

Agenda Item	15
Report No	ED/76/18

HIGHLAND COUNCIL

Committee: Environment, Development and Infrastructure Committee

Date: 8 November 2018

Report Title: Section 37 Interim Report on Flood Risk Management Plan Actions

Report By: Director of Development and Infrastructure

1. Purpose/Executive Summary

- 1.1 In accordance with the requirements of the Flood Risk Management (Scotland) Act (2009) ('the Act'), The Highland Council (as Lead Local Authority (LLA)) published its first Local Flood Risk Management Plan ('the Plan') in June 2016, setting out an ambitious range of flood risk management objectives and actions to be completed in the first 6 year cycle (2016-2022).
- 1.2 The Act also places a duty (under section 37) on the LLA to
- review the Plan; and
 - publish a report on the conclusions of the review, including information on the progress that has been made towards implementing the measures.
- The interim report must be made available for public inspection.
- 1.3 The format of the Section 37 report has been developed by a Scottish Advisory and Implementation Forum for Flooding Group, and agreed through the LLA Forum, such that all local authorities, SEPA, Scottish Water and other responsible authorities can input to a standard template and report in a similar format to Scottish Government.

2. Recommendations

- 2.1 Members are asked to:
- note the contents of the Section 37 Report and progress made on the measures within the current Highland and Argyll Local Flood Risk Management Plan;
 - agree to make the Section 37 Report for the Highland and Argyll Local Plan District available to the public on the Council's website; and
 - note that Moray Council will approve and publish the Section 37 Interim Report for the Findhorn, Nairn and Speyside Local Plan District.

3. Local Flood Risk Management Plans

- 3.1 The Highland Council area has been split across two Local Plan Districts (LPD) for the purposes of flood risk management planning:
- The Highland and Argyll LPD (with The Highland Council as LLA)
 - The Findhorn, Nairn and Speyside LPD (with Moray Council as the LLA)
- 3.2 In accordance with the Act, both Highland Council and Moray Council published Local Flood Risk Management Plans in June 2016 to set out the agreed actions/ measures to be delivered in the first 6-year cycle (2016-2022). Both Plans were approved by the Planning, Development and Infrastructure Committee for publication on 11 May 2016 (ref. report PDI/33/16). Both Plans can be viewed on the Council's website, following this link: <https://www.highland.gov.uk/info/1226/emergencies/81/flooding/3>.
- 3.3 The Plans set out the agreed objectives and actions/ measures for all responsible authorities including Scottish Water, SEPA, Transport Scotland, National Park Authorities and Forestry Commission Scotland. As such, the Section 37 Report has been compiled with updates from all relevant parties to report on their progress.
- 3.4 The Act sets out the requirements for developing and publishing Local Flood Risk Management Plans, including the interim (mid-cycle) review and reporting requirements. The Act also requires the publication of an updated Local Flood Risk Management Plan every 6 years.
- 3.5 Any actions or measures not delivered within a particular cycle would be added to the priorities for consideration in the subsequent cycle/ Plan.

4. Section 37 Local Flood Risk Management Plans: Interim Report

- 4.1 Section 37 of the Act requires the LLA to:
- review the Plan; and
 - publish a report on the conclusions of the review, including information on the progress that has been made towards implementing the measures.

This report must be compiled and published between June 2018 and June 2019.

- 4.2 Through the LLA Forum, all 14 LLA agreed with Scottish Government, SEPA, Scottish Water and other responsible authorities to try and coordinate the format and delivery of this review. The consensus was to aim to achieve LLA approval to each report by December 2018, to enable national reporting on progress in February 2019.
- 4.3 The report (available at <https://www.highland.gov.uk/info/1226/emergencies/81/flooding/3>) has been compiled and edited by all responsible authorities and has their approval for publication.
- 4.4 Good progress has been made on the majority of actions set out within the Plan. The priority for Highland Council actions has been to progress Flood Protection Studies in Dingwall, Thurso, Golspie, Inverness (Mill Burn) and Nairn such that they could be put forward for funding in the second cycle. The Highland Council has also made good progress with the delivery of Flood Protection Schemes in Smithton and Culloden, Caol and Drumnadrochit. Some Highland Council actions have not progressed as intended due to funding constraints following completion of the capital programme review in March 2018. In the three years left of the remaining cycle, there is still opportunity to

progress actions which have started late, and/or take less time to deliver.

5. Implications

- 5.1 **Resource:** Delivery of the Council's actions within the Plan is achieved through both capital and revenue funding. The Project Design Unit (Flood Risk Management Team) takes the lead on delivery of these actions using both in-house and external (specialist) resource. Reductions to the capital and revenue flood budgets has had a direct impact on the ability to deliver these actions.
- 5.2 **Legal:** Approval of this Section 37 Interim Report and its subsequent publication will mean that The Highland Council has satisfied and complied with the requirements of the Act.
- 5.3 **Community (Equality, Poverty and Rural):** The actions set out within the Local Flood Risk Management Plan are designed to protect communities and make them more resilient to the risk of flooding. Successfully delivering these actions meets the objectives of 'Theme 1: A Place to Live' from the Corporate Plan.
- 5.4 **Climate Change / Carbon Clever:** The actions set out within the Local Flood Risk Management Plan take account of the impact of climate change and are designed to enable communities to adapt and be prepared. The risk of flooding will increase with predicted increase in 'storminess' and sea level rise. Sustainable development, managed through the Planning system continues to be promoted.
- 5.5 **Risk:** The Scottish Government will be compiling a list of schemes/ works to be funded in the second cycle (2022-2028) in December 2019. Any Flood Protection Studies being carried out this cycle that have not defined the solution by this time will not attract funding in the next cycle. All schemes put forward are not guaranteed funding, as they will be prioritised on a national level. Failure to deliver on certain actions will result in certain communities being at an increased risk of flooding (taking account of climate change). There may be a reputational risk if certain actions are not delivered.
- 5.6 **Gaelic:** There are no Gaelic implications for this report.

Designation: Director of Development and Infrastructure

Date: 20 October 2018

Author: Matt Smith, Principal Engineer

Background Papers: Report PDI/33/16