

**North East Scotland Flood Liaison and Advice Group
In Room E2, Woodhill House
2pm, 31st October 2005**

Meeting Note

Present

Andrew Carruthers (Chair) (Aberdeenshire Council Planning)
Alison Hogge (Aberdeenshire Council Planning)
Isobel Davidson (Aberdeenshire Council Environment)
Piers Blaxter (Aberdeenshire Council Planning)
Joseph Somevi (Aberdeenshire Council Strategic Environmental Assessment)
Anne Buchan (Aberdeenshire Council ICT)
David Crichton (Insurance Industry Representative)
Richard Hoggins (Aberdeen City Council Building Control)

1. Apologies

Malcolm Taberner (Aberdeenshire Council Roads)
David MacIntosh (Emergency Planning Unit)
Bill Murphy (Aberdeen Council)
Douglas Gray (Aberdeenshire Council Planning)
Nicola Abrams (SEPA)
Neil Stewart (Cairngorms National Park Authority)
Jim Lister (Scottish Water)
Daniel Lewis (Aberdeen City Planning)

2. Minutes

Under Item 4 (soakaways) amend "5metres from a building" to "5 metres from a boundary". The minutes will be made available on the NESFLAG website at <http://www.aberdeenshire.gov.uk/flooding/nestflag.asp#minutes>.

Action Alison Hogge

3. Matters Arising

Item 4 – Soakaways

Richard Hoggins suggested that new guidelines may be prepared by Aberdeen City Council. This may include grey water, as well as storm water, as the Regulations do not differentiate between the two. He also added that retention basins may be proposed, as they are the most suitable, but both SEPA and builders do not favour them.

Andrew Carruthers asked if NESFLAG could assist with this issue. Richard stated that builders only need to follow the Regulations and planning conditions, as well as Scottish Water's and SEPA's advice to come up with a solution. He added that most engineering solutions are, however, only temporary (e.g. 20years).

The issue of who would be responsible for maintaining soakaways was also raised, including how to maintain them (e.g. homeowners not knowing how to maintain septic tanks / soakaways to avoid them over flowing). It was suggested that the developer should be encouraged or required to prepare an "Entry Package", which states what has to be done and when (e.g. the do's and dont's). A Restricted Covenant was also suggested, but the issues of people not reading them and/or remembering it was highlighted. Richard Hoggins stated that there is a new Building (Scotland) Act, but there is no guidance available on what it relates to (e.g. soakaways). It was suggested that Richard should circulate a copy of the Building (Scotland) Act to Alison Hogge, who will then forward it to the rest of the group to help address this issue.

Action: Richard Hoggins

4. Strategic Environmental Assessment, Joseph Somevi, Aberdeenshire Council

Joseph Somevi is the Strategic Environmental Assessment Officer for both Aberdeen and Aberdeenshire Councils and Scottish Enterprise Grampian, who all fund his post. Joseph has been tasked with auditing plans, programmes and strategies to identify if an SEA is required, and to provide training and manuals for those who will carry out a SEA.

Joseph gave an informative presentation on the background and evolution of Strategic Environmental Assessments (SEA); the processes involved in preparing a SEA, if required; and a brief overview of what flood related plans, programmes or strategies may require a SEA.

He highlighted that a SEA is a management tool for strategic actions, and identifies/addresses any significant environmental impacts that should be addressed. Although flooding is not specially mentioned in the SEA regulations, plans, such as those listed below will require an SEA:

- Development Plans;
- Estuary Flood Management Strategies;
- Shoreline Management Plans;
- Flood Risk Management Strategies;
- Coastal Management Plans; and
- River Basin Management Plans.

Joseph concluded by listing what factors should be considered when preparing a work programme for a plan, programme or strategy:

- training (in the SEA process) of staff;
- timing (to determine if an SEA is required, and to prepare an SEA);
- any specialist skills of staff members, such as engineers that may help in the SEA process; and
- a budget to carry out a SEA.

A number of questions and comments were raised at the end of Joseph's presentation:

Q1: Could SEAs be used by insurers to get their money back via a claims procedure if a substandard SEA was carried out?

A: Not sure, as consultation is carried out at the scoping stage. Joseph stated that insurers should be checking local authority websites periodically to find out if any SEAs are being undertaken. It was also added that as SEAs are checked by the three Consultee Authorities (Scottish Natural Heritage, SEPA, and Scottish Ministers (Historic Scotland)), local authorities could claim money back from them, if a claim is sought making the local authority liable.

Q2: Who carries out a SEA?

