28 March 2014

Dear Rob

The Committee has paid particular interest in flood risk management and I have committed to keeping you informed.

I am writing to you today to inform you that in conjunction with COSLA, the Scottish Government has been able to announce the outcome of the recent round of funding applications for major flood protection schemes. This follows consideration of applications by a panel of Scottish Government, COSLA and local authority officials. Funding has been committed to supporting flood protection schemes in Selkirk and Brechin. A small number of other applications were made, but the panel considered that they did not meet the previously agreed selection criteria issued to applicants. It’s possible that a number of the projects could be considered at a later date should they fully meet the criteria. Given my interest as a South of Scotland MSP in the Borders Council’s Selkirk application I recused myself from the final decision.

There will be further discussions between the Scottish Government and COSLA about how the remaining funding identified for flooding from this Spending Review period is allocated.

For the Committee’s information, I also attach a copy of our annual report on progress with Water Environment and Flood Risk Management. Publication of this report is later than normal practice, but has been delayed as a result of significant work to deliver the progress identified in the report. This report will shortly be placed in SPICe.

I have also promised to share with the Committee the outcomes of the Flooding Summit I hosted in January. This note is currently being finalised and I will provide it shortly. In summary it was a very constructive event and an invaluable opportunity for all partners to
take stock of progress to date and next steps. It highlighted the substantial milestones that have already been met as well as the important work, particularly over the next year, that remains. I was truly impressed by the strength of partnership working across organisations to help deliver the collective objective of reducing flood risk across Scotland.

Kindest regards

PAUL WHEELHOUSE
Implementation of the Water Environment and Water Services (Scotland) Act 2003 and the Flood Risk Management (Scotland) Act 2009

Report to the Scottish Parliament – 2013
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Ministerial foreword

Scotland’s water environment is one of our great natural assets and is crucial in its own right, as it supports our quality of life, wider environment, communities and key economic sectors. As such it requires careful protection and, in some places, improvement. This annual report sets out what progress is being made to implement Scotland’s Water Framework Directive (WFD) obligations. The report highlights that more remains to be done to improve many of our water bodies, but I have been pleased to see many good examples of work in practice.

The report also highlights the work a wide partnership is doing to deliver the first ever round of flood risk management plans. Significant progress is being made against a steep learning curve given it is a rapidly evolving area of science. I have visited a number of communities in the immediate wake of flood incidents and this new work will help us to prioritise future investment and to reduce the level of flood risk faced by a number of communities across Scotland. Progress has also been made in other areas and I am pleased to record SEPA’s publication of its Flood Warning Strategy. This is an increasingly important and valued tool in allowing the public and businesses to be informed of potential flood incidents and to take steps to reduce their own flood risks.

PAUL WHEELHOUSE
Section A
River Basin Management Plan Delivery

In 2009, SEPA published the River Basin Management Plans (RBMPs) for the Scotland and Solway Tweed River Basin Districts, and during 2012 there has been considerable progress across a range of initiatives.

A1. Progress on update on measures in place for the first plans

Interim reports on progress with the implementation of measures for the first RBMPs were prepared during 2012. These reports summarise that we are broadly on track to implement the measures we identified as necessary by 2015 to meet the objectives of preventing deterioration and improving the water environment to good status.

Measures are being delivered using a combination of mechanisms including:

- regulation (Controlled Activities Regulations reviews and licensing and the Quality & Standards process for Scottish Water’s environmental investment);
- partnership working in 14 priority catchments addressing the adverse impacts of diffuse pollution from agricultural sources;
- voluntary initiatives focused on the restoration of physical impacts (specific projects at a catchment or site), often funded by the Water Environment Fund;
- a more general partnership approach (through Area Advisory Groups, the National Advisory Groups, the Diffuse Pollution Management Advisory Group, and all associated joint working).

Many of the measures completed so far have delivered multiple benefits, including biodiversity enhancement and improved fisheries.

