

**North East Scotland Flood Liaison and Advice Group
Held – Room E2, Woodhill House
2pm, Wednesday 14 May 2008**

Present:

Andrew Carruthers (Aberdeenshire Council)	AEC (Chairman)
Alison Hogge (Aberdeenshire Council)	AH
William Murdoch (Aberdeenshire Council)	WM
Douglas Gray (Aberdeenshire Council)	DG
Eleanor Munro (Aberdeenshire Council)	EM
Stephen McFarland (Aberdeenshire Council)	SM
Richard Hoggins (Aberdeen City Council)	RH
Nicola Abrams (SEPA)	NA
David Crichton (Insurance representative)	DC
Tamsin Morris (SEPA)	TM

1. Apologies

Daniel Lewis (Aberdeen City Council)
Jim Lister (Scottish Water)
Linda Matheson (Aberdeenshire Council)
Martin Boshoff (SEPA)

2. Minutes of previous meeting

Item 5

Action 2 is incorrect. Should read “AEC to invite WM to the next Scottish water liaison meeting”

Item 9

DC wanted further information on the major application. WM said that it was for 4 dwellings not zoned in the LP. WM informed the group that no further information has come forward.

3. River Basin Management Plan: Tamsin Morris, SEPA

TM presented to the group the RBMP planning process. The main drive of the RBMP is the Water Framework Directive. Its aim is to improve water bodies to good ecological status and to ensure water bodies do not deteriorate in their quality. Each River Basin district has to produce a RBMP by 2009. Two river basin districts exist in Scotland. The Scottish River Basin District is divided into 8 areas, which will each provide part of the RBMP. Area Advisory Groups were formed to advise and assist with the preparation of RBMP. A National Area Group also exists.

Data to identify significant water management issues was collected in 2007. These issues were summarised under “*Significant water management issues in the Scottish River Basin District*”.

The main issues affecting the northeast are diffuse pollution from agriculture, point source pollution from sewage works and other sources. A number of site-specific cases were discussed. One case was the impact of planting coniferous forest too close Kirkney Water burn. Each case identified the pressure and what action will need to be delivered to improve the ecological status of the water body (e.g. a plan of action).

TM highlighted that some water bodies will be permitted not to achieve good ecological status if there are sound and justifiable economic and social reasons (e.g. Aberdeen harbour).

TM clarified that the RBMP will not include flooding under “good ecological status”.

She also highlighted that the Water Framework Directive does not cover litter on the beach, as it is viewed that it will not affect the ecology of the water. The impact is rather an aesthetic issue. However, pollution (e.g. leakage/seepage) from the litter is covered under the Water Framework Directive.

The timescale for the RBMP is:

- December 2008 – draft plan published
- December 2009 to June 2009 – public consultation
- December 2009 – plan must be completed

The Area Advisory Group will be involved in targeting consultation for key stakeholders in the northeast. They will also provide case studies and review the draft northeast portion of the RBMP (14/5/08). Afatab Majeed is the Aberdeen City Council contact and Linda Mathieson Aberdeenshire Council’s contact, as they are both representative on the Group. Minutes from the Area Advisory Group can be found at www.sepa.org.uk/wfd/rbmp.

The group raised a number of questions. There was concern that ‘sustainable flood management’ is not mentioned in the RBMP. The Flood Directive is being prepared, as it is not fully mentioned in the Water Framework Directive. The Flooding Directive makes SEPA the lead authority on flooding matters. This will mean ecological issues and flooding issues will be considered by one authority, SEPA. As a result, ecological issues are likely to take precedence over flooding. It was also highlighted that some define ecology as including flooding.

It was noted that the RBMP covers 3 nautical miles from the high tide mark, which is 2 more miles than the rest of the EU. There will be recommendations for the coast, where it fails to meet good ecological status.

5. Suds update.

There is still no resolution of the problem of what is to be covered and by whom. It was suggested that information could be put together for householders on the implications of SuDS, but this must be transferable to the next homeowner. Alternatively local authorities could register SuDS as an addition to open space and would maintain SuDS that Scottish Water will not takeover.

Building standards could assist under the 'Continuing requirements', which was introduced under the 2003 Building Standards Act, which focuses on issues of ongoing concern. For example, the Act can make it conditional for active fire engineering systems to be maintained. However, its implications have not been explained. It was highlighted that some planning conditions are already in place, which are carried through into building standards (e.g. requiring a sticker to be placed on the electrics box not permitting development where access to pipes is required). As a result, there could be a requirement for such a certificate that requires the ongoing maintenance of SuDS.

NA informed that group that at the last SuDS working group, Scottish Water are pushing forward Section 7 agreements which are not being enacted by developers (e.g. to maintain SuDS). SEPA can only comment on planning applications. It cannot enforce them if SuDS are in private ownership and are poorly maintained.

DG reported that SuDS are being designed into the planning application, but is concerned with the Scottish Water style SuDS, which are bland. The alternative could be to use Section 75 Agreements.

It was suggested that as the Aberdeenshire Local Plan is undergoing a review, the above could be raised as an issue for the plan. Could investigate the use of planning conditions in building standards.

