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**FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009  
APPROVAL OF DRAFT LOCAL FLOOD RISK MANAGEMENT  
PLANS TO BE PUBLISHED ON 2 MARCH 2015 FOR PUBLIC  
CONSULTATION**

**Report by Service Director Commercial Services**

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**SCOTTISH BORDERS COUNCIL**

**19 February 2015**

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**1 PURPOSE AND SUMMARY**

- 1.1 This report proposes that the Council approve the draft Local Flood Risk Management Plans for the Forth Estuary Local Plan District, the Tweed Local Plan District, and the Solway Local Plan District. This approval is required to allow the draft plans to be published for public consultation, on 2 March 2015.**
- 1.2 The Flood Risk Management (Scotland) Act 2009 (FRM Act) requires the production of Flood Risk Management Plans covering each Local Plan District (LPD) in Scotland. Scottish Borders Council's area falls within 3 of the 14 local plan districts in Scotland. These are Forth Estuary LPD, Tweed LPD and Solway LPD.
- 1.3 There will be two sets of complementary plans: Flood Risk Management Strategies produced by the Scottish Environment Protection Agency (SEPA), and Local Flood Risk Management Plans produced by Lead Local Authorities. Scottish Borders Council is the Lead Local Authority for Tweed LPD.
- 1.4 The Flood Risk Management Strategies and Local Flood Risk Management Plans are being developed to be complementary through collaborative partnerships between Local Authorities, SEPA and Scottish Water.
- 1.5 The Flood Risk Management Strategies and Local Flood Risk Management Plans will provide a framework for co-ordinating actions across catchments to deal with all sources of flooding. These plans will be used to ensure long term planning around flooding and future funding should take them into account. This will help to target investment in areas where there is the greatest risk of flooding and where communities can receive the greatest benefit. This will help to maximise the benefit of public investment.

- 1.6 A public consultation will take place from 22 December 2014 to 2 June 2015. This will provide an opportunity for members of the public and stakeholder organisations to comment on the information that will be included in the Flood Risk Management Strategies and Local Flood Risk Management Plans and will ultimately shape the actions that will be taken to manage flood risk.
- 1.7 The public consultation is based on Potentially Vulnerable Areas which are areas where there is significant flood risk, sufficient to justify further assessment and appraisal of flood management actions.
- 1.8 SEPA published the first part of the draft Flood Risk Management Strategies on 22 December 2014. This consists of the characterisation reports for all sources of flooding in Potentially Vulnerable Areas in each of the 14 Local Plan Districts in Scotland.
- 1.9 SEPA will publish the second part of the draft Flood Risk Management Strategies on 2 March 2015. This will consist of the initial objectives and the short list of actions for all sources of flooding in Potentially Vulnerable Areas in each of the 14 Local Plan Districts in Scotland.
- 1.10 Lead Local Authorities will publish the draft Local Flood Risk Management Plans on 2 March 2015.
- 1.11 The 3 draft Local Flood Risk Management Plans relevant to Scottish Borders are given in Appendices 1, 2 and 3 for the Forth Estuary LPD10, Tweed LPD13 and Solway LPD14 respectively.
- 1.12 There is now a need to obtain the Council's approval of the draft Local Flood Risk Management Plans. This approval is required in order to allow publication of the draft plans for consultation on 2 March 2015.

## **2 RECOMMENDATIONS**

### **2.1 I recommend that the Council:-**

- (a) Approves the draft Local Flood Risk Management Plan for PVA10/26 – Berwickshire Coast in the Forth Estuary Local Plan District for consultation, as detailed in Appendix 1.**
- (b) Approves the draft Local Flood Risk Management Plan for the Tweed Local Plan District for consultation, as detailed in Appendix 2.**
- (c) Approves the draft Local Flood Risk Management Plan for PVA14/03 – Newcastleton in the Solway Local Plan District, for consultation, as detailed in Appendix 3.**