The reports also note that there are considerable challenges in addressing certain pressures. Maintained momentum and action will be required as we move towards the second cycle of river basin planning (2015-2021). In particular, increased effort and resource is required to progress measures needed to improve the physical characteristics of our water environments and work to tackle rural diffuse pollution.

These reports are available here: http://www.sepa.org.uk/water/river_basin_planning.aspx

A2. Positive early results from Diffuse Pollution Priority Catchments

One of the most challenging aspects of delivering the RBMP objectives is the mitigation of rural diffuse pollution, with over a third of our water bodies impacted from such sources. Implementation of the Rural Diffuse Pollution Plan for Scotland is well underway. Evidence gathering on the ground and initial awareness raising with farmers is now largely complete in all 14 priority catchments, and specially trained officers have been undertaking 1:1 farm visits to discuss problems identified and agree solutions. Further visits are now taking place in the Ugie, Ayr and South Esk priority catchments to assess uptake and implementation of mitigation measures. Initial indications are very encouraging and demonstrate that land managers are
taking on board the advice given. A total of 282 revisits have been completed to date, and of these 73% of land managers have either carried out the mitigation required or are in the process of carrying out remedial work. The strong commitment to partnership working by all members of the Diffuse Pollution Management Advisory Group has been instrumental in this success.

A3. Improving the physical condition of the water environment

The RBMPs show that around a quarter of Scotland’s water bodies have been affected by alterations to their physical condition. Restoring these water bodies will require a combination of delivery mechanisms at national and local levels. Working with the Scottish Government and other partners, SEPA published a draft plan for consultation on ‘Improving the physical condition of Scotland’s water environment’ in November 2012. This consultation sets out proposals on how Scotland will prioritise and address morphology and fish barrier pressures, using a combination of voluntary, regulatory and policy approaches.

The proposals are currently being updated in response to the comments, and this will shape how these problems are tackled through the next planning cycle.

To help inform delivery of this plan, the Scottish Government launched a pilot catchment project focusing on the South Esk, River Dee, River Glazert and River Nith catchments in November 2012. This project, which is being led by SEPA, aims to demonstrate how physical improvements to habitats can also reduce flood risk through natural flood management techniques.

A4. Preparing for the second river basin management plans

In August 2012, SEPA launched a consultation seeking the views of water management bodies and businesses, to help inform the development of the next river basin management plans. The ‘Getting involved in developing the second river basin plan’ consultation:

- outlined the timetable and work programme for the development of the second plan in 2015;
- highlighted the opportunities and structures/groups in place to enable stakeholders to influence the development of the second plan;
- provided stakeholders with the opportunity to let us know of any additional ways to get involved in river basin planning;
- sets out how we propose to develop a second plan that enables more efficient and integrated management.

This consultation is the first step in the process of developing the second plan. It provided an opportunity for stakeholders to shape the plan itself, the way that river basin planning is delivered and how stakeholders are involved in how improvements to the water environment are prioritised.

During 2013, SEPA is working to produce its next risk assessment of pressures on the water environment, to help identify appropriate objectives and measures for the second RBMPs.
Section B – Flooding

Introduction and Background

Flooding is a natural occurrence but can have extremely severe effects on individuals, communities and businesses across Scotland. Whilst we cannot prevent flooding from occurring we can work to reduce its likelihood and impact. This part of the Annual Report sets out work which is being taken forward by a number of partners in Scotland through the implementation of the Flood Risk Management (Scotland) Act 2009 (the FRM Act).

The FRM Act was passed by the Scottish Parliament on 13 May 2009, and creates a more sustainable approach to evaluating and managing flooding across Scotland. The FRM Act identified for the first time, clarity as to the roles and responsibilities of the key agencies involved in flood risk management, notably the Scottish Environment Protection Agency (SEPA) and responsible authorities such as local authorities and Scottish Water (SW).

