

FLOODING ISSUES ADVISORY COMMITTEE

ALLEVIATION SUB-COMMITTEE

Minutes of the meeting held on 25 May 2006, Conference Room 3, Victoria Quay, Edinburgh.

Present: Judith Tracey (Scottish Executive (SE), Climate Change and Air Division) – Chair.

Scottish Executive: Ramsay Dow (SE, Climate Change and Air Division – minutes), Nick Evans (SE, Planning Division); Debi Garft (SE, Climate Change and Air Division); Hazel Gallagher (SE, Climate Change and Air Division); Stan Irvine (SE, Climate Change and Air Division); Claire Allan (SE, Environment Economics).

Prof. Charles Ainger (MWH); Alvin Barber (City of Edinburgh Council); Dr. John Riddell (Independent consultant). Dr. Roy Richardson (SEPA).

Observers: Gordon Petrie (SE Climate Change and Air Division); Ronnie Falconer and Ted Keegan (Jacobs Babbie) and Derek Davidson and George Gray (Angus Council).

Apologies: John Henderson (SE, Agricultural Policy Division); David Cotterell (Environment Agency); Jim Hutchison (DEFRA); Dr. Peter Jones (Welsh Assembly Government).

Agenda Item 2: Welcome from Chair, Judith Tracey of the Executive's Climate Change and Air Division, and introductions.

1. Judith Tracey (JT) welcomed everyone to the third Alleviation Sub-Committee meeting.

Agenda Item 3: Minutes and action points from the second meeting on 19 January 2006

2. Members agreed the minutes from the previous meeting held on the 19th January. Alvin Barber (AB) enquired about the possibility of an individual property grant scheme in the future and was informed that this work was being taken forward with Solicitors. The action points from the meeting have been completed. Secretariat explained that on action point 1 the Public Inquiry Unit will be publishing flooding related reports on the internet later this year.

Agenda Item 4: Update on writing technical guidance for local authorities taking forward flood prevention schemes – Judith Tracey.

3. JT gave a an update on writing the technical guidance and explained that Chapters 1 and 3 were now ready for final approval but Chapter 2 had still to be cleared with Solicitors and it would not be ready for the full FIAC meeting in June.

4. AB informed Members that the SCOTS flooding group is also producing a guidance document on flood prevention schemes and it would be published soon. It was agreed that the Sub-Committee would comment on the draft and pass them to SCOTS.

Action point 1: AB to send guidance to Secretariat for distribution when available and receive comments.

Agenda Item 5: Chapter 1: *Introduction and overview* – final draft for approval.

5. JT explained that chapter 1 was ready for final comments. Members discussed the use of language for example could ‘river’ be used instead of ‘fluvial’. TJ also confirmed that the Executive will ask the consultants to remove a number of the photos. It was agreed that there should only be one glossary and one list of references for the whole guidance rather than a separate one at the end of each chapter. These will be updated each time a chapter is published.

Action point 2: Executive to consider whether some terms could be simplified by using plain English.

Action point 3: Members to forward final comments to Hazel Gallagher (HG) by 2nd June (cc: secretariat).

Agenda Item 6: Chapter 2: *Statutory process* - Update.

6. JT explained that Members would get an opportunity to discuss this chapter at the next Sub-Committee meeting. It will be important that chapter 2 is read in conjunction with the legislation and it is up to local authorities, and ultimately the courts, to interpret the legislation not the Executive.

Agenda Item 7: Chapter 3: *Strategic considerations* - Update

7. JT confirmed that the Executive is content with the revised draft. It was agreed that this chapter does not pre-empt outcomes from sustainable flood management consultation, and that members should provide detailed written comments on the revised draft.

Action point 4: Members to forward comments to HG (cc: secretariat) by 12 June.

Agenda Item 8: Chapter 4: *Design standards* – consider chapter outline

8. JT introduced the draft chapter outline and stressed that it is important to get the outline correct at the beginning. Members discussed minimum standards and agreed that the guidance should explain what a standard is and why it is needed. Stan Irvine confirmed that the minimum standard is not defined in the legislation. He said that this chapter must set out the technical requirements that a flood prevention scheme must meet to allow Ministers to agree funding. It was agreed that the ABI should be asked to comment on a draft of this chapter.

9. TJ cautioned that this chapter must concentrate on the legislation and not become a discussion paper on standards for all types of flooding. John Riddell said that the 1961 Act was designed to protect against natural flooding rather than dealing with the failure of infrastructure such as sewers. Ultimately this guidance must reflect what SPP7 says.

