

The Highland Council
Planning, Development and Infrastructure Committee
11 May 2016

Agenda Item	16
Report No	PDI 33/16

Approval of Local Flood Risk Management Plans

Report by the Director of Development and Infrastructure

Summary

Members are asked to approve the content of both “Findhorn, Nairn & Speyside Local Flood Risk Management Plan” (to be published by Moray Council) and the “Highland & Argyll Local Flood Risk Management Plan” and recognise that The Highland Council as lead local authority for the latter, has the statutory duty to publish before 22 June 2016.

Members can view drafts of both Plans online by following this link:
<http://www.highland.gov.uk/info/1210/environment/81/flooding/3>

1. Background

1.1 The Flood Risk Management (Scotland) Act (2009) (FRMA) set out a process for delivering a plan-led, risk based approach to flood risk management in Scotland. The legislation requires all ‘responsible authorities’ (as defined by the Act and Scottish Ministers) to work collaboratively to assess and agree a plan of measures (or actions) to reduce the risk of flooding in the most vulnerable areas in their Local Plan District.

1.2 Responsible Authorities have been defined in the FRMA, and by Scottish Ministers to include:

- *Local Authorities*
For the Highland & Argyll Local Plan District (LPD), this includes The Highland Council (as lead authority) and Argyll & Bute Council
For the Findhorn, Nairn & Speyside LPD, this includes Moray Council (as lead authority) and The Highland Council
- *Scottish Environment Protection Agency (SEPA)*
- *Scottish Water*
- *Forestry Commission Scotland*
- *Cairngorm National Park Authority*
- *Loch Lomond and the Trossachs National Park Authority*

Section 36 (1)(b)(i) requires every responsible authority to provide their agreement to the contents of the Plan before it can be completed and published.

- 1.3 The National Flood Risk Assessment (December 2011) developed by SEPA, defined a total of 243 Potentially Vulnerable Areas (PVAs) across Scotland. These PVAs provide a focus for all responsible authorities to fully understand the risk from all sources of flooding and agree planned measures to reduce that risk.
- 1.4 The Highland Council has 34 PVAs identified within the National Flood Risk Assessment; 28 are located within the Highland & Argyll Local Plan District, and 6 are located within the Findhorn, Nairn & Speyside Local Plan District.
- 1.5 In December 2015, SEPA published the first ever national Flood Risk Management Strategy (FRMS), having carried out an appraisal of the flood risks in each PVA. The Strategy for both Highland & Argyll, and Findhorn Nairn & Speyside Local Plan Districts was developed in partnership with The Highland Council and the recommendations of the Strategy and prioritisation of these actions were agreed by this committee on 3 June 2015 (Report no. PDI 31/15). A summary of the actions and priorities agreed in the Strategy and contained within the Plan are in **Appendix 1**.

2. Development of the Local Flood Risk Management Plan

- 2.1 The Highland Council has, as lead authority, overall responsibility to ensure the Highland & Argyll Local Flood Risk Management Plan accords with the Strategy for the LPD, and that all responsible authorities agree to its contents. Moray Council has this responsibility for the Findhorn, Nairn & Speyside Local Flood Risk Management Plan.
- 2.2 The Highland Council has led and chaired the Highland & Argyll LPD Steering Group, which comprises of lead officers from each organisation and an elected member from each local authority. A similar Steering Group was led by Moray Council. The Highland Councils elected member representative is Cllr. Audrey Sinclair, Chair of the Planning, Development & Infrastructure Committee. The Steering Group has overseen the development of both Plans ensuring consistency with the other 13 LPD's across Scotland and most importantly with the Strategy.
- 2.3 The Local Flood Risk Management Plan is required to add another level of detail to the Strategy by including additional information for each recommended action on:
 - funding arrangements;
 - which organisation will be responsible for delivery;
 - the timescale for delivery; and
 - details of any coordination between authorities.
- 2.4 Representatives from each responsible authority on each Steering Group have provided their agreement to the contents of both Highland & Argyll, and Findhorn, Nairn & Speyside Local Flood Risk Management Plans. These approvals were given conditionally, on the basis that the Plan is approved by this committee without modification. Should this committee approve the Plan,

each responsible authority will provide their relevant Boards approval in due course. If this committee does not approve the Plan, and recommends amendments to it, each responsible authority will be required to review the amendment. This would likely result in The Highland Council missing the statutory deadline for publication of an approved Plan (22 June 2016).

- 2.5 The Economic Development and Infrastructure Committee within Moray Council approved the content of the Findhorn Nairn & Speyside Local Flood Risk Management Plan on 3 May 2016.

3. Publication

- 3.1 Should this committee approve the content of the Plan and recommend publication, the Plan will be re-formatted to suit the Council's new corporate layout for reports.
- 3.2 The Plan will then be made available on the Council's website, with a hard copy being made available for public inspection at all Highland Council Service Centres and Access Points. Copies will also be held at headquarters and the Dingwall offices. Paper copies of selected sections will be made available to members of the public on request. Copies of the Plan will also be provided to SEPA and Scottish Ministers.
- 3.3 The publication of the Plan will be publicised in the local press by notice, and also via a press release, social media and news-feed.

