



DEVELOPMENT AND INFRASTRUCTURE SERVICES

FLOOD RISK MANAGEMENT POLICY

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1.0 INTRODUCTION TO POLICY STATEMENT ON FLOODING

1.1 Purpose

1.1.1 This policy statement has been prepared by Argyll and Bute Council to provide a public statement of the Council's approach to managing flood risk in its area.

1.2 Introduction

- 1.2.1 The Flood Risk Management (Scotland) Act 2009 ('the Act') transposes the EU Floods Directive 2007/60/EC ('the Directive') into Scots Law, amends the Reservoirs Act 1975 and repeals the Flood Prevention (Scotland) Act 1961. The purpose of the Directive is to establish a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods.
- 1.2.2 Duties are placed on SEPA, Scottish Water, and Responsible Authorities (Local Authorities, National Park Authorities, Scottish Water and Forestry Commission Scotland) to exercise their flood risk related functions with a view to reducing overall flood risk across Scotland.
- 1.2.3 Flood risk is defined in the Act as the combination of the probability of flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
- 1.2.4 By focusing on "reducing overall flood risk", emphasis has clearly been placed on managing the likelihood and impact of flooding. Furthermore, although it is recognised that it is not always possible to reduce the likelihood, or even the impact of some floods, the Act makes it clear that all bodies involved in managing flooding should, wherever possible, aim to reduce flood risk by focusing their efforts on those areas and communities at greatest risk.
- 1.2.5 The Scottish Government makes it clear that individual property owners have primary responsibility for the prevention of flooding to their property. Landowners are responsible for the provision and maintenance of private flood defence and drainage systems on their land.
- 1.2.6 Local Authorities will be expected to use all existing and new powers at their disposal to deliver these broad aims, and this includes development management, traditional flood defence works, surface water management, awareness raising and, wherever possible, natural approaches to managing the sources and pathways of flood waters.
- 1.2.7 Individuals with a watercourse within the boundary of their property, including piped watercourses, have what is termed 'riparian' responsibilities under common law. Riparian owners should allow the unrestricted flow of water through their property

and should maintain and keep watercourses clear of obstructions that are liable to pose a risk of flooding.

2 The Act

2.1 General Duties under the Act

2.1.1 All bodies responsible for managing flood risk, including Local Authorities, SEPA, Scottish Ministers and Scottish Water, are placed under a set of general duties which provide the basic framework in which all work under the Act must be progressed and all flood management decisions must be taken.

2.1.2 In summary, the key requirements which these bodies must take into consideration when carrying out their functions are to:-

- act with a view to reducing overall flood risk;
- act to secure compliance with the Directive;
- act with a view to achieving the objectives set out in the flood risk management plans;
- have regard to the social, environmental and economic impact of carrying out those functions.

2.1.3 So far as is consistent with flood risk functions, they must also:

- act in the way best calculated to manage flood risk in a sustainable way;
- promote sustainable flood risk management;
- act with a view to raising public awareness of flood risk; and
- act in the way best calculated to contribute to the achievement of sustainable development.

2.1.4 These bodies also have a legal requirement placed upon them to adopt, wherever practicable, an integrated approach through co-operating with each other. Adopting a fully collaborative and coordinated approach to implementation, between local authorities, SEPA, Scottish Water and other relevant bodies is widely viewed as being central to the delivery of improved flood risk management.

2.2 Local Authority Duties under the Act

2.2.1 Local Authorities have a Duty to:

- Prepare maps of bodies of surface water
- Assess relevant bodies of water
- Prepare a schedule of clearance and repair works
- Prepare local flood risk management plans
- Carry out clearance and repair works in a schedule prepared by the council
- Keep a register of flood protection schemes

2.2.2 Local Authorities also have powers to manage flood risk and to take forward a 'flood protection scheme'.

2.3 Funds

2.3.1 Local Authorities have been provided with funding through their current settlement to fulfil their flood risk management responsibilities. Arrangements to fund prioritised actions/works in the first 6 year cycle have still to be announced by the Scottish Government.

2.4 Local Plan Districts

2.4.1 Local Plan Districts are the geographical areas based on catchment boundaries for managing flood risk and have been designated by Scottish Ministers on the recommendation of SEPA following a consultation process which included local authorities. A map showing the 14 Local Plan Districts within Scotland is included at the end of this document.

2.4.2 A Lead Local Authority has been identified for each Local Plan District to co-ordinate and support the production of Local Flood Risk Management Plans. In the National Flood Risk Assessment, SEPA identified geographical areas across Scotland, called Local Plan Districts (LPD), which include whole river catchments and cross local authority boundaries. Flood Risk Management Planning, and partnership working to support this, will take place for each Local Plan District in Scotland.

2.4.3 Argyll and Bute Council are members of two Local Plan Districts:- Clyde & Loch Lomond with Glasgow City Council as Lead Local Authority, and Highland/Argyll with Highland Council as Lead Local Authority. Argyll and Bute Council is represented at each Local Plan District by a Member and officers.

