



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 15 NOVEMBER 2022**

**SUBJECT: LOCAL FLOOD RISK MANAGEMENT PLAN CYCLE 2
NORTH EAST 2022-2028**

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

1. REASON FOR REPORT

1.1 To inform the Committee of the:

- (i) proposed publication of the Final Report on the North East Local Flood Risk Management Plan for Cycle 1; and
- (ii) proposed publication of the North East Local Flood Risk Management Plan for Cycle 2.

1.2 This report is submitted to Committee in terms of Section III (F) (19) of the Council's Scheme of Administration relating to exercising the functions of the Council under the Flood Risk Management (Scotland) Act 2009.

2. RECOMMENDATION

2.1 It is recommended that Committee agree the Moray Council content of The Local Flood Risk Management Plan (the Plan) Final Report, for the North East (NE) Local Plan District for planning Cycle 1; and ii) the Moray Council content of the Plan for the NE Local Plan District for planning Cycle 2.

3. BACKGROUND

3.1 The Flood Risk Management (Scotland) Act 2009 (the Act) places a duty on responsible authorities to manage flood risk on a plan-led, risk based, sustainable way. As part of this process every six years Moray Council, as a responsible authority, must provide information to Aberdeenshire Council to allow them to produce a Local Flood Risk Management Plan for the NE Local Plan District. This Plan is developed working in partnership with other authorities including SEPA, Scottish Water, Aberdeenshire Council, Aberdeen City, Cairngorm National Park Authority and Forestry Scotland and Transport Scotland.

3.2 The Plan includes actions to manage flood risk and identifies when these actions will be undertaken, who is responsible for them and how they will be

funded. The actions in the Plan are taken from the National Flood Risk Management Plan, which is published by SEPA. Every six years SEPA undertakes a National Flood Risk Assessment, the findings of which are used to identify areas at significant risk of flooding. These areas are known as Potentially Vulnerable Areas (PVAs) and all actions to mitigate flood risk that are eligible for grant funding from Scottish Government are within a PVA. All PVAs and actions to mitigate flooding within them are included in the National Flood Risk Management Plan.

- 3.3 The Plan for the NE Local Plan District for Cycle 1 was agreed by this Committee on 3 May 2016, (paragraph 6 of the minute refers). The Plan was published in July 2016. The main actions Moray Council was responsible for implementing in Cycle 1 are provided in the table below.

| Action | PVA Location |
|--|---------------------|
| Develop Surface Water Management Plans | Keith and Buckie |
| Flood Protection Works | Newmill |
| Maintain Flood Protection Schemes | Newmill |
| Flood Protection Studies | Portgordon |

- 3.4 Aberdeenshire is required to report on progress of the Plan twice during the six year cycle. An interim report was agreed by this Committee on 4 December 2018, (paragraph 11 of the minute refers). The main actions delivered by Moray Council included in this report are provided below.

- Newmill Flood Protection works complete
- The Surface Water Management Plans (SWMP) for Buckie and Keith complete
- Coastal Protection study for Portgordon complete.

Cycle 1 Final Report

- 3.5 The second report that Aberdeenshire Council is required to publish is a Final Report on the implementation of the Plan. The final report measures performance against the original Plan, which was published in July 2016. The key outcomes from Cycle 1, delivered by Moray Council since the Interim Report was agreed by members are:-

- Continued maintenance of our Floods Schemes
- Updated planning guidance with regards to Drainage and Flooding
- Continued maintenance to reduce wider flood risk as set out in the Schedule of Clearance and Repair which is published on a yearly basis

These above actions were delivered on time and within the resources allocated.

- 3.6 The final report highlights that SEPA, due to a Cyber-attack, has not been able to complete a number of its modelling actions. These actions have commenced and they will continue into Cycle 2.

- 3.7 An extract of the data, which affects Moray Council area, from the Final report is provided in **Appendix 1**.

Cycle 2 Local Flood Risk Management Plan

- 3.8 The Plan for Cycle 2 has been developed in partnership with the other authorities over the last six years and an extract of the data, which affects Moray Council, is provided in **Appendix 2**. Aberdeenshire Council are responsible for the completion of The Plan and its publication. Since the development of the Plan for Cycle 1 a change has been made to further define specific areas at risk within a PVA. These areas are known as Objective Target Areas (OTAs). The OTAs for each PVA in Moray are listed in the table below.

| PVA No | PVA Name | OTA No | OTA Name |
|----------|-----------------------|--------|----------------------|
| 02/06/06 | Keith and Newmill | 444 | Newmill |
| | | 404 | Keith |
| 02/06/01 | Portgordon and Buckie | 398 | Portgordon |
| | | 455 | Buckie and Portessie |

- 3.9 The actions identified for each OTA were agreed by this Committee on 1 December 2020 (Paragraph 20 of the minute refers). These actions are provided in the table below.

