

The Highland Council

Transport, Environment and Community Services Committee
19 September 2013

Agenda Item	6
Report No	TEC 66/13

Programme for Implementing the Flood Risk Management Act

Report by Director of Transport, Environmental and Community Services

Summary

This report invites Members to approve the Project Plan for the development of the Flood Risk Management Strategies and Plans including the Surface Water Management Plans for the Highland & Argyll Local Plan District (LPD) for which The Highland Council are Lead Local Authority, and that the Project Plan model and processes will apply equally to the Findhorn, Nairn and Speyside Local Plan District for which Moray Council are the Lead Local Authority.

1. Background

- 1.1 The TECS Committee (17 January 2013) agreed the Governance Structure, as set out in **Appendix A**, for the Local Plan District Partnerships required for the development of the Flood Risk Management Plans under the Flood Risk Management (Scotland) Act 2009 (the Act). The Chair of TECS was subsequently nominated to represent the Council on the Steering Groups for both 'Highland & Argyll' and 'Findhorn, Nairn and Speyside' Local Plan Districts respectively.
- 1.2 The Highland Council is the Lead Local Authority for the Highland & Argyll Local Plan District (LPD) working in partnership with Argyll & Bute Council, SEPA and Scottish Water. Members should note that a Project Plan, as contained in **Appendix B**, sets out how the Local Flood Risk Management Plan and Surface Water Management Plans for this LPD will be developed. The Project Plan requires agreement of all partners.
- 1.3 Moray Council is the Lead Local Authority for the Findhorn, Nairn and Speyside LPD and has developed a Project Plan using the same model for engaging with the Highland Council, Scottish Water and SEPA. Moray Council agreed the Project Plan in September 2013.
- 1.4 Key to the flood risk management planning process is effective joint decision-making. This report sets out how the Council proposes to make decisions in partnership with SEPA, Scottish Water and neighbouring Councils. This includes appropriate delegation to the Steering Group (attended by Elected Members) to streamline the process, while referring fundamental and strategic decisions to each partner organisation (e.g., THC via TECS Committee or full Council).

1.5 There are five key stages in developing the Flood Risk Management Strategies and Plans, at which approval from the LPD Partnership will be sought.

1.6 These key stages are listed below.

1. Catchment Characterisation
2. Objective setting
3. Long List of Measures
4. Short List of Measures
5. Appraisal and Prioritisation of Measures

2. Key Stage 1: Catchment Characterisation

2.1 Characterisation will provide factual information about each catchment area within designated Potentially Vulnerable Areas (PVA's). This will include catchment characteristics such as soil type, land use, flood mechanisms, hydrology and the like. Characterisation will be factual information compiled by SEPA's consultants and developed in collaboration with the LPD Project Steering Group. To ensure that all Member's local concerns with respect to flooding are captured and included in the Characterisation (when relevant), the Flood Team is carrying out a programme of joint-Ward briefings and consultations. All issues raised by Members that fit the criteria of being a 'nationally significant flood risk' would be added to the characterisation. The Flood Team will manage the inclusion or otherwise of this information on behalf of Members.

2.2 Since a widespread consultation on flood risk will have taken place, and the Characterisation will result in a factual summary of risks within each PVA, ***it is recommended that agreement of Key Stage 1 should be delegated to the LPD Steering Group.*** A subsequent report on the Characterisation would be submitted to the TECS Committee.

3. Key Stage 2: Objective Setting

3.1 The Objectives set for each PVA will be in response to specific flood risks identified through the Characterisation. At this stage the Objectives will be high level and broad as the specifics of what measures may be required, and how deliverable they are will not be known. Later during the planning process these Objectives will be revisited to become Specific, Measurable, Achievable, Realistic and Time-bound (SMART).

3.2 The draft Objectives will be developed by SEPA's consultants in collaboration with the LPD Project Steering Group. Since the setting of Objectives for each PVA sets out the 'direction of travel' before the refinement of measures within each PVA, ***it is recommended that Key Stage 2 should be approved by TECS Committee.***

4. Key Stage 3: Long List of Measures

- 4.1 A Long-List of generic Measures that may potentially achieve the Objectives set for the PVA will then be developed by SEPA's consultants in collaboration with the LPD Project Steering Group.
- 4.2 SEPA are in the process of defining a Long List of Measures that could be almost generic and used as a starting point before the refinement and selection of the "the most sustainable combination of measures".
- 4.3 Agreeing the Long List of Measures is therefore seen to be a high-level exercise and accordingly ***it is recommended that agreement of Key Stage 3 should be delegated to the LPD Steering Group.***

5. Key Stage 4: Short List of Measures

- 5.1 The Long-List of Measures will then undergo a screening and evaluation exercise that will eventually lead to a Short-List of Measures that may meet the objectives set for each PVA.
- 5.2 The screening and evaluation exercise will be carried out by SEPA's consultants in collaboration with the LPD Project Steering Group. All Measures will be initially screened for Technical, Financial and Legal feasibility to rule out unlikely solutions. A presumption to carry forward a Measure to the Short List will be maintained to ensure that options are not ruled out too early.
- 5.3 Once screened, the Short List of Measures will form the basis of the more detailed appraisal and are likely to become individually, or in combination with other Measures, the priorities of the Local Flood Risk Management Strategies and Plans.
- 5.4 ***It is recommended that Key Stage 4 is agreed by TECS Committee.***

6. Key Stage 5: Appraisal and Prioritisation of Measures

- 6.1 The Short-List of Measures will thereafter be appraised in detail by SEPA's consultants. This assessment would include benefits and costs, sustainability and impacts. The Measures will then be prioritised within the Local Flood Risk Management Strategy to deliver the 'most sustainable combination of Measures' for the LPD. The Local Flood Risk Management Strategy will form the basis for the Supplementary Part of the Local Flood Risk Management Plan which The Highland Council has responsibility as Lead Local Authority to develop and deliver.
- 6.2 Members should note that on 17 June 2013 The Highland Council approved a line in the 10 year capital programme for 'PVA Mitigation Measures' which will be used to fund the prioritised short list of Measures.
- 6.3 ***It is recommended that Key Stage 5 is agreed by TECS Committee.***

7. Programme for Implementation

7.1 The programme included with the Project Plan (**Appendix B**) outlines the current dates for the agreement of Key Stages 1 -5.

7.2 These are summarised below:

	Description	Recommended Level of Approval	Current Dates	TECS Comm. Dates
1	Catchment Characterisation	LPD Steering Group	15.11.13	-
2	Objective Setting	TECS Committee	24.01.14	March '14
3	Long List of Measures	LPD Steering Group	04.04.14	-
4	Short List of Measures	TECS Committee	22.08.14	Sept. '14
5	Appraisal and Prioritisation	TECS Committee	09.01.15	March '15

7.3 There exists a statutory requirement within the Act for SEPA to carry out a national consultation of the Local Flood Risk Management Strategy and for The Highland Council to consult on the Supplementary Part of the Local Flood Risk Management Plan. Since these two documents are likely to mirror each other, SEPA are discussing the possibility of merging this consultation to reduce public confusion. The public consultation must commence by 22 December 2014 and remain open for three months.

7.4 At the time of the consultation, only a Short List of Measures will have been developed and agreed with The Highland Council. SEPA are seeking assurances from Scottish Government that the Appraisal and Prioritisation does not need to form part of the consultation. If this is the case, the Appraisal and Prioritisation will be carried out and agreed during the consultation period.

7.5 All Lead Local Authorities are also required to develop an Implementation Part to their Local Flood Risk Management Plans. This will be developed by the LPD Partnership Steering Group with all responsible authorities committing to the funding and timing of each Measure.

7.6 The Lead Local Authority must prepare and consult upon the "Implementation Part" of the Local Plan, which must be finalised by June 2016. ***It is anticipated that agreement to the Implementation Part will require to be approved by the Council as it involves funding of measures over the following 6 year period.*** This will be the subject of a future committee report for Member consideration.

7.7 Following the consultation period, SEPA will review the LPD Strategies (with implications on the Supplementary and Implementation Parts of the Plan) and

both must be submitted to the Scottish Ministers for approval to become active by 22 December 2015.

8. Implications

- 8.1 There are no financial implications arising directly from this report, however there will be funding implications as this work proceeds and these will be set out in future reports.
- 8.2 There are no legal implications arising directly from this report.
- 8.3 There are no equality implications arising directly from this report.
- 8.4 There are no climate change implications arising directly from this report.
- 8.5 There are no risk implications arising directly from this report.

9. Recommendations

Members are invited to:

- (i) Approve the recommended Project Plan for developing the Local Flood Risk Management Strategy and Plan for the Highland & Argyll Local Plan District.
- (ii) Note that the same model (as adopted and approved by Moray Council) be used for the Findhorn, Nairn and Speyside Local Plan District Project Plan.
- (iii) Approve that agreement of Key Stage 1 (Catchment Characteristics) is delegated to the Local Plan Steering Group, with a subsequent report on Characterisation taken to the TECS Committee.
- (iv) Approve that the recommendations of Key Stage 2 (Objective Setting) is approved by the TECS Committee.
- (v) Approve that agreement of Key Stage 3 (Long List of Measures) is delegated to the Local Plan District Steering Group.
- (vi) Approve that the recommendation of Key Stage 4 (Short List of Measures) is approved by the TECS Committee.
- (vii) Approve that the recommendations of Key Stage 5 (Appraisal and Prioritisation of Measures) is approved by the TECS Committee.