### **3 BACKGROUND**

- 3.1 The Flood Risk Management (Scotland) Act 2009 (FRM Act) requires the production of Flood Risk Management Plans covering each Local Plan District in Scotland.
- 3.2 There will be two sets of complementary plans: Flood Risk Management Strategies produced by the Scottish Environment Protection Agency (SEPA), and Local Flood Risk Management Plans produced by Lead Local Authorities.
- 3.3 The Lead Local Authority of each local plan district is responsible for leading the production, consultation, publication and review of the Local Flood Risk Management Plan.
- 3.4 There are 14 local plan districts in Scotland. Scottish Borders Council's area falls within 3 of these local plan districts which are Forth Estuary, Tweed, and Solway. Edinburgh City Council is Lead for the Forth Estuary, Scottish Borders Council is Lead for Tweed, and Dumfries and Galloway Council is Lead for Solway.
- 3.5 The Flood Risk Management Strategies will identify the main flood hazards and impacts, setting out objectives for reducing flood risk and the best combination of actions to achieve this, such as the appropriateness of an alleviation scheme or improving flood warning arrangements. The Flood Risk Management Strategies for each of the 14 Local Plan Districts, taken together, will comprise the National Flood Risk Management Plan for Scotland. The Flood Risk Management Strategies will cover 3 six-year cycles.
- 3.6 The Local Flood Risk Management Plans will take the objectives and actions identified in the Flood Risk Management Strategies and set out what actions will be taken forward, by whom and at what time, to deliver the plan within a six-year cycle.
- 3.7 The Flood Risk Management Strategies and Local Flood Risk Management Plans will provide a framework for co-ordinating actions across catchments to deal with all sources of flooding. These plans will be used to ensure long term planning around flooding and future funding should take them into account. This will help to target investment in areas where there is the greatest risk of flooding and where communities can receive the greatest benefit. This will help maximise the benefit of public investment.
- 3.8 The first planning cycle will run from 2011 to 2016.
- 3.9 The first implementation cycle will run from 2016 to 2022.
- 3.10 The Flood Risk Management Strategies and Local Flood Risk Management Plans are being developed to be complementary through collaborative partnerships between Local Authorities, SEPA and Scottish Water.

- 3.11 In addition, the engagement and support of local and national advisory groups is being sought during the development of the Flood Risk Management Strategies and Local Flood Risk Management Plans.

#### **4 PUBLIC CONSULTATION**

- 4.1 A combined SEPA and Scottish Borders Council public consultation will take place from 22 December 2014 to 2 June 2015. This will provide an opportunity for members of the public and stakeholder organisations to comment on the information that will be included in the Flood Risk Management Strategies and Local Flood Risk Management Plans and will ultimately shape the actions that will be taken to manage flood risk.
- 4.2 Lead Local Authorities and SEPA are required to coordinate their consultation arrangements. This is being taken forward by hosting the consultation on Citizen Space, an online consultation tool and coordinating communications, providing a key opportunity to contribute towards raising awareness of flood risk.
- 4.3 The public consultation is based on Potentially Vulnerable Areas which are areas where there is significant flood risk, sufficient to justify further assessment and appraisal of flood management actions.

The public consultation will include:

1. Characterisation reports  
Characterisation reports define the existing level of flood risk under the current regime of flood risk management. The characterisation reports define the flood risk problem in Potentially Vulnerable Areas and provide the evidence base against which future actions to reduce risk can be assessed and compared.
  2. Objectives  
Agreeing objectives will help develop a common vision for flood risk management. Objectives are agreed in two stages. Initial objectives for consultation are based on SEPA's flood maps and the detailed knowledge and information provided by local authorities, both of which are summarised in the characterisation reports. These objectives are quite broad in nature with their purpose being to help identify the appropriate actions to manage flooding. After consultation, with the benefit of more detailed information on what is practical and feasible in terms of technical solutions and resources, these initial objectives will be refined to provide specific final objectives to manage flooding.
  3. Actions  
Once objectives to manage risk in the Potentially Vulnerable Areas have been agreed, a short list of possible actions needs to be identified. Starting from a long-list of possible actions that includes the full range of structural and non-structural interventions, a screening exercise will refine the list to ensure the most sustainable combination of actions is selected to manage the identified flood risks.
- 4.4 SEPA published the first part of the draft Flood Risk Management Strategies on 22 December 2014. This consists of the characterisation reports for all sources of flooding in Potentially Vulnerable Areas in each of the 14 Local Plan Districts in Scotland.

- 4.5 SEPA will publish the second part of the draft Flood Risk Management Strategies on 2 March 2015. This will consist of the initial objectives and the short list of actions for all sources of flooding in Potentially Vulnerable Areas in each of the 14 Local Plan Districts in Scotland.
- 4.6 Lead Local Authorities will publish the draft Local Flood Risk Management Plans on 2 March 2015. These plans consist of two parts which are:
1. A supplementary part  
This will be the flood risk management strategies which have been developed by SEPA in collaboration with Local Authorities and Scottish Water.
  2. An implementation part.  
This is a delivery plan for the first six-year cycle which will include a detailed timetable, responsibility and arrangements for funding actions which are to be implemented in that cycle.
- 4.7 The required consultation period for both the strategies and plans is a minimum of 3 months. The end of the consultation period for both the strategies and plans is therefore 2 June 2015.
- 4.8 The final Flood Risk Management Strategies will be published on 22 December 2015.
- 4.9 The final Local Flood Risk Management Plans will be published on 2 June 2016.

