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**REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 1 JULY 2020**

**SUBJECT: FLOOD RISK AND DRAINAGE IMPACT ASSESSMENT FOR NEW DEVELOPMENTS SUPPLEMENTARY GUIDANCE**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To ask the Emergency Cabinet to agree the updated Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance (SG) and delegate authority to the Head of Economic Growth & Development to submit the updated SG to the Scottish Government for approval.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

**2. RECOMMENDATION**

**2.1 It is recommended that the Emergency Cabinet:-**

- (i) agrees the updated Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance, as set out in Appendix 1 of the report;**
- (ii) delegates authority to the Head of Economic Growth & Development to submit the updated Supplementary Guidance to the Scottish Government for approval and agrees that the Supplementary Guidance, upon approval, will form part of the statutory Moray Local Development Plan (MLDP) 2020 when adopted; and**
- (iii) agrees that the Supplementary Guidance will be a material planning consideration for development management purposes as of 2 July 2020.**

**3. BACKGROUND**

- 3.1 The current adopted Supplementary Guidance (SG) on Flood Risk and Drainage Impact Assessment for New Developments was approved, following

consultation, by the Planning and Regulatory Services Committee on 13 November 2018 (para 13 of minute refers) and then by the Scottish Government, coming into effect in February 2019. The updated SG was consulted upon at the same time as the MLDP 2020 Proposed Plan and no comments were received.

- 3.2 The guidance sets out the flood risk and drainage information required to support a planning application and aims to improve the design and construction of developments with regard to flood risk and drainage. A key element of the SG is that only above ground attenuation solutions will be considered where it is necessary to include surface water attenuation as part of the drainage system.
- 3.3 The MLDP 2020 (as modified) was submitted to the Scottish Government on 15 June 2020 following agreement by the Emergency Cabinet at its meeting on 03 June 2020 (para 6 of the minute refers). The Plan is anticipated to be adopted by or on 31 July 2020.

#### **4. REVISIONS TO THE SUPPLEMENTARY GUIDANCE**

- 4.1 The SG, as set out in **APPENDIX 1**, largely reflects the current adopted SG. The policy wording set out in Section 3 of the SG (page 3 to 5) has been replaced with Policy EP12 *Management and Enhancement of the Water Environment* of the MLDP 2020 (as modified).
- 4.2 The only other update to the SG is at Appendix 7 where, for clarification, a definition of multiple benefits in the context of Sustainable Urban Drainage Systems (SUDS) has been included.

#### **5. NEXT STEPS**

- 5.1 If the updated SG is agreed by the Emergency Cabinet, delegated authority to the Head of Economic Growth & Development is sought to submit the finalised SG to the Scottish Government for a period of 28 days for their consideration before it is adopted by the Council on the same day as the MLDP 2020 and forms part of the statutory MLDP 2020.
- 5.2 It is proposed that the updated SG be used as a material consideration in determining planning applications as of 02 July 2020 until it is formally adopted as part of the MLDP 2020.

#### **6. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Flood Risk Management is a key priority in the 10 Year Plan “Building a better future for our children and young people in Moray.”

**(b) Policy and Legal**

The Flood Risk and Drainage Impact Assessment for New Developments SG will form part of the statutory MLDP 2020 on its adoption.

**(c) Financial implications**

There are no financial implications associated with the recommendations in this report.

**(d) Risk Implications**

There are no risk implications associated with the recommendations in this report.

**(e) Staffing Implications**

There are no staffing implications associated with the recommendations in this report.

**(f) Property**

There are no property implications associated with the recommendations in this report.

**(g) Equalities/Socio Economic Impact**

No Equality Impact Assessment is required for this report.

**(h) Consultations**

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth & Development, the Legal Services Manager, and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

The Consultancy Manager, the Senior Engineer (Transport Development), the Equal Opportunities Officer and Paul Connor (Principal Accountant) have also be consulted and any comments will be confirmed verbally at the meeting.

**7. CONCLUSION**

**7.1 The guidance provides clear advice on the flood risk and drainage factors that should be considered when planning a new development, and the documentation required to support the planning application.**

**7.2 Revisions have made to the policy references to reflect the MLDP 2020 (as modified) and a definition provided of the multiple benefits to SUDS.**

**7.3 This report asks the Emergency Cabinet to approve the updated SG and submit to the Scottish Government for 28 days for approval prior to adoption as part of the statutory MLDP 2020. It is also requested that the updated SG is used as a material consideration for development management purposes from 2 July 2020.**

Author of Report: Darren Westmacott, Planning Officer (Strategic Planning & Development)

Background Papers:

Ref: