

ABERDEEN CITY COUNCIL

COMMITTEE	Environment Planning and Infrastructure
DATE	13 September 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Flood Risk Management (Scotland) Act Implementation Progress Report
REPORT NUMBER:	EPI/11/220

1. PURPOSE OF REPORT

To update the Committee on recent developments requisite to implementation of the Act and in particular to outline the financial requirements necessary to ensure that the Council delivers on its statutory obligations as specified in the Act.

2. RECOMMENDATION(S)

That the Committee:

- i) Agree the recommendations of this report along with the Council's response (Appendix A) to the Scottish Environment Protection Agency's consultation in relation to the Flood Risk Management (Scotland) Act 2009, - "Flooding in Scotland: A Consultation on Potentially Vulnerable Areas and Local Plan Districts".
- ii) Instruct officers to agree with Scottish Water the scope of the integrated catchment model for Aberdeen including the Council's financial contribution to the cost of the project.
- iii) Instruct officers to notify SEPA that Aberdeen City Council is prepared to act as lead authority for the Aberdeenshire and Aberdeen City local plan district.
- iv) Refer this report to the next meeting of the Finance and Resources on 29 September with the recommendation that all identified revenue funding as per the Local Government Finance Settlement is made available for this and future years to fund Aberdeen City Council's duties under the FRM Act, including its contribution to the development of the integrated catchment model.

- v) Authorise the suspension of standing orders to allow officers to purchase the specialist software required to run the integrated catchment model. The software package will be predetermined by Scottish Water and SEPA and only available from a single supplier.

3. FINANCIAL IMPLICATIONS

£60,000 was included in the 2010/11 revenue grant to ACC for implementation of its duties under the FRM Act. This funding was only confirmed in February 2011 and therefore not spent but carried forward to 2011/12. It has not yet been made available to E P & I for FRM duties but is currently included in 'Reserves & Balances – Earmarked Sums'

An additional £150,000 has been added to the revenue grant for this financial year (2011/12) to cover FRM duties. There is therefore a maximum of £270,000 (includes £60,000 carry forward from 2010/11 discussed above) available for implementation of the Act this year. None of this funding is currently available to E P & I for FRM duties.

For future years (at least up to 2015/16) it is anticipated that revenue allocation from the Scottish Government will be similar but will increase if ACC is the lead authority. The revenue allocation may also require adjustment if the scale and scope of the integrated catchment model exceeds preliminary estimates.

4. OTHER IMPLICATIONS

The Council has a statutory duty to comply with the Act

There are no other staffing or property issues involved at present. However acting as lead authority will place some additional burdens on the Council beyond those of the Act generally.

5. BACKGROUND/MAIN ISSUES

5.1 The Flood Risk Management (Scotland) Act

The Act came into force on 26 November 2009. It enables provision to be made for implementing the European Communities Floods Directive 1. The purpose of this Directive is to establish a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods.

The Act makes provision in relation to five main areas:

- a) Coordination and cooperation within the domain of flood risk management

- b) Assessment of flood risk and preparation of flood risk maps and flood risk management plans, including implementing the EC Floods Directive.
- c) Amendments to local authority and SEPA functions for flood risk management
- d) A revised statutory process for flood protection schemes incorporating deemed planning consent within the Flood Order
- e) Amendments to the enforcement regime for the safe operation of reservoirs.

The statutory Organisations responsible for delivery of the new legislation are:

- a) Scottish Government
- b) Local Authorities
- c) SEPA
- d) Scottish Water
- e) National Parks

Appendix B lists the milestones for implementation of the Act..

The Council responded to a consultation “Delivering Sustainable Flood Risk Management” as approved by this committee on 18 March 2011.

SEPA have now published (June 2011) “Flooding in Scotland: A consultation on Potentially Vulnerable Areas and Local Plan Districts”. Responses were required by 15 August 2011. Aberdeen City Council’s response is included in appendix A.

This consultation document includes identification of “Potentially Vulnerable Areas” and “Local Plan Districts” as well as estimating the weighted annual average damages as a result of flooding for each PVA.

Potentially Vulnerable Areas (PVAs) are defined as –“Catchment units in which the National Flood Risk Assessment (nFRA) has identified significant impacts from flooding either now, or in the future as a result of climate change. They will be used as the basis for producing Flood Risk Management Strategies.

Local Plan Districts (LPDs) are defined as – “Geographical areas from which Local Flood Risk Management Plans will be produced.” Aberdeen City, Aberdeenshire and part of Moray will form the Aberdeenshire and Aberdeen City district. This district includes the catchments of the Dee, Don and Deveron.