Scottish Climate Change Adaptation Programme

A public consultation on the draft Scottish Climate Change Adaptation Programme closed on 27 September. Responses, which are currently being analysed, can be viewed at http://www.scotland.gov.uk/Publications/2013/10/4535. An analysis report will be published in 2014 and the final adaptation programme will be published in 2014.

THE SCOTTISH ADVISORY IMPLEMENTATION FORUM ON FLOODING

The Scottish Advisory and Implementation Forum for Flooding (SAIFF) is a platform for sharing expertise and developing common aspirations and approaches to reducing the impacts of flooding. The forum co-ordinates the development of legislation, policies, tools and methods that will be required to successfully implement the FRM Act.

Policy Management Group

The Policy Management Group consists of representatives from the Scottish Government, Scottish Water, Society of Chief Officers of Transportation in Scotland (SCOTS) Flood Risk Management Group, Heads of Planning and SEPA. In 2013 COSLA were invited to join the group to help provide a wider local authority perspective. Its principal role is to take a cross organisational strategic oversight and co-ordinate work which supports the delivery of the FRM Act's requirements and expectations. In practice much of this work is done through the commissioning of specific task and finish groups.
Appraisal Task and Finish Group

To support the delivery of flood risk management strategies and local flood risk management plans and their subsequent delivery, individual options and measures will require to be developed, considered and prioritised. This group was commissioned, with representation from SEPA, Scottish Water, Scottish Government and local authorities, to support the development of SEPA’s appraisal guidance. This will be supported by Scottish Government Guidance on appraisal methodology (which principally updates existing guidance on scheme appraisal). The group has contributed to the draft option and measures guidance which is currently being piloted. This will be finalised along with the Scottish Government guidance in early 2014.

Quality and Standards Task and Finish Group

Funding and governance agreements for the five integrated catchment studies (ICS) have been agreed between Scottish Water and the local authorities, and the tendering process is now underway.

Land Management and Flooding Task and Finish Group

The Land Management and Flooding Group’s primary focus is currently on communication activities relating to Natural Flood Management (NFM). The group continued to plan a workshop to bring together NFM researchers and implementers from the UK and Ireland. They also discussed how they would publicise the NFM handbook and section 20 screening outputs. The group also continued to work on a comprehensive FAQ paper which will help to support communications, particularly with land owners and local authorities.

SAIFF FRM Planning Group

This group brings together SEPA, Scottish Water and local authorities to support the FRM Planning process. Primarily the group has focused on producing a template for FRM Strategies and Local FRM Plans.

COMMUNICATIONS

Whilst the SAIFF Communications Group is identified as task and finish group, it is recognised that it will have an ongoing role to support the continuing development and implementation of the FRM Act. This Group continues to support communication delivery by the other SAIFF groups as well as SEPA and the responsible authorities, and has undertaken research to help communicate the sustainable approach to flood risk management in Scotland and support responsible authorities, in particular local authorities in their own public engagement work.

Increasing co-ordination between the lead local authority forum¹ and the SAIFF Communications Group has contributed towards developing the group’s work stream

¹ This is the SEPA organised forum of lead local authorities for each of the local planning districts
to support the outcome of the flood risk management planning process. Specifically, the group considers how to increase awareness of flood risk and communicate this technically complex topic in a meaningful and understandable way to all members of the public.

In December 2012, SEPA published ‘Flood Risk Management Planning in Scotland: Statement of Consultation Arrangements’. The consultation, aimed at public bodies which are involved in the management of flood risk, outlined the engagement activity SEPA will undertake to prepare Flood Risk Management Strategies, including a consultation on draft documents in 2014. Responses were received from a variety of stakeholders and indicated a strong response to the consultation and engagement arrangements proposed.

The Scottish Government’s Flooding Stakeholders Group also supports flood risk awareness raising and engagement with a wide range of stakeholder organisations reflecting the widespread impacts and interest in flooding. Members of the group help to promote and share the outputs and wider work of the SAIFF network of groups.

