

FLOODING ISSUES ADVISORY COMMITTEE

Minutes of the meeting held on 15 June 2006, Silvan House, Edinburgh.

Present: Philip Wright (Scottish Executive, (SE) Environment Group, Climate Change and Air Division – chair).

Scottish Executive: Ramsay Dow (SE, Climate Change and Air Division – minutes), Debi Garft (SE, Climate Change and Air Division), Judith Tracey (SE, Climate Change and Air Division), Hazel Gallagher (SE, Climate Change and Air Division), Katrine Feldinger (SE, Water Division), Derek Mackinnon, (SE, Rural Affairs) for John Henderson, Jonathan Dennis (SE Analytical Services).

Prof. Alan Werritty (University of Dundee), Alvin Barber (City of Edinburgh Council), Dr. Tim Jolley (SEPA), Steven Tingle (Renfrewshire Council), Dr. Roy Richardson (SEPA), Prof. Charles Ainger (MWH), Jim Conlin (Scottish Water), Ronnie Falconer (Jacobs Babbie), Helen McKay (Forestry Commission), David Rooke (Environment Agency); John Smith (Royal Town Planning Institute), Matt Crossman (Association of British Insurers), Sarah Hutcheon (Scottish Natural Heritage), Dr. John Riddell (Independent Consultant).

Observer: Adrian Cashman (University of Sheffield), Fiona MacTaggart (SNIFFER).

Apologies: John Hood (SE), Nick Evans (SE, Planning Division), John Henderson (SE, Assistant Chief Agricultural Officer), Mike Donaghy (Scottish Environment LINK), Jim Hutchison (DEFRA), Andrew Smith (Homes for Scotland), Dinah Keal (National Flood Forum), Iain Mathieson (NFU Scotland).

Agenda Item 2: Welcome from Chair and introduction

1. Philip Wright (PW) thanked Forestry Commission Scotland for its hospitality and welcomed everyone to the fourth Flooding Issues Advisory Committee (FIAC) meeting.

Agenda Item 3: Minutes and action points from the third FIAC meeting on 23 February 2006.

2. Members agreed the minutes from the last meeting subject to a minor amendment proposed by Ronnie Falconer at paragraph 36.

Action point 1: Secretariat to amend minutes from the previous meeting.

3. PW confirmed that all the action points from the last meeting had been completed.

4. Members discussed the Executive's Scottish Flood Defence Asset database, which was raised in the SCOTS minutes: local authority members expressed concern over the results of some of the modelling conducted. In addition, members asked for the opportunity to discuss the new English planning policy guidelines PPG25 at a future meeting. Secretariat confirmed that it was on the agenda for next Avoidance Sub-Committee meeting in August.

Action point 2: The Executive to raise concerns over the Asset Database with the Contractors JBA.

Agenda Item 4: Sub-Committee progress reports

Awareness and Assistance Sub-Committee

5. TJ presented paper FIAC2006(7) and reported progress from the Awareness and Assistance Sub-Committee. This included an update on the progress of the second generation flood map, the flood warning dissemination scoping study and the coastal flood warning strategy.

6. The following points were raised in discussion:

- Members agreed that the existing Cost Benefit appraisal is inappropriate for flood warning systems. David Rooke (DR) explained that the Environment Agency is addressing this concern and he would share any findings.
- Judith Tracey (JT) explained that the Executive is looking at providing grants to local authorities to conduct detailed flood risk assessments; implications of adopting such an approach will have to be considered in connection with the upcoming Spending Review. Members welcomed this.
- The second generation map will help highlight the scale of risk in Scotland but will not preclude the need for detailed local flood risk appraisals.

Avoidance Sub-Committee

7. Jim Conlin (JC) presented paper FIAC2006(8) and reported progress from the Avoidance Sub-Committee. This included an update on progress of the land use paper, sustainable flood management and discussing the River Basin Management Planning (RBMP) process. JT gave an update on the work being conducted by the working group on links between RBMP and catchment flood management planning processes.

8. Members discussed the Rural Development Programme consultation and PW asked Members to submit individual responses drawing on discussions at FIAC if they wish.

Action point 3: Secretariat to send Members a link to the Rural Development Programme consultation (<http://www.scotland.gov.uk/Publications/2006/04/03100240/0>)

Alleviation Sub-Committee

9. JT presented the progress report from the Alleviation Sub-Committee (paper FIAC2006(9)) and gave an update on the guidance to local authorities. Members discussed Chapters 1 and 3 and agreed to forward final comments to Secretariat. JT explained that Solicitors have been heavily involved in commenting on the drafting of Chapter 2 and it had not been completed yet.

Action point 4: Members to submit comments on Chapter 1 to Secretariat by 23 June 2006.

Action point 5: Members to submit comments on Chapter 3 to Secretariat by 30 June 2006.

Agenda Item 5: SNIFFER flooding research seminar – Outcomes and Next Steps

10. Fiona MacTaggart (FM) gave a presentation on the SNIFFER flooding research seminar in Dunfermline in February 2006. FM informed members of plans for future conferences and suggested that FIAC could play an important role in setting the agenda for these conferences. This would be discussed at the next SNIFFER board meeting in June. PW thanked FM for reporting back.

