ABSTRACT:
This report updates the Committee on issues regarding the enactment of the Flood Risk Management (Scotland) Act 2009 and seeks approval of the draft response to the consultation on proposals for the implementation of the Act in relation to geographical boundaries, partnership working, and future consultation and communication activities.

1 RECOMMENDATIONS

1.1 It is recommended that the Committee:-

(i) notes that the Scottish Government plan to enact Part 4 of the Flood Risk Management (Scotland) Act 2009, which relate directly to Local Authority duties, at the end of October 2010.

(ii) agrees to approve the draft response to the Flood Risk Management (Scotland) Act 2009 consultation, “Planning for floods – planning for the future’ - Delivering partnership approaches to implementing the Flood Risk Management Act” (Appendix B to this report).

(iii) agrees that the proposed local plan areas that are to cover our administrative boundary as presented and detailed in the consultation are not considered to be appropriate.

2 BACKGROUND

2.1 The enactment of Part 4 of the Flood Risk Management (Scotland) Act 2009 (FRM Act) will in due course lead to the repeal of the Flood Prevention (Scotland) Act 1961 and the Flood Prevention and Land Drainage (Scotland) Act 1997. It is understood that Part 4 of the Act will be enacted at the end of October 2010. It is further understood that these older Acts cannot be repealed until new regulations are in place. However, it is not clear when the relevant new regulations will be published.

2.2 In the meantime, the Scottish Government, through SEPA, has launched a formal consultation as ‘the first step in shaping the way ahead’.

2.3 The foreword to the consultation document states that:

The Flood Risk Management (Scotland) Act 2009 is a big step forward for Scotland, providing a unique opportunity to shape new ways of working, and creating a modern, sustainable approach to flood management that is fit for the 21st century. The new act demands that we build a more integrated, proactive and sustainable framework for managing flood risk across whole river catchments and coastal areas, encouraging integrated planning and enabling concerted action to reduce flood risk.
Partnership, clarity on roles and agreement on the shared mission are the key to success. SEPA has been given a particular role in providing national oversight, co-ordinating action and facilitating progress. [SEPA] have significant new duties under the act, but... are just one of the many key players in a partnership that also includes the Scottish Government, local authorities, planning authorities, Scottish Water, other organisations and the wider community.

2.4 The consultation document is included in full in Appendix A to this report.

3 DETAILS

3.1 The council’s proposed detailed response to the consultation questionnaire is attached in Appendix B to this report.

3.2 The responses to the consultation will be used to inform the development of geographical boundaries for the local flood risk management plans, partnership structures that support the production of the flood risk management plans, and development of a joint communication strategy between the key partnership organisations.

3.3 Local Flood Risk Management Plans

3.3.1 The FRM Act requires plans to be produced and then updated every six years, which will include a set of objectives and actions for tackling flooding issues in each area identified as being potentially vulnerable to flooding, as defined in the National Flood risk assessment. The plans will co-ordinate actions across catchments and all actions will be subject to cost-benefit analysis. Flood risk management plans will allow for targeted investments and better decisions to be made about actions to reduce flood risk. Draft national and local flood risk management plans are required for consultation by December 2014, with publication by December 2015. The "Implementation parts" of the local flood risk management plans must be prepared by June 2016. It is not clear from the FRM Act or consultation document what the transitional arrangements are for implementing flooding measures prior to the finalisation of the local flood risk management plans.

3.3.2 Local plan areas will be the geographical areas for which lead local authorities will develop local flood risk management plans. The consultation document details a set of overarching principles based on the requirements of the FRM Act and the role of local plans, which were developed by SEPA and its partner organisations – see Table 1 below. The consultation appears to be the first publication of these principles and is the first consultation with Angus Council on these principles and the resulting proposed local plan areas. This methodology led to the identification of 20 potential local plan areas in Scotland as a whole. However, the consultation also states that ‘local authority boundaries are...the second most important consideration in defining local plan areas’, which is not explicit in the principles listed.
Table 1: The overarching principles for defining local plan area (reference Table 3.1 of consultation document)

<table>
<thead>
<tr>
<th>Principle</th>
<th>Explanation</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Local plan areas must follow catchments boundaries. This is specified in the FRM Act.</td>
</tr>
<tr>
<td>2</td>
<td>Local plan areas need to operate at a scale that allows agreements to be reached on funding, including taking forward flood protection schemes through local flood risk management plans.</td>
</tr>
<tr>
<td>3</td>
<td>It must be possible to identify a lead local authority for each local plan area.</td>
</tr>
<tr>
<td>4</td>
<td>Local authorities must retain their accountability for making decisions and taking actions to help communities at risk of flooding.</td>
</tr>
<tr>
<td>5</td>
<td>A local plan area should not cross units for surface water management for large cities (i.e. where possible, all catchments draining large cities should be included within one local plan area).</td>
</tr>
</tbody>
</table>

3.3.3 The consultation states a deadline for SEPA to identify local plan areas by December 2011. However, the consultation also gives a timetable for agreeing the local area plans following this consultation which includes ‘thematic workshops’ linked to the work of advisory groups for Scotland during January to March 2011, followed by final agreements in September 2011.

