Divisions Affected – All

DELEGATED DECISIONS BY CABINET MEMBER FOR ENVIRONMENT AND ECONOMY

11 SEPTEMBER 2026

Section 19 Flood Investigations Threshold Update

Report by Director of Economy and Place

RECOMMENDATION

The Cabinet Member is RECOMMENDED to:

a) Recognise the statutory duties of the Lead Local Flood Authority (LLFA) under Section 19 of the Flood and Water Management Act 2010, including the role of thresholds in triggering formal investigations.

b) Acknowledge the extent of the 2024 flooding events and the significant number of Section 19 flood investigations undertaken.

c) Consider the findings of the review of current Section 19 thresholds, informed by analysis of recent investigations and their effectiveness.

d) Approve the proposed simplification and update of the thresholds for initiating Section 19 investigations to support clearer, more consistent, and timely decision-making.

Executive Summary

1. Oxfordshire County Council, in its role as LLFA, has a statutory duty under Section 19 of the Flood and Water Management Act 2010 to investigate significant flood events, identify the responsible Risk Management Authorities (RMAs), and publish the findings.

2. To meet this duty, the LLFA has established thresholds that determine when a formal Section 19 Flood Investigation Report is undertaken. These reports assess the causes and impacts of flooding and provide recommendations to RMAs to reduce the risk of future events. While these recommendations support coordination and action, they are not enforceable.

3. Following the widespread flooding in 2024, over 50 Section 19 flood investigation reports have been produced across Oxfordshire, providing

valuable evidence to target vulnerable locations, support partnership working, and encourage mitigation measures.

4. A review of current Section 19 thresholds, informed by analysis of completed and ongoing investigations to better understand triggering factors and where they add the most value, has highlighted the need to update the thresholds in order to:

- Reflect improved experience and understanding gained from recent flood events
- Reduce complexity and subjectivity in decision-making
- Enable faster and more consistent decisions on whether to initiate an investigation
- Ensure alignment with available resources and national guidance

5. Based on testing against the 2024 flood events, the revised thresholds would have resulted in a similar number of externally completed investigations (a marginal reduction from 43 to 42), indicating that the changes improve efficiency without materially reducing coverage or service level.

Background

6. Oxfordshire County Council, in its role as LLFA, has a statutory duty under Section 19 of the Flood and Water Management Act 2010 to investigate significant flood events, identify the responsible RMAs, and publish the findings. This investigation is to be done to the extent the LLFA considers necessary or appropriate and results of the investigation must be published.

7. To meet this duty, as the LLFA, OCC has established thresholds that determine when a formal Section 19 Flood Investigation Report is undertaken. These reports assess the causes and impacts of flooding and provide recommendations to RMAs to reduce the risk of future events. While these recommendations support coordination and action, they are not enforceable.

8. Following the widespread flooding in 2024, over 50 Section 19 flood investigation reports have been produced across Oxfordshire, providing valuable evidence to target high-risk locations, support partnership working, and encourage mitigation measures.

Proposed Changes

9. The LLFA is proposing to simplify its current Section 19 flood investigation thresholds in order to:

- Reflect improved experience and understanding gained from recent flood events
- Reduce complexity and subjectivity in decision-making
- Enable faster and more consistent decisions on whether to initiate an investigation

- Ensure alignment with available resources and national guidance

10. The review is informed by analysis of previously completed and ongoing Section 19 flood investigation reports to better understand what has triggered investigations and where they add the most value.
11. The proposed updates aim to streamline criteria while maintaining focus on significant impacts. A summary of the updates can be found in the below table.

