

FLOODING ISSUES ADVISORY COMMITTEE

ALLEVIATION SUB-COMMITTEE

Minutes of the meeting held on 25 August 2005, Conference Room 6, Victoria Quay, Edinburgh.

Present: Judith Tracey (SEERAD, Air, Climate and Engineering Division) - Chair,

Scottish Executive: Claire Allan (SEERAD, Environment Economics); Ramsay Dow (SEERAD, Air, Climate and Engineering Division – minutes), Nick Evans (Development Department, Planning Division); Debi Garft (SEERAD, Air, Climate and Engineering Division); Hazel Gallagher (SEERAD, Air, Climate and Engineering Division); John Henderson (SEERAD, Agricultural Staff); Stan Irvine (SEERAD, Air, Climate and Engineering Division).

Prof. Charles Ainger (MWH); Alvin Barber (City of Edinburgh Council); Ronnie Falconer (Jacobs Babbie); Jim Hutchison (DEFRA); Dr. Peter Jones (Welsh Assembly Government); Dr. John Riddell (Independent consultant); Kirsten Thorburn (SEPA)

Apologies: Tom Harvie-Clark (SEERAD, Environment Economics); David Cotterell (Environment Agency); June Graham (SEPA).

Changes: Claire Allan substituted for Tom Harvie-Clark and Kirsten Thorburn for June Graham.

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

1. Judith Tracey (JT) welcomed everyone to the first Alleviation Sub-Committee meeting and Members introduced themselves.

Agenda Item 3: Membership and work-plan – paper FIAC2005(8) for discussion

2. JT introduced the work-plan and Members agreed that 'cross cutting' issues identified in the FIAC work-plan (paper FIAC2005(3)) should be given separate agenda items in subsequent meetings. Members agreed that the workplan covered all issues that were pertinent to the group.

3. Members also agreed that:

- they should receive the minutes from other Sub-Committee meetings but they did not require copies of agendas and papers from these meetings and
- it would be helpful to receive an update on new FIAC papers added to the website.

Action point 1 – Secretariat to forward regular updated list of FIAC papers published on the website to Members.

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

4. JT gave Members a progress report on the preparation and publication of technical guidance. Debi Garft (DG) explained that the first two chapters (chapters 5 (*Economic appraisal*) and 6 (*Approaches to risk*)) along with the binders would be ready to be issued around 21 September; just in time for the start of SEPA's flood awareness fortnight on 26 September. FIAC Members will receive a copy at the next FIAC meeting on 5 October.

5. Members discussed whether it was relevant to use the term 'flood prevention' in the title. JT explained that as this was guidance to take forward schemes under the Flood Prevention (Scotland) Act 1961 the title would have to stay as it is.

6. DG explained the timing of the outstanding chapters for the guidance and that the successful contractors will be asked to produce a draft of the first 3 chapters by the end of November 2005. She further explained that the contract timetable would influence the timing of future Sub-Committee meetings. It was agreed that the Sub-Committee would act as a steering group for the technical guidance project and provide feedback and advice on the drafts. It was confirmed that the successful contractors would be expected to attend FIAC meetings as observers.

Agenda Item 5: Welsh grant scheme to protect individual properties from flooding – presentation from Peter Jones, National Assembly for Wales.

7. Peter Jones (PJ) gave a presentation on the pilot Welsh grant scheme. He explained that the Welsh Assembly Government (WAG) had made 100% grants available to local authorities to carry out surveys of flooding problems in each area. Approximately 500 studies were carried out at approximately £5,000 -£6,000 each. The surveys identified approx. 5000 households and 400 commercial properties at risk of flooding.

8. PJ explained how the legislation in Wales allows for local authorities to undertake work on behalf of an individual if the individual initiates the works. Grants of 85% are available from WAG and the individual pays the remaining 15%. Solutions are bespoke and more expensive than larger community schemes. However the individual is responsible for future maintenance and operation of the 'scheme'. Local authorities welcome the scheme because they are under pressure to act on flooding and this system allows them to take action at no additional cost to them.

9. Members discussed the pilot study and whether Scottish legislation might accommodate such a scheme at present. JT agreed to approach Executive solicitors to explore the possibility of implementing a similar scheme under current Scottish law and report back at the next meeting.

10. JT thanked PJ for his presentation.

Action Point 2- Executive to explore whether a similar grant scheme is possible in Scotland and prepare a paper for the next meeting.

Action Point 3- Secretariat to make PJ presentation available on the FIAC website.

Action Point 4- PJ to liaise with Secretariat to make paper on Welsh grant pilot scheme available as a FIAC paper.

