



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

**SUBJECT: LOCAL FLOOD RISK MANGEMENT PLAN CYCLE 2
FINDHORN, NAIRN AND SPEYSIDE 2022-2028**

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

1. REASON FOR REPORT

1.1 To inform the Committee of:

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

- (i) **agrees the final report on Cycle 1 for the Local Flood Risk Management Plan (the Plan), for the Findhorn, Nairn and Speyside (FNS) Local Plan District;**
- (ii) **with the agreement of Highland Council, publish the Final Report;**
- (iii) **agrees the Plan for Cycle 2 for the Findhorn, Nairn and Speyside Local Plan District; and**
- (iv) **with the agreement of Highland Council, publish the Plan.**

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 Lead Local Authority, must produce and publish a Local Flood Risk Management Plan for the Findhorn, Nairn and Speyside (FNS) Local Plan District. This Plan is developed working in partnership with other authorities including SEPA, Scottish Water, Highland Council, Cairngorm National Park Authority, 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 FNS Local Plan District for Cycle 1 was agreed by this Committee on 3 May 2016, (paragraph 7 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	Elgin, Forres, Rothes and Aberlour
Maintain Flood Protection Schemes	Lhanbryde, Forres, Findhorn, Elgin, Rothes and Aberlour
Flood Protection Studies	Spynie (Lossiemouth Seatown)

- 3.4 Moray Council 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 included in this report are provided below.
- The Lossiemouth Seatown Coastal Protection Flood Study was complete.
 - The Surface Water Management Plans (SWMP) for Elgin, Rothes and Aberlour were complete.
 - At this stage it was highlighted that the SWMP for Forres would not be undertaken in this cycle. The Integrated Catchment Study would not be undertaken by Scottish Water as this was no longer considered appropriate. However, an enhanced Sewer Model would be produced by Scottish Water and this would be used to inform a SWMP for Forres, to be developed in Cycle 2.

Cycle 1 Final Report

- 3.5 The Council is required to publish 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, which was agreed by members, are:-
- Continued maintenance of our Flood 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.
 - Review of the updated Enhanced Sewer Model for Forres from Scottish Water.

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 A copy of 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 is provided in **Appendix 2**. 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
02/05/01	Burghead to Lossiemouth	389	Hopeman
		391	Lossiemouth
02/05/02	Spynie	9991	Seatown, Lossiemouth
02/05/03	Lhanbryde	390	Lhanbryde
02/05/04	Kingston and Garmouth	463	Kingston
		393	Garmouth
02/05/05	Elgin	392	Elgin
02/05/06	Forres	427	Forres
02/05/07	Dallas	421	Dallas
02/05/09	Rothies and Aberlour	397	Rothies
		432	Aberlour
02/05/14	Kinloss	420	Kinloss

- 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
Hopeman	Flood defence maintenance
Lhanbryde	Flood defence maintenance
Lhanbryde	Flood study (existing flood defences)
Elgin	Flood defence maintenance
	Flood study (existing flood defences)
	Flood scheme or works design
	Flood scheme or works implementation
Garmouth	Adaptation Plan
Rothies	Flood scheme or works design
	Flood scheme or works implementation
	Flood defence maintenance
	Flood study (existing flood defences)
Kinloss	Flood study
Dallas	Flood study (existing flood defences)
	Flood defence maintenance
Forres	Flood study (existing flood defences)
	Surface water management plan
	Flood defence maintenance

Aberlour	Flood study (existing flood defences)
	Surface water management plan
	Flood defence maintenance
Kingston	Adaptation Plan
Seatown, Lossiemouth	Flood scheme or works design
	Flood scheme or works implementation

- 3.10 Following the agreement of the actions a joint consultation was undertaken by SEPA and Moray 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 taking place on 31 July 2021 and closing 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 18 responses were received for the FNS Local Plan District, of which 13 were associated with the Moray Council area. For further detail of the consultation responses refer Section 1.3.4 of **Appendix 2**.
- 3.11 The National Flood Risk Management Plan for Cycle 2 was published by SEPA in December 2021. The Plan for the FNS 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 68 actions across 19 OTAs and 48 of these actions are within 12 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 set out 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.
- | | |
|-----------------------|--|
| Elgin: | Surface Water Management Schemes |
| Rothies: | Surface Water Management Schemes |
| Buckie and Portessie: | Portessie Coastal Flood Defence Scheme |
| Buckie and Portessie: | Buckie Surface Water Management Flood Scheme |
| Seatown, Lossiemouth: | Coastal Flood Defence Scheme |
- 3.15 The Plan has been agreed by Scottish Water and SEPA and will be the subject of a report to Highland Council for agreement on 10 November 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 an 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 any 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 resources in the future to manage flooding. The Plan also has particular reference to planning policy which will be used to help ensure that development and design in such a way to manage the risk of flooding from climate change.

(i) Consultations

Depute Chief Executive (Economy Environment & Finance), Head of Environmental 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 Moray 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:	
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