Current Threshold	Proposed Updated Threshold
Has internal flooding (excluding basements) of five or more residential properties or businesses been experienced within an area of $1km^2$	*Internal flooding of five or more residential properties or businesses has been experienced - considering properties within an area of $1km^2$. Excluding non-habited areas such as cellars, garages or outbuildings.*
Has internal flooding of a business premises employing more than 10 people been experienced within an area of $1km^2$	*Internal flooding of two or more business premises has been experienced - considering premises within an area of 1km2.*
Has internal flooding (excluding basements) of at least one property or business been experienced for one week or longer.	*Has internal flooding (excluding basements) of at least one property or business been experienced for one week or longer.*
Has flooding of one or more items of critical infrastructure, which could include hospitals, health centres, clinics, surgeries, colleges, schools, day nurseries, nursing homes, emergency services (police, fire, ambulance) stations, utilities and substations, been experienced.	*Flooding of one or more items of critical infrastructure, which could include hospitals, health centres, clinics, surgeries, colleges, schools, day nurseries, nursing homes, emergency services (police, fire, ambulance) stations, utilities and substations.*
Caused a transport link to be impassable for the following periods: • *Motorways, trunk roads and major rail links – 2 hours or more* • *Class A and B highways and other rail links – 4 hours or more* • *Class C highways – 10 hours or more unless the route is the only means of access, or is primary route for critical infrastructure then this is reduced to 4 hours.* • *Class U highways – 24 hours or more unless the route is the only means of access, or is primary route for critical infrastructure then this is reduced to 4 hours.*	*Flooding results in critical road or rail routes being impassible for 24 hours. These include motorways, trunk roads and major links, Class A and B highways, critical road may include roads that due to flooding can cut off towns/villages.*

12. A more detailed table, highlighting the current thresholds, proposed updated thresholds, and reasoning for proposing the changes is available in Annex A.

Expected Outcomes and National Guidance

13. The proposed changes do not alter the scope or content of Section 19 reports but are intended to:

- Simplify and accelerate decision-making
- Improve clarity and transparency of when investigations are undertaken
- Better reflect real-world flood impacts and local circumstances

14. Based on testing against 2024 flood events, the revised thresholds would have resulted in a similar number of externally completed investigations (a marginal reduction from 43 to 42), indicating that the changes improve efficiency without materially reducing coverage.

15. A table outlining considered changes to thresholds, along with their potential impact on the number of Section 19 flood investigations in 2024, is provided in Annex B.

16. The Flood and Water Management Act (2010) does not state what LLFAs must set their thresholds as, however, in April 2025 DEFRA published a guidance document on LLFAs conducting Section 19 flood investigation reports.

17. The updated thresholds consider this DEFRA guidance and the example criteria within it and apply it in a way that reflects what is measurable and proportionate in an Oxfordshire context. This guidance document can be found in the 'other documents' section of this report under the title 'Investigating a flood: guidance for lead local flood authorities'.

Corporate Policies and Priorities

18. The proposals ensure we continue to support the Corporate Strategy in its aspirations around Greener Oxfordshire by developing work on community led initiatives and locally specific works.

19. The proposed updates also ensure we continue to deliver various objectives and measures in the Local Flood Risk Management Strategy including:

    (a) Objective 1: Improve understanding of flood risks and ensure that all stakeholders understand their roles and responsibilities for flood risk management.
    (b) Objective 2: Take a collaborative approach to reducing flood risks, using all available resources and funds in an integrated way and in so doing manage and reduce overall flood risk.

Financial Implications

20. This proposal relates to the refinement of existing Section 19 flood investigation thresholds rather than the introduction of a new policy or programme. The anticipated number of investigations is expected to remain broadly consistent with previous years after comparing the current thresholds against the proposed for the 2024 flood events.

21. The cost of undertaking Section 19 flood investigation reports is met from the Flood Risk Management Team's core budget (NTH310), within which £60,000 is allocated annually for this purpose.

22. Since the 2024 flood events, the Flood Risk Management Team has increased its internal resource, enabling more Section 19 flood investigation reports to be delivered in-house in the future.

23. Demand remains inherently difficult to predict, as it is driven by the occurrence and severity of flooding incidents. However, the team is now better resourced to respond to any increase in demand than in 2024, and Section 19 flood investigation reports are prioritised above other workstreams.

24. In the event of a significant flooding event, reports may take longer to complete due to the volume of work. There is also flexibility to manage this pressure by spreading the budget for a single year across a two-year period if required.

25. The scenario modelling in Annex B sets out a range of potential adjustments to the thresholds, alongside the associated financial implications in terms of changes to the number of Section 19 reports that would be produced. Of the three scenarios presented in Annex B, the preferred option is broadly cost-neutral. It results in a marginal saving of £3,837, reflecting one fewer Section 19 report being undertaken under the revised thresholds compared to the current approach.

26. This scenario modelling is based on an average cost for completing a Section 19 investigation report. This has been calculated using the number of reports completed by District and City councils in 2024, alongside the total costs charged to the County Council for undertaking those investigations over the same period.