Weighted Annual Average Damages is defined as – “A strategic level estimate of flood damages calculated using the Multi-Coloured Handbook. The Weighted Annual Average Damages figure gives an indicative estimate of direct costs to residential properties, non residential properties and agriculture. It includes the benefit offered to

residential and non-residential properties by flood protection schemes which protect to a 1 in 200 year flood event. The figure does not include the benefit from Flood Warning Areas. These figures are indicative and have been derived using nationally held datasets. Care should be taken when applying these figures locally. They will be subject to change following consultation and as a result of subsequent more detailed assessments. A revised set of figures will be published as part of the National Flood Risk assessment in December 2011. They will be further updated and refined as part of SEPA's Flood Risk Management Strategies in 2013.

The nFRA has identified 9 PVAs within Aberdeen City. The cumulative estimated weighted annual average damages from flooding for the 9 areas is £20,000,000. This exceeds the figure for Aberdeenshire and Moray both of which form part of the North East local plan district. Because Aberdeen City has been identified as potentially having the most to lose from the effects of flooding it is proposed that ACC should notify SEPA that it wishes to act as lead authority for the North East district. SEPA in consultation with the Scottish Government will have the final say on which authority acts as lead.

The lead authority will be responsible for preparing the local district plan that supplements the national plan. This will be partly a coordinating role, but it will include managing the statutory process including preparation, publishing a draft, considering consultation responses and finalising the plan for the approval of Scottish Ministers. This includes obtaining the agreement of all councils in the local plan district together with SEPA and Scottish Water, to commit to fund flood prevention measures included in the local district plan.

5.2 Integrated Catchment Model

The Act places a duty on Scottish Water to carry out an assessment of flooding from the sewerage system for each of the Potentially Vulnerable Areas and any other areas identified by SEPA. Scottish Water is funded to deliver 5 of these assessments by December 2012. The SAIFF (Scottish Advisory and Implementation Forum for Flooding) Q&S Group agreed that:

The computer models produced in this investment period should be integrated models capable of assessing the interactions between all sources of flooding to enable the implementation of sustainable flood risk management interventions.

The 5 areas identified are:

Location	Local Authorities		
Edinburgh	City of Edinburgh	East Lothian	Midlothian
Grangemouth	Falkirk		
Aberdeen	Aberdeen City	Aberdeenshire	
Irvine To Ayr	East Ayrshire	North Ayrshire	South Ayrshire
Dundee	Dundee City	Angus	Perth & Kinross

It was further agreed by SAIFF that the following additional aspects should be considered to be part of the prioritisation process:

The Local Authority's commitment (of financial and other resources) to:

- a) Work in partnership with Scottish Water to understand the flooding issue. This will in the first instance require the commitment of funding and resources to develop an integrated model and implement a LFRMP in the near future to enable Scottish Water and Local Authority investment to be coordinated thus achieving maximum benefit;
- b) Work in partnership with Scottish Water to develop a strategy to deliver sustainable and integrated solutions.
- c) Deliver the element of the solutions for which they are responsible (for example Scottish Water would deliver improvement on the sewer system while the Local Authority may have to fund river improvement projects). This can be facilitated by setting up a structure which would provide governance for the development of Surface Water Management Plans (SWMPs).

The integrated model will primarily deal with Aberdeen City but may include small areas of Aberdeenshire. Properly developed the model will go a long way to fulfill much of Aberdeen City Council's statutory duties with regard to preparation of the Local Flood Risk Management Plan. For example it will cover those areas of the city where there is a known risk of flooding like the Green and Harbour area and allow flood mitigation and drainage investment strategies to be developed for those areas.

Detailed discussions are required between ACC and Scottish Water to determine the scope of the work and share of costs. However it is not expected that ACC's share will be less than £100,000 and could easily rise to twice this figure. Financial contributions will be required from ACC in years 2011/12, 2012/13 and possibly into year 2013/14.

On completion of the exercise ACC will receive a copy of the integrated flood model for our own use and development. In order to use the

model it will be necessary to purchase specialist software which is likely to cost in the region of £40,000 and have an annual maintenance cost of £6,000. This should be funded from the revenue allocation identified for implementation of the Act.

6. IMPACT

Implementation of the Act is a statutory requirement and a national initiative.

The management and mitigation of flooding has already generated public interest and will continue to do so.

