

# FLOODING ISSUES ADVISORY COMMITTEE

## ALLEVIATION SUB-COMMITTEE

### Minutes of the meeting held on 19 January 2006, Conference Room 5, 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); John Henderson (SE, Agricultural Staff); Stan Irvine (SE, Climate Change and Air Division); Tom Harvie-Clark (SE, Environment Economics).

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

**Observers:** Ronnie Falconer and Bruce Chalmers (Jacobs Babbie).

**Apologies:** David Cotterell (Environment Agency); Jim Hutchison (DEFRA); Dr. Peter Jones (Welsh Assembly Government); Dr. Roy Richardson (SEPA).

### **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 second Alleviation Sub-Committee meeting and Members introduced themselves. JT explained that Ronnie Falconer (RF) had retired from the Sub-Committee and would attend future meetings as an observer.

### **Agenda Item 3: Minutes and action points from the first meeting on 25 August 2005**

2. Members agreed the minutes from the previous meeting with one exception. Nick Evans (NE) asked that paragraph 18 be amended as follows “...*ministers had made a commitment to consider*...”.

3. TJ went through the action points from the last meeting as follows:

**Action point 1:** Secretariat has sent Members an updated list of FIAC papers published on the website. This will be done regularly from now on.

**Action point 2:** The possibility of an individual property grant scheme in Scotland will be considered at the next meeting.

**Action points 3 and 4:** Secretariat is liaising with Dr Peter Jones to make his paper and presentation on the Welsh grant pilot scheme available on the FIAC website.

**Action points 5 and 6:** Scheme prioritisation solutions and possible revisions to the existing legislation are on the agenda for discussion at items 13 and 14 respectively.

**Action Point 7:** The Executive will produce a discussion paper on proposed changes to the existing legislation for the next meeting.

**Agenda Item 4: Workplan and FIAC priorities– paper FIAC2005(11) for discussion and final approval.**

4. Members discussed and agreed the Sub-Committee workplan.
5. Members discussed the role of Public Inquiry Reporters (PIR) in progressing flooding policy and agreed that PIR should only take a view on existing policy and should not be involved in the policy making process. However how PIR interpret existing policy should be of interest to FIAC and it was agreed that it would be useful for Members to have a record of PIR decisions on flood prevention schemes.

**Action Point 1: Secretariat to liaise with Public Inquiry Unit and circulate summary of flooding related reports.**

**Agenda Item 5: Update on writing technical guidance for local authorities taking forward flood prevention schemes.**

6. JT explained that Jacobs Babbie won the contract for writing the technical guidance and introduced the project manager, Bruce Chalmers, and the lead technical author, Ronnie Falconer (RF). Members agreed to forward detailed comments on each of the chapters to Hazel Gallagher (HG).

**Agenda Item 6: Chapter 1: *Introduction and overview* - draft for discussion.**

7. Feedback on Chapter one draft was as follows:
  - It should be shorter and more of a guidance document. However much of the excess in this chapter would be useful in later chapters. There was a concern that practitioners might read the Overview document out of context and as a stand alone document.
  - The document should concentrate more on Scotland and there should be less information about England and the rest of Europe.
  - It needs to be clearer when distinguishing between “duties” and “powers”.
  - It needs a reference to the Civil Contingency Act 2004.
  - Members agreed that the guidance needs to focus more on the 1961 Act and less on new concepts.
  - Recent floods in Hawick should also be mentioned.
  - The DEFRA guidance should be used as a base wherever possible because practitioners are familiar with it. However the guidance must reflect the difference flooding policy in Scotland.
  - The technical appraisal section covered in this chapter should be moved to Chapter 4.

### **Agenda Item 7: Chapter 2: *Statutory process* - draft for discussion**

8. Members discussed the draft of the second chapter on the statutory process. The following points were raised:

- there was concern that this draft was not what was required and although the terms of reference could have been clearer it was envisioned that this chapter would set out the steps local authorities needed to take in order to complete the statutory process. It should be more in keeping with explanatory notes sent out with legislation e.g. those on the 1997 Act.
- The chapter is a very useful listing of legislation but it is not strictly guidance on the 1961 Act. The guidance needs to reflect the relationships between the different pieces of legislation but no need for full details of the Acts to be given.
- SI suggested the Executive's "model scheme" outline could be used as a starting point for chapter 2.
- The draft should reflect the steps taken to complete a flood prevention scheme and as such would benefit from a flow diagram highlighting each step in this process.
- The guidance needs to be clear that a Strategic Environmental Assessment (SEA) will not be required for each flood prevention scheme but will need to be applied to high level local authority plans.