27. As a result, no additional financial implications are expected, and delivery is anticipated to continue within existing resources and budgets.

Comments checked by:

Matthew Kocak, Finance Business Partnering Manager

Legal Implications

28. Section 19 of the Flood and Water Management Act 2010 states that the LLFA must, to the extent it considers it necessary or appropriate, investigate floods in its area. The updated threshold enable the LLFA to set out how it proposes to exercise that duty.

29. The Flood and Water Management Act (2010) does not state what LLFAs must set their thresholds as, however, in April 2025 DEFRA published a guidance document on LLFAs conducting Section 19 flood investigation reports called "Investigating a flood: guidance for lead local flood authorities: How to conduct flood investigations under section 19 of the Flood and Water Management Act 2010".

30. The updated thresholds consider this DEFRA guidance and the example criteria within it and apply it in a way that reflects what is measurable and proportionate in an Oxfordshire context.

Comments checked by:

Jennifer Crouch, Principal Solicitor (Regulatory)

Staff Implications

31. These changes are expected to have only a minor impact on business-as-usual activities and the number of formal Section 19 flood investigations.

32. It is proposed that delivery will continue through the existing approach, which enables formal Section 19 flood investigations to be undertaken by the Flood Risk Management team, by District Councils under Agency Agreements, or in cases of high workload, by consultants. The Agency Agreement between the Districts and city Council and the County Council enables the District Council to undertake initial flood investigations on behalf of the LLFA. The investigation of flood incidents is included within the scope of this agreement and where resource permits, also draft the Section 19 flood investigation report.

33. Additional funding for resources was provided on a permanent basis for two additional officers with the Flood Risk Management Team in FY2025/26. These were successfully recruited to and commenced at the end of 2025. They are currently providing the co-ordination of the Section 19 recommendations and flood warden promotion as well as developing a communications plan. The County Council do not envisage additional resource requirements to implement these updated thresholds.

Equality & Inclusion Implications

34. The proposals set out in this report have been considered against the Council's equality duties. Flood risk and the impacts of flooding can disproportionately affect some groups.

35. As with previous Section 19 flood investigations, engagement with communities will be inclusive and proportionate, using accessible formats and existing local networks where appropriate.

36. On this basis, the proposals are not expected to have a negative impact on any protected group. A full Equality Impact Assessment is not considered necessary at this stage; however, equality considerations will continue to be reviewed.

Sustainability Implications

37. The proposals set out in this report will result in only minor changes to the LLFA's current Section 19 flood investigation process. They also present positive sustainability and climate adaptation benefits, alongside social advantages through improved community preparedness and resilience.

38. The current Section 19 flood investigation process identifies causes and potential mitigations measures, which often include features linked to drainage improvements, asset maintenance and Natural Flood Management.

39. These measures can lead to reduced environmental damage from repeated flooding, better water attenuation and management, and nature-based solutions that look towards longer-term, sustainable flood management.

40. The proposals are consistent with the Council's climate and ecological commitments and support a sustainable, preventative approach to flood risk management. As this proposal requests the adjustment of existing Section 19 thresholds rather than introducing a new policy or programme with additional emissions impacts, a separate Climate Impact Assessment is not required.

Risk Management

Risk	Description	Mitigation	H/M/L
Lack of team resource to deliver Section 19 flood investigation reports	Delays in launching or completing Section 19 flood investigations	Have dedicated resources available within the team, an Agency Agreement set up with District Councils and the opportunity for consultants to be commissioned for work during high workloads.	M
Lack of powers to enforce other RMAs to undertake recommendations	Recommendations are not delivered	Discuss and track recommendations pro-actively with the recommendation owners to encourage delivery	M

Consultations

41. The five District Councils were all consulted and given the chance to comment on the changes to the Section 19 flood investigation thresholds. Apart from the District Councils, there has been no other external consultation in relation this proposal.

Robin Rogers
Director of Economy and Place

Annex A: Current and proposed Section 19 flood investigation thresholds
Annex B: Effect of some considered changes to thresholds based on S19s from 2024 completed by consultants and districts councils on behalf of the LLFA.

Other Documents:
- Floods and Water Management Act 2010
- Local Flood Risk Management Strategy
- Oxfordshire County council Corporate Strategy
- Investigating a flood: guidance for lead local flood authorities

Contact Officer: James Linnane, Flood Risk Management Team.