Designation: Director of Transport, Environment and Community Services

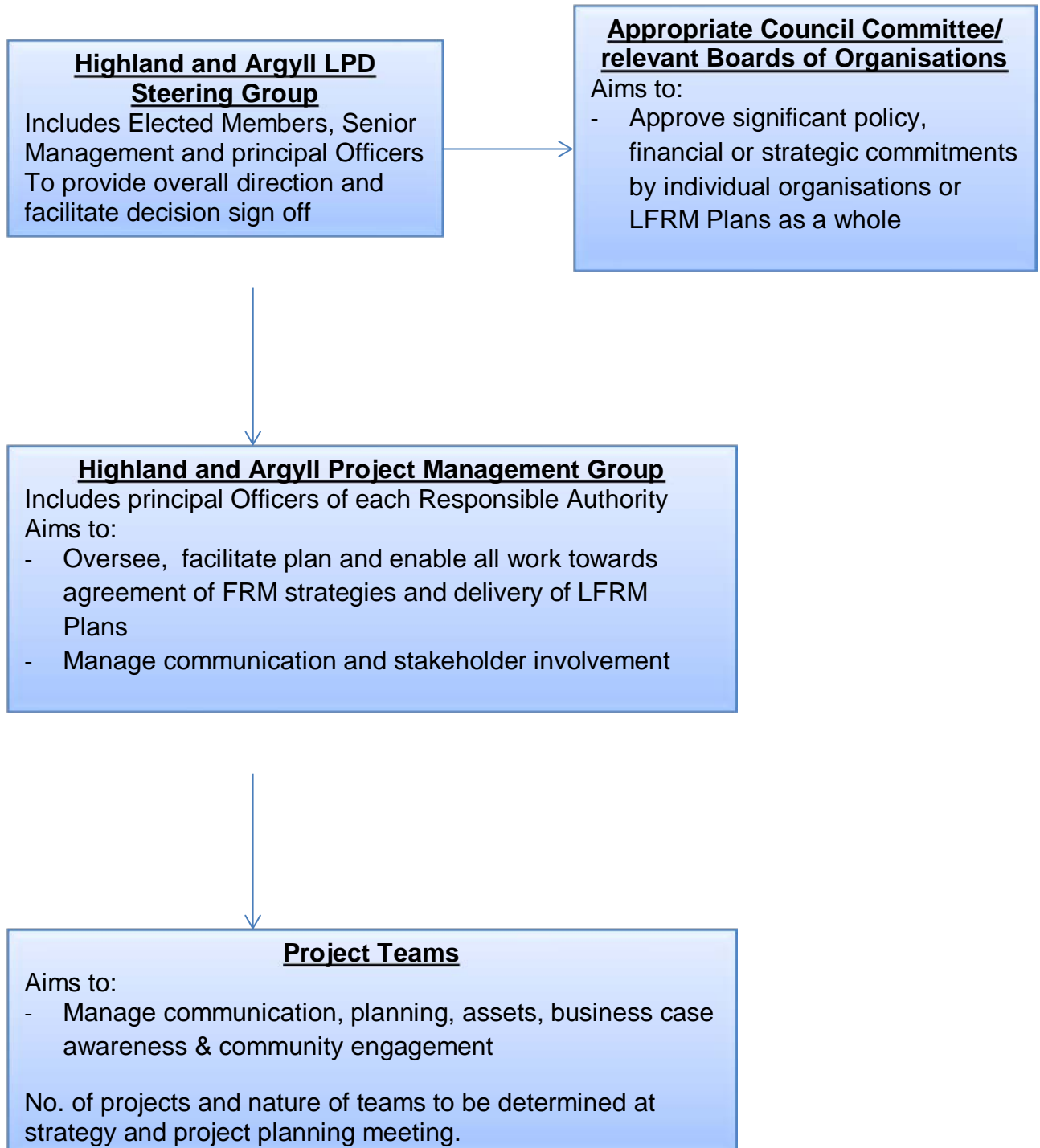
Date: 6 September 2013

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Appendix A

Local Plan District Partnership Governance Structure

Highland and Argyll Local Plan District Proposed Partnership Structure



Appendix B
Local Plan District
Project Plan

