

Analysis of the responses to the consultation on the Draft Local Flood Risk Management Strategy

Approach

1. This report sets out a high level analysis of the responses to the consultation on the Draft Local Flood Risk Management Strategy. Consultation on the Oxfordshire draft Local Flood Risk Management Strategy ran from 27 June to 19 September 2014. The draft strategy was published on the county council's website, using the eConsult portal and the supporting draft strategic environmental assessment and habits regulations assessment documents were also made available on request.
2. Feedback was invited via a structured online feedback form or by means of a letter or written document that could be uploaded onto the portal. The exercise was publicised via the county council website and through a direct email to key stakeholders including all county councillors, district councillors and, parish and town councils.
3. In total 29 responses were submitted, including three responses from members of the public. Response documents were uploaded via the eConsult portal or sent directly to the county council by email and post.
4. Typically, the consultation responses were very technical and detailed. Over two hundred points were raised and each point has been considered on a case by case basis. A log of all the points raised and the Council's response to these is background document to the Cabinet Report. Oxfordshire County Council is grateful to all those who participated in the consultation.

Part 1: Summary of Online Feedback

5. The feedback form was structured to seek views on each section of the draft strategy. Fifteen response forms were submitted, although some respondents chose not to answer each question.

Draft Strategy objectives:

6. Most respondents agreed with the proposed local flood risk management strategy objectives and the proposals for managing this.

Objectives	Agree	Neutral	Disagree	Responses
Improve understanding of flood risks and ensure that all stakeholders understand their roles and responsibilities for flood risk	13	1	1	15

management				
Take a collaborative approach to reducing flood risks, using all available resources and funds in an integrated way and in so doing derive enhanced overall benefit.	13	1	1	15
Prevent an increase in flood risk from development where possible, by preventing additional flow entering existing drainage systems and watercourses.	12	1	1	13
Take a sustainable and holistic approach to flood risk management, seeking to deliver wider environmental and social benefits, climate change mitigation and improvements under the Water Framework Directive.	11	1	1	14

7. One stakeholder organisation disagreed with the objectives on the basis that it was unclear how Oxfordshire could ensure stakeholders understand their roles and responsibilities.
8. Eight respondents considered that there were issues that the draft objectives did not adequately cover. Supporting comments identified the following issues:
- i. Preventing developers building on existing areas already at drainage capacity;
 - ii. How/ when stakeholders would be informed of their responsibilities;
 - iii. Lack of technical details about the objectives in the strategy document;
 - iv. Lack of underpinning technical modelling;
 - v. Riparian responsibilities;
 - vi. Importance of information provision to local councillors and engagement with local communities.
9. Whilst each of these points have merit, it is not considered that the high level objectives should be amended as each point is either able to be encompassed within the existing objectives or are of specific detail not suited to a high level objective.
- Action Plan
10. Opinion was more split about the proposed action plan, although only three people actively disagreed with the plan.

	Agree	Neutral	Disagree	Responses
Do you agree or disagree with the draft action plan to deliver our objectives?	7	5	3	15

11. The reasons for this were as follows:
- i. A perception that the plan did not take a holistic view regarding the expanse of the Thames flood plain, and the need to liaise with neighbouring local authorities to ensure that the interest of whole flood plain is taken into account when considering any measures, relevant planning applications or similar;
 - ii. The council has not worked with the specific parish council to establish their specific flood risk management plan.
12. Ten respondents considered there were issues that the draft action plan did not adequately cover and the supporting comments identified the following issues:
- i. The role of neighbouring authorities;
 - ii. There need to include measures to enforce riparian landownership responsibilities;
 - iii. Greater detail is required, for example what the plan means for specific areas or how will the county council work with local voluntary and community groups;
 - iv. Mitigation should be in place if it is found that there is a flaw in the plan.
13. Respondents also used this question as an opportunity to express concerns about the timing of flood risk assessment on new developments, particularly new housing plans from government.

Engaging landowners with riparian responsibilities

14. Respondents were asked for their suggestions for how the council could best engage and work with landowners to encourage a more proactive approach to managing water courses that will reduce the likelihood of future flooding. Ten respondents put forward suggestions and these were:
- i. Offer financial incentives, in line with best practice, to encourage landowners to accept their responsibilities;
 - ii. Remove the red tape associated with managing this;

- iii. Build relationships and have direct contact with landowners, maintaining a list of landowners with maintenance responsibilities;
- iv. Adequately resourcing maintenance of watercourses and enforcement.
- v. Balance information, for example how it will benefit the usage of their land, with direct training and support;
- vi. Introduce appropriate enforcement threats and penalties;
- vii. Build a mutual understanding between statutory organisations about who is leading the enforcement of responsibilities.

Engaging communities

15. Respondents were also asked for their suggestions for how the council could encourage more community resilience to local flood risk management. Twelve of the fifteen overall respondents put forward comments and practical suggestions including:
- i. Information provision, e.g. where to get sandbags and contact numbers;
 - ii. Practical workshops and liaison with parish councils on what can be done by communities themselves;
 - iii. Practical guidance and training to keep ditches and watercourses free;
 - iv. Providing grants and equipment;
 - v. Supporting local flood prevention groups.

