

ABERDEEN CITY COUNCIL

COMMITTEE	City Growth and Resources
DATE	3 February 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Draft Local Flood Risk Management Plans Cycle 2
REPORT NUMBER	OPE/21/022
DIRECTOR	Rob Polkinghorne
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Claire Royce
TERMS OF REFERENCE	3.2 and 3.3

1. PURPOSE OF REPORT

- 1.1 To inform the Committee of the consultation proposals for the draft Flood Risk Management Strategies and Plans.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 note the delays to SEPA's consultation on the Flood Risk Management Strategies due to COVID-19;
- 2.2 instruct the Chief Officer – Operations and Protective Services to publish the Aberdeen Draft Local Flood Risk Management Plan for consultation;
- 2.3 delegate authority to the Chief Officer – Operations and Protective Services to respond to SEPA's consultation by the end of June 2021 or later as directed by SEPA; and
- 2.4 instruct the Chief Officer – Operations and Protective Services to bring a report on the final Flood Risk Management Strategies and Plans to this Committee at the first possible meeting following the end of the consultation.

3. BACKGROUND

- 3.1 The Flood Risk Management (Scotland) Act 2009 (the Act) requires SEPA, working in partnership with Responsible Authorities, including Local Authorities, Forestry Commission Scotland and National Parks Authority to deliver Flood Risk Management Strategies and Plans.
- 3.2 Under the Act, Scotland has been split into 14 Local Plan Districts (LPDs) and each of these LPDs has a Lead Local Authority. SEPA is responsible for publishing strategies nationally and each LPD has a designated Lead Local Authority that is responsible for publishing the Local Flood Risk Management Plan for that district.

- 3.3 Aberdeen City Council is part of the partnership for the North East Local Plan District (NELPD) which is led and is published by Aberdeenshire Council on behalf of a partnership comprising three local authorities: Aberdeenshire Council, Aberdeen City Council and The Moray Council together with SEPA and the following Responsible Authorities: Scottish Water; SEPA; Forestry Commission Scotland; and Cairngorms National Park Authority
- 3.4 Since 2016 Aberdeen City Council has been implementing the Actions identified in the Local Flood Risk Management Plans for Cycle 1 (2016 – 2022).
- 3.5 During the implementation phase for Cycle 1 the Strategies and Plans for Cycle 2 are developed for publication in December 2021 and June 2022 respectively however these dates may be put back as a result of SEPA's postponement of the consultation. The development process is:
1. Define the problem – mapping and assessment.
 2. Set Objectives – Avoid, Protect, Prepare
 3. Identify Measures – Selecting and screening.
 4. Evaluate Options – Assess costs and benefits
 5. Priorities Measures – Agreement with funding bodies
- 3.6 Stage 1 of this process, Mapping and Assessment, which identified Potentially Vulnerable Areas (PVAs) was concluded in July 2018.
- 3.7 SEPA has now completed Stage 2, Setting Objectives and Stage 3 Identifying Measures.
- 3.8 In Stage 2 flooding hotspots in each PVA have been identified and these are called Objective Target Areas (OTAs). Specific Objectives are set for each OTA, based on the principle of Prepare, Reduce, Avoid and Improve Understanding. The Objectives must be considered in relation to the national principles to manage flood risk, which are provided below:
1. Take a long term, risk-based approach to flood risk management decisions and one that considers the impacts of and adaptability to climate change
 2. Deliver coordinated and integrated flood risk management by engaging with communities and working in partnership, sharing data, expertise, services and resources
 3. Consider whole catchments and coastlines and work with natural processes and the environment to deliver multiple outcomes

Appendix A (draft included) details the Objectives set for each OTA in Aberdeen City.

- 3.9 For each OTA Objectives and Actions to address flood risk must be identified. The Actions for Aberdeen City can be found in the spreadsheet in **Appendix A**.
- 3.10 The OTAs, Objectives and Actions will be included in the Draft Flood Risk Management Strategies that SEPA is required to consult on. SEPA has completed the work to identify the OTAs but due to the impact of COVID 19, the work to identify Objectives and Actions has been delayed. Under the Act, SEPA was required to publish the Draft Strategies on 21 December 2020 for public consultation. SEPA achieved this by having

a two-stage consultation. The consultation published in December contained details of OTAs only and the second stage will be published in March with details of the Objectives and Actions. Letters confirming this decision are included in **Appendix B**

