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**FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009  
APPROVAL OF LOCAL FLOOD RISK MANAGEMENT PLANS TO  
BE PUBLISHED ON 22 JUNE 2016**

**Report by Chief Officer Roads**

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**SCOTTISH BORDERS COUNCIL**

**19 May 2016**

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**1 PURPOSE AND SUMMARY**

- 1.1 NOTE: *Flood events over the winter period have delayed the writing of the public facing document of the Tweed Local Flood Risk Management Plan. The Tweed Local Flood Risk Management Plan is presented in tabular format for the purpose of this report; the information contained within this will be developed into a public facing document and will not change. The layout of the Tweed Local Flood Risk Management Plan will be similar to the Forth Estuary Local Flood Risk Management Plan.***
- 1.2 This report proposes that the Council approve the 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 for publication of the Local Flood Risk Management Plans in Scotland on 22 June 2016.**
- 1.3 The Flood Risk Management (Scotland) Act 2009 (FRM Act) requires the production of Local 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 Local Plan District, Tweed Local Plan District and Solway Local Plan District.
- 1.4 There are two sets of complementary plans: Flood Risk Management Strategies which were approved by Scottish Ministers and subsequently published by the Scottish Environment Protection Agency (SEPA) on 22 December 2015 and Local Flood Risk Management Plans produced by Lead Authorities to be published 22 June 2016. Scottish Borders Council is the Lead Authority for Tweed Local Plan District.
- 1.5 The Flood Risk Management Strategies and Local Flood Risk Management Plans have been developed through collaborative partnerships between Local Authorities, SEPA and Scottish Water.
- 1.6 The Flood Risk Management Strategies and Local Flood Risk Management Plans provide a framework for co-ordinating actions across catchments to

deal with all sources of flooding. These plans ensure long term planning around flooding and under Section 41(2) of the Flood Risk Management (Scotland) Act 2009, Scottish Ministers must take them into account when allocating funding. This approach helps target investment to 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.

- 1.7 The Local Flood Risk Management Plans take the objectives and actions identified in the Flood Risk Management Strategies and set out who will be responsible for delivering the action, how the action will be funded, a timetable for when the action will be delivered and how it will be co-ordinated within a six-year cycle.
- 1.8 There is now a need to obtain the Council's approval of the Forth Estuary Local Flood Risk Management Plan, the Tweed Local Flood Risk Management Plan and the Solway Local Flood Risk Management Plan prior to the national publication date of 22 June 2016. Although the Council has an interest in only one Potentially Vulnerable Area (PVA) in both the Forth Estuary (PVA10/26 – Berwickshire Coast) and Solway (PVA14/03 – Newcastleton) Local Plan Districts there is a requirement through legislation for both plans in their entirety to be approved.

## **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Council approves the:-**
  - (a) Forth Estuary Local Flood Risk Management Plan;**
  - (b) Tweed Local Flood Risk Management Plan;**
  - (c) Solway Local Flood Risk Management Plan;****for delivery by the Council as part of the Flood Risk Management Planning Cycle 2016 -2022.**

### **3 BACKGROUND INFORMATION**

- 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 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 identify the main flood hazards and impacts, set out objectives for reducing flood risk and prioritise actions to achieve the objectives.
- 3.6 To prioritise actions across Scotland SEPA made a technical, risk based assessment of costs and impacts. This independent assessment was used alongside information from partner organisations to jointly agree priorities and identify indicative delivery dates for actions. A National Prioritisation Working Group was established to provide guidance to SEPA on the priority for flood risk management actions.
- 3.7 The Local Flood Risk Management Plans will take the objectives and the agreed and prioritised actions identified in the Flood Risk Management Strategies and set out who will be responsible for delivering the action, how the action will be funded, a timetable for when the action will be delivered, and how it will be co-ordinated within a six-year cycle.
- 3.8 The Tweed Local Plan District has 13 Potentially Vulnerable Areas, 12 which are within the Scottish Borders Council's authority area and one (PVA13/07 – Biggar) which is part of South Lanarkshire Council's authority area.
- 3.9 The Forth Estuary Local Plan District has 29 Potentially Vulnerable Areas, one of which is within the Scottish Borders Council's authority area (PVA10/26 – Berwickshire Coast).
- 3.10 The Solway Local Plan District has 26 Potentially Vulnerable Areas, one of which is within the Scottish Borders Council's authority area (PVA14/03 – Newcastleton).
- 3.11 Both the Flood Risk Management Strategies and the Local Flood Risk Management Plans were developed collaboratively between SEPA, Local Authorities and Scottish Water; both the strategies and plans were subject to a combined public consultation from December 2014 to June 2015.

3.12 In addition, the engagement and support of local and national advisory groups has been sought during the development of the Flood Risk Management Strategies and Local Flood Risk Management Plans.