| OTA | Action Type |
|----------------------|--|
| Portgordon | Strategic mapping improvements |
| | Sewer flood risk assessment |
| | Flood defence maintenance |
| | Flood warning maintenance |
| | Adaptation Plan |
| Keith | Flood warning maintenance |
| | Surface Water Management Plan implementation |
| Newmill (Keith) | Flood defence maintenance |
| | Flood warning maintenance |
| Buckie and Portessie | Flood scheme or works implementation Coastal |
| | Flood scheme or works implementation Surface Water |
| | Community engagement |
| | Sewer flood risk assessment |
| | Surface Water Management Plan implementation |
| | Strategic mapping improvements |
| | Flood warning maintenance |

- 3.10 Following the agreement of the actions a joint consultation was undertaken by SEPA and Aberdeenshire Council on both The Plan and the National Flood Risk Management Plan. Due to the cyber-attack, which SEPA suffered in December 2020, this consultation was delayed by 6 months and took place on 31 July 2021 and closed on 31 October 2021. Members agreed Moray

Council’s response to the consultation at Economic Growth, Housing and Environmental Sustainability Committee on 24 August 2021, (paragraph 10 of the minute refers). Following the closure of the consultation, Moray Council received 4 responses to actions which affect Moray Council. The concerns were with regard to:-

- Maintenance of the Cullen Sea Defence. Moray Council currently monitor this defence structure and take appropriate action when required. The sea defences here are also included as an Adaptation Plan.
- Flooding along the River Isla Downstream of Newmill. During Cycle 2 Moray Council will look to promote awareness and self-help within this area.

3.11 The National Flood Risk Management Plan for Cycle 2 was published by SEPA in December 2021. The Plan for the NE Local Plan District has been drafted in line with the National Plan and in consultation with our partner organisations. The Plan has a total of 138 actions across 40 OTAs and 15 of these actions are within 4 OTAs in the Moray area.

3.12 The majority of actions will be undertaken by the Council’s Flood Team using the existing revenue allocation. However, subject to the observations at 3.14 below, projects that require significant spend such as the development and construction of a flood protection scheme will be subject to 80% grant funding from Scottish Government. How actions will be funded is identified in **Appendix 2**.

3.13 The current Flood Risk Management revenue budget and staffing levels are sufficient to undertake the actions not subject to grant funding from Scottish Government, identified in the Plan for the next six years,

3.14 Works that are subject to grant funding from Scottish Government have been included in the Plan. However, there is a significant gap in Flood Risk Management funding due to increased costs of works committed to in Cycle 1. It is currently unclear how much funding will be available for works in Cycle 2. Prioritisation of works will not be undertaken until issues relating to the funding gap have been resolved between COSLA and Scottish Government. The works that are subject to grant funding in Cycle 2 are provided in the table below.

| | |
|-----------------------|--|
| Buckie and Portessie: | Portessie Coastal Flood Defence Scheme |
| Buckie and Portessie: | Buckie Surface Water Management Flood Scheme |

3.15 The Plan has been agreed by Scottish Water and SEPA and will be the subject of a report to Aberdeenshire Council for agreement on 1 December 2022.

4. 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

Under the Flood Risk Management (Scotland) Act 2009, the Council has a statutory duty to implement the Actions from the Local Flood Risk Management Plans. The Council can do works not included in the Plans that will manage flood risk, provided it does not affect the delivery of those Actions in the Plans.

(c) Financial implications

The proposed Plan has financial implications on our capital spend if the schemes are prioritised and funded by Scottish Government. The 10 year Capital Plan currently has allowance for these schemes from 2026 to 2028.

(d) Risk Implications

There are no risks associated with the recommendations in this report.

(e) Staffing Implications

The proposed Plan can be delivered from within the current resources within the Flood Risk Management Team.

(f) Property

The Plan currently does not have an implications on the Council's property portfolio. However, it should be noted that if the proposed schemes are progressed this position may change, as any new scheme would become the property of Moray Council. Progression of proposed schemes would be the subject of a separate report to a future meeting of this committee.

(g) Equalities/Socio Economic Impact

There are no equalities implications arising from this report.

(h) Climate Change and Biodiversity Impacts

The plan has significant impacts on our aims to manage the challenges of climate change. The action to produce Adaptation Plans will allow Moray Council to better use resource in the future to manage flooding. The Plan also has particular reference to planning policy which will be used to help ensure that development is designed in such a way to manage the risk of flooding from climate change.

(i) Consultations

Depute Chief Executive (Economy Environment and Finance), Head of Environment and Commercial Services, Chief Financial Officer, Legal Services Manager, Equalities Officer and Lissa Rowan, Committee Services Officer have been consulted and their comments incorporated into the report.

5. CONCLUSION

5.1 The majority of the actions identified in the Plan for Cycle 1 are complete and details are provided in the Final Report.

5.2 Actions identified for Cycle 2 in the National Flood Risk Management Plan must be included in the Plan. The Plan provides details of when the actions will be undertaken, how they will be funded (noting the current funding issues to be resolved), who is responsible for implementing them and how they will be coordinated and monitored.

5.3 Aberdeenshire Council has a Statutory Duty to publish the Plan for Cycle 2 on or before 22 December 2022.

Author of Report: Will Burnish, Senior Engineer Flood Risk Management
Background Papers:
Ref: SPMAN-524642768-801