3.3.4 The consultation states that:

The preparation and implementation of flood risk management plans will be at the heart of future efforts to tackle flooding. The FRM Act sets out a flood risk management planning process that will ensure that long-term and nationally-focused objectives are balanced against local knowledge and priorities. The production of these plans will require close collaboration between SEPA, local authorities, Scottish Water, and other stakeholders, leading to joint decision-making and joint ownership of issues and actions. To support this work, the act creates a tiered, but fully integrated approach to preparing plans.

It is not clear within the FRM Act and consultation how the issues relating to the cross-boundary and cross-administration, local accountability, joint decision-making and joint ownership are to be addressed. The FRM Act does though place a general duty on all parties so far as practicable, to adopt an integrated approach by co-operating with each other so as to coordinate flood risk management functions.

3.3.5 The process centres on two interdependent sets of plans that will be developed in tandem: the Local Flood Risk Management Plans, as detailed above and the National Flood Risk Management Plan, which is detailed below.

3.3.6 National Flood Risk Management Districts

SEPA have established that there are two principal flood risk management districts - a Scotland flood risk management district (covering most of Scotland) and the Solway Tweed cross-border flood risk management district shared with England. SEPA will be responsible for producing national flood risk management plans covering Scotland and Solway Tweed that will set the strategic framework for flood risk management in Scotland. These plans will identify, prioritise and co-ordinate objectives and actions across Scotland. This information will help set the framework in which actions to manage flood risk will be planned or delivered at a local level. The plans will also fulfil the reporting requirements of the related European directive. An alternative to the current proposal would be a split to the ‘Scotland’ district to address the differences in the catchments flowing into the main conurbations of the Central-
belt, which could be a Forth-Clyde district. Indeed this district might also include the Perth & Kinross catchment. This might allow different and fairer allocations of funding, not solely based on a ‘one size fits all’, Scotland-wide set of parameters. The major city conurbations will always have a greater call on any flood funding mechanism based on properties within flood zones because of their relatively denser population and higher property and land values when considering cost-benefit. The establishment of the districts is not however subject to a specific question within the consultation.

3.4 Lead Local Authorities

The consultation reiterates that ‘local authorities continue to play a central role in managing flood risk under the FRM Act – ensuring accountability’, and that ‘existing local authority duties and powers have been strengthened and past restrictions have been removed.’ However, the FRM Act establishes ‘lead authorities’ and the consultation document further details the role of the ‘lead local authority’. Under the FRM Act, lead local authorities are required to prepare local flood risk management plans, accompanied by an implementation strategy setting out how actions will be delivered. The plans will supplement and influence the national plans prepared by SEPA and will ensure that objectives and actions set out in national plans are translated into locally targeted and co-ordinated actions to manage flood risk. All local plans must be accompanied by an implementation strategy, setting out how the actions described in the local plan will be delivered. The lead local authority will also be required to lead on discussions about the funding and implementation of actions. The consultation makes detailed proposals for who will be the lead local authority for each proposed local plan area, however, it also states that ‘it will be for local authorities to agree on who will take the lead in each local plan area’, although the mechanism for achieving such agreement is not mentioned. The FRM Act does though state that the Scottish Ministers will determine who the lead authority shall be. The implications of the consultation proposals are therefore not clear in this regard. ‘Non-lead’ local authorities will have a duty under the FRM Act to cooperate with the lead local authority. It is not considered clear within the FRM Act or the consultation document how local accountability and a democratic mandate for the entire administrative areas included in the local flood risk management plans will be delivered, although there is some recognition of this in principle 2 as shown in Table 1 above, where agreements to be reached on funding, including taking forward flood protection schemes through local flood risk management plans is a key consideration in establishing the local plan areas. ‘Non-lead’ local authorities may therefore be disadvantaged by the early establishment of boundaries without prior consideration being given to the longer-term consequences and practical management issues. In this regard, it is worth noting that the plans will need to set out the long-term direction for flood risk management (up to 50-year plans), while also identifying actions that can be undertaken within each six-year cycle.

3.5 Scottish Water

Scottish Water has been designated as a responsible authority, with a duty to exercise its flood risk related functions to reduce overall flood risk. This means that Scottish Water will be responsible for reducing the risk of flooding from surface water and combined (surface water and foul) sewers that results from higher than usual rainfall events overwhelming these systems. Once risks are identified, Scottish Water, working with local authorities and SEPA, will look for opportunities to reduce those risks through its capital investment programme. This will be co-ordinated with other work to address surface water flooding. However, is not clear who will identify the risks. Scottish Water also has a duty under the FRM Act to cooperate with the lead local authority and others in producing local flood risk management plans. A major issue that has not been addressed in the consultation of the FRM Act to date is the different parameters that are used in regard to flooding, which for Scottish Water and other authorities is most often the key driver for investment decisions. For SEPA and local authorities the 1:200 year return period flood is most often applied, whilst for Scottish Water a 1:10 year return period flood within a property is applied with a 1:30 year return period capacity for their sewerage systems as a whole. Furthermore, Scottish Water’s priorities as stated in their latest 2010-14 Capital Investment Programme is to address water quality issues and not flooding issues. These issues will need to be addressed by the Scottish Government to allow the FRM Act to operate as intended.
3.6 **SEPA**

Under the FRM Act, SEPA has been given a strategic role in flood risk management and significant new responsibilities. Central to SEPA’s new role is the delivery of the national framework for flood risk management in Scotland. This will be achieved through the preparation of national flood risk assessment maps and plans, setting out short to longer-term objectives and actions to manage flood risk sustainably across Scotland. Key to the success of this work will be building on existing partnerships and establishing new partnerships between SEPA, local authorities, Scottish Water and other public bodies, alongside stakeholders and the public. The national flood risk assessment maps and plans may establish prescriptive measures that will influence the local flood risk management plans, which themselves are the responsibility of the lead local authority and other non-lead local authorities. Accordingly, it is considered important that there is appropriate representation from Angus Council, and other local authorities, in the national advisory groups, who will advise SEPA on the local implications of the national framework which will be established.