Part 2: Summary of all responses submitted

16. Some of the responses to the consultation are very technical and detailed. The Council has considered each consultation response and recorded 211 specific points as being raised. Each individual comment has been recorded in a log and has an accompanying officer response. This is set out in in a separate background document.
17. Below is a summary of these points clustered by a theme and where appropriate by strategy objective, with an accompanying response from the County Council. Please note that some of these points have already been detailed in the analysis of the online form feedback above.
18. **Background**

Feedback

Three respondents felt that the background to the strategy hadn't sufficiently covered the recommendations of the Pitt Review and previous flood occurrences such as the Easter 1998 flood event.

Response

The strategy will be updated to reflect the 1998 flood event and the action plan to reflect the recommendations of the Pitt review.

19. **Objective 1: Improving Understanding**

Theme: Understanding flood risk

Feedback

The largest volume of comments (31 mentions) related to understanding flood risk. The formula for flood risk was considered to be difficult to understand and an easier ranking system should be applied. There is no clear route for recording of flood events if the community have their own information. It was emphasised that flood risk models for the area are kept live and added to as more information becomes available. It was also suggested that a list of data sources is made available to help identify what is informing the model. Oxfordshire County Council and district council emergency response and data collection activities should be referred to. This could then inform where the gaps in knowledge are. It can then set out if and how these can be filled in order to manage flood risk from all sources.

There was call for more emphasis to understanding the impact on the farming community and businesses. It should be noted that Lead Local Flood Authorities (LLFA) and Local Authorities have a duty under UK and European legislation to safeguard and improve the environment through their work.

It was noted that other LLFAs have interpreted Section 19 of Flood Water Management Act (FWMA), 2010 differently and have set thresholds for the severity of flooding, above which they will investigate.

Clarity was sought on how Oxfordshire authorities and agencies would join up with neighbouring authorities/planning.

Response

It is proposed to simplify the flood risk formula in the strategy document. Oxfordshire County Council will continue to maintain a register of flooding as part of its legal responsibilities and this will be used to target resources appropriately. The County Council and districts emergency response and data collection will be referred to. The strategy will be amended to include the email address floodingincidents@oxfordshire.gov.uk for submission of flooding information.

The primary route to working with local communities would be via the Parish Council. However, the County Council is looking at a particular project with the NFU to look at the issues of rural flooding. The Strategic Flood Group will seek to work closer with the NFU to better understand and where possible concerns. The strategy will also be amended to reflect the UK and European legislation to safeguard and improve the environment through their work. Where businesses are concerned the strategy follows current Defra guidelines / policies for prioritisation

Oxfordshire as Lead Local Flood Authority is a member of the Thames Regional Flood and Coastal Committee as are other neighbouring authorities and the Thames Catchment as a whole is discussed at these meeting to ensure a joined up approach.

The strategy will be amended to state that Oxfordshire will review thresholds for investigating flood incidences

Theme: Investigating Flood Risk

Feedback

The two responses on this theme were concerned with keeping suitable records, including maintenance and repair work to help with the identification and investigation of flood risk.

Response

The Council has undertaken a significant project to digitally record many of its assets over the last few years and the action plan will be updated with an action to investigate the potential of making information more readily available to the public.

Theme: Roles and Responsibilities

Feedback

There were thirty responses related to the roles and responsibilities outlined in the strategy. These included lack of clarity around the responsibilities of the Environment Agency and riparian land owners as well as those of district and parish councils. There were a considerable number of queries around particular assets and who owns and maintains them. There were also comments in this section on Community Flood Wardens and the role they play. It was noted that for Utility companies to have regard to, may not be meaningful. Comments were made in this section around District Councils Planning assessing flood risk as part of planning approval. Several agencies are also Riparian land owners and this should be made explicit in the table of roles and responsibilities.

Response

It is proposed that the document be amended to clarify these responsibilities including those of Riparian land owners. District Council activities relating to maintaining and clearing ordinary watercourses under section 25 of the Land Drainage Act will be removed from the strategy. There were a number of minor points relating to the table of roles and responsibilities and it is proposed to amend these accordingly.

A number of responses did not directly relate to the strategy – where appropriate, these will be addressed directly with the respondent or forwarded on to the relevant organisation.

14. **Objective 2: Taking a Collaborative Approach**

Theme: Collaborative Working

Feedback

Three responses related to collaborative working, including one response that focussed on the need for a structured maintenance plan for rivers and watercourses.

Response

It is proposed that the action plan is amended to review a structured maintenance strategy.

Theme: Governance

Feedback

Only three responses raised concerns over the governance, one was to request that the section is removed as decisions are subjected to individual councils and agencies approval. The remaining two responses were around performance monitoring of the strategy and action plan.

