

Council Report

Report of Head of Planning

Author: Adrian Butler

Telephone: 07801 203 599

E-mail: adrian.butler@southandvale.gov.uk

To: Council

DATE: 17 February 2016

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 the Vale of White Horse 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 the Vale of White Horse District Council, Oxfordshire County Council, Oxford City Council, South Oxfordshire District 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.
10. In addition to the OFAS there are several much smaller associated Abingdon flood alleviation schemes which are being coordinated alongside the OFAS under the 'Oxford and Abingdon Flood Alleviation Schemes' banner. It should be noted that any planning applications in respect of the smaller discrete Abingdon schemes would be outside this discharge. In other words those planning applications would still be considered and determined by the Vale planning authority.

Financial Implications

11. None

Legal Implications

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

Risks

13. To enable the proposal to proceed, South Oxfordshire District Council and Oxford City Council will need to agree similar delegations to the county council.

Other Implications

14. None

Conclusion

15. 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