Working in partnership with Scottish Water, the Centre of Expertise for Waters (CREW) and the Scottish Government, SEPA produce an alternate monthly newsletter which is circulated to over 500 stakeholders. The FRM Update provides an overview of achievements, projects, consultations and news relating to flood risk management and is a primary way of keeping such a wide stakeholder group informed of the scope of the work taking place. A quarterly FRM Update is also produced for local authorities Chief Executives providing a strategic overview of the work taking place to deliver Scotland’s first ever Flood Risk Management Strategies and Local Flood Risk Management Plans. This update also provides an opportunity to give support to local authorities and recognise the significant contribution and partnership work they are involved in.

The Annual Flood Risk Management Conference was held in February 2013. This two day event was a further opportunity for networking across Scotland’s flood risk management community. At the conference Paul Wheelhouse, Minister for Environment and Climate Change, launched the surface water management guidance. Presentations can be found at http://www.sniffer.org.uk/knowledge-hubs/resilient-catchments/flood-risk-management/sniffer-flood-risk-management-conference-2012/.

GUIDANCE AND TOOLS

Action to reduce flood risk is a partnership activity and specific actions are generally led at a local level by responsible authorities. In support of this, a strong role of the Scottish Government and SEPA is to provide information, guidance and other tools to responsible authorities and other partners.
Surface Water Management Plans

The surface water management guidance was developed by the SAIFF group to assist responsible bodies prepare their Surface Water Management Plans (SWMPs.)

The surface water management planning process, as set out in the guidance, is considered to be best practice in identifying the most sustainable measures to manage urban drainage and the risk of surface water flooding. The surface water management planning process will help deliver the Scottish Government’s outcomes for sustainable flood risk management.

A copy of the guidance can be found at:-

http://www.scotland.gov.uk/Publications/2013/02/7909

Planning

Work has continued throughout the year on the revision of the Scottish Planning Policy (SPP) on flood risk and drainage. A consolidated planning advice note (PAN) on flooding, water and drainage will also be finalised and published. Considerable progress has been made with a range of stakeholders to develop this document. It will be finalised once the update to the Scottish Planning Policy has been agreed by the Scottish Parliament, allowing this to be incorporated.

Development of Flood Risk Hazard and Flood Risk Maps

Following on from the publication of the National Flood Risk Assessment in 2011, we are developing our knowledge and understanding of the location and character of flood hazard by producing new strategic flood hazard and risk maps. These maps, produced by SEPA in partnership with local authorities, will be a valuable tool in the development of Flood Risk Management Strategies and Local Flood Risk Management Plans. The maps, which are published on the SEPA website, and are available for all members of the public, helping to raise awareness and understanding of their own flood risk.

LiDAR phases 1 and 2

One of the key inputs to the new Flood Hazard and Flood Risk Maps was Light Detection and Ranging data (LiDAR) from phase one of the LiDAR project, a Scottish Water led project which was jointly funded by Scottish Water, SEPA and Scottish Government. LiDAR is the most effective method of obtaining topographic data over large areas which helps to develop the modelling required to establish flood extent, depth and velocity. The data gives us a more accurate understanding of the extent to which Scotland is susceptible in certain areas to the risks of flooding.

Following the success of phase one, the Scottish Government and SEPA decided to commission a second phase to collect additional LiDAR data to improve the coverage of LiDAR data in Scotland. In this phase, 12 local authorities joined the initiative. This approach allowed each partner to contribute according to their budget
and requirements whilst working together to identify common needs. This exercise is due to be completed later this year.

**DRN (detailed river network)**

Section 17 of the FRM Act requires all Scottish local authorities to prepare maps of relevant water bodies and sustainable urban drainage systems within their area. Due to the limitations of the historical DRN data, the full spatial extent and network of mapping watercourses has previously been limited. It also has licensing restrictions which made it difficult, and on occasions, impossible to share data amongst public bodies. To produce more accurate mapping more accurate data was needed.

