

**Forth Estuary Local Flood Risk Management Plan, 2016 to 2022****Report by Ricky Moffat, Head of Commercial Operations****1 Purpose of Report**

This report provides information with regard to the Council's first Local Flood Risk Management Plan, covering the period July 2016 to June 2022. The Plan identifies areas vulnerable to flooding from all sources, potential mitigation actions, and arrangements for coordination, funding and implementation of these actions.

**2 Background**

- 2.1 The Flood Risk Management (Scotland) Act 2009 seeks to promote a proactive approach to flood risk management. The Act aims to reduce the adverse consequences of flooding on communities, the environment, transport, cultural heritage and economic activity. More thought is to be given to alternative means of reducing flood risk either by avoiding the likelihood of flooding through effective land use planning, maintenance and better control or management of run-off.
- 2.2 The Council has been working in partnership with SEPA, Scottish Water and neighbouring local authorities to identify flooding from various sources and the impact of this flooding. This information formed the basis of a public consultation exercise launched by SEPA from December 2014 to June 2015. SEPA built on this work and has published the Flood Risk Management Strategy for Scotland which is available on their website (see Background Papers).
- 2.3 The Strategy is in three sections and provides:
  - a) background on the approach to flood risk management;
  - b) the causes and consequences of flooding, the agreed objectives and actions that will be taken in areas considered to be potentially vulnerable to flooding; and
  - c) shares the information on the sources of flooding, including surface water.
- 2.4 The Strategy identifies 14 Local Plan Districts (LPDs) covering Scotland. These districts are based on river catchments and therefore may cross administrative and institutional boundaries. The Council is one of 13 neighbouring local authorities within the Forth Estuary LPD. The Act requires each LPD to produce a Local Flood Risk Management Plan specific to their catchment area.

- 2.5 The Council has entered into a Memorandum of Understanding with the Forth Estuary LPD Parties, namely, neighbouring local authorities, SEPA and Scottish Water, for the preparation of the Forth Estuary Local Flood Risk Management Plan. The Memorandum of Understanding sets out and documents the willingness of the Parties to publish the Plan by 22 June 2016.
- 2.6 Each LPD has a Lead Local Authority, and in the case of the Forth Estuary LPD, the Lead Local Authority is the City of Edinburgh Council. It is the lead authority's responsibility to compile and publish the Plan, through collaboration with, and input and assistance from, the LPD Parties and other relevant "responsible authorities".
- 2.7 The City of Edinburgh Council, as Lead Local Authority, will seek their council approval of the Forth Estuary Local Flood Risk Management Plan at their meeting to be held on 7 June 2016. Accordingly, the City of Edinburgh Council has requested that each LPD Party adopt the Forth Estuary Local Flood Risk Management Plan prior to this meeting.
- 2.8 The final draft of the Forth Estuary Local Flood Risk Management Plan has now been compiled by the lead authority and can be found on the City of Edinburgh Council's website (see Background Papers). The lead authority does not expect the final draft to change materially following its approval by each LPD Party.
- 2.9 The Forth Estuary Local Flood Risk Management Plan is in three sections and should be read in conjunction with the Strategy. The Plan provides:
- a) background information on the approach taken and the duties of organisations involved in managing flood risk and how this is delivered locally;
  - b) an overview and details the goals and objectives and the actions to be delivered between 2016 and 2022 (the first of three six year flood cycles); and
  - c) an Annex, which is the main section of the Plan, which details the causes and consequences of flooding in discrete areas with potential actions to mitigate the risk of flooding.
- 2.10 Actions in the Local Flood Risk Management Plan are identified from a list of standard Actions that are applicable to all LPDs. Specific Actions identified for the Council are:
- a) Flood Protection Studies (Lasswade & Newbattle);
  - b) maintenance of existing flood protection schemes;
  - c) Surface Water Studies (some in partnership with the City of Edinburgh Council, East Lothian Council and Scottish Water);
  - d) assessment and maintenance of watercourses;
  - e) flood risk awareness raising; and
  - f) emergency planning and response.

- 2.11 Outcomes from Studies will inform the potential for future flood protection schemes or mitigation measures where a significant benefit may be achieved. Such schemes or measures would be programmed for future six year flood cycles.
- 2.12 The Strategy and Plan will be updated every six years to coincide with the three six year flood cycles.

### **3 Report Implications**

#### **3.1 Resource**

Implementation of the Forth Estuary Local Flood Risk Management Plan will be undertaken by current staff resources and within current budget allocations.

The need for delivery of individual Actions identified in the Local Flood Risk Management Plan will be considered against all other capital and revenue priorities as part of future budget setting processes over the six year flood risk cycle.

The Council has received this year an additional £71,000 in the General Capital Grant from the Scottish Government to cover flood related issues and Actions in the county. Further capital funding may be forthcoming over the six year flood cycle based on the number of properties at risk of flooding. This funding is primarily intended for new flood prevention/protection schemes or improvement of existing schemes, and may not be available to undertake Studies identified for the Council to action.

Current maintenance of existing flood protection schemes and watercourses will continue to be funded by the existing Road Services Revenue budget with an annual allowance of £30,000.