A: The local authority or private consultants can prepare a SEA. Joseph added that SEA legislation requires all SEAs to be prepared with all the known information included.

Comment 1: With regards to flooding, it was highlighted that local authorities can only be liable under the 1997 Planning Act, as local authorities are not accountable for flooding.

Response: A SEA report only provides further information, and cannot be seen as a means of liability.

Comment 2: Insurers could make a claim if no SEA was carried out.

Response: Any SEA should state what the plan etc. aims to do (e.g. flood prevention) and what you wish to sustain. The SEA Environmental Report then provides the detailed information.

Comment 3: Under the Controlled Activities Act (under the Water Environment and Water Services Act), it allows some works to be carried out without consent from SEPA.

Response: While it was noted that although some works do not require an SEA, Scottish Planning Policy 7: Planning and Flooding identifies that any works that will be carried out under a plan, programme or strategy will be subject to the SEA process (screening and/or scoping), e.g. a Water or Flood Risk Management Plan.

5. FLAGGIS project, stage 2

Piers Blaxter reported that the issuing of passwords has been delayed due to issues with the system, but that it should be working by 2nd November. Members will be told when the system is online, and user notes will also be circulated shortly. Piers said that he would welcome any information that could be added to FLAG-GIS. The next stage in the process will be to carry out further testing and to evaluate FLAG-GIS.

Piers reported that FLAG-GIS is now live for Aberdeenshire Council users, and Piers will provide Isobel Davidson a link to the website.

Action: Piers Blaxter

6. SUDS Working Group

There have been no SuDS working group meeting since the last NESFLAG meeting in August. To some degree its role has been taken over by the new open space working group, between Planning and Landscape Services. The draft SuDS supplementary planning guidance, which Judith Cox has been preparing will be considered by Development Control for further comments, before a finalised version will be prepared.

Action: Judith Cox

7. Development Plan Update

No update was available from Aberdeen City Council.

Aberdeenshire Council's Local Plan Inquiry finished in February 2005, and the Council's response to the Reports' report, was agreed by Members in October 2005. The next stage will be an opportunity for formal objection to Aberdeenshire Council's proposed modifications in the light of the report.

Aberdeenshire Council has been monitoring the environment policies in the Structure Plan (NEST), which includes indicators on flooding and development in the undeveloped coast. It identifies whether legitimate planning applications within flood-affected areas or the undeveloped coast have been granted consent, or not. Focusing on areas at risk from flooding, 22 planning applications were identified in flood-affected areas in 2004, although this included sites that were only partially affected by flooding. Only 2 planning applications were refused for a dwelling house and sports centre. Extensions to dwelling houses were the most common planning applications submitted. Consultation on the document will be carried out next year.

8. Major Developments

Isobel Davidson reported that the proposed Western Peripheral Route (WPR) would include six bridges and 32 culverts. SuDS schemes will be required, which will require land (e.g. fields) on either side of the WPR. The final route is anticipated shortly.

Richard Hoggins reported that the design of the third River Don crossing has been finalised. No central pier is proposed (which will avoid debris gathering below the bridge), but instead the bridge will rely on the earth bank for its strength. However, these earth banks could erode over time.

Piers Blaxter said that a major retail development is proposed in Ellon, but it is unlikely to raise any flooding issues.

9. AOCB

SAFER (riparian woodland) programme run by the Forestry Commission has been launched. It is funded by the EU, and provides solutions for flood defences using

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trees. There are three other programmes in Europe – Dublin, Germany, and Switzerland. A website is also available: www.eu-safer.de.

CIRIA has produced a manual entitled Standards for the Repair of Buildings Following Flooding, costing £40.

David Crichton reported that he will be attending a conference in Amsterdam, focusing on ways to get insurers to insure properties in Holland.

It was highlighted that in Switzerland, local authorities are responsible and are liable if properties are flooded, as the council grant both planning permission and building warrants. Dam owners must also prepare a model of the likely area of land that could be flooded if the dam breaks (inundation maps). It was raised that this could be something to include in the FLAG-GIS database, as local authorities are responsible for granting dams planning consent. As a result, inundation maps may be held by Aberdeenshire Council (e.g. by the Flood Prevention Team). It was also reported that the Scottish Executive are going to consult on dam safety, and whether local authorities should still be responsible for dams.

Due to David Cameron's departure from SEPA, it was raised whether SEPA will be bringing along another hydrologist to future NESFLAG meetings.

10. Topics for the next meeting

- FLAG-GIS project
- PhD student presentation

The date of the next meeting was agreed for Wednesday 25th January, at 2pm in Woodhill House, Room J (second floor).