “there are 4,500 properties in Oxford at a 1% or higher annual risk of flooding. This figure could rise to nearly 6,000 by the year 2080 with the predicted effects of climate change. Major roads, railway lines, schools and businesses could also be affected by flooding. The Environment Agency carries out regular maintenance activities and operates its assets to reduce the flood risk as much as possible, reducing this to 1,800 properties at risk”. The Environment Agency also advises that its “investigations have shown that a flood relief channel can increase capacity in Oxford’s western flood plain” (Executive Summary of the Environment Agency Options consultation and response document 19 January – 1 March 2016).
4. The Oxford Flood Alleviation Scheme aims to:
  - reduce flood damage to at least 1,000 homes and businesses in Oxford
  - reduce flood impacts on road, rail and utility infrastructure
  - safeguard Oxford’s reputation as a thriving centre of commerce
  - create and maintain new recreational amenities, wildlife habitat, and natural watercourses accessible from the centre of Oxford
5. The Environment Agency is working with a range of partners including South Oxfordshire District Council, Vale of White Horse District Council, Oxfordshire County Council, Oxford City Council, the Department for Environment, Food and Rural Affairs (DEFRA) and Thames Water to develop a scheme to reduce flood risk in Oxford and around 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.
6. The present options for the OFAS are within the jurisdictions of three district planning authorities (Oxford City Council, Vale of White Horse District Council and South Oxfordshire District Council). Elements of the scheme, for example gravel extraction to create the new relief channel, would come within the jurisdiction of the County Council.
7. The OFAS will require planning permission. Rather than applying for planning permission from the three separate district planning authorities i.e. submitting three separate planning applications, which could result in different decisions and if approved, varying planning conditions, in addition to applying separately to the county council on specific elements, it is proposed that a single application is submitted to and determined by Oxfordshire County Council. This is logistically simpler, financially cheaper, avoids conflicting planning decisions and reduces the risks of legal challenge.
8. Section 101 of the Local Government Act 1972 allows a local planning authority to discharge its functions by another authority. In this case the function for processing and deciding a planning application for the OFAS could be delegated to Oxfordshire County Council.

9. For the avoidance of doubt, this delegation is specific to the OFAS, including all its various aspects across all three districts.

### **Financial Implications**

10. None

### **Legal Implications**

11. The relevant statutory power is set out in the body of the report.

### **Risks**

12. To enable the proposal to proceed, Vale of White Horse District Council and Oxford City Council will need to agree similar delegations to the county council.

### **Other Implications**

13. None

### **Conclusion**

14. Delegating the function of determining the planning application relating to OFAS to Oxfordshire County Council could simplify the application procedure and provide consistency in approach and decision making on the application.

### **Background Papers**

- None