7. BACKGROUND PAPERS

Flood Risk Management (Scotland) Act 2009

Delivering Sustainable Flood Risk Management – a consultation – January 2011

Flooding in Scotland: A consultation on Potentially Vulnerable Areas and Local Plan Districts including Appendix 6 – June 2011

SAIFF discussion paper: Prioritisation of areas for integrated catchment modeling in Q&SIIB – April 2011

The Multi-coloured Handbook – Published by the Environment Agency and DEFRA.

8. REPORT AUTHOR DETAILS

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Appendices

Appendix A: Flood Risk Management (Scotland) Act 2009 Consultation
'Flooding in Scotland: a Consultation on Potentially Vulnerable
Areas and Local Plan Districts'
Consultation Response from Aberdeen City Council

Appendix B: Milestones identified for implementation of the Act

Flood Risk Management (Scotland) Act Implementation Progress Report

APPENDIX A

Flood Risk Management (Scotland) Act 2009 Consultation 'Flooding in Scotland: a Consultation on Potentially Vulnerable Areas and Local Plan Districts' Consultation Response from Aberdeen City Council

1. Do you support the setting of a significance threshold that will capture the majority of flood impacts and subsequent action in a comprehensive planning system (i.e., based around Medium risk levels)?

Yes

2. Are there areas identified as PVAs following this assessment that that you believe should not be designated as at significant risk of flooding

No.

3. Are there any areas NOT identified as PVAs following this assessment that you believe should be designated as at significant risk of flooding.

No

4. Do you agree that the amendments made to the boundaries of the local plan districts are an appropriate response to the consultation exercise held in 2010? If not what changes would you suggest and why.

Regarding the proposed Aberdeenshire and Aberdeen City local plan district, the name is perhaps inappropriate because it contains a substantial part of Moray. Perhaps North East Local Plan District would be more appropriate.

5. Do you agree with the broad remit, membership and procedure for Local advisory groups?

Yes

6. Do you support use of the Area Advisory Group Boundaries established under the Water Framework Directive as the basis for establishing local advisory groups as required in Section 50 of the Flood Act? If not, what alternative arrangements would you suggest and why.

Yes

Flood Risk Management (Scotland) Act Implementation Progress Report

APPENDIX B

The milestones identified for implementation of the Act are as follows:

Deadline	Lead Authority	FRM Act requirement	Comments
18 March 2011	Responsible Authorities	Comments to Scot Gov on draft guidance on sustainable flood management.	Completed
May 2011	Scottish Government	Publish guidance on sustainable flood management	
January 2011	SEPA	Establish advisory groups	
December 2011	SEPA	Produce an assessment of flood risks across Scotland leading to identification of areas most vulnerable to flooding	The draft nFRA has been published as a consultation document with 9 PVA's identified in Aberdeen. The nFRA has also identified that there are more properties at risk from flooding in Aberdeen City than in either Aberdeenshire or Moray.
December 2011	SEPA	Identify Local Plan Areas	These are included in the recent consultation document. It is proposed that Aberdeen City, Aberdeenshire and part of Moray form one district. Because Aberdeen has the greatest number of properties at risk and has been chosen as one of the five initial areas for development of an integrated catchment model it is possible that Aberdeen will be the lead authority.
March 2012	SEPA	Establish local plan advisory groups	
No Statutory deadline	Local Authorities	Prepare a schedule of clearance and repair works	
Timescales to be set by Scottish Ministers	Local Authorities	Prepare maps of water bodies and Sustainable Urban Drainage Systems (SUDS)	
Timescales to be set by Scottish Ministers	SEPA	Prepare maps of artificial structures and natural features	

Timescales to be set by Scottish Ministers	Scottish Water	Publish an assessment of flood risk from sewerage systems	Aberdeen along with 4 other urban areas in Scotland has been chosen for the initial development of integrated catchment models. The costs will be shared between Scottish Water and ACC. ACC's share could be £200,000 spread over this and next financial year.
December 2013	SEPA	Publish an assessment of opportunities for restoration of natural features and characteristics to reduce flood risk	
	SEPA	Publish flood hazard maps and flood risk maps	
	SEPA	Publish a statement of consultation actions	
December 2014	SEPA and lead authorities	Publish draft national and local flood risk management plans for consultation	ACC likely to be Lead Authority for this
December 2015	SEPA and lead authorities	Publish flood risk management plans	ACC likely to be Lead Authority for this
June 2016	Lead local authorities	Publish implementation parts of local flood risk management plans	ACC likely to be Lead Authority for this
Cycle to be repeated every 6 years thereafter			Lead Authority Role could transfer to Aberdeenshire.