3.13 The Flood Risk Management Strategies and the Local Flood Risk Management Plans give details on a number of objectives and the actions to fulfil these objectives. The actions taken forward within the Local Flood Risk Management Plans are:-

- Flood protection schemes/works;
- Natural flood management works;
- New flood warning;
- Flood protection study;
- Natural flood management study;
- Surface water plan/study;
- Strategic mapping and modelling;
- Maintain flood protection scheme;
- Maintain flood warning;
- Flood forecasting;
- Property level protection scheme;
- Community flood action groups;
- Self help;
- Awareness raising;
- Maintenance;
- Site protection plans;
- Emergency plans/response and Planning policies.

3.14 In combination the Flood Risk Management Strategies and the Local Flood Risk Management Plans determine how flood risk will be managed across the Scottish Borders through the Forth Estuary Local Plan District, the Tweed Local Plan District and the Solway Local Plan District.

3.15 The first flood risk management planning cycle will run from 2016 to 2022.

- See Appendix 1 – Tweed LPD Local Flood Risk Management Plan Annex 1 - V2 Draft.
- See Appendix 2 – Scottish Borders Council Prioritisation of Actions Delivery Plan May 2016 Version 2.
- See website link to the Forth Estuary Draft Local Flood Risk Management Plan  
[http://www.edinburgh.gov.uk/downloads/file/7455/draft\\_local\\_flood\\_risk\\_management\\_plan](http://www.edinburgh.gov.uk/downloads/file/7455/draft_local_flood_risk_management_plan)
- Click on icon below to view the Solway Local Flood Risk Management Plan



## **4 IMPLICATIONS**

### **4.1 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 delivery of actions within the Local Flood Risk Management Plans. A number of existing actions are currently funded and consequently have been included in the plans. This assumes that funding will continue for these actions through the Asset Management Budget.
- (c) The report does have future financial implications with respect to the implementation of flood protection schemes. The only scheme included for funding through the first flood risk management planning cycle is the Hawick Flood Protection Scheme. The scheme is currently included in the 10 year capital plan. Delivery of the scheme is dependent on 80% funding from the Scottish Government. Should the Council fail to agree to the Local Flood Risk Management Plans in this report, Scottish Ministers will be notified and they will determine the content of the Local Flood Risk Management Plans.
- (d) National funding of actions and in particular flood protection schemes and associated studies is based on the national priorities arising out of the Flood Risk Management Strategies. The 80% funding mechanism for flood protection schemes is still to be agreed. The 20% top slice of the Scottish Government flooding grant allocation has been agreed and distributed as part of the Councils general capital grant from the Scottish Government. This is to be used to deliver all other Local Flood Risk Management Plan actions. Flood studies, natural flood management studies and surface water management planning that do not proceed to implementation may require to be funded from revenue after consideration of the most appropriate accounting treatment.
- (e) The prioritised lists of actions (flood protection schemes and flood studies) are all caveated with regards to the level and mechanism of funding given by the Scottish Government, the funding mechanism for schemes is still to be agreed.

### **4.2 Risk and Mitigations**

- (a) The main risk is the non-approval of the Local Flood Risk Management Plans and the reputational damage to the Council including public accountability. The Council has been consulted on and approved key stages of the process. Council approval has also been given to deliver the prioritised list of actions set in the Flood Risk Management Strategies. Scottish Government have signed off and agreed the Flood Risk Management Strategies, committing to and already distributing funding accordingly to fund those actions. Should the Council not approve the Local Flood Risk Management

Plans, Scottish Ministers would be notified as required in Section 36(2) of the Flood Risk Management (Scotland) Act 2009 and would determine the content of the Local Flood Risk Management Plans. There is no mitigation for this but there is a reputational risk to Scottish Borders Council if these actions are not delivered.

- (b) There is a risk that the funding or funding mechanism from the Scottish Government impacts upon the delivery of the Hawick Flood Protections Scheme.

#### **4.3 Equalities**

- (a) Research has shown that the more vulnerable groups in society are more negatively impacted by flooding.
- (b) The Local Flood Risk Management Plans which are aimed at reducing the risk of flooding and making people more prepared, this will have a beneficial effect on these vulnerable groups.

#### **4.4 Acting Sustainably**

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

#### **4.5 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.

#### **4.6 Rural Proofing**

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

#### **4.7 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.

### **5 CONSULTATION**

- 5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and any comments received have been incorporated into this report.

## Approved by

**Brian Park**  
**Chief Officer Roads**

**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.
5. Flood Risk Management (Scotland) Act 2009 – Approval of Draft Flood Risk Management Plans to be published on 2 March 2015 for Public Consultation. (Council 19 February 2015)
6. Flood Risk Management (Scotland) Act 2009 – Approval of SEPA Flood Risk Management Strategies, Prioritisation of Actions Version 4\_Draft. (Council 27 August 2015)

### Previous Minute Reference:

1. Flood Risk Management (Scotland) Act - Draft FRM Strategies - Minute – 30 November 2014
2. Flood Risk Management (Scotland) Act - Draft FRM Plans - Minute – 19 February 2015
3. Flood Risk Management (Scotland) Act – SEPA Flood Risk Management Strategies, Prioritisation of Actions – Minute – 7 August 2015

**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)