

Summary of comments received on Draft Regulations to Transpose the EU Floods Directive on the assessment and management of flood risks – Consultation period 7 August 2009 to 2 October 2009.

Ards Borough Council	DARD Rivers Agency (RA) response
<p>Council acknowledges the need for all responsible authorities to co-ordinate activities and requests that the Agency engages with Planning Service (PS) on planning proposals especially in flood plains; Roads Service (RS) to ensure infrastructure is adequate and Roads Service and NI Water to ensure all gullies are maintained and cleared to prevent flooding. The Council also asks how the Regulations will impact on local councils financially and from a resource point of view in terms of any expected provision of flood relief.</p>	<p>RA advised that as a consultee to PS on planning proposals they provide advice on flood risk, the final decision however rests with PS. RA confirmed that Roads Service (RS) infrastructure design is a matter for RS. However the design standard of infrastructure and programmes for infrastructure improvements are matters which may be considered in the development of flood risk management plans for areas identified at potential significant flood risk. This premise also applies to NIW sewerage infrastructure. RA advised that the Regulations do not cover sewerage system failures and blockages and therefore RA could not give assurances in relation to responsible statutory authorities improving their maintenance regimes. Financial and resource implications for Councils are not yet clear. However they will provide assistance in the development of flood risk management plans and have a specific role in emergency planning & response and in development planning.</p>
Lough Neagh and Lower Bann Advisory Committee	DARD Rivers Agency (RA) response
<p>Overall supportive of the proposals. Recommends that the term environment is elaborated upon, that a review is undertaken of the management of water levels/quantity on Lough Neagh and Lower Bann River and that design standards of sewerage infrastructure should be reviewed. Confirmed that a representative from their Committee would be happy to sit on the NI Stakeholder Group. Suggests that the Local Stakeholder Forums should be established as soon as possible and that it may be appropriate to piggy back on the WFD Catchment Stakeholder Groups. Also that the impact of climate change should be a factor which is considered in the Preliminary Flood Risk Assessment.</p>	<p>Advised that the term ‘environment’ is not defined within the Directive and confirmed that when assessing the adverse impacts the wider environment which includes natural and human environment will be considered. A review of water levels will be considered if the current water level management regime is a contributing factor to potential significant flood risk in the Neagh/ Bann System. Advised that it may be more beneficial for the Committee to be represented on the Local Stakeholder Forum which will be established for the Neagh/Bann System and that their comments on the dissemination of information have been noted. Confirmed that climate change will be considered in the preliminary flood risk assessment.</p>

Council for Nature Conservation and the Countryside (CNCC)	DARD Rivers Agency (RA) response
<p>Welcomes the proposed introduction of Regulations. Suggested minor amendment to Regulation 17(1) and requested that fish and fisheries are considered in this Regulation and that Loughs Agency is added to list of consultees in Regulation 19.</p> <p>Also recommends that:</p> <p>a) a scoping study is conducted as soon as possible on the SEA of the programmes and proposed works arising from the Flood Risk Management Plans,</p> <p>b) Preliminary flood risk assessment (PFRA) methodology should be the same as that used in the rest of the UK, and request more detail and consultation. It also requests the establishment of a quality assurance panel as proposed in Britain.</p> <p>c) consideration is given to improving access to information that is being disseminated to the public through computers in libraries, and by producing hard copy maps for distribution by local authorities.</p> <p>d) CNCC is represented on the NI Stakeholder Group.</p>	<p>RA confirmed that Regulation 17(1) will be amended as suggested and agreed that Loughs Agency should be added to list of consultees. Advised that fisheries would be considered when assessing the consequences of flooding on the environment and /or economic activity.</p> <p>The SEAs and scoping studies will be undertaken at the appropriate time.</p> <p>Approach to PFRAs to broadly similar to that used in other administrations. It is not possible to produce an comment methodology for the whole of the UK. The NI methodology is being refined and will be available on Agency’s website. As the organisational arrangements for flood risk management in GB are very different to those in NI a quality assurance panel is not considered appropriate. The NI Steering Group will endorse the PRFA methodology and identification of areas at potential significant flood risk.</p> <p>Views have been noted and will be taken into consideration when finalising a Communication Plan.</p> <p>CNCC will be invited to the next meeting of the NI Stakeholder Group.</p>