10. Members agreed that coastal flooding must be covered as well and wave overtopping would be an important issue for this chapter. Contractors should also include definition of different types of flooding in the glossary. Finally Members agreed that Annex A should be confined to high level generic options and examples of good practice; it should not be a detailed manual.

Action point 5: Members should forward final comments on the draft outline to HG by 6 June. Contractors to revise chapter outline in light of comments. Secretariat will distribute revised outline.

Action point 6: Expand glossary to include definitions of basic terms such as different types of flooding.

Action point 7: ABI to be consulted on draft chapter before next meeting.

Agenda Item 9: Chapter 7: *Environmental appraisal/impacts* - consider chapter outline

11. JT said that we run the risk of putting too much information in this chapter with so many issues to cover. She advised that reference should be made to existing guidance wherever possible and not duplicate it. The key aim of this chapter should be to explain how to navigate through all the relevant processes and to stress that that this should be done as early as possible. It was agreed that different assessments, levels, processes and overlaps needs to be explained as clearly as possible or the chapter could become overly complex. The planning permission process and the biodiversity strategy should be covered in this chapter.

Action point 8: Members to forward comments to HG (cc: Secretariat) by 6th June 2006.

Agenda Item 10: Chapter 8: *Social appraisal* - chapter outline update

12. The Consultants produced a first draft of an outline for this chapter. JT explained that this chapter would have strong links with the social impacts study being conducted by the University of Dundee for the Executive and it should be completed in September. Social justice should be covered in this chapter. JT asked Members to forward their comments on the outline to HG so that the Consultants could revise the outline.

Action point 9: Members to forward comments to HG (cc: Secretariat) by 16th June. Consultants to produce a full outline for chapter 8.

Agenda Item 12: Update on streamlining with the planning system – Nick Evans/Judith Tracey

13. Nick Evans (NE) issued a paper (available on request) showing 3 options on how flood prevention scheme process could be integrated more efficiently with the planning process. NE cautioned that the options provided still had to be checked by the Executive's Solicitors and were only to inform discussion.

Option 1: Apply the PAN 69 process by administrative means.

14. This option is the approach outlined in PAN 69 and creates joint teams within a local authority who would submit and advertise flood works and planning concerns at the same time. Under this option any Public Inquiry would also be conjoined. Members felt that although option 1 might help ease the process it did not offer any fundamental change that would speed things up.

Option 2: Planning Permission carries FPS Act Confirmation

15. This option would involve a joint approach to design but would put the planning procedures in the lead for the statutory stages of taking forward a flood prevention scheme. It

was agreed that this option would remove land owners rights issue and would increase the number of Compulsory Purchase Orders which would delay the process and lead to more Public Inquiries.

Option 3: Confirmation of FPS carries deemed Planning Permission

16. This option would not require a separate planning process and be broadly similar to the process by which procedures are taken forward under the Electricity Act. JT informed members that of the 3 options this would be the most likely but it might require legislative change.

17. The Sub-Committee agreed that ultimately legislative change would be the best solution but for the shorter term the Executive should consider an option that would be possible under the current legislative framework. It was agreed that this topic should be addressed at a future meeting.

Action point 10: Executive to approach solicitors on advice on Option 3.

Agenda Item 13: Legislative barriers to sustainable flood management – Derek Davidson

18. Derek Davidson (DD) gave a presentation on the legislative barriers and funding constraints facing local authority practitioners in implementing sustainable flood management techniques. He suggested that the most sustainable options are being constrained by the legislative requirements of the Flood Prevention (Scotland) Act 1961 and the benefit appraisal system focusing on urbanised flood plains, and also design standards set by the Executive. Members discussed his proposals for longer term financing rather than a ‘one off’ approach and for a whole catchment based approach to C:B appraisal. JT thanked him for his helpful presentation.

Action point 11: Secretariat to put DD’s presentation on the FIAC website.

Agenda Item 14: Prioritisation of flood prevention schemes – paper FIAC2006(1) – The way forward.

19. John Riddell explained the changes made to the paper in light of comments received after the last Sub-Committee meeting and those from FIAC. It was agreed that this was an excellent paper and it should not be developed further at this time. JT assured Members that the paper would only be used to help the Executive develop a prioritisation scheme when and if one is needed in the future. Members agreed that this paper should be an official FIAC paper.

Agenda Item 15 & 16: Any Other Business and Next meeting

20. There was no other business and the next meeting was arranged for 19 October 2006 at Victoria Quay.

**FIAC Secretariat
July 2006**