#### **3.2 Risk**

The Forth Estuary Local Flood Risk Management Plan is a statutory requirement of the Act. The inclusion of specific flood risk mitigation Actions in the Plan does not commit the Council to delivering them.

However, there is a risk to the Council that it will not meet the objectives under the Strategy and the Plan should the Plan not be adopted.

The Local Flood Risk Management Plan objectives are to:

- a) reduce overall flood risk;
- b) reduce the risk to people from flooding;
- c) reduce economic damages to residential and non-residential properties caused by flooding; and
- d) avoid an overall increase in flood risk.

### 3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

### 3.4 Key Priorities within the Single Midlothian Plan

Adoption of the Forth Estuary Local Flood Risk Management Plan will contribute towards the key priorities of economic growth and business support and may also be applicable to the Council's Community Planning partners.

### 3.5 Impact on Performance and Outcomes

Adoption of the Forth Estuary Local Flood Risk management Plan and realization of its outcomes will increase the Council's understanding of sources of flooding and the areas at risk and level of risk.

Council resources for managing flood risk and implementing and maintaining flood protection measures will be better prioritised and targeted.

### 3.6 Adopting a Preventative Approach

Scottish Planning Policy supports catchment-scale approach to sustainable flood risk management to ensure that flooding is tackled effectively and not moved to another part of the river or wider catchment area. The Council's flooding personnel will work with our Planners to ensure that appropriate policies and measures are adopted to reduce existing and future flood risk.

Outcomes from flood protection and surface water studies will inform effective measures to mitigate risk from future flooding, and allow higher risk areas to be prioritised for emergency planning and response management.

Prevention of flooding through ongoing assessment and routine maintenance of flood protection measures and drainage systems will continue within available resources.

### **3.7 Involving Communities and Other Stakeholders**

The Council were involved in a major public engagement and consultation exercise, launched by SEPA from December 2014 to June 2015. This resulted in the publication of the Flood Risk Management Strategy, and from that, the Forth Estuary Local Flood Risk Management Plan has been developed.

The Council has been working effectively with 12 neighbouring local authorities in the Forth Estuary Local Plan District, SEPA and Scottish Water, to deliver the Local Flood Risk Management Plan.

Outcomes from the Local Flood Risk Management Plan will result in Council engagement with other responsible authorities regarding emergency planning, and local community groups, land owners and residents with respect to raising awareness of flood risk, and self help flood protection measures.

The Council will continue to work with SEPA and Scottish Water to enhance flood forecasting and flood warning through studies and flood modelling work.

### **3.8 Ensuring Equalities**

There are no equalities issues associated with this report.

As Lead Local Authority for the Forth Estuary Local Plan District, the City of Edinburgh Council will publish the Local Flood Risk Management Plan on their council website, and make available hard copies in public buildings and offices. The City of Edinburgh Council will make available translated hard copies, or copies in Braille, on request.

Internet links will be provided on the Council website to the SEPA Strategy and the Forth Estuary Local Flood Risk Management Plan. The Council will also retain a limited number of hard copies of the published Plan in Midlothian House which can be viewed or borrowed on request.

### **3.9 Supporting Sustainable Development**

SEPA undertook a Strategic Environmental Assessment to compliment the FRM Strategy. Confirmation has been given by the Scottish Government (SEA Gateway) that as the Local Flood Risk Management Plan is considered to be consistent with the Strategy, no further assessment is required at this stage. If further consideration is required, this will be undertaken at a project level.

As Lead Local Authority, the City of Edinburgh Council prepared a Habitats Regulations Appraisal to ensure that the Plan will not adversely affect the integrity of Special Areas of Conservation and Special Protected Areas. Scottish Natural Heritage was consulted as part of this process and their views have been taken into account in the appraisal.

### 3.10 IT Issues

There are no IT implications associated with this report.

## 4 Recommendations

The Cabinet is recommended to adopt the Forth Estuary Local Flood Risk Management Plan 2016 to 2022, with a view to:

- a) fulfilling the Council's statutory obligations under the Flood Risk Management (Scotland) Act 2009;
- b) assisting the City of Edinburgh Council, as Lead Local Authority for the Forth Estuary catchment area, to publish the Forth Estuary Local Flood Risk Management Plan; and
- c) proceeding with implementation of Actions for the Council identified in the Local Flood Risk Management Plan.

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### Background Papers:

1. Flood Risk Management (Scotland) Act 2009.  
(available at <http://www.legislation.gov.uk/asp/2009/6/contents>)
2. (SEPA) Flood Risk Management Strategy  
(available at <http://apps.sepa.org.uk/FRMStrategies>)
3. Memorandum of Understanding for the preparation of the Forth Estuary Local Flood Risk Management Plan in 2016.
4. Forth Estuary Local Flood Risk Management Plan  
(available at <http://www.edinburgh.gov.uk/flooding>)
5. Strategic Environmental Assessment Screening Report  
(available at <http://www.gov.scot/Topics/Environment/environmental-assessment/sea/SEAG>)
6. Habitats Regulations Appraisal  
(available at <http://www.edinburgh.gov.uk/flooding>)