Loughs Agency	DARD Rivers Agency (RA) response
<p>The Loughs Agency raised a number of technical comments:</p> <p>a) Sought assurances that plans are in place to deal with incidents of pollution arising from sewerage system blockages particular where Atlantic Salmon populations are affected.</p> <p>b) Sought clarification on how Water and Sewerage Services Order (NI) 2006 overlaps with Regulations.</p> <p>c) Requested assurance that there will be a consistent cross border approach in relation to flood risk maps and plans.</p> <p>d) Suggests climate change is considered as a significant risk.</p> <p>e) Suggests publication and stakeholder input to PFRA methodology and the use of a similar methodology in cross border catchments. Also that fisheries and aquaculture interests are included when considering adverse consequences and that Loughs Agency are engaged in the risk assessment process.</p> <p>f) Recommended various ways to disseminate information through the use of internet and stakeholder forums.</p> <p>g) Commented that there needs to have clear links between flood management decisions and land use planning decisions particularly in relation to rivers designated for salmonid populations.</p>	<p>RA advise that :</p> <p>Regulations do not include sewerage system failures or blockages and therefore the most appropriate mechanism for dealing with pollution from this source may be with NIEA through the implementation of the WFD.</p> <p>All public bodies have a statutory duty to exercise relevant functions in compliance with the Regulations.</p> <p>Agency is working closely with ROI to ensure appropriate coordination for the effective implementation of the Directive in cross border catchments.</p> <p>Climate change is considered in the PFRA.</p> <p>PFRA is currently being refined and when completed will be published on the Agency’s website. The Agency is working closely with ROI to harmonise methodologies where appropriate. Fisheries and aquaculture will be considered when assessing the consequences of flooding on the environment and /or economic activity. Loughs Agency together with other stakeholders will be engaged in the PFRA through the NI Stakeholder Group.</p> <p>Views have been noted and will be considered in the development of a communication plan and indicated that there is a commitment to set up local stakeholder forums in areas at potential significant flood risk.</p> <p>If the Loughs Agency is concerned that PPS15 needs reviewed to include more robust measures to protect specific rivers, this may be raised at the NI Stakeholder Group to ensure action is considered in the flood risk management planning process.</p>

<p>h) Requested representation on the Working Group established to take forward a pilot study to investigate a sustainable catchment based solutions.</p> <p>i) Raised concerns that Agency has not laid out detailed policy in relation to SUDs and natural soft engineering solutions.</p> <p>j) Requested that Loughs Agency is added to consultee list at Regulation 19 (4).</p>	<p>The Agency's understanding was that Loughs Agency agreed that DCAL would attend the initial meeting of the Working Group and that if the catchment selected was within Loughs Agency's areas of responsibility they would replace DCAL on the Group.</p> <p>Comments noted and issues would be dealt with through the NI Stakeholder Group.</p> <p>Lough Agency will be added as a consultee under Regulations.</p>
<p>Ulster Angling Federation (UAF)</p>	<p>DARD Rivers Agency (RA) response</p>
<p>Expressed disappointment on shortened consultation period and that primary legislation was not introduced.</p> <p>Also recommends that :</p> <p>a) Although content with Department's approach to out of sewer flooding, that a similar approach to Scotland is adopted to conduct an assessment of sewerage systems to identify weaknesses. Also requested compensation for pollution of fisheries to be paid without the need for legal action.</p> <p>b) Flood risk management plans areas should coincide with local management areas established for WFD, more detail requested on the specific coordination arrangements with ROI and greater commitment within the Regulations to produce a single plan for an international river basin district.</p>	<p>RA advised that time constraints dictated that secondary legislation was the most appropriate method of transposing the Directive and primary legislation may be considered in the future.</p> <p>Also advised that:</p> <p>This prescriptive approach to the sewerage undertaker to conduct assessment is not considered necessary. The Regulations enable the Department to request any information from any public body and to exercise their relevant functions in a manner which ensure compliance with the Directive. It is considered more appropriate to raise the issue of compensation with NIEA through relevant stakeholder groups for WFD.</p> <p>Where appropriate Rivers Agency will seek to match plan boundaries and make use of existing consultation arrangements established for the WFD. Cross border coordination arrangements are evolving and NI Stakeholder Group will be advised of these arrangements when established. At this early stage it is not possible to know if a single plan for an international river basin district (IRBD) or complimentary single territory plans coordinated at the level of IRBD would be most appropriate for either NI or ROI.</p>

<p>c) That the PFRA methodology is provided to interested parties and suggests that a quality assurance panel is established to contribute to final selection decisions of areas at significant risk.</p> <p>d) Climate change is considered as a significant risk.</p> <p>e) Department adopts the definition of ‘potentially vulnerable areas’ as used in Scottish Bill in place of ‘areas of potential significant risk’.</p> <p>f) Suggested additional ways to disseminate flood risk information to the public.</p> <p>g) Reviews of flood mapping should take into account the impact of climate change.</p> <p>h) Responsibility for coastal flood management needs to be clarified.</p> <p>i) Greater focus on flood risk in development planning decisions, improved water management such as SUDS, and use of natural habitats to reduce flood risk.</p> <p>j) UAF requested to be represented on the Working Group to take forward the pilot study for sustainable catchment based solutions.</p> <p>k) Reinforced the need to embrace natural flood management techniques.</p>	<p>The NI methodology is being refined and will be available on Agency’s website. As the organisational arrangements for flood risk management in GB are very different to those in NI a quality assurance panel is not considered appropriate. The NI Steering Group will endorse the PRFA methodology and identification of areas at potential significant flood risk.</p> <p>Regulation 5(4)(b) requires the impact of climate change to be considered in the PFRA.</p> <p>No change considered necessary as the meaning for each is the same i.e. they are both areas where potential flood risk exists or is considered likely to occur.</p> <p>Views would be considered when developing a communication plan.</p> <p>Directive does not require climate change to be considered in reviews for flood mapping however RA will produce a series of maps for each area of potential significant risk for various climate change epochs.</p> <p>At present RA is responsible for coastal flood management however the anticipated Marine Bill shall secure a more sustainable approach to the management of our coastline.</p> <p>These are all issues to be considered in development of flood risk management plans.</p> <p>We understand that UAF is represented on the Working Group by the Freshwater Taskforce.</p> <p>Confirmed commitment to the development of flood risk management plans that contain appropriate and affordable sustainable solutions that reduce flood risk and protect and enhance the environment.</p>
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<p>1) That fish stocks are considered in the event of floods.</p>	<p>That fisheries and fisheries interests will be considered when assessing the consequences of flooding on the environment and /or economic activity.</p>
<p>Invest NI</p>	<p>DARD Rivers Agency (RA) response</p>
<p>Invest NI are broadly supportive of proposals and requested:</p> <p>a) Clarification on Regulation 11 (2) where the Department has flexibility not to produce flood maps for high probability events.</p> <p>b) Confirmation that all flood risk management information relevant to development planning is stored in an appropriate format and available to all parties intending to develop land.</p>	<p>RA advised that:</p> <p>The Agency would only make use of this flexibility where it is obvious that a high probability event (say 1:10 yr) would have no significant adverse effects for the area flooded. To map where there is not a significant risk of flooding would be wasteful of resources.</p> <p>The Strategic Flood Map is already available to Planners and the public on the RA website and this will be updated with new and improved flooding information as and when available.</p>
<p>The Consumer Council (CC)</p>	<p>DARD Rivers Agency (RA) response</p>
<p>The CC broadly supports the proposals and requested that:</p> <p>a) All objectives and measures contained in flood risk management plans are subject to full cost benefit analysis.</p> <p>b) Management of flood risk in areas outside of the areas identified at potential significant risk are handled in a coordinated manner.</p>	<p>RA advised that:</p> <p>Regulation 17 requires benefits and costs to be taken into account in all plans.</p> <p>Cross cutting arrangements involving all responsible authorities are in place to secure a coordinated response in these areas. Opportunities to strengthen and improve these arrangements may arise when establishing structures to deal with flood risk in areas at significant risk.</p>

