

REPORT TO: CITY DEVELOPMENT COMMITTEE - 25 JUNE 2012

**REPORT ON: FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 -
STRATEGIC PARTNERSHIP FOR AN INTEGRATED CATCHMENT
STUDY**

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 201-2012

1 PURPOSE OF REPORT

- 1.1 To advise Committee of progress toward the production of a Flood Risk Management Plan for the Tay Estuary and Montrose Basin Local Plan District to be delivered in fulfilment of the requirements of the Flood Risk Management (Scotland) Act 2009.
- 1.2 To seek approval for Dundee City Council to participate in a Strategic Partnership for the Integrated Catchment Study being procured by Scottish Water to create the tool to facilitate the production of the Local Flood Risk Management Plan.

2 RECOMMENDATION

- 2.1 It is recommended that Committee:
- a notes the progress towards the production of a Flood Risk Management Plan; and
 - b authorises the Head of Democratic & Legal Services, in consultation with the Director of City Development and the Director of Corporate Services, to agree the terms of and enter into an agreement on behalf of Dundee City Council to participate in a Strategic Partnership for the Integrated Catchment Study.

3 FINANCIAL IMPLICATIONS

- 3.1 The estimated total cost of the Integrated Catchment Study (ICS) is £1,219,044. It is proposed that the costs are shared between Scottish Water and the affected local authorities, Dundee City Council and Angus Council, on an assessment of the activities to be undertaken relative to sewers (Scottish Water responsibility) and watercourses (local authority responsibility). Further, it is proposed that cost sharing between Dundee City Council and Angus Council is based on length of respective watercourses. This results in the undernoted cost estimate proportionment:

Scottish Water	£896,280
Dundee City Council	£270,522
Angus Council	£52,212

- 3.2 The forecast profile of Dundee City Council expenditure based on the current ICS delivery programme is as follows:

Financial Year 2012/13	£170,000
Financial Year 2013/14	£70,000
Financial Year 2014/15	£30,522

- 3.3 The above costs are estimates and should be regarded as budget costs. The actual costs will be subject to tendering and remeasurement in line with the procurement rules and contract conditions to be applied. Allowing for contingencies and staff fees, the total estimated required Budget is £330,000, which can be met from the finance made available by Scottish Government for local authorities to meet their Regulatory responsibilities under the Flood Risk Management (Scotland) Act 2009.
- 3.4 The Director of Corporate Services advises that appropriate allowance has been made within the Council's Budget for the relevant Financial Years for the completion of the Study.

4 BACKGROUND

- 4.1 The Flood Risk Management (Scotland) Act 2009 led to the repeal of the Flood Prevention (Scotland) Act 1961 and the Flood Prevention and Land Drainage (Scotland) Act 1997.

The Flood Risk Management (Scotland) Act 2009 places duties on SEPA and responsible authorities to manage flooding in a sustainable manner. The responsible authorities are local authorities and Scottish Water, and any other public bodies and office holders designated as such by the Scottish Government.

- 4.2 The National Flood Risk Assessment completed by SEPA in December 2011, in consultation with the Scottish Government and other stakeholders, considered the likelihood of flooding from rivers, groundwater and the seas as well as flooding caused when heavy rainfall is unable to enter the drainage system or watercourses. This Assessment identified 14 Local Plan Districts wherein SEPA, Scottish Water and local authorities will develop Local Flood Risk Management Plans to enable efforts to be targeted where the risk to people and property is greatest. Dundee City is within the Tay Estuary and Montrose Basin Local Plan District which also includes parts of Perth and Kinross, Fife and Angus and Aberdeenshire.

- 4.3 The Flood Risk Management Plan for Tay Estuary and Montrose Basin Local Plan District will comprise of two sets of complementary plans, a Flood Risk Management Strategy produced by SEPA and a Local Flood Risk Management Plan produced by the local flood risk management group.

The Flood Risk Management Strategy will identify the main flood hazards and impacts, setting out objectives for reducing risk and the best combination of objectives to achieve this.

The Local Flood Risk Management Plan takes these objectives and explains what actions will be taken, by whom and at what time, to deliver them within a 6 year planning cycle. The first cycle will run from 2012 to 2021.

- 4.4 It has been agreed that Angus Council will be the lead authority for the flood risk management group responsible for the production of the Local Flood Risk Management Plan covering the Tay Estuary and Montrose Basin Local Plan District.
- 4.5 Based on the National Flood Risk Assessment, SEPA has identified 243 Potentially Vulnerable Areas within the Local Plan Districts which within them contain 92% of the total number of properties at risk within Scotland. Dundee is one such Potentially Vulnerable Area.

Additionally, for the first Flood Risk Management planning cycle, five areas have been prioritised by Scottish Water in consultation with local authorities, SEPA and the Scottish Government for detailed modelling of the sewer network. Dundee is part of one such area which includes: Dundee, Invergowrie, Broughty Ferry, Monifieth, Barry, Carnoustie and Arbroath.

4.6 Local Flood Risk Management Plan

SEPA and the Scottish Government produced guidance on the production of Local Flood Risk Management Plans identifying a three-step process:

a Step 1: Preparatory Work

For each Local Plan District, Local Flood Risk Management Plan preparatory work will include establishing a local partnership early in 2012. The 3 key activities involved with preparatory work for a Local Flood Risk Management Plan are:

- map relevant water bodies, assessing their current condition and potential flood risk;
- assess the risk of surface water flooding and initiate work in priority surface water management areas; and
- collate information on existing Flood Risk Management activity in the Local Plan District.

b Step 2: Identification, Appraisal and Prioritisation of Surface Water Actions and Other Local Flood Risk Management Actions

The key activities at this stage in the Local Flood Risk Management Plan production are:

- agreement on the prioritisation, funding and timing of actions within the first planning cycle;
- preparation of a Surface Water Management Plan; and
- further identification of local actions.

c Step 3: Consultation and finalisation of Local Flood Risk Management Plans

Local Flood Risk Management Plans will be produced by the lead local authority:

- the lead local authority will consult on draft Local Flood Risk Management Plans by the end of December 2014;
- local partners will continue to collaborate on the implementation arrangements throughout 2015;
- the lead local authority will publish final Local Flood Risk Management Plans by the end of June 2016;

- the lead local authority will publish an interim report by June 2019, at the latest; and
- the lead local authority will publish a final report by June 2022, at the latest.

- 4.7 Due to the general complexity of flooding issues and the interaction of above and below ground drainage systems, Integrated Catchment Studies can be the most appropriate vehicle to gain the necessary understanding of interactions with sewer network and other sources of flooding. The modelling from such a Study can in turn provide the necessary information to produce the Flood Risk Management Plans.
- 4.8 Officers from Dundee City Council, Angus Council, Scottish Water and SEPA formed a Partnership to consider how this Integrated Catchment Study could be procured. The partnership concluded that savings in time and expenditure can be realised by Scottish Water procuring a Consultant to carry out the Integrated Catchment Study through Scottish Water's own existing Framework Agreement with the local authorities each facilitating their participation through a Back Agreement with Scottish Water, leaving Scottish Water to procure the study without any direct involvement of the local authorities.
- 4.9 The Back Agreement to be entered into by Scottish Water and the local authorities, Dundee City Council and Angus Council will specify the Scope, Programme and Funding responsibilities of the parties to the Strategic Partnership.
- 4.10 Reports will be submitted periodically to Committee at appropriate stages to advise on the progress of the Integrated Catchment Study.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 There are no background papers of relevance to this report.

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4 June 2012

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