July 2026

Annex A – Current and Proposed Section 19 Flood Investigation Thresholds

Current Threshold	Proposed Updated Threshold	Proposed Change and Reasoning
Has internal flooding (excluding basements) of five or more residential properties or businesses been experienced within an area of 1km^2	*Internal flooding of five or more residential properties or businesses has been experienced - considering properties within an area of 1km^2. Excluding non-habited areas such as cellars, garages or outbuildings.*	We are continuing to retain the 5 properties internally flooded but making the 1km^2 more of a guide. We have had locations where 5 properties were flooded in 1km^{2,} but they were in very separate catchments and from different sources of flooding which makes grouping these confusing. This update to the threshold will allow us group by catchment/source of flooding.
Has internal flooding of a business premises employing more than 10 people been experienced within an area of 1km^2	*Internal flooding of two or more business premises has been experienced - considering premises within an area of 1km2.*	We are proposing to increase the threshold for business flooding from 1 to 2 commercial properties internally flooded and to remove the onerous requirement to have a certain number of employees. We have observed that individual businesses are often able to manage flooding independently, making the co-ordination of roles and responsibilities less critical in such cases. However, where multiple businesses are affected within the same area, there is a greater need for coordinated action and clear alignment of responsibilities.
Has internal flooding (excluding basements) of at least one property or business been experienced for one week or longer	*Has internal flooding (excluding basements) of at least one property or business been experienced for one week or longer*	No change.
Has flooding of one or more items of critical infrastructure, which could include hospitals, health centres, clinics, surgeries, colleges, schools, day nurseries, nursing homes, emergency services (police, fire, ambulance) stations, utilities and substations, been experienced.	*Flooding of one or more items of critical infrastructure, which could include hospitals, health centres, clinics, surgeries, colleges, schools, day nurseries, nursing homes, emergency services (police, fire, ambulance) stations, utilities and substations.*	No change.

Caused a transport link to be impassable for the following periods: • *Motorways, trunk roads and major rail links – 2 hours or more* • *Class A and B highways and other rail links – 4 hours or more* • *Class C highways – 10 hours or more unless the route is the only means of access, or is primary route for critical infrastructure then this is reduced to 4 hours.* • *Class U highways – 24 hours or more unless the route is the only means of access, or is primary route for critical infrastructure then this is reduced to 4 hours.*	*Flooding results in critical road or rail routes being impassible for 24 hours. These include motorways, trunk roads and major links, Class A and B highways, critical road may include roads that due to flooding can cut off towns/villages.*	We are proposing to remove the more complex threshold requirements for highway flooding, where reliable measurement is not readily achievable. This will be replaced with a single criterion, identifying instances where critical routes are flooded for 24 hours or more. We have found that routes which effectively cut off a village are of particular importance to residents. This revised approach ensures such impacts continue to be captured, while simplifying the overall criteria. Major roads (eg. M40/A34), rail links or Highway that experience reoccurring flooding for under 24 hours are investigated by the relevant authority (Network Rail, National Highways etc). These organisations are responsible for understanding the cause of flooding and implementing any mitigation measures. Where appropriate OCC flood risk management team will support these investigations but a formal S19 report will not be required.

Annex B – Effect of some considered changes to thresholds based on S19s from 2024 completed by consultants and districts councils on behalf of the LLFA.

A number of threshold update options were considered, with their respective impacts on overall figures and associated costs outlined below. Having assessed the advantages and implications of each option, Option 3 was selected as a preferred approach. It results in only a marginal change to the overall figures while providing indirect cost savings, representing the most balanced and efficient update to the threshold criteria.

Considered threshold change	Investigation number based on current threshold	Investigation number based on considered change	Estimated change in costs based on estimated cost per S19 (£3,837).
Increasing the threshold from 5 to 10 for number of properties internally flooded	43	10	-£126,627
Reducing the threshold to 1 for number of properties internally flooded	43	466	+£1.6m
Increasing the number for commercial properties flooded from 1 to 2 and remove ambiguous requirement for the number of employees	43	42	-£3,837

Note: Over 2 years, we spent £165k on Section 19 investigations carried out by consultants and District Councils. In 2024, 52 reports were completed in total, with 9 completed internally, so the figures in the table reflect 43 externally commissioned investigations. This works out at roughly £3,837 per report.