

FLOOD RISK MANAGEMENT POLICY

1.0 EXECUTIVE SUMMARY

The Flood Risk Management Act transposes the EU Floods Directive 2007/60/EC into Scots Law, amends the Reservoirs Act 1975 and repeals the Flood Prevention (Scotland) Act 1961. The appended draft policy document sets out the position for the council. The policy document has been drafted to confirm the approach of the council and to provide a policy framework covering flood risk management.

The Act provides that the Scottish Ministers, SEPA, and Responsible Authorities (Local Authorities, Scottish Water, Forestry Commission Scotland and National Park Authorities) must exercise their flood risk related functions with a view to reducing overall flood risk. 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.

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.

Members are asked to:

- Note and endorse the report.
- Approve that the Flood Risk Management Policy be taken to the Policy and Resource Committee for approval as Council policy.

FLOOD RISK MANAGEMENT POLICY

2.0 SUMMARY

- 2.1 This policy document identifies the Council's duties and powers in regard to Flood Risk Management and outlines the way in which the Council will allocate funds to comply with its duties under the Flood Risk Management (Scotland) Act 2009 ('the Act') and exercise its powers under the Act.
- 2.2 The attached policy document provides information in respect of: the general aims of the Act, the general duties placed upon Scottish Ministers, SEPA and Responsible Authorities (including local authorities) under the Act. The policy also sets out the powers of Local Authorities and the Council's approach to managing flood risks. The policy document further sets out the way in which the Council will allocate funding to comply with the duties placed upon it by the Act and will exercise its powers with a view to reducing flood risk.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to:
- Note and endorse the report.
 - Approve that the Flood Risk Management Policy be taken to the Policy and Resources Committee for approval as Council policy.

4.0 DETAILS

- 4.1 The Act transposes the EU Floods Directive 2007/60/EC into Scots Law, amends the Reservoirs Act 1975 and repeals the Flood Prevention (Scotland) Act 1961.
- 4.2 The Act provides that the Scottish Ministers, SEPA, and Responsible Authorities (Local Authorities, Scottish Water, Forestry Commission Scotland and National Park Authorities) must exercise their flood risk related functions with a view to reducing overall flood risk.
- 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.

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.

- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 At its meeting on 19 December 2013, the Council appointed Councillor Robert G MacIntyre to the Clyde & Loch Lomond LPD and Councillor Roddy McCuish to the Highland and Argyll LPD.

The attached Policy document sets out the following:

- General Aim and Purpose of the Act
- General Duties under the Act
- Local Authority Duties under the Act
- Local Plan Districts (Argyll and Bute Council fall into two Local Plan Districts)
- Mapping, Objectives and Measures
- Argyll & Bute Council's Policy on Flooding
- Map of all Local Plan Districts within Scotland

- 4.6 At its meeting on 19 December 2013, the Council appointed Councillor Robert G MacIntyre to the Clyde & Loch Lomond LPD and Councillor Roddy McCuish to the Highland and Argyll LPD.

5.0 CONCLUSION

- 5.1 This report is a covering report to a policy document that identifies the Council's duties and powers in regard to Flood Risk Management and outlines the way in which the Council will allocate funds to comply with its duties under the Act and exercise its powers under the Act with a view to reducing flood risk.
- Members are asked to note and endorse the report and approve that the Flood Risk Management Policy be taken to the Policy and Resources Committee for approval as Council policy.

6.0 IMPLICATIONS

6.1	Policy	The report provides a policy position in relation to Flood Risk Management
6.2	Financial	Budgets are in place for dealing with elements of the Flood Risk Management Act
6.3	Legal	Covered in the body of the policy document
6.4	HR	None
6.5	Equalities	None
6.6	Risk	None
6.7	Customer Services	None

Executive Director of Development and Infrastructure
Policy Lead Cllr Ellen Morton

March 2015

For further information contact: Arthur McCulloch, Principal Engineer

APPENDICES

Appendix 1 – Flood Risk Management Policy and Strategy