



**REPORT TO: ECONOMIC GROWTH, HOUSING AND ENVIRONMENTAL
SUSTAINABILITY COMMITTEE ON 24 AUGUST 2021**

SUBJECT: FLOOD RISK MANAGEMENT STRATEGIES AND PLANS

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

1. REASON FOR REPORT

- 1.1 To inform the Committee of the proposed response to the consultation on the Flood Risk Management Strategies and Plans for Cycle 2 and Flood Risk Management funding issues.
- 1.2 This report is submitted to the Economic Growth, Housing and Environmental Sustainability Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this Committee the combining of the delegated responsibilities of Economic Development and Infrastructure, Community Services (Housing and Property) and Finance (budget, capital and revenue monitoring) (para 9 of the minute refers).

2. RECOMMENDATION

2.1 It is recommended that Committee agree:

- (i) the proposed consultation response on the draft Flood Risk Management Strategies and Plans for Cycle 2; and**
- (ii) to note the position on grant funding for Flood Protection Schemes planned for Cycle 2.**

3. BACKGROUND

- 3.1 At a meeting of the Committee on 1 December 2020, it was agreed that Moray Council would publish the draft Local Flood Risk Management Plan for the Findhorn, Nairn and Speyside Local Plan District for consultation on 21 March 2021. It was also agreed that officers would be granted delegated powers to respond to the Flood Risk Management Strategies in December 2020 and March 2021 (paragraph 20 of the minute refers).

- 3.2 On 21 December 2020 SEPA published high level data on the Potentially Vulnerable Areas (PVAs) and Objective Target Areas (OTAs) for each Local Plan District (LPD). This publication was for information only and there was no mechanism to make representation.
- 3.3 The second part of the consultation was programmed for publication on 21 March 2021. This part of the consultation contains details of the Objectives and Actions that will be undertaken in the PVAs and OTAs. On 24 December 2020 SEPA was subject to a cyber-attack, which left it without access to its computer network, data and files for several months. A consequence of the attack was the planned publication of the second part of the consultation was delayed until 31 July 2021.
- 3.4 There are a total of 10 PVAs in the Moray area, 8 are in the Findhorn, Nairn and Speyside LPD (Burghead to Lossiemouth, Spynie, Lhanbryde, Kingston and Garmouth, Elgin, Forres, Dallas, and Rothes and Aberlour) for which Moray Council is the Lead Local Authority and 2 are in the North East LPD (Portgordon and Buckie, and Keith and Newmill) for which Aberdeenshire Council is the Lead Local Authority.
- 3.5 The Strategies and Plans include Actions that cover the whole LPD and Actions that are specific to the PVAs. Full copies of the Strategies and Plans can be accessed at https://consultation.sepa.org.uk/evidence-and-flooding/frmplans/consult_view/.
- 3.6 Actions identified for the whole LPD include flood assessment, mapping and warning; awareness raising; land use planning and maintenance. These actions help to ensure that key aspects of flood risk management are taken forward in all locations. Details of these actions are provided in **Appendix 1**.
- 3.7 Actions identified in the PVAs generally include maintenance of flood schemes, adaptation planning, assessment of sewer flooding and mapping improvements. Flood Protection Schemes have been identified at Lossiemouth Seatown and Portessie. Surface Water Management works have been identified for Elgin, Rothes and Aberlour, and Buckie. Details of all of the Actions identified for the PVAs in Moray are provided in **Appendix 2**.
- 3.8 The consultation on the Flood Risk Management Strategies and Plans started on 31 July 2021 and will close on 31 October 2021. This is an online consultation that can be accessed at https://consultation.sepa.org.uk/evidence-and-flooding/frmplans/consult_view/.
- 3.9 Moray Council officers have drafted a response to the consultation, which is provided in **Appendix 3**. The response is generally in agreement with the contents of the Strategies and Plans but does make the following comments.
- Advice is provided on the increased flood frequency at Garmouth, which was not available at the time of drafting the Strategies and Plans.
 - Advice is provided on the outcome of the updated flood modelling for the Schemes at Lhanbryde and Forres.

- Confirmation that no Flood Protection Schemes will be progressed in Moray until funding for Cycle 2 has been agreed with Scottish Government and COSLA.
- Advice on the potential impact of the A96 Dualling on Flood Risk in Moray.

Funding

- 3.10 Flood Protection Schemes identified in the Strategies and Plans are subject to prioritisation for grant funding from Scottish Government. In Cycle 1 (2016 to 2022) the available funding matched demand. When funding was first allocated some of the proposed Schemes were at a very early stage of development. As these Schemes were developed the estimated costs increased.
- 3.11 On 4 December 2018, at a meeting of Economic Development and Infrastructure Services Committee, members were advised that Scottish Government had extended the funding period for Cycle 1 until 2026, to cover the increase in cost of Schemes for this Cycle. This extension would use money that would have been available to fund Schemes in Cycle 2, (para 11 of the minute and section 3.9 of the report refers).
- 3.12 Since 2018, the costs for some of the Schemes in Cycle 1 have increased further. Scottish Government has increased the funding available for the Schemes planned for Cycle 1 but there is still a significant funding gap. COSLA is currently considering how to manage this situation and should be in a position to advise how this will affect funding for Schemes planned for Cycle 2 towards the end of August 2021.

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 Plan.

(c) Financial implications

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

(d) Risk Implications

There is a risk that the flood protection works planned for Cycle 2 could be delayed because of funding issues associated with the increased cost of Schemes committed to in Cycle 1.

(e) Staffing Implications

There are no staffing implications associated with this report

(f) Property

There are no property implications associated with this report.

(g) Equalities/Socio Economic Impact

There are no equalities implications arising from this report.

(h) Consultations

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

5. CONCLUSIONS

5.1 The statutory consultation on the Flood Risk Management Strategies and Plans for Cycle 2 opened on 31 July 2021 and will close on 31 October 2021.

5.2 Moray Council will submit a response to this consultation, subject to agreement by this Committee.

5.3 Funding issues associated with the Flood Protection Schemes committed to in Cycle 1 may impact on the grant funding available for Schemes planned for Cycle 2.

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Background Papers:
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