Agenda Item 6: Prioritisation of flood prevention schemes; implications for the Executive's 2006 Spending Review – Judith Tracey.

11. JT explained that it was likely that a scheme prioritisation system would be needed in the future, particularly with more large schemes such as Elgin coming forward for funding. Members discussed the use of scheduling funding for future schemes, which would allow local authorities to plan ahead and start construction when it suited them. Members also discussed how 'incremental' schemes, where local authorities prioritise separate elements of a scheme, might be managed and funded.

12. Jim Hutchison (JHu) explained the DEFRA points system for prioritising schemes. He advised that it was important to have a flexible system to ensure that the funding body did not ignore good/innovative ideas.

13. CA suggested that the Executive might get better value for capital expenditure if it funded start up work on flood prevention schemes.

14. Members agreed that a clear strategic overview was the most important issue in relation to the prioritisation of schemes in the future. It was also agreed that it would be helpful to have a discussion paper on the prioritisation of schemes for the next meeting.

Action Point 5: CA, Ronnie Falconer (RF), and John Riddell (JR) to produce a paper outlining possible scheme prioritisations solutions for discussion at the next meeting.

Agenda Item 7: Future legislative changes - Judith Tracey

15. JT explained that the Executive recognised the need to revise the 1961 legislation to take account of emerging issues such as sustainable flood management.

16. JR submitted a short paper highlighting his concerns about the existing legislation. The Sub-Committee discussed the points raised in the paper and agreed that the 1961 Act is outdated and is too focussed on 'hard' engineering solutions. The legislation also makes it difficult for local authorities to promote small-scale schemes because of a fear that they might lead to a costly and time-consuming public inquiry. Members also considered the grant process to be overly bureaucratic especially for smaller schemes. SI suggested that the Sub-Committee might consider whether certain types of schemes could be fast tracked.

17. CA asked if more use could be made of websites/e-mails to speed up the process. However it was recognised that not everyone has access to e-mails/internet.

18. Members considered how the 2-tier flood prevention scheme and planning processes might be streamlined. Nick Evans (NE) explained that in the June 2005 White Paper 'Modernising the Planning System' Ministers had made a commitment to consider improving the planning process with other legislative streams. NE explained that the Executive would explore whether a single tier system similar to the planning process for major wind farms developments could be adopted. Members cautioned against the Controlled Activity Regulations adding a third stream to the process.

19. Members discussed the public inquiry process. They expressed concern that recently all new schemes appeared to have led to a public inquiry and considered why this might be the case. The following points were raised:

- JR mentioned that introducing a system of sustainable flood management indicators could lead to more frequent public inquiries, as it would give people one more set of issues on which to hang an objection.
- The Sub-Committee agreed that the introduction of sustainable practices, such as better stakeholder engagement, would make public consultations easier to mediate.
- JHu and PJ explained that public inquiries were rare in England and Wales and suggested a number of points that might help limit the number in Scotland. However these points were found to be un-workable within the Scottish legal framework at this time.
- RF suggested a high level body could assess the validity of the objections before a public inquiry is set up.
- CA suggested that perhaps there should be some research into why the number of public inquiries in Scotland is higher.
- JT agreed that it would be worth examining the question further, and that the issue could be looked at in more detail for a future meeting.

20. JT asked Members if they had any general comments on how the legislation might be amended to pass them to the Secretariat. It was agreed that the Executive should produce a discussion paper based on these comments for a future meeting.

Action Point 6: Members to pass their comments on possible revisions to the existing legislation to Secretariat.

Action Point 7: Executive to produce a discussion paper on proposed changes to the existing legislation for a future meeting.

Agenda Item 8: Any other business

21. Alvin Barber expressed concern that FIAC had no formal channels in place for information transfer with the SCOTS group and called for these to be established. Members agreed that this issue should be looked into even though the work of FIAC is transparent and open. JT said that FIAC would welcome feedback on papers etc. from SCOTS informally but suggested that a more formal channel of communication could be established.

22. CA raised the question of the level of ‘protection’ given by less engineered flood management solutions, such as flood warning schemes. JT said that raising awareness and providing adequate flood warning allowed people to protect themselves by being prepared for flooding. She mentioned that SEPA had commissioned some research to assess the benefits of flood warning, including a public survey to obtain realistic values of performance, which

will help develop a method that can be applied in Scotland for the assessment of existing and future flood warning schemes .

23. Members agreed that the next meeting would take place on the 15th December 2005 in Victoria Quay.

FIAC Secretariat
September 2005