Response

It is considered that it is important to have governance arrangements in place to ensure that the Strategy is being delivered and to provide challenge to partnering organisations. Governance will be in place to provide some on-going scrutiny and challenge to the plan. A live action plan will be in place to ensure that the strategy reflects current needs

Theme: Schemes

Feedback

There were twelve responses specifically related to the schemes. These included funding of schemes and how funding decisions are made (incl. cost/benefit assessments) as well as requests for a public register of funded/unfunded schemes. It was also requested that the strategy include a timescale to reflect local priorities, and clarification was sought of the County Council's role in applying for GiA funding.

Response

It is proposed that a timescale be included. Some responses requested details about specific schemes; while these responses have been noted, the strategy is intended to be a high-level document and consequently will not be amended to include this. Where appropriate, responses will be sent directly to respondents.

15. Objective 3: Prevent and Increase in Flood Risk

Theme: New Developments

Feedback

Thirteen responses related specifically to objective 3 of the strategy – preventing an increase in flood risk from development where possible. Most of these related to the planning process and the implementation of Sustainable Drainage Systems (SUDS) in Oxfordshire.

Response

Assessment of flood risk associated with individual planning applications and growth areas will continue to be considered on a case by case basis. Oxfordshire County Council and partner organisations will seek to align with accepted best practice for SUDS.

Theme: Prevent an Increase in Flood Risk

Feedback

There were fifteen responses to this part of the strategy and the majority of respondents were querying the level of maintenance requesting more regular inspections and engagement with community wardens and parish councils. Some requested that this is then made available on the internet about recorded drainage inspections and maintenance events. Clarification is sought where other considerations will override flood mitigation such as downstream of new developments.

Response

The partner organisations will continue to inspect and maintain their network within the constraints of available budgets. The County Council seeks to engage closely with parish councils via its area stewards and would welcome closer engagement. The Council has undertaken a significant project to digitally record many of its assets over the last few years and action plan will be updated with an action to investigate the potential of making information more readily available to the public. Oxfordshire County Council will continue to maintain its highway assets to the level to which budgetary constraints will allow. All proposed developments are checked that there is no increase in flood risk for downstream communities. If sustainable drainage is adopted either through a change in planning regulations or the enactment of schedule 3 of FWMA there will be a clear policy in place.

Theme: Riparian land ownership

Feedback

Twenty six responses were received around riparian land ownership ranging from removing red tape to implementing measures of enforcement. Identification of land owners was raised as an issue and allowing them to use their own methods to clear ditches. Some respondents were concerned that land owners were not taking responsibility for clearing watercourses and the measures that Oxfordshire County Council are taking to ensure this happens. Communication and engagement together with hands on "training" to ensure landowners are equipped with the appropriate knowledge of what is required.

Response

The strategy will be amended to say partner organisations will seek to work more closely to consider ways of simplifying the process where possible for land owners. Oxfordshire County Council does not hold a list of land owners as it is available through the land registry. We will continue to work with riparian owners to encourage them to undertake their responsibilities and provide some facilitation in the form of advice or substantial traffic management where necessary. Providing financial incentives to encourage landowners to undertake their responsibilities could set an unwelcome precedent. Enforcement is and will be considered on a case by case basis. It is recognised that the whole of consenting and enforcement relating to Riparian responsibilities is very confusing and needs to be addressed. It is proposed to amend the strategy to make clear that the text is a summarised version and that further details are available of the EA website. The Action Plan will be updated to ensure that partnering organisations are both clear and consistent on riparian ownership recommendations/ expectations are. Improvements in information better clarifying the roles and responsibilities of riparian owners and advice on how to undertake the activity will be developed.

16. Objective 4: Take a Sustainable and Holistic Approach

Theme: Community Resilience

Feedback

The importance of community flood wardens was highlighted in three responses and the scope and protection offered to the responsibilities carried out by volunteers was raised.

Response

These comments have been noted by the council and we are always keen to work with Parish Councils on how to improve community resilience within individual communities.

Theme: Funding

Feedback

There were fifteen responses specifically about the funding arrangements; these included the difficulty of viewing the maps and the misleading nature of these. The LLFA could consider a table of schemes broken down by district and location. Clarity was sought on how the funding is administered and if the parish councils will have a role to play in this. An explanation of what are Flood Defence Grant in Aid funded schemes and which are partner funded schemes would be helpful.

Response

It is proposed to remove the maps from the strategy document as they are available on the intranet in greater detail. The strategy will be amended to identify the Oxfordshire County Council elements of funding. It will be down to each individual authority to determine budgets for flood and drainage management. The strategy is a high level document and as such does not contain the level of detail requested in some comments.

Theme: Communications

Feedback

There were fourteen responses related to different aspects of communications, including practical suggestions of how communications could be improved. Two responses expressed concern about asking volunteers to undertake practical flood risk management tasks such as clearing ditches.

Response

It is proposed that the action plan is updated to include introducing a communications plan.

17. **Action plan**

Feedback

There were seventeen responses relating to areas of the strategy action plan. Most of these related to schemes for specific parishes questioning how these will be met at a local level. It was also noted that there was insufficient detail and timescales for monitoring purposes.

Response

It is proposed to amend the action plan to include more detail on specific schemes including timescales and actions taken. Improved methods of communication will be included as part of the communications section.