Ordnance Survey, under the One Scotland Mapping Agreement (OSMA), in December 2012, produced an Alpha version of the new DRN dataset. The Alpha version has been produced at a 1:10000 specification and has been distributed to all local authorities, SEPA and other relevant public bodies for validation. The Beta version, expected to be completed by the end of the year, will be available to all Scottish public bodies free of charge for non-commercial use. The potential benefits of the new DRN dataset in relation to the water environment will be:

- Assessing the impact of regulated activities such as discharges to surface water
- Assessing river flows
- Defining water bodies for river basin management planning under the Water Framework Directive
- Defining and analysing the impact of engineering activities and flood defences on rivers.

The DRN project promotes collaborative working and supports data sharing between organisations in both the private and public sector. This reduces the issues on licensing whilst maintaining consistency between all public sector bodies, not to mention the eventual financial benefits from being able to re-use data for more than one public purpose. It also allows the relevant public bodies involved in food risk management gain a better understanding of, and more accurately assess, the risk of flooding across Scotland.

**Scottish Water Integrated Catchment Studies**

Consultants have now been appointed for three of the five Integrated Catchment Studies which are being carried out on behalf of Scottish Water and 5 local authorities; Edinburgh, Falkirk, Dundee, Aberdeen and Aberdeenshire. Motts/Clear will carry out the Falkirk and Tayside study and Mouchel will work on the Ayrshire study. The tender evaluation process for Aberdeen/Aberdeenshire is now underway, and is due to be awarded by the end 2012. Scottish Water has finalised the scope of activities with Edinburgh and the Lothians and hopes to begin the tender process in the coming weeks.
Consultation on the considerations of Scottish Water modelling requirements for Quality and Standards 4

Scottish Water is currently planning its investment for the next regulatory period for 2015-2021 through the Quality and Standards process. This includes identifying requirements to support the implementation of the FRM Planning process, which includes surface water management plans, in the second FRM Planning cycle. The SAIFF Quality and Standards Group consulted with local authorities to:

- Provide details of the Section 16 assessments that Scottish Water aims to carry out in the second FRM Planning cycle.

- Set out the SAIFF Quality and Standards Group approved methodology used to prioritise the Sewer Catchment Areas which may require Scottish Water modelling (in addition to Section 16) within the next investment period in support of the Surface Water Management Planning process.

- Provide a proposed prioritised list of Sewer Catchment Areas as identified through this methodology.

- Scottish Water anticipate that although the consultation, which closed on Friday 7 December, provided a tight deadline for local authority responses, it is hoped they could take advantage of the opportunity to shape Scottish Water's FRM Act investment for future collaborative working.

Research

Over the last year, CREW has undertaken a number of briefings and research projects which address flooding. These support the implementation of NFM measures through practical advice and guidance in a local catchment (the Allan Water), bringing practitioners and researchers together to share knowledge, data and experience of NFM, implications of the Reservoirs (Scotland) Act 2011 and a survey of what local authorities require to enable them to work with land managers in implementing NFM measures. CREW has also provided guidance to help Scottish Water advise the public on dealing with sewer flooding, investigated the benefits of community-based flood protection, and assessed the affordability of flood insurance in flood risk areas in Scotland.

The Scottish Government has also continued to fund a strategic programme of flooding research. The underpinning research is implementing and assessing pilot NFM measures in the Tarland and Bowmont catchments, improving hydrological modelling, visualising how future land management can affect the severity of flooding in simulated catchments, providing live on-line streaming of flooding data and images for stakeholders, and contributing to a new SEPA funded handbook for NFM practitioners.

Flood Disadvantage in Scotland : mapping the potential losses in wellbeing

In October, the Scottish Government published the report, *Flood Disadvantage in Scotland : mapping the potential losses in wellbeing*,
which sets out the impact of flood risk on vulnerable communities and looks at issues at a domestic level.

The report aims to help policy-makers and practitioners explore the potential of an approach to flood and climate change adaptation planning and management focused on the underlying vulnerability of people and places. Along with a copy of the report each local authority received a list of flood disadvantaged neighbourhoods identified in its area.