4. Monitoring

- 4.1 Flood risk management planning, as defined in the Act, is now carried out over a 6-year cycle. The first cycle commences with the publication of the Plan on or before 22 June 2016. The Plan (and the actions planned to be carried out) will then be enshrined in the Act until 2022.
- 4.2 The Highland Council will continue to lead the Highland & Argyll LPD Steering Group and its members will meet periodically to monitor progress on the implementation of the Plan's actions. The Highland Council is required to report to Scottish Ministers on progress of the Plan after June 2018, and no later than June 2019.
- 4.3 In parallel to the implementation of the 1st Plan, all responsible authorities will commence the preparations for the 2nd cycle (and 2nd Plan) beginning in 2022. This begins with a review of the National Flood Risk Assessment, carried out by SEPA and defining PVA's.

5. Implications

- 5.1 Resource
Acceptance and publication of the Plan will demand that The Highland Council delivers what it has committed to do within the Plan. The Council cannot knowingly change priorities, or reduce funding of flood risk management

activities which would prevent the delivery of the actions in the Plan. Flood Protection Studies and Works (schemes) are the most significant commitment within the Plan (both financially and in terms of resource) and the timescales for delivering these must be met. This committee approved all of the recommended actions within the Strategy (and hence Plan) in June 2015 (PDI 31/15) and the capital programme includes finances to deliver these actions. Additional grant funding will be made available from Scottish Government for the delivery of Flood Protection Works (schemes included in this cycle are Smithton/ Culloden, Caol and Drumnadrochit). This will cover 80% of all eligible scheme costs. In addition, Scottish Government has also confirmed that additional revenue funding will be provided to each local authority (details tbc). The Highland Council's Flood Risk Management Team has produced this Local Flood Risk Management Plan and will continue to lead the Steering Group. The majority of Flood Protection Studies and Works that are required to be delivered within this cycle are expected to be completed using consultants, with the Project Design Unit managing these contracts.

5.2 Legal

Acceptance by this Committee (and all responsible authorities within the LPD) to the Plan satisfies paragraph 34 of the Act. Completion of the Plan is achieved when the above is satisfied and the Flood Risk Management Strategy is approved by Scottish Ministers. The latter was approved by Ministers in December 2015.

5.3 Equality

Acceptance and publication of the Plan has no impact on equalities.

5.4 Climate Change/Carbon Clever

Implementation of the Plan will ensure that The Highland Council has set out a strategic, plan-led approach to managing flood risk, and will consider the impacts of climate. Three flood schemes will be constructed having a material reduction in flood risk in our communities, and a number of new schemes will be developed which take account of the impacts of climate change.

5.5 Risk

All responsible authorities (with the exception of The Highland Council via this committee) have approved the content of the Plan. If this Committee does not approve the content of the Plan, or recommend modifications to the Plan, it will not be completed before the statutory deadline of 22 June 2016 and The Highland Council will have to report such to Scottish Ministers.

5.6 Gaelic

A Gaelic translation of specific sections of the Plan can be made available upon request.

5.7 Rural

The majority of the actions within the Plan are focused within PVAs which tend to be on the larger centres of population. Flooding in rural locations is less reported and the extent of potential damages is limited. The Plan includes a number of LPD wide actions which will be applied (including a Highland Wide

Surface Water Management Plan) which will seek to address less significant flooding in rural locations. In addition, the Council approved a separate line within the capital programme, which can be used to fund minor flood works outside PVAs.

Recommendation

The Committee is recommended to:

- agree the content of the Highland & Argyll Local Flood Risk Management Plan allowing publication by The Highland Council to take place in June 2016; and
- agree the content of the Findhorn, Nairn & Speyside Local Flood Risk Management Plan allowing publication by Moray Council to take place in June 2016.

Designation: Director of Development and Infrastructure

Date: 22 April 2016

Author: Matt Smith, Colin Howell

Background Papers: Report PDI 31/15

Appendix 1- Summary of Actions to be carried out by The Highland Council in the Flood Risk Management Strategy and Plan

	Flood Protection Works (FPW)	Flood Protection Studies (FPS)	Natural Flood Management Works (NFMW)	Natural Flood Management Studies (NFMS)	Improved Understanding (IU)	Surface Water Management Plans (incl. Integrated Catchment Studies)
Highland & Argyll LPD	3	20	0	7	3	7
Findhorn Nairn & Speyside LPD	-	4	0	2	1	1
TOTAL	3	24	0	9	4	8

Note: not all actions will be progressed this cycle. Refer to the relevant Flood Risk Management Plan for delivery dates.

Definitions:

'Flood Protection Works' (FPW's) are schemes which are sufficiently developed (with detailed design commenced, Flood Protection Orders in place or pending and positive benefit –cost ratios in place) to ensure that delivery within the first 6 year cycle is expected. The schemes THC has confirmed with SEPA as FPW's are Caol, River Enrick in Drumnadrochit and Smithton/ Culloden.