3.7 **Scottish Government**

The Scottish Ministers are responsible for guiding the implementation process and are responsible for setting the policy framework for implementing the FRM Act, and will ultimately be responsible for approving the objectives and actions set out in flood risk management plans. It is vital that the Scottish Government addresses the funding mechanisms for Scottish Water and other authorities, and also identifies more transparent funding for flood risk management within local authority settlements.

3.8 **Advisory Groups**

3.8.1 A National Advisory Group to support SEPA in developing the National Flood Risk Management Plan will be set up in January 2011. This group will include ‘representatives’ from local authorities as specified under the FRM Act. The consultation document refers to Society of Chief Officers of Transport in Scotland (SCOTS) as an example group that represents local authorities’ interests and who may be involved. It is considered vital that there is comprehensive representation from local authorities to the proposed National Advisory Group to facilitate longer and deeper consultation on the early implementation of the FRM Act, which will have the most significant effect on the future implementation of flood risk management plans.

3.8.2 Local area advisory groups to support local authorities will be set up from January 2012. In the meantime, it is proposed in the consultation document to use Area Advisory Bodies set up under the Water Framework Directive for river basin management planning, to allow stakeholders to engage in the flood risk management process. Whilst river basin management planning and flood risk management planning are interrelated, this proposal is not considered to be appropriate to address the particular issues related to flood risk management. It is important to note that the work of the Advisory Groups will be linked to further consultation through ‘thematic workshops’ during January – March 2011, which leads to ‘final agreements’ on local plan areas in September 2011. It is therefore considered essential that Angus Council are fully engaged through the Area Advisory Bodies set up under the Water Framework Directive, in our case the Perth & Kinross Area Advisory Group, or whatever form the local advisory groups take.

4 **FINANCIAL IMPLICATIONS**

4.1 There are no financial implications arising directly as a result of the recommendations contained in this report.

4.2 The Financial Memorandum which was prepared during the bill stage of the Act addressed the financial implications of the new legislation. There are essentially two dimensions to this vis-à-vis the ongoing revenue implications and secondly the capital financing implications of any interventions (including flood alleviation works) as may be promoted into the future.
4.3 As previously outlined to this Committee, the formerly ring-fenced Flood Prevention and Coast Protection Capital Grant was rolled-up into the Local Government Finance Settlements for 2008-11 and that all flood prevention schemes that were either underway or had commenced the statutory process were honoured. As noted in report 603/10 to this Committee, the former flood prevention capital grant to local authorities will in future be based on the number of properties at risk within the local authority area as a proportion of the number of properties at risk in all Scottish local authorities. There is currently no information available with regard to how much the potential total capital grant allocation available for flooding to all local authorities in Scotland will be although it is anticipated that this information will be available towards the end of 2010 with the release of the 2010 Scottish Government Spending Review.

4.4 The Financial Memorandum identified the average ongoing revenue cost of implementing the provisions of the Act as £240,000 per annum, being £61,000 in the first year rising to £240,000 in a full financial year. In accordance with the provisions of the memorandum, the Scottish Government has made additional funding of £61,000 available to each local authority in 2010/11 to help address the additional costs of implementing the provisions of the Act. Further information on any ongoing funding to be made available to local authorities will not been known until the outcome of the 2010 Comprehensive Spending Review. Further information in this regard will be reported to the appropriate committee in due course.

5 HUMAN RIGHTS IMPLICATIONS

5.1 There are no Human Right implications arising from this Report.

6 EQUALITIES IMPLICATIONS

6.1 The issues contained in the report fall within an approved category that has been confirmed as exempt from an equalities perspective.

7 SINGLE OUTCOME AGREEMENT

- Communities in Angus are safe, secure and vibrant
- Angus’ natural environment is protected and enhanced.
- Angus’ built and natural environment is valued and enjoyed.

8 CONSULTATION

8.1 The Chief Executive, Director of Corporate Services, Head of Finance, Head of Law and Administration and Director of Neighbourhood Services have been consulted in the preparation of this report.

9 CONCLUSION

9.1 The enactment of Part 4 of the Flood Risk Management (Scotland) Act 2009 (FRM Act) is now understood to be at the end of October 2010. However, it is not clear when new regulations will be published, which are understood to be required to allow for the repeal of the previous flood legislation.

9.2 The draft response to the Flood Risk Management (Scotland) 2009 consultation, “Planning for floods – planning for the future’ - Delivering partnership approaches to implementing the Flood Risk Management Act” allows the Council to raise a number of issues that require clarification, and longer and deeper consultation. The Council’s proposed response to the consultation document is provided in Appendix B to this report.