<p>c) There is a consistent approach to PFRA in all river catchments and that the process may benefit from an independent view.</p> <p>d) We consider other ways to disseminate flood risk information to the public.</p> <p>e) No actions are taken in ROI that could increase flooding in NI.</p> <p>f) We clarify the monetary charge for Flood Risk Management Plans (FRMPs).</p> <p>g) The public should be given every opportunity to participate in stakeholder forums, that meetings should be held outside of working hours and requested clarification on how these will be publicised. CC wishes to be represented on the NI Stakeholder Group.</p>	<p>PFRA methodology is being refined and when completed will be published on Agency’s website. The PFRA will apply equally in each of the river basins. The NI Steering Group will endorse the PFRA methodology and the areas identified at potential significant risk.</p> <p>Views would be considered when developing a communication plan.</p> <p>It is clearly stated in the Directive and no member state shall take actions which would increase flood risk in neighbouring jurisdiction. This has been clearly transposed in NI Regulations and ROI will do likewise.</p> <p>Copies of FRMPs will be made accessible free of charge. If there is to be a charge for hard copies this shall be reasonable.</p> <p>Agrees with these proposals and details of meeting will be effectively advertised. CC will be invited to next meeting of the NI Stakeholder Group.</p>
<p>Freshwater taskforce (FWTF)</p>	<p>DARD Rivers Agency (RA) response</p>
<p>Although broadly supportive of the proposals they expressed disappointment on the shortened consultation period and that primary legislation was not introduced. Recommends that primary legislation is made in future to provide a sound framework for flood risk management in the long term. Also recommends that:</p> <p>a) Although content with Department’s approach to out of sewer flooding, a similar approach to Scotland is adopted to conduct an assessment of sewerage systems to identify weaknesses.</p>	<p>RA advised that time constraints dictated secondary legislation the most appropriate method of transposing the Directive and primary legislation may be considered in the future.</p> <p>Also advised that:</p> <p>This prescriptive approach to the sewerage undertaker to conduct assessment is not considered necessary. The Regulations enable the Department to request any information from any public body and to exercise their relevant functions in a manner which ensure compliance with the Directive.</p>

<p>b) Flood risk management plans areas should coincide with local management areas established for WFD, and requested more detail on the specific coordination arrangements with ROI and greater commitment within the Regulations to produce a single plan for an international river basin district.</p> <p>c) The PFRA methodology is provided to interested parties and suggests that a quality assurance panel is established to contribute to final selection decisions of areas at significant risk.</p> <p>d) Climate change is considered as a significant risk.</p> <p>e) Department adopts the definition of ‘potentially vulnerable areas’ as used in Scottish Bill in place of ‘areas of potential significant risk’.</p> <p>f) Flood maps should be produced for all scenarios and related to Paragraph 12.3 which detailed the Departments’ flexibility to reduce flood mapping requirements in coastal areas.</p> <p>g) We consider additional ways to disseminate flood risk information to the public.</p> <p>h) Reviews of flood mapping should take into account the impact of climate change.</p> <p>i) Responsibility for coastal flood management needs to be clarified.</p>	<p>Where appropriate it will seek to match plan boundaries and make use of existing consultation arrangements established for the WFD. Cross border coordination arrangements are evolving and NI Stakeholder Group will be advised of these arrangements when established. At this early stage it is not possible to know if a single plan for an international river basin district (IRBD) or complimentary single territory plans coordinated at the level of IRBD would be most appropriate for either NI or ROI.</p> <p>The NI methodology is being refined and will be available on Agency’s website. As the organisational arrangements for flood risk management in GB are very different to those in NI a quality assurance panel is not considered appropriate. The NI Steering Group will endorse the PRFA methodology and identification of areas at potential significant flood risk.</p> <p>Regulation 5(4)(b) requires the impact of climate change to be considered in the PFRA.</p> <p>No change considered necessary as the meaning for each is the same i.e. they are both areas where potential flood risk exists or is considered likely to occur.</p> <p>This option will only be used where there is clear evidence to support the premise that there is adequate protection provided by existing defences.</p> <p>Views would be considered when developing a communication plan.</p> <p>Directive does not require climate change to be considered in reviews for flood mapping however RA will produce a series of maps for each area of potential significant risk for various climate change epochs.</p> <p>At present RA is responsible for coastal flood management however the anticipated Marine Bill shall secure a more sustainable approach to the management of our coastline.</p>
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<p>j) There is greater focus on flood risk in development planning decisions and the need to make greater use of SUDS to reduce flood risk.</p> <p>k) Reinforced the need to embrace natural flood management techniques.</p> <p>l) That fish stocks are considered in the event of floods.</p>	<p>These are all issues to be considered in development of flood risk management plans and will be considered by NI Stakeholder Group.</p> <p>There is a commitment to the development of flood risk management plans that contain appropriate and affordable sustainable solutions that reduce flood risk and enhance the environment.</p> <p>That fisheries and fisheries interests will be considered when assessing the consequences of flooding on the environment and /or economic activity.</p>
<p>Worldwide Wildlife Fund (WWF)</p>	<p>DARD Rivers Agency (RA) response</p>
<p>Broadly supported the introduction of the Regulations and indicated that they have also responded to the draft regulations as a member of the “Freshwater Taskforce” response. In addition it recommended that:</p> <p>a) The use of natural flood management techniques as a means to reduce flood risk should be a high priority.</p> <p>b) It is crucial that there is close coordination with ROI in relation to the international river basins districts.</p> <p>c) There is appropriate funding incentives available to land owners for natural flood management.</p>	<p>See comments in relation to response for Freshwater taskforce. In addition RA advised that:</p> <p>The Agency is committed to the development of flood risk management plans that contain appropriate and affordable sustainable solutions that reduce flood risk and protect and enhance the environment.</p> <p>The Agency is establishing effective coordination and communication networks with the ROI.</p> <p>The Agency’s proposed pilot study for sustainable flood risk management solutions within a local catchment will seek to explore the issue of funding and incentives.</p>

Royal Society for the Protection of Birds (RSPB)	DARD Rivers Agency (RA) response
RSPB advised that they had contributed to the response from the Freshwater Taskforce. In addition to these comments RSPB recommended that advisory Groups similar to those established in Scotland should be established in NI.	See comments in relation to response for Freshwater taskforce. In addition, RA advised that due to different organisational arrangements in NI the establishment of advisory groups was not considered necessary.
Ulster Farmer's Union (UFU)	DARD Rivers Agency (RA) response
UFU broadly welcomed the proposals, stating that any stakeholder group must have a balanced representation from all interests. UFU commented on the need for a robust sewerage system and provided suggestions for the effective use of relevant river basin management groups in overseeing work. UFU also suggested ways other than the internet to disseminate information to the public.	RA advised that the need for a more robust sewerage system, whilst under remit of NI Water may be considered as an objective within Flood Risk Management Plans. Rivers Agency agreed on the desirability of having balanced representation on stakeholder groups and advised that where appropriate it will make use of existing consultation arrangements established for the WFD. Also advised that their views on the dissemination and sharing of information had been noted.
Northern Ireland Tourist Board	DARD Rivers Agency (RA) response
Confirmed nil return	No response required
Strabane District Council	DARD Rivers Agency (RA) response
Confirmed nil return	No response required