The report was presented as a basis for discussion and potential further development and we have asked local authorities for feedback on the report. We will use the feedback to decide whether and how this work should be updated and improved, e.g. to take account of the new flood maps, pluvial flooding and flood defences.

**Funding**

The 2012 Annual Report set out the new arrangements that had been introduced for the 2011 Spending Review period with the creation of a joint Scottish Government/COSLA group to identify major new flood protection schemes that should be funded from within the flooding component of the local authority capital settlement. In 2012 it was agreed that projects from Moray (Elgin), Borders (Galashiels) and Highland (Inverness) Councils would be supported and that a future round would be held once the costs for these schemes had been set (following tender completion). An application round was opened in December 2013.

http://www.scotland.gov.uk/Topics/Environment/Water/Flooding/FRMA/FRMAAct/guidance

**Flood Forecasting and Warning**


In January 2013, SEPA publicly launched the new Firth of Forth and Tay coastal flood warning areas. To support the launch, there was an integrated marketing campaign involving direct mail, advertising, social media and public relations.

In November 2013, the Minister for Environment and Climate Change, Paul Wheelhouse, launched the new Stonehaven flood warning scheme for the Carron Water

**Scottish Flood Forum (SFF)**

The widespread incidence of flooding across the country led to another very busy year for the Scottish Flood Forum (SFF). During the year it responded to over 34 separate local authority calls for recovery assistance in flood affected communities, from Newton Stewart in the south to Peterhead in the north, from Ayr in the west to Arbroath in the east and many places in between.
Property-level flood protection featured strongly in its support to flood affected local authorities and communities as well as individual householders. The SFF held over 50 flood protection exhibitions either in partnership with SEPA or the relevant local authority. The Forum’s support also included promoting and implementing subsidised flood product schemes, flood warden schemes and business continuity training.

In February 2013, the SFF gained Scottish charitable status. The Scottish Government continues to recognise and support the valuable work that the SFF carries out and has agreed to continue funding until March 2015.

RESERVOIRS

The Reservoirs (Scotland) Act 2011

In 2011, the Scottish Government enacted the Reservoirs (Scotland) Act 2011 which replaces the 1975 Act on Reservoirs. The 2011 Act introduces a new risk based approach to ensure reservoir safety and introduces measures which will reduce the chances of structural faults and the potential of risk to human health. Responsibility for reservoirs presently lies with the 32 Scottish local authorities, but through the 2011 Act, SEPA will take on the role of administrator and enforcer of the legislation.

Under the legislation panels of reservoir engineers will be established for Scotland.

A consultation on the legislation which concluded on 26 July sought views from various stakeholders on the commencement of some of the proposals in the 2011 Act including the creation of panels of engineers. The responses to the consultation were largely supportive of the proposals and are informing our thinking on the way forward.

Section C

Next Steps – key outcomes for 2014 and beyond

Publication and consultation on a draft revised Scottish Planning Policy (SPP) that contains up to date policy statements on managing flood risk and drainage. The revised SPP will be finalised and published in 2014. To support the SPP, work has been taken forward on drafting a consolidated Planning Advice Note (PAN) on flooding water and drainage. This has involved a steering group that is made up of key stakeholders, including key agencies, local authorities, business and water industry representation. The consolidated PAN will be published in 2014 and will provide advice and guidance on the role of the planning system in delivering sustainable flood risk management and an integrated approach to flooding and drainage.
Throughout 2014 we will be moving closer to producing Scotland’s first ever Flood Risk Management Strategies and Local Flood Risk Management Plans which will set out a co-ordinated and targeted approach to how we tackle flooding in Scotland. From information published in the flood hazard and risk maps we now have a better understanding of the sources and impacts of flooding than ever before. This will help to shape flood risk management decisions as we continue to work closely, and in consultation with, stakeholders through the National Flood Management Advisory Group, Local Advisory Groups and Local Plan District Partnerships.