ERIC LOWSON
DIRECTOR OF INFRASTRUCTURE
NOTE:

The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report 740/09 – Flood Risk Management (Scotland) Act – Ramifications for the Council – Infrastructure Services Committee 13 October 2009

- Report 1153/08 - Flood Risk Management (Scotland) Bill - Financial Memorandum – A Consultation by the Scottish Government Finance Committee – Infrastructure Services Committee 25 November 2008

Roads/JG/WS
APPENDIX A – Flood Risk Management (Scotland) Act 2009 consultation, “Planning for floods – planning for the future’ - Delivering partnership approaches to implementing the Flood Risk Management Act”
Flood Risk Management (Scotland) Act 2009 consultation

‘Planning for floods – planning for the future’

Delivering partnership approaches to implementing the Flood Risk Management Act
Acknowledgement

Proposals in this document were developed by a technical working group under the Scottish Government Scottish Advisory & Implementation Forum for Flooding (SAIFF) programme, with representatives from:

- SEPA
- Scottish Natural Heritage
- Perth and Kinross Council
- Moray Council
- Glasgow City Council
- Scottish Water
- Scottish Government

We would like to thank the individuals from these organisations for their support and contributions to the development of these proposals.

The Scottish Advisory & Implementation Forum for Flooding acts as:

- a platform for sharing expertise and developing common aspirations and approaches to reducing the impact of flooding;
- a forum to develop, or co-ordinate the development of, the legislation, policies, tools and methods that will be required to successfully implement the FRM Act.
Foreword

Flooding has had a devastating impact on many of Scotland’s households, communities and businesses in recent decades. When floods happen they affect our day to day activities, our infrastructure, environment and economy; and climate change is likely to make the situation even more challenging in coming years.

However, we are fortunate to have powerful new legislation that can help our nation deal with flood risks more effectively. This consultation seeks the views of key agencies and organisations across Scotland on how we can work together to deliver more sustainable solutions for the future.

The Flood Risk Management (Scotland) Act 2009 is a big step forward for Scotland, providing a unique opportunity to shape new ways of working, and creating a modern, sustainable approach to flood management that is fit for the 21st century. The new act demands that we build a more integrated, proactive and sustainable framework for managing flood risk across whole river catchments and coastal areas, encouraging integrated planning and enabling concerted action to reduce flood risk.

Partnership, clarity on roles and agreement on the shared mission are the key to success. SEPA has been given a particular role in providing national oversight, co-ordinating action and facilitating progress. We have significant new duties under the act, but we are just one of the many key players in a partnership that also includes the Scottish Government, local authorities, planning authorities, Scottish Water, other organisations and the wider community.

This consultation document, which was developed jointly by the Scottish Government, SEPA and other key organisations, is an important first step in shaping the way ahead. Please let us have your views. I look forward to working with you on this vital issue over the coming years.

Campbell Gemmell
SEPA Chief Executive
1 Introduction to this consultation

The Flood Risk Management (Scotland) Act 2009 (the FRM Act) transposes the EU Directive on the assessment and management of flood risk (the Floods Directive) and introduces a new approach to managing flooding in Scotland. Its overall aim is to reduce the negative effects of all sources of flooding on human health, economic activity, the environment and cultural heritage. It builds upon the existing functions of public bodies by ensuring that functions are properly co-ordinated and lead to a joined-up and sustainable approach to managing the impact of flooding.

This consultation document is part of the early stages of work to implement the FRM Act. It represents an important first step towards establishing a framework for partnership working that will ultimately support the production of flood risk management plans and the way we tackle flooding issues in Scotland.

In this consultation, we are seeking views on the questions and issues that need to be addressed to successfully implement the FRM Act. The questions are located within the relevant sections of the consultation, and summarised at the end of this section. Responses will be used to inform the development of geographical boundaries for local flood risk management plans, partnership structures that support the production of flood risk management plans, and the development of a joint communication strategy.

How we developed proposals in this consultation document

Proposals in this consultation document were developed in partnership with others, through the Scottish Advisory and Implementation Forum on Flooding (SAIFF). The Scottish Government has established a set of advisory and technical (task and finish) groups under the umbrella of its SAIFF programme. These groups advise on technical implementation issues, such as the development of a methodology to support the production of national flood risk assessment, and national policy issues, such as guidance on the sustainable management of flood risk. The membership of SAIFF groups includes responsible authorities, technical experts, and interested stakeholders.

How is this document divided?

Sections 1 and 2 provide background information to this consultation and the FRM Act. Sections 3, 4 and 5 form the main body of the document and describe the work that has already been done over the past 12 months to develop proposals for implementation and how policy can be translated into practice. The proposals are set out in three key areas:

- **Section 3 sets out proposals for geographical boundaries for local flood risk management plans (local plan areas).**
  Local plan areas will be the geographical areas for which lead local authorities will develop local flood risk management plans. In order to establish local plan areas, SEPA and its partner organisations developed a set of overarching principles based on the requirements of the FRM Act and the role of local plans. This methodology led to the identification of 20 potential local plan areas.

- **Section 4 sets out proposals for partnership working in producing flood risk management plans.**
  The preparation and co-ordination of flood risk management plans will require SEPA, local authorities and others to work in close partnership. For this purpose, the FRM Act creates a flood risk management framework that aims to balance the need for national consistency with local accountability and knowledge. SEPA, together with partner organisations, developed a set of high level principles that aim to establish collaborative working and balance national and local needs.

We propose to establish advisory groups to support SEPA and local authorities in their work to implement the act. Advisory groups for Scotland and the Solway Tweed will be set up in January 2011. These groups will have an advisory role and include a wide range of stakeholders, including responsible authorities.