- 3.11 Subject to agreement of Recommendation 2.3 by this Committee, Aberdeen City Council's Flooding and Coastal Engineering team would respond to this consultation on behalf of Aberdeen City Council
- 3.12 Under the Act, Aberdeen City Council is required to publish the Local Flood Risk Management Plan for Aberdeen City and support Aberdeenshire Council in the publication of the Plan for the North East Local Plan District. These Plans must demonstrate how the Actions identified in the Strategies will be delivered
- 3.13 **Appendix A** identifies potential Actions for Aberdeen City Council and a description of how they should be delivered. As stated in paragraph 3.10, this information was not sufficiently complete to include in the consultation in December. This is because not all the Actions for all Local Plan Districts have been identified
- 3.14 Under the Act, each Lead Local Authority must consult on the Local Flood Risk Management Plans before 22 June 2021. All Lead Local Authorities in Scotland have agreed to publish the Local Flood Risk Management Plans on 21 March 2021, to coincide with the SEPA's second consultation. In agreement with the Scottish Government, SEPA has put these dates back by at least three months.
- 3.15 On completion of the consultation on 21 June 2021, all representations will be considered and any modifications required to the Strategies and Plans will be made before the publication of the Final Strategies and Plans on 22 December 2021 and 22 June 2022 respectively. New dates will be confirmed by SEPA once the revised consultation period has been agreed.

4. FINANCIAL IMPLICATIONS

- 4.1 Unless budgetary provision already exists, the finalised Plans will require to be considered for funding through the Council's normal financial planning processes. Publication of the plans does not require Aberdeen City Council to make any financial commitments. Including "potential action" in the implementation plans does not commit ACC to implementation if, for any reason, that action proves to be unworkable; one such reason could be that funding could not be secured. **Appendix B** contains a copy of a letter from the Scottish Government answering the concerns that have been raised about listing potential actions in the draft implementation plan in the light of future funding uncertainties.

5. LEGAL IMPLICATIONS

- 5.1 Aberdeen City Council has to comply with the statutory requirement under the Flood Risk Management (Scotland) Act 2009. The statutory deadlines for the consultation are set out above.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	ACC fails to provide climate change resilience	L	Publication of the plans will contribute to development of climate change adaptation
Compliance	ACC fails to meet deadlines for Statutory Consultation	L	Approval of this report will ensure that ACC meets the requirements and reduce the risk of SEPA missing the deadlines.
Operational	ACC staff unable to respond to the consultation	L	ACC staff are sufficiently qualified to respond.
Financial	ACC commits to financial outlay during consultation	L	A letter has been received assuring us that the consultation does not put any financial obligations on ACC.
Reputational	ACC fails to meet deadlines for Statutory Consultation	L	Approval of this report will ensure that ACC meets the requirements.
Environment / Climate	ACC fails to provide climate change resilience	L	Publication of the plans will contribute to development of climate change adaptation

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	<p>The proposals within this report support the delivery of Place Policy Statements 6 – Increase the business community’s resilience awareness and 7 – Development of locality plans across the city in conjunction with communities.</p> <p>The proposals also support LOIP 14.2 – Developing a bottom up approach to community resilience to encourage greater ownership and independent action towards preventing and mitigating impact of climate change by improving resilience to flooding and ensuring the safety of the environment.</p>
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	This report considers that these flood risk management measures will be required to ensure economic activity within the City and protect local businesses and residents.

Prosperous People Stretch Outcomes	Implementation of these plans and strategies will assist in continuing the prosperity of the citizens and ensure a high quality of life for all people in Aberdeen.
Prosperous Place Stretch Outcomes	We are committed to ensuring that Aberdeen is a welcoming place to invest, live and visit, operating to the highest standards. The reduced costs in flooding damages resulting from implementation of the strategies will contribute to the prosperity of the City.
Regional and City Strategies	The proposals within this report support the Strategic Development Plan and City Region Deal plan by developing resilience to flooding and protecting local businesses and residents.
UK and Scottish Legislative and Policy Programmes	The report informs the Committee of SEPA's consultation proposals for the draft Flood Risk Management Strategies and plans which include publication of the Aberdeen Draft Local Flood Risk Management plan for consultation on 21 March 2021. This fulfils requirements placed upon the Council by the Flood Risk Management (Scotland) Act 2009. Postponement of the consultation has been agreed between SEPA and the Scottish Government. The Scottish Government will issue a new Direction to Local Authorities amending the date by which the consultation has to be published.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	This report has no direct implications in relation to Equalities and Human Rights Impact Assessment.
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

None

10. APPENDICES

Appendix A: Draft ACC Actions

Appendix B1: Ministerial Direction letter to CEOs November 2020

Appendix B2: Ministerial Direction – LRMPs – November 2020

Appendix B3: Implementation Plans funding letter – December 2020

11. REPORT AUTHOR CONTACT DETAILS

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