Action point 6: Secretariat to make presentation available on the FIAC website.

Agenda Item 7 - Update on legislative change

11. JT explained that the Alleviation Sub-Committee had considered three options for streamlining the flood prevention scheme and planning statutory processes, adding that the options provided still had to be checked by Executive's Solicitors and, pending the outcome of this check, were only to inform discussion. The 3 options are summarised below.

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

12. This option would involve the approach outlined in PAN 69 and create 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 Local Inquiry would also be conjoined.

Option 2: Planning permission carries Flood Prevention Act confirmation

13. 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.

Option 3: Confirmation of flood prevention scheme carries deemed planning permission

14. 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.

15. JT explained that the Sub-Committee agreed that option 3 is the most likely option and Solicitors will be asked for their views. Members raised a number of concerns about the lack of consistency between local authorities' approach to development plans and a general lack of policy in this area. It was agreed that these concerns would be discussed further with Nick Evans (NE). RF asked if SPP7 would be reviewed in light of the release of PPS25 in England and raised concerns that Scotland would now lag behind England. JT explained that the Executive had no specific plans at present to review SPP7 or Pan 69.

Action point 7: Secretariat to raise above concerns with NE.

Agenda Item 8 - Sustainable flood management consultation exercise and an update on the WEWS Act

16. Debi Garft (DG) gave an update on the sustainable flood management consultation and explained that the timetable had slipped. She confirmed that the Avoidance Sub-Committee will be given the opportunity to comment on a draft of the consultation paper. DG thanked Members for their help providing examples of good practice for the draft.

17. Katrine Feldinger (KF) gave an update on the implementation of the WEWS Act. Importantly, she confirmed that the duty to promote sustainable flood management has not been enacted yet.

Agenda Item 9 - SEPA Flood awareness campaign strategy Paper FIAC2006 (10)

18. TJ introduced the paper and referred to the presentation given to the Alleviation Sub-Committee by his SEPA colleague David Faichney (available on the FIAC website).

19. The Committee discussed the proposed 3-year campaign strategy to raise awareness of flooding and agreed that it was important to involve local authorities and Scottish Water and all other major stakeholders in the work being taken forward. With this in mind it was agreed that the SCOTS flooding group should be given the opportunity to comment on the strategy paper. PW agreed that the Executive would send the paper to the SCOTS group with a covering letter welcoming proposals for a joined-up approach to the campaign from SEPA, local authorities and Scottish Water. TJ said SEPA would welcome emergency service involvement as well and PW agreed that the paper should also be sent to SOLACE and COSLA. JT explained that she hoped to get Ministerial approval for the 3-year campaign strategy soon.

Action point 8: Secretariat to send paper FIAC2006(10) to SCOTS flooding Group, SOLACE and COSLA along with covering letter from the Executive welcoming a joint-up approach to the campaign.

20. CA produced a note setting out how SEPA's campaign strategy could be linked to the sustainable flood management work. Members agreed that it was important that SEPA could evaluate the effectiveness of the campaign. DR said that it was important SEPA measures the outcomes (action taken) rather than the outputs (received a warning) to see if campaign leads to a change in behaviour. Alan Werritty explained that some of the issues will be addressed in the social cost of flooding research being carried out by the University of Dundee for the Executive.

Action point 9: CA to forward note to Secretariat for issue to Members.

Agenda Item 10 - Update on the EC Flooding Directive

21. PW explained that the draft EC Directive on the assessment and management of floods was published on 20 January 2006. The Austrian Presidency is pushing forward negotiations in the Council at a rapid pace, with political agreement expected in the Environment Council on 27 June 2006. In the European Parliament, the Environment Committee voted on the rapporteur's report and proposed amendments on 4 May 2006. The main requirements of the draft directive include:

- undertake a preliminary flood risk assessment for each river basin district, including associated coastal zones;
- use the preliminary risk assessment to designate river basins (including associated coastal zones) The preliminary risk assessments are to be completed within three years of the Directive's entry into force;

- prepare flood risk maps, for areas designated as being at potential significant flood risk. These are to show extensive detail of expected flooding, and of potential damage to human health, the environment and economic activity
- prepare and implement flood risk management plans at river basin district level, establishing what they regard as appropriate levels of protection, and including measures aimed at achieving that level of protection.
- co-ordinate their plans for trans-boundary waters, and to try to do so with countries outside the EU in shared basins. Flood risk management plans are to be published by 22 December 2015 at latest, and implemented from 23 December 2015.

Agenda Item 11 – Any Other Business

22. PW extended his thanks and good wishes to JT and Sarah Hutcheon who are about to go on maternity leave; to Hazel Gallagher who is transferring to the Scotland Office and Ramsay Dow who is leaving the Executive. Members had no other business.

Next meeting

23. The next meeting was arranged for 2 November 2006 at Victoria Quay, Edinburgh.

FIAC Secretariat
July 2006