### **Agenda Item 8: Chapter 3: *Strategic considerations* - draft for discussion**

9. Members the following points on chapter 3:

- As the work on sustainable flood management is ongoing it cannot be presented as Executive policy. It was agreed that the text should reflect the current thinking on sustainable flood management as far as possible and links should be made to FIAC's work in this area but the outputs as they stand at present could not be included.
- Members agreed that the chapter was too advanced and that it was important to encourage local authorities to take a strategic approach to what they are doing now.
- NE was concerned that some sections of the draft seemed to be an attempt at framing Environment Agency guidance with Scottish concerns.

**Action Point 2: Members to forward detailed written comments to HG (cc: Secretariat) by February 3 2006.**

### **Agenda Item 9: Chapter 4: *Design standards* – consider chapter outline**

10. JT explained that the next chapters to be written will be chapters 4, 7 and 8. Members were asked to consider outlines for these chapters.

11. Members agreed that chapter 4 should cover technical appraisals including design exceedence and risk appraisal. Tom Harvie-Clark (THC) explained that there is now some

flexibility and the 1:100 design standard is now a minimum target for local authorities to aim for and there may be circumstances when it will clearly not be appropriate. SI suggested that the DEFRA guidance would be a good starting point for this chapter.

**Agenda Item 10: Chapter 7: *Environmental appraisal/impacts* - consider chapter outline**

12. JT suggested that this chapter highlights how flood prevention measures interact with environmental processes. In particular it will have to give advice on how local authorities should consider and address environmental impact assessments and SEAs, Sustainable Development Strategy, Controlled Activity Regulations and the Biodiversity Strategy.

**Agenda Item 11: Chapter 8: *Social appraisal* - consider chapter outline**

13. JT explained that this chapter should include outputs from the current Social Impacts study being conducted for the Executive by the University of Dundee.

14. CA suggested that a recent paper by DEFRA on risk and the social cost of death would also be helpful.

15. Alvin Barber (AB) asked where we should highlight the need to consult with the public as so far there had been little discussion of how local authorities should engage with the public and conduct public inquiries. It was agreed that these points should be addressed in chapters 2 and 3.

16. It was agreed that the Contractors should produce an outline of the next 3 chapters to be reviewed by the Sub-Committee.

**Action Point 3: HG to forward a copy of the interim report from the social impacts research to RF for information.**

**Action Point 4: Members to forward suggestions to HG (cc: secretariat) on key issues that should be included in each of these chapters.**

**Agenda Item 13: Prioritisation of flood prevention schemes – paper FIAC2006 (1) for discussion**

17. John Riddell (JR) presented a discussion paper he had written with CA and RF on a possible flood prevention prioritisation system in Scotland.

18. JT thanked the authors for the excellent paper. Members broadly agreed the approach taken in the paper.

19. THC said that we first need to decide that there is or will be a need to prioritise in future. At the moment the extent of the problem is unknown in Scotland and local authorities are slow to bring forward schemes. Also flood prevention schemes in Scotland currently struggle to achieve a positive Cost: Benefit ratio. He added that the system needs to avoid double counting of figures in the C:B ratio. Also it would be important to apply a cut off point once or twice a year and make a decision about which schemes to fund.

20. Members all agreed that because of the uncertainty about flood risk in Scotland more work is needed on flood risk modelling in high risk areas although the second generation flood maps from SEPA would play an important role in defining the scale of the problem. JT

explained that the Executive is considering how money might be made available to local authorities to undertake more detailed flood risk assessments in their area.

21. Members discussed how future monies for flood alleviation must be more flexible so that it doesn't have to be used solely for flood prevention schemes but perhaps an individual property scheme.

22. A prioritisation system must also take account of the size of the community at a risk of flooding as a flood event might have less of an impact on a large community than it would on a small one.

23. The importance of deliverability was considered but it would be important not to penalise a local authority because past schemes have gone to public inquiry. John Henderson suggested that decision should be made on the basis of social, economic and environmental considerations and the 'others' category only used when there was a tie between proposals.

24. It was agreed that the paper should be taken to the next full FIAC meeting in February.

**Action Point 5: Members to submit their comments on the proposals to Secretariat before the next FIAC meeting on 23 February 2006.**

**Agenda Item 14: Update on future legislative changes**

25. JT gave a brief update on future legislative changes and explained that a new solicitor had been appointed to the Climate Change and Air Division and she would follow up enquiries with legal colleagues for the next meeting.

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

26. There was no other business and the next meeting was arranged for 25 May 2006 at Victoria Quay.

**FIAC Secretariat  
March 2006**