## **5 FLOOD RISK MANAGEMENT STRATEGIES**

- 5.1 Scottish Borders Council has its own flood protection strategy in place at present. This strategy is based on the principles of avoidance, alleviation, awareness raising and assistance. This was reported to and approved by the Council as follows:
1. Flood Study Scheme Prioritisation Programme (Executive – 2 September 2007)
  2. Strategic Approach to Flood Prevention (Council – 21 February 2008)
  3. Strategy for the Implementation of Flood Protection Schemes (Council – 24 June 2010)
- 5.2 Avoidance actions include maintenance of existing flood defences and watercourse conveyance, and the use of strategic flood risk assessment to inform local development plans and development proposals.
- 5.3 Alleviation actions include large scale formal flood protection schemes and small scale flood protection works. The formal flood protection schemes being taken forward at present are Selkirk FPS, Hawick FPS and Jedburgh (Skiprunning Burn) FPS. The Galashiels FPS was completed and officially opened on 7 November 2014.
- 5.4 Awareness raising actions include promotion of both national and local flood warning target areas and self help flood groups and more recently resilient communities groups.

- 5.5 Assistance includes provision of a subsidised flood protection products scheme, maintenance of sandbag stores and emergency response in the event of a flood.
- 5.6 There has been an extensive data and information collection exercise as part of collaboration between Local Authorities, SEPA and Scottish Water in developing the national Flood Risk Management Strategies. Scottish Borders Council has provided details of its current strategy as part of this information collection exercise and this has informed ongoing collaboration.
- 5.7 When the final version of the national Flood Risk Management Strategies, are published on 22 December 2015, these will be adopted by Scottish Borders Council for the management of flood risk in the Council's area.
- 5.12 All sources of flooding apart from canal flooding are considered for each Potentially vulnerable Area. These are river, coastal and surface water flooding.

## **6 LOCAL FLOOD RISK MANAGEMENT PLANS**

- 6.1 There are three separate draft Local Flood Risk Management Plans which cover Scottish Borders Council's area. These are:

1. Local Flood Risk Management Plan – Forth Estuary LPD10.
2. Local Flood Risk Management Plan – Tweed LPD13.
3. Local Flood Risk Management Plan – Solway Estuary LPD14.

- 6.2 There is 1 Potentially Vulnerable Area in the Forth Estuary Local Plan District which is within Scottish Borders Council's area. This is:

1. PVA 10/26 Berwickshire Coast.

- 6.3 There are 13 Potentially Vulnerable Areas in the Tweed Local Plan District 12 of which are within Scottish Borders Council's area and 1 of which is within South Lanarkshire Council's area. These are:

1. PVA 13/01 West Linton
2. PVA 13/02 Preston
3. PVA 13/03 Lauder
4. PVA 13/04 Eddleston, Peebles, Innerleithen, Selkirk, Stow and Galashiels
5. PVA 13/05 Earlston
6. PVA 13/06 Coldstream
7. PVA 13/07 Biggar (South Lanarkshire Council)
8. PVA 13/08 Broughton
9. PVA 13/09 Kelso
- 10.PVA 13/010 Jedburgh
- 11.PVA 13/011 Denholm
- 12.PVA 13/012 Hawick
- 13.PVA 13/013 Bonchester Bridge

- 6.4 There is 1 Potentially Vulnerable Area in the Solway Local Plan District which is within Scottish Borders Council's area. This is:
1. PVA 14/03 Newcastleton
- 6.5 The draft Local Flood Risk Management Plans have taken the relevant draft Flood Risk Management Strategies and turned them into draft local delivery plans. These draft delivery plans provide a summary of local actions to manage flood risk and include delivery dates, consider funding and identify how actions will be co-ordinated at local level for the next six years. This will help to target investment in areas where there is the greatest risk of flooding and where communities can receive the greatest benefit. This will help to maximise the benefit of public investment.
- 6.6 The draft delivery plans contain two types of actions. There are LPD level actions which apply across the whole of Scottish Borders Council's area and PVA level actions which apply to an individual PVA.
- 6.7 The LPD level actions are:
1. Land use planning
  2. Self help / awareness raising
  3. Emergency planning
  4. Watercourse clearance and repair
  5. Property level protection
  6. Flood warning schemes
  7. Surface water management plans
- 6.8 The PVA level actions are:
1. Maintenance of existing flood protection schemes
  2. Runoff control
  3. River or floodplain restoration
  4. Sediment management
  5. Construction of online or offline storage
  6. Modification of conveyance
  7. Construction of direct flood defences
  8. Site protection plans
  9. Improved understanding
- 6.9 The actions are grouped under two separate headings in the draft delivery plans. These headings are:
1. **Ongoing and Confirmed Actions** (Actions that are either underway or where the funding has been confirmed for 2016 – 2021).
  2. **Potential Actions** (Actions that are being consulted upon to support the process of identifying preferred actions. Preferred actions may not be able to be implemented during the period 2016 – 2021 due to project lead-in times and / or funding constraints).