2.5 Mapping, Objectives and Actions

2.5.1 SEPA carried out and completed the National Flood Risk Assessment in 2011 and this identified areas that were potentially vulnerable to flooding – Potentially Vulnerable Areas (PVAs). Within Argyll & Bute there are 16 PVAs (Clyde & Loch Lomond has 4 and Highland/Argyll 12).

2.5.2 In January 2014, SEPA published the Flood Risk Hazard Maps. These cover Coastal, River and Surface Water flooding. Key to the delivery of the Flood Risk Management (Scotland) Act 2009 is an improved understanding of the location and character of flood hazards. The delivery of new strategic flood hazard maps for Scotland, will support the development of Flood Risk Management Strategies and be a valuable tool for organisations responsible for managing flood risk.

- 2.5.3 The public consultation period for the Characterisation and Objective setting to address flood risks nationally will close on 2 June 2015. The objectives will be centred on three principles; Avoid, Protect and Prepare against flood risk. Following the public consultation, the objectives will be prioritised into a national list of actions. The actions may consist of further study and better understanding of a flood risk area, physical works or flood warning systems. By completion, the process will have involved a public consultation and input from all the Responsible Authorities including SEPA, the local authorities and the Scottish Government.
- 2.5.4 Examples of this for each objective could be:-
- Avoid** – this is done through the planning process whereby flood risk should not be increased by inappropriate development – This is taken into account in the Local Development Plan and implemented through the processing of planning applications taking into account the flood sensitivity of each PVA.
- Protect** – this is done by construction of bunds, training walls and drainage pipes to reduce the impact on existing infrastructure. It also includes temporary measures such as sandbagging. Telemetry systems to record flood levels can also offer protection.
- Prepare** – this is a last resort and includes flood warnings/evacuation, civil contingency and community resilience plans.
- 2.5.5 The Act places a duty on Responsible Authorities to raise public awareness of flood risk by, for example, webpage information on Responsible Authorities' roles and responsibilities.
- 2.5.6 The Council's Planning and Regulatory Service is developing Supplementary Guidance for applicants for development to inform them of what is required by the Council in terms of Flood Risk.
- 2.5.7 The Strategic Appraisal of Measures will be undertaken nationally and will lead to the publication of Local Flood Risk Management Plans covering 6 year cycles to reduce flood risks. The first of these will cover the period 2016 – 2022.
- 2.5.8 Local Flood Risk Management Plans will comprise of two parts: a supplementary part and an implementation part. The supplementary part must include, amongst other things, information including; maps, information about how implementing actions may alter (including enhance) or restore natural features and characteristics, and further information about those actions, as the lead authority considers relevant to flood risk management within the local plan district . The implementation part is a detailed description of how particular actions will be undertaken, including a summary of when these will take place and who will be responsible for funding and undertaking such actions.
- 2.5.9 Not earlier than two years and not later than three years after a local flood risk management plan is finalised, the lead authority must (a) review the plan, and (b) publish a report on the conclusion of the review including information on the progress that has been made towards implementing the actions identified in the implementation part of the plan. Not earlier than five years, and not later than six

years, after a local flood risk management plan is finalised, or by such other date as the Scottish Ministers may direct, the lead authority must publish a report of the plan containing (a) an assessment of the progress made towards implementing the current actions, (b) a summary of the current actions which were not implemented, with reasons for their non-implementation, and (c) a description of any other actions implemented since the plan was finalised which the lead authority considers have contributed to the achievement of the objectives summarised in the supplementary part of the plan

3.0 ARGYLL & BUTE COUNCIL'S POLICY ON FLOODING

3.1 Policy Statement

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| <p>Argyll & Bute Council acknowledges and supports the Scottish Government's aims and objectives as set out in the Act and our policy and approach will be consistent with them.</p> |
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3.2 Argyll & Bute Council is required to:-