'Flood Protection Studies' (FPS's) are schemes which require further development. These range from 'new' schemes (not previously on the Council's Capital Programme therefore no work has taken place to date), to existing Capital Schemes which require further development and consideration of the options/ design before confirming as FPW's. The aim of a FPS will be to develop a scheme sufficiently such that should a funding gap become available within the first 6 year cycle, the scheme can be promoted to FPW's and progress to construction. The schemes THC has confirmed with SEPA as FPS's are 'Tarbet Ness' including Rockfield, Balintore, Portmahomack, Inver, Skinnerton (coastal), River Gynack in

Kingussie (fluvial), River Nairn Central (fluvial/ coastal), Golspie (coastal), Auldearn Burn in Nairn (fluvial), Upper River Ness (fluvial), Fort William (fluvial/ coastal), River Peffery in Dingwall and Blairninich (fluvial/ coastal), River Spey in Aviemore (fluvial), Kinlochewe (fluvial), Lochinver (fluvial), Garve (fluvial), Glencoe (coastal), Mill Burn in Inverness (fluvial), Newmill (fluvial), Contullich Burn in Alness (fluvial), Burnside Burn in Thurso (fluvial), Alton Burn in Nairn (fluvial), Dornoch Burn in Dornoch (fluvial), South Kessock in Inverness (coastal), Muir of Ord (fluvial), Ballachulish (fluvial), River Thurso (coastal and fluvial), Aviemore Burn in Aviemore (fluvial).

‘Natural Flood Management Works’ (NFMW’s) are schemes similar to FPW’s (fully designed and ready for funding) but with a focus on Natural Flood Management Measures. THC has no NFMW’s to progress this cycle.

‘Natural Flood Management Studies’ (NFMS’s) are similar to FPS’s, but with a focus on Natural Flood Management Measures. As with FPS’s, NFMS’s are proposed in areas where an initial assessment for the potential for Natural Flood Management has confirmed that measures may help reduce flood risk. The schemes THC has confirmed with SEPA as NFMS’s are Golspie (coastal), Contullich Burn in Alness (fluvial), Kinlochewe (fluvial), Dingwall (fluvial), Blairninich (fluvial), Drumnadrochit (fluvial), Ballachulish (fluvial), Auldearn Burn in Nairn (fluvial), Kingussie (fluvial).

‘Improved Understanding’ is recommended for the following areas where the SEPA model predictions of the flood risk are considered to be misrepresenting the flood risk, and further modelling is required. These areas include Wick (coastal), River Wick (fluvial), River Alness (fluvial), Dalwhinnie (fluvial). These studies areas will be re-modelled by SEPA over the coming cycle.

‘Surface Water Management Plans/ Integrated Catchment Studies’ are studies (previously agreed with SEPA and approved by the PDI Committee on 20/08/14). These include Inverness (where an Integrated Catchment Study has been commissioned in partnership with Scottish Water), Smithton/ Culloden (as above), Dingwall and Strathpeffer, Fort William, Corpach, Newtonmore and Halkirk.

The Prioritised Capital Programme

In June 2016, The PDI Committee approved funding in the capital programme to deliver the following prioritised actions:

Scheme	FPW Rank	FPS Rank	Cycle 1 (2016-2022)	Cycle 2 (2022-2028)
Caol FPW	1		X	
River Gynack FPS/ NFMS		1	X	
River Peffery FPS/ NFMS (in Dingwall & Blairninich)		2	X	
Tarbet Ness FPS		3	X	
River Nairn FPS		4	X	
Smithton/ Culloden FPW	2		X	
Auldearn Burn FPS/ NFMS		5	X	
Golspie FPS/ NFMS		6	X	
Mill Burn FPS		7	X	
River Enrick (in Drumnadrochit) FPS/ NFMS	3		X	
Upper River Ness FPS		8	X	
Fort William FPS		9	X	
Feabuie Culvert Replacement*			X	
Dell Burn #			X	
Kirkhill Watercourse Diversion*			X	
River Spey (in Aviemore) FPS		10	X	
River Thurso FPS		11	X	
South Kessock FPS		12	X	
Kinlochewe FPS/ NFMS		13		X
Garve FPS		14		X
Lochinver FPS		15		X
Balmacaan*			X	
Wick (Mill Lade) Improved Understanding				X
Wick Coastal Improved Understanding				X
River Alness Improved Understanding				X
Glencoe FPS		16		X
Ballachullish FPS/ NFMS		17		X
Contullich Burn (Alness) FPS/ NFMS		18		X
Dalwhinnie Improved Understanding				X
Burnside Burn (Thurso) FPS		19		X
Dornoch Burn FPS		20		X
Aviemore Burn FPS		21		X
Alton Burn (Nairn) FPS		22		X
Newmill (Nairn) FPS		23		X
Muir of Ord FPS		24		X

*schemes not in PVAs already being progressed.

A study into options for the Dell Burn scheme will be progressed/ funded through the Inverness SWMP