- 6.10 The three draft Local Flood Risk Management Plans relevant to Scottish Borders Council are given in Appendices 1, 2 and 3 for the Forth Estuary LPD10, Tweed LPD13 and Solway LPD14 respectively.
- 6.11 There is now a need to obtain the Council's approval of these draft Local Flood Risk Management Plans. This approval is required in order to allow publication of the draft plans for consultation on 2 March 2015.

## **7 IMPLICATIONS**

### **7.1 Financial**

- (a) This report does not have any immediate financial implications with respect to developing the strategies and plans as funding is included in the Asset Management revenue budget.
- (b) The report does have future financial implications with respect to LPD level actions. These actions are currently funded and consequently have been included in the plans under the ongoing and confirmed group of actions. This assumes that funding will continue for these actions.
- (c) The report does not have any future financial implications with respect to the implementation of flood protection schemes as the only schemes included in the plans under the ongoing and confirmed group of actions are those which are currently funded in the 10 year capital plan. These are Selkirk FPS and Jedburgh (Skiprunning Burn) FPS which are funded through to completion and Hawick FPS which is funded through to the end of design preparation stage. The construction stage of Hawick FPS is dependent on an 80% contribution from the Scottish Government. This future funding has yet to be determined.

The programme for these schemes is given in Appendix 4.

- (d) This report does have future financial implications with respect to flood studies. These studies are required to inform development of surface water management plans and future potential flood protection schemes. There is no provision in current financial plans for these studies. A programme for the studies and an associated draft financial plan are given in Appendix 5.

It is noted that national funding of actions and in particular flood protection schemes and associated studies may be based on the national priorities arising out of the Flood Risk Management Strategies. The future funding mechanism has however, yet to be determined.



## 7.2 **Risk and Mitigations**

- (a) There is a risk the public do not consider that the strategies and plans reflect the real flood risk to them. This risk is being mitigated by an extensive data and information collection exercise being undertaken by SEPA, Local Authorities and Scottish Water.
- (b) There is a risk the public consider the New Flood Maps developed as part of the national flood risk assessment is resulting in increased insurance premiums. This risk is being mitigated by explaining the basis on which these maps are provided.
- (c) There is a risk the production of the Flood Risk Management Strategies and Local Flood Risk Management Plans is delayed and statutory publication dates are not achieved. This risk is being mitigated by a high degree of co-operation and collaboration between SEPA, Local Authorities and Scottish Water.

## 7.3 **Equalities**

Research has shown that the more vulnerable groups in society are more negatively impacted by flooding.

Therefore the proposed strategies and plans which are aimed at reducing the risk of flooding and making people more prepared will have a beneficial effect on these vulnerable groups.

## 7.4 **Acting Sustainably**

The development of the strategies and plans are being undertaken as part of implementing the Flood Risk Management (Scotland) Act 2009 which has, as its core principle, the need to act sustainably.

## 7.5 **Carbon Management**

- (a) Natural Flood Management actions provide opportunities for carbon management and are being considered under the Low Carbon Strategy initiative.
- (b) There will be a carbon cost in the implementation of some actions but this should be offset by the benefits in reducing the impact of flooding.

## 7.6 **Rural Proofing**

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

## 7.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

## 8 CONSULTATION

- 8.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been taken into account in the final report.
- 8.2 The Corporate Equalities and Diversity Officer and Corporate Communications have been consulted and their comments have been taken into account in the final report.

### Approved by

Andrew Drummond-Hunt

**Service Director Commercial Services      Signature .....**

### Author(s)

Name	Designation and Contact Number
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### Background Papers:

1. Flood Study Scheme Prioritisation Programme (Executive – 2 September 2007)
2. Strategic Approach to Flood Prevention (Council – 21 February 2008)
3. Strategy for the Implementation of Flood Protection Schemes (Council – 24 June 2010)
4. Flood Risk Management (Scotland) Act 2009 – Approval of Draft Flood Risk Management Strategies to be published on 22 December 2014 for Public Consultation – 30 October 2014.

### Previous Minute Reference:

1. Flood Risk Management (Scotland) Act 2009 – Draft Flood Risk Management Strategies – Minute – SCOTTISH BORDERS COUNCIL – 30 October 2014

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, Scottish Borders, TD6 0SA tel. 01835 826665 fax. 01835 825431 e-mail [PLACEtransrequest@scotborders.gov.uk](mailto:PLACEtransrequest@scotborders.gov.uk)

## **APPENDIX 1**

# **Draft Local Flood Risk Management Plan Forth Estuary LPD10**

## **APPENDIX 2**

# **Draft Local Flood Risk Management Plan Tweed LPD13**

## **APPENDIX 3**

# **Draft Local Flood Risk Management Plan Solway Estuary LPD14**

## **APPENDIX 4**

# **Flood Protection Schemes Programme**

## **APPENDIX 5**

# **Flood Studies Programme and Financial Plan**