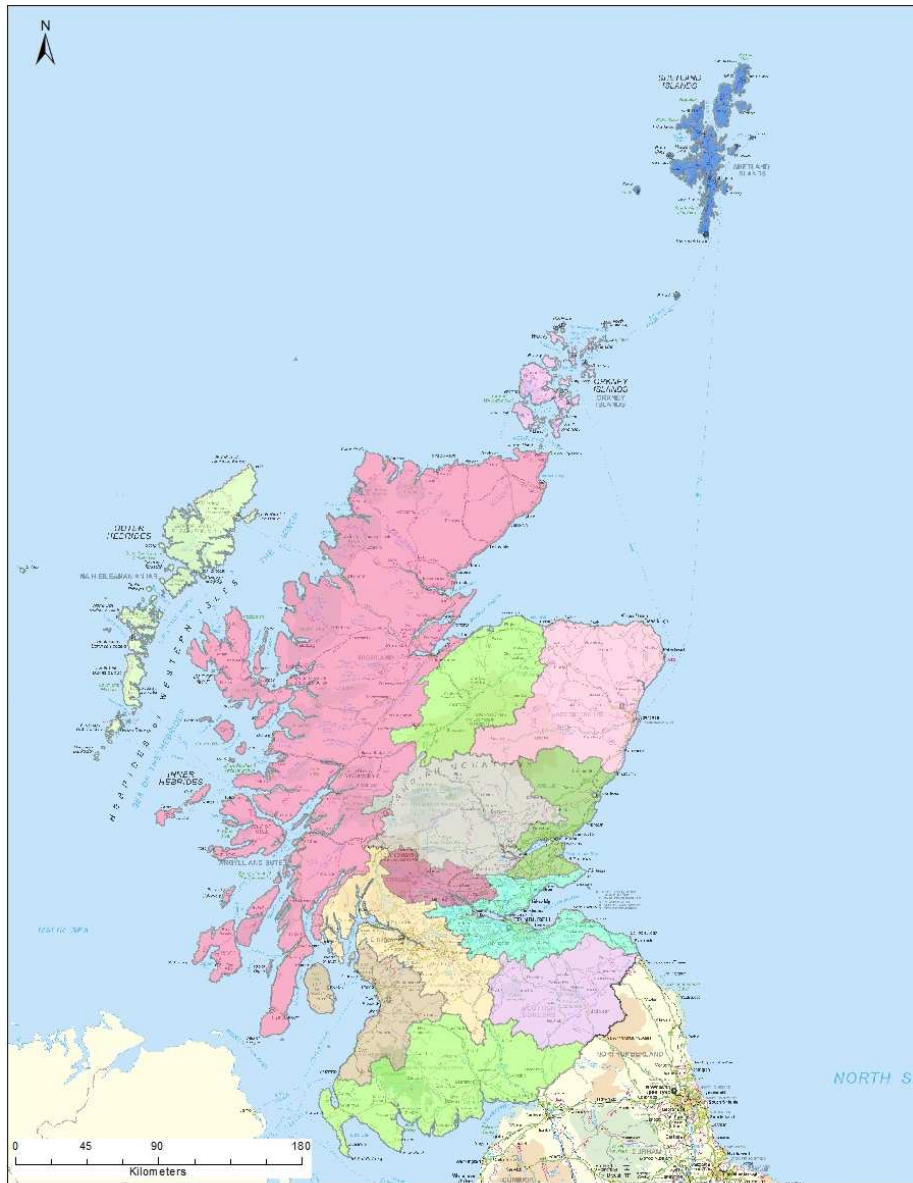
- (i) Work collaboratively with other Responsible Authorities such as SEPA, Local Authorities, Scottish Water, The Forestry Commission and the National Park with the overall aim of reducing flood risk.
- (ii) Prepare maps of relevant bodies of water and sustainable urban drainage systems.
- (iii) From time to time assess relevant bodies of water (other than canals) for the purpose of ascertaining whether the condition of the body of water gives rise to a risk of flooding.
- (iv) Where a body of water gives rise to a risk of flooding following the assessment and where it is considered that clearance and repair works would substantially reduce that risk, prepare a schedule of those clearance and repair works.
- (v) Carry out works described in the schedule of clearance and repair works where it considers that it will contribute to the implementation of current actions described in any relevant local flood risk management plan or will not affect the implementation of such measures.
- (vi) Provide the Lead Authority with information when requested.
- (vii) Keep a register of flood protection schemes.
- (viii) Monitor those watercourses which have proved to be critical in terms of flood risk and take action to maintain the critical parts.
- (ix) Regularly maintain those ordinary watercourses for which Argyll and Bute Council is the riparian owner.
- (x) Investigate, record and assess flooding events.

- (xi) Take account of flooding risks when preparing local planning policy and assessing individual planning applications
- (xii) Raise general public awareness on flooding matters through the Council's web site and other means.

- 3.3 Council funds for the management of flood risk will be allocated towards the fulfilment of the Council's statutory duties as listed above in the first instance.
- 3.4 As part of its road asset management process, the Council, as the roads authority, will compile an inventory of its ditches and culverts and review its roads drainage policy.
- 3.5 The Scottish Government makes it clear that individual property owners have primary responsibility for the prevention of flooding to their property. Landowners are responsible for the provision and maintenance of private flood defence and drainage systems on their land and the Council will therefore not, as standard, exercise its powers under the Act to assist individual property owners. The Council, will however, as far as reasonably and economically practicable, exercise its powers under s56 of the Act to continue the practice of providing emergency assistance in times of flooding by the provision of sandbags for public use and the clearance of critical watercourses and the structures thereon. It shall endeavour to offer advice to riparian owners on commercially available flood protection measure and recommends affected parties contact the Scottish Flood Forum for detail assistance.

4.0 MAP OF LOCAL PLAN DISTRICTS WITHIN SCOTLAND

Local Plan Districts



Legend

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|-------------------------------------|------------------------------------|
| Ayrshire (12) | Orkney (3) |
| Clyde and Loch Lomond (11) | Western Isles (2) |
| Findhorn, Nairn and Speyside (5) | Shetland (4) |
| Forth (9) | Solway (14) |
| Forth Estuary (10) | Tay (8) |
| Highland and Argyll (1) | Tay Estuary and Montrose Basin (7) |
| Aberdeenshire and Aberdeen City (6) | Tweed (13) |



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