Action: DG to speak to John McIntosh (Building Standards) to find out what is being done about the Aberdeenshire Local Plan policy on SUDS and feed back to the group.

It was reported to the group that the Building Standards Agency no longer exists and has become part of the Scottish Government. A new building standards consultation document was published in May.

Action: RH to chase up.

The use of land registry was discussed. However, Building Standards officers cannot comment on land registry, as the applicant does not have to own the land. Therefore, it could not be included practically. A SuDS registry was suggested. Lawyers would refer to it for property enquiries. eGovernment may make all this information available.

Action: DG to investigate this at the next Management Group meeting on how might it be put into effect

DC reported that he raised NESFLAGs concerns to the Rural Committee (and Scottish Water) on the lack of maintenance of SuDS, as the insurance industry is also concerned). The Association of British Insurance (ABI) carried out their own survey and contacted insurance companies on SuDS. The response was that SuDS is not an insurance issue. However, DC is concerned that they are not fully aware of SUDS.

DC reported that he has not progressed any further with the mortgage lenders due to few contacts.

WM reported that there has been no progress on a SuDS leaflet to householders. The ABI is quoted in the Scottish Government website that there is no problem insuring SuDS. As a result, a leaflet can now be produced.

Action: WM to generate wording of a leaflet.

DC to provide ABI quote.

6. FLAGGIS

In the last minutes MS was to contact NA to establish the license situation with using SEPA maps and to get an opinion from Law and Admin. However, MS has not contacted NA.

Action: NA to provide AH with the SEPA maps.

Action: NA to keep SM up to date.

Action: AH to get an opinion from Law and Admin on our liability if there is an omission (SEPA or LA) (SEPA's website has its own caveat)

With regards to FLAGGIS, new flooding data has been updated. Anne Buchan (AB) has been trying to get in touch with Piers Blaxter (PB). SM is also trying to get in touch with PB on getting the SEPA maps. The issue of future payments was raised with the software company who developed the FLAGGIS website. Need to know the finding agreements for all the users.

[The new SEPA Floodmaps Manager is Mark McLaughlin who is based in SEPA's East Kilbride Office]

Action: SM to contact PB or AH

Action: SM to liaise with AB and the contractor

7. Coastal Management Plan Update

The Shoreline Management Plan (SMP) (formerly the Coastal Management Plan) will be developed using the latest DEFRA guidance in England and Wales. The outline requirements and a proposed methodology was circulated to the group for comment. The SMP will look at the long-term pressures and

will cover a period of up to 100 yrs. The SMP will split the coast into different policy units (coastline). Each policy unit will be assessed to determine the most suitable policy option in the short, medium and long term. Elected members to be involved in the process early on. Aberdeenshire Council will be the lead authority.

Will be engaging with the Moray Forth Partnership to find out if they wish to be included.

Action: NA to email SM the SEPA contact names

AEC suggested using the Transportation Member/Officer Working Group for engaging with members to start a discussion on the SMP. The idea was floated to set up group of various local authority members, which would have a short life-span. The first meeting would be to agree the initial brief.

Clarification on whether the SMP will include urban and rural areas was requested. It was highlighted that estuaries are not clearly defined, but the steering group will decide which locations are included in the SMP.

Any issues raised on the SMP will be raised in the Aberdeenshire Local Development Plan main issues report in June 2009.

8. Guidelines on doing work on watercourses (update)

With the completion of the Planning Policy and Environment Review, EM will be taking it forward, primarily updating it on the latest legislation. Consultation will commence thereafter.

9. Development Plan update

The Draft Structure Plan is being developed under the 1997 Town and Country Planning Act. It will be placed on deposit in June 2009. A separate structure plan team has been created, known as the Strategic Development Plan Team (SDPT). The team is based King Street.

Action AEC to invite SDTP team representative to NESFLAG

The new Aberdeenshire Local Plan will commence in January 2009 when the new planning regulations are approved, renaming it as a Local Development Plan. The planning policy team is currently identifying the main policy issues affecting Aberdeenshire.

An advert will be placed shortly announcing the adoption of the Aberdeen City Local Plan under the current structure plan, NEST.

10. Major proposals

No major developments with flooding issues to report.

11. Conference publications

Details of the SNIFFER conference in March 08 (in Dumfries) are available on SNIFFER website.

Urban drainage engineers conference in Edinburgh will be taking place in August 2008. Included will be a paper on Brechin flood defence scheme with Angus Council's new modelling techniques on overland flooding.

Action: AEC to contact Mike Cheyne as he has not been at NESFLAG meeting in a while.

12. AOCB

NA is leaving SEPA on a one-year secondment post to the Formartine Development Management (planning) team.

Action NA to contact AH with for a new SEPA representative

As a result of the revised corporate homicide legislation, owners of dams are now obliged to make their inundation maps available to the emergency services, as they are a Category 1 responder.

Action WM to inform the Emergency Planning Unit officer

Action: WM to get hold of a copy of these maps, as local authorities can view these maps

RH will be unable to attend fewer NESFLAG meetings due to work pressure for the foreseeable future. RH is unable to get a replacement from his team, but would still like to be kept informed.

13. Date of next meeting

Friday 5th September 2008, 2pm in Room E2, Woodhill House