1 Responsible authorities currently include Scottish Ministers, SEPA, local authorities and Scottish Water.
Local advisory groups will be set up from January 2012. The formation of these groups will progress once SEPA and our partners have agreed the appropriate structures and membership to support the role of local authorities in developing local flood risk management plans. In the meantime, we propose to use the existing Area Advisory Groups set up under Water Framework Directive for river basin management planning, to allow stakeholders to engage in the flood risk management process. We also propose to set up regionally-based thematic workshops to enable SEPA, local authorities and other responsible authorities to work in collaboration.

- Section 5 sets out future consultation and communication activities to ensure public and stakeholder engagement in flood risk management planning.

We propose to develop a joint communication strategy with our key partners to deliver effective communications with the public and our stakeholders.

We will publish a statement of consultation actions as required by the FRM Act that will state the steps that SEPA and its partners will take to ensure public and stakeholder engagement in flood risk management planning.

Who should respond?
This consultation deals with technical implementation issues and is aimed at local authorities, Scottish Water and other key stakeholders with some level of technical knowledge and an understanding of both the FRM Act and general flooding issues. This document is not specifically intended for the wider community, but we will take any comments into consideration.

We will be carrying out significant public communication activities, including consultation events, on a regular basis over the coming years, culminating in a full consultation on the draft flood risk management plans. The first consultation event, aimed at partner organisations will be held on 8 September in Edinburgh. Details are available on SEPA’s website: [www.sepa.org.uk/flooding/flood_risk/flood_risk_events.aspx](http://www.sepa.org.uk/flooding/flood_risk/flood_risk_events.aspx)

Summary of consultation questions

<table>
<thead>
<tr>
<th>Section</th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>1. Do you agree with the principles for defining local plan areas? If not, what other suggestions do you have?</td>
</tr>
<tr>
<td></td>
<td>2. Do you agree with the proposed number of local plan areas? If not, do you feel that there are too many or too few? Please provide reasons for your response.</td>
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<td></td>
<td>3. Do you agree that we should aim to reduce the number of local plan areas where there are existing arrangements for sharing resources between local authorities that have not yet been considered?</td>
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<td></td>
<td>If you are a local authority representative, what are your views on reducing the number of local plans in your area?</td>
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<tr>
<td></td>
<td>4. Is this the appropriate approach to dealing with coastal flood risk management? If not, what alternative proposals would you put forward?</td>
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</table>
5. Will these principles support a balanced flood risk management planning process? If not, do you have suggestions on how to improve these principles?

We are keen to learn about your experience in partnership working. If you were or are involved in partnerships, please share with us some of your experiences, including why the partnership worked well and what lessons were learned.

6. Have we correctly identified the purpose, role and membership for the Advisory Group for Scotland? If not, do you have suggestions on how we could improve these proposals?

7. Do you support the proposal for the temporary use of Area Advisory Groups as a means of engaging local stakeholders? If not, what alternative proposals might you suggest?

8. Do you support the proposal for a programme of thematic workshops for SEPA, local authorities and other responsible authorities? If not, do you have any alternative proposals that would achieve the same aim?

9. Do you support the proposal for a joint communications strategy? Do you have any suggestions for methods of communication that, in your experience, may be effective?

10. Do you support the consultation activities highlighted in Table 7? Are there any alternative or additional consultation activities that you would like to see included in the statement?

How and when to respond

Please respond to the consultation by 15 October in one of the following ways:

- Via the online consultation survey: [www.surveymonkey.com/s/VM28SZ2](http://www.surveymonkey.com/s/VM28SZ2)
- By email: [floodactconsultation@sepa.org.uk](mailto:floodactconsultation@sepa.org.uk)
- In writing to: FRM Act Consultation; SEPA, 7, Whitefriars Crescent, Perth PH2 0PA

What happens next?

A final document, including a summary of responses and a statement of how responses have been considered, will be published on the SEPA website in December 2010.

If you wish your response to remain anonymous please indicate this on your submission. In line with the requirements of the Data Protection Act 1998 the information you provide will be used only for the purpose of this consultation. It will not be used, retained or distributed for any other purpose.

Public authorities, including SEPA, are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the act for information relating to responses made to this consultation.
2 Background information

2.1 Flood Risk Management Act – changing the way we manage flood risk

The Flood Risk Management (Scotland) Act 2009 (the FRM Act) is the most significant change to flooding legislation in Scotland in 50 years. The main aim is to deliver sustainable approaches to reduce the impact of flooding to Scotland’s communities, environment, cultural heritage and economy. The act also transposes the requirements of the EU Floods Directive, and requires assessments, maps and plans to be produced and then updated every six years (see Table 1).

Table 1: Summary of the main requirements of the EU Floods Directive

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Date of Production</th>
</tr>
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<tbody>
<tr>
<td>(National) Flood risk assessment</td>
<td>22 December 2011</td>
</tr>
<tr>
<td>The national flood risk assessment will analyse available, or readily derivable, data and information to assess the potential adverse consequences of possible ‘future’ floods, and collate and review historic flood incidents and impacts to create a broad-scale picture of flooding issues across Scotland. The assessment will lead to the identification of Potentially Vulnerable Areas (PVAs) and help target future efforts to plan for and invest in actions to reduce flood risk to these areas.</td>
<td></td>
</tr>
<tr>
<td>Flood hazard and flood risk maps</td>
<td>22 December 2013</td>
</tr>
<tr>
<td>Flood hazard and risk maps will outline the likely extent of different flood scenarios. They will summarise the potential impacts of those flood events, including the number of people affected, and the implications for economic activity. The maps will include information on flooding from various sources, including rivers, the sea, groundwater and surface water run-off. This information will improve our understanding of flooding problems and inform the selection of actions to manage flood risk. This information will be publicly available.</td>
<td></td>
</tr>
<tr>
<td>Flood risk management plans</td>
<td>22 December 2015</td>
</tr>
<tr>
<td>For the purpose of EC reporting, flood risk management plans need to be produced for the Scotland and Solway Tweed districts². Each plan will include a set of objectives and actions for tackling flooding issues in each area identified as being potentially vulnerable to flooding. The plans will co-ordinate actions across catchments and all actions will be subject to cost-benefit analysis. Flood risk management plans will allow for targeted investments and better decisions to be made about actions to reduce flood risk.</td>
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2.2 Managing flooding sustainably

The biggest change the new act introduces is the emphasis on managing flood risk sustainably and taking a catchment approach. This means moving away from reactive management and towards a risk-based approach where we can proactively plan actions to reduce flood risk to our most vulnerable communities.

A catchment approach means looking across whole river systems, coastal and urban areas, and identifying a range of actions to reduce the impact and likelihood of flooding. This includes looking at what contribution natural features of rivers and coasts can make to managing flood risk. Making space for water in urban environments, allowing floodplains to flood naturally, and improving the natural capacity of the environment to absorb water, are important parts of a sustainable approach to flood risk management.

All actions – structural (eg flood protection schemes, reinstatement of floodplains) and non-structural (eg flood warning systems, planning policies) – have their role to play (see Figure 1).

²The term ‘district’ in this document refers to the geographical areas identified for the purpose of implementing the FRM Act. There are two districts in Scotland; one covering most of Scotland and one covering the cross-border area (Solway Tweed).
2.3 Roles and responsibilities in flood risk management

The responsibilities for flood risk management are shared among the public, local authorities, Scottish Water, SEPA and the Scottish Government. Every individual is responsible for taking appropriate action to protect themselves and their property from flooding.

The FRM Act improves the existing functions of public bodies and ensures that the functions are properly co-ordinated. Public bodies with responsibilities for flood management will do what they can to reduce the overall flood risk and ensure that, where possible, the risks are minimised.

- The public and communities – engaging with the process, sharing the local knowledge and taking action
  The FRM Act gives the public and local communities an opportunity to be actively engaged in the process of producing and implementing the flood risk management plans. The public has an important role to play in sharing local knowledge and engaging in the design of flood protection actions for their areas.

- Local authorities – ensuring local accountability
  Local authorities continue to play a central role in managing flood risk under the FRM Act. Existing local authority duties and powers have been strengthened and past restrictions have been removed. Under the act, lead local authorities are required to prepare local flood risk management plans, accompanied by an implementation strategy setting out how actions will be delivered. The plans will supplement the national plans prepared by SEPA and will ensure that objectives and actions set out in national plans are translated into locally targeted and co-ordinated actions to manage flood risk.

What will be the role of a lead local authority?
A lead local authority will fulfil the important role of producing a local flood risk management plan for their local plan area. This will include a summary of relevant information from SEPA’s national plan and additional, locally relevant information, and an implementation strategy setting out how the actions described in the local plan will be delivered. A lead local authority will also be required to lead on discussions about the funding and implementation of actions.
• **Scottish Water – key role in flood risk management**
Scottish Water has been designated as a responsible authority, with a duty to exercise its flood risk related functions to reduce overall flood risk. This means that Scottish Water will be responsible for reducing the risk of flooding from surface water and combined (surface water and foul) sewers that results from higher than usual rainfall events overwhelming these systems. Once risks are identified, Scottish Water, working with local authorities and SEPA, will look for opportunities to reduce those risks through its capital investment programme. This will be co-ordinated with other work to address surface water flooding.

• **Other responsible authorities – contributing to managing flood risk**
The act allows for the designation of additional responsible authorities. This designation order is currently being prepared by the Scottish Government and will be subject to consultation later in 2010. Such designated responsible authorities will have a direct role in contributing to reducing flood risk and/or playing an important role in preparing flood risk management plans.

• **Stakeholders – contributing and advising**
Stakeholders have a key role to play in advising on flood risk management plans and, where appropriate, contributing to the implementation of plans.

• **SEPA – a strategic role in flood risk management**
Under the act, SEPA has been given significant new responsibilities. Central to our new role is the delivery of the national framework for flood risk management in Scotland. This will be achieved through the preparation of national flood risk assessment maps and plans, setting out short to longer-term objectives and actions to manage flood risk sustainably across Scotland. Key to the success of this work will be building on existing partnerships and establishing new partnerships between SEPA, local authorities, Scottish Water and other public bodies, alongside stakeholders and the public.

• **Scottish Government – guiding the implementation process**
Scottish Ministers are responsible for setting the policy framework for implementing the FRM Act, and will ultimately be responsible for approving the objectives and actions set out in flood risk management plans.
Table 2: Summary of the main elements of the FRM Act

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Lead authority</th>
<th>FRM Act requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2011</td>
<td>Scottish Government</td>
<td>Publish guidance on sustainable flood management.</td>
</tr>
<tr>
<td>January 2011</td>
<td>SEPA</td>
<td>Establish advisory groups.</td>
</tr>
<tr>
<td>December 2011</td>
<td>SEPA</td>
<td>Produce an assessment of flood risks across Scotland, leading to identification of areas most vulnerable to flooding.</td>
</tr>
<tr>
<td></td>
<td>SEPA</td>
<td>Identify local plan areas.</td>
</tr>
<tr>
<td>March 2011</td>
<td>SEPA</td>
<td>Establish local plan advisory groups.</td>
</tr>
<tr>
<td>No statutory deadline</td>
<td>Local authorities</td>
<td>Prepare a schedule of clearance and repair works.</td>
</tr>
<tr>
<td>Timescales to be set by Scottish Ministers</td>
<td>Local authorities</td>
<td>Prepare maps of water bodies and Sustainable Urban Drainage Systems (SUDS).</td>
</tr>
<tr>
<td>Timescales to be set by Scottish Ministers</td>
<td>SEPA</td>
<td>Prepare maps of artificial structures and natural features.</td>
</tr>
<tr>
<td>Timescales to be set by Scottish Ministers</td>
<td>Scottish Water</td>
<td>Publish an assessment of flood risk from sewerage systems.</td>
</tr>
<tr>
<td>December 2013</td>
<td>SEPA</td>
<td>Publish an assessment of opportunities for restoration of natural features and characteristics to reduce flood risk.</td>
</tr>
<tr>
<td></td>
<td>SEPA</td>
<td>Publish flood hazard maps and flood risk maps.</td>
</tr>
<tr>
<td></td>
<td>SEPA</td>
<td>Publish a statement of consultation actions.</td>
</tr>
<tr>
<td>December 2014</td>
<td>SEPA and lead local authorities</td>
<td>Publish draft national and local flood risk management plans for consultation.</td>
</tr>
<tr>
<td>December 2015</td>
<td>SEPA and lead local authorities</td>
<td>Publish flood risk management plans.</td>
</tr>
<tr>
<td>June 2016</td>
<td>Lead local authorities</td>
<td>Publish implementation parts of local flood risk management plans.</td>
</tr>
</tbody>
</table>

2.4 Flood risk management districts

The Floods Directive encourages Member States to make use of administrative arrangements made under the Water Framework Directive (WFD). SEPA will therefore use the river basin districts (as defined under WFD) as flood risk management districts to assess flood risk, and prepare plans to manage those risks. This will ensure that integrated approaches to all aspects of water management (ie across river basin management planning and flood risk planning) are delivered.

This creates two principal flood risk management districts – a Scotland flood risk management district (covering most of Scotland) and the Solway Tweed cross-border flood risk management district shared with England. Although these are large-scale planning units, the clear intention is for objectives and actions identified in plans to be co-ordinated across catchments (river basins) or sub-catchments (parts of river basins).
A combination of Scottish, cross-border and English regulations apply in the Solway Tweed district. All catchments entirely in Scotland will be governed by the FRM Act, while those entirely in England will be governed by English regulations. Only those catchments that are truly cross-border (Solway Estuary, and the rivers Tweed, Esk and Sark) will be governed by cross-border regulations and will require joint working between all responsible authorities in England and Scotland. A detailed map illustrating cross-border catchments is provided in Annex 2.

Close working will be required between all responsible authorities south and north of the border to co-ordinate flood risk assessments, maps, and to produce a single flood risk management plan for the Solway Tweed district.

Map 1: Flood risk management districts
2.5 (National) Flood risk assessment

What is flood risk?
Flood risk is defined in the FRM Act as the combination of the probability of flooding and the potential adverse consequences for human health, the environment, cultural heritage and economic activity. A flood risk assessment will therefore consider the geophysical, social, economic, cultural and environmental elements of flood risk. Each element contributes to the overall assessment of flood risk in an area; this is dependent on the likelihood of flooding, the nature of the flood, the vulnerability of an individual or a community, the number of things affected, their value and how readily individuals and the community are able to recover from the effects of a flood.

Over the last year, SEPA has been working closely with the Scottish Government and other stakeholders to develop the methods and tools required to make national flood risk assessment. Appropriately defining what is meant by ‘flood risk’ is critical to the process of assessing the potential adverse consequences of flooding. This principle will underlie the entire flood risk management process and, in particular, inform the future flood risk assessment.

Under the FRM Act, SEPA is tasked with preparing an overview of flood risk across Scotland, culminating in an assessment of those areas of Scotland most vulnerable to flooding. The national flood risk assessment will be the first step in providing a clearer picture of past, current and future flood risk. Importantly, this assessment will include information about flooding from all sources, including groundwater and surface water.

The national flood risk assessment will be focused on looking forward and assessing where the risk of flooding might be significant, even for areas that have not recently suffered from flooding. It will help target our future efforts to plan and invest in reducing flood risk to areas most vulnerable to flooding.

However, it is also important to learn from the past, and the assessment will collate and analyse information on historic flood events. A central repository of information on flooding will be developed as part of this process.

2.6 Flood risk management plans

The preparation and implementation of flood risk management plans will be at the heart of future efforts to tackle flooding. The FRM Act sets out a flood risk management planning process that will ensure that long-term and nationally-focused objectives are balanced against local knowledge and priorities. The production of these plans will require close collaboration between SEPA, local authorities, Scottish Water, and other stakeholders, leading to joint decision-making and joint ownership of issues and actions.

To support this work, the act creates a tiered, but fully integrated approach to preparing plans. The process centres on two interdependent sets of plans that will be developed in tandem:

- SEPA will be responsible for producing national flood risk management plans covering Scotland and Solway Tweed that will set the strategic framework for flood risk management in Scotland. These plans will identify, prioritise and co-ordinate objectives and actions across Scotland. This information will help set the framework in which actions to manage flood risk will be delivered or planned for at a local level. The plans will also fulfil the reporting requirements of the directive.

- (Lead) local authorities will be responsible for preparing local flood risk management plans that will supplement and influence the national plans. Local plans will include a supplementary part and an implementation part. They must be consistent with the national plans, but will contain additional, locally relevant information, including additional details of particular actions to manage flood risk. All local plans must be accompanied by an implementation strategy, setting out how the actions described in the local plan will be delivered.
2.7 Implementation timetable

The first set of plans must be prepared by December 2015, with a draft released for stakeholder and public consultation in 2014. Both sets of plans must be reviewed every six years. However, planning will not simply focus on each six-year cycle; instead the plans will need to set out a road map to address current and future flood risk. This means that the plans will need to set out the long-term direction for flood risk management (up to 50-year plans), while also identifying actions that can be undertaken within each six-year cycle. The cyclical nature of flood risk management planning is illustrated in Figure 3.

Figure 3: Implementation timescales
3 Identifying geographical boundaries for local flood risk management plans

This section outlines the proposals for the geographic boundaries for local flood risk management plans. Here, we introduce the proposals for local plan areas and explain the principles and the methodology for determining such areas.

3.1 Developing principles for establishing local plan areas

A number of issues were considered at the early stages of developing these proposals. These included:

- the statutory requirements under the FRM Act;
- the role of flood risk management plans, lead local authorities and other responsible authorities;
- the potential for alignment of local plan areas with a number of existing boundaries, including Area Advisory Groups (AAGs) under the Water Framework Directive (WFD) and Strategic Co-ordinating Groups (SCGs) for emergency planning.

The statutory requirements under the FRM Act

The FRM Act requires SEPA to identify local plan areas. These areas must include whole river catchments. However, local plans are not designed to be applied at the scale of an individual catchment (ie one local plan per river catchment), but rather a group of catchments.

The role of local flood risk management plans and lead local authorities

Each local flood risk management plan will be prepared by a lead local authority. Local authority boundaries are therefore the second most important consideration in defining local plan areas. It is local authorities that will lead the discussions about funding and implementation of actions to reduce flood risk.

Initial judgements on likely lead local authorities were made for the purpose of developing proposals for local plan areas. They were based on an appraisal of where the most significant flooding problems lay. Ultimately, it will be for local authorities to agree on who will take the lead in each local plan area. This work will be carried out in 2011.

The potential for alignment with existing boundaries

Consideration was given to the potential for aligning local plan areas with a number of existing boundaries, including Area Advisory Groups (AAGs) under the Water Framework Directive (WFD) and the Resilience Community’s Strategic Co-ordinating Groups (SCGs) areas. However, this proved impractical because of the different boundaries and purposes of the groups. Instead, these groups will be involved in the flood risk management planning process as appropriate, and will be fully consulted on these proposals and any other relevant aspects of flood risk management planning in future.

3.2 Principles for establishing local plan areas

Following this initial assessment, SEPA established a set of overarching principles for defining local plan areas. These are provided in Table 3.
Table 3: The overarching principles for defining local plan area

<table>
<thead>
<tr>
<th>Principle</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Local plan areas must follow catchments boundaries. This is specified in the FRM Act.</td>
</tr>
<tr>
<td>2</td>
<td>Local plan areas need to operate at a scale that allows agreements to be reached on funding, including taking forward flood protection schemes through local flood risk management plans.</td>
</tr>
<tr>
<td>3</td>
<td>It must be possible to identify a lead local authority for each local plan area.</td>
</tr>
<tr>
<td>4</td>
<td>Local authorities must retain their accountability for making decisions and taking actions to help communities at risk of flooding.</td>
</tr>
<tr>
<td>5</td>
<td>A local plan area should not cross units for surface water management for large cities (i.e., where possible, all catchments draining large cities should be included within one local plan area).</td>
</tr>
</tbody>
</table>

Consultation question 1
Do you agree with the principles for defining local plan areas? If not, what other suggestions do you have?

3.3 Method for determining local plan areas

The method for determining a local plan area was developed to meet the overarching principles described above. SEPA's catchment data and local authority boundaries were identified as the most important criteria. The method for determining local plan areas is provided below.

Method for determining local plan areas

- The main sources of data were SEPA's catchment data and local authority boundaries.
- Catchments falling within the boundaries of one local authority were grouped together to reduce the number of plans that would need to be prepared.
- Catchments crossing the boundaries of local authorities were grouped according to who is likely to be the lead local authority for that local plan. However, this is not clear in all local plan areas, and further consultation with local authorities will be needed before lead local authorities for all local plan areas can be identified and agreed.

The geographic areas generated by these rules will be subject to further discussions with all local authorities. The fine-tuning of proposals will be carried out as part of regional thematic workshops taking place throughout 2011 (see Figure 4).

Figure 4: Timetable for developing and agreeing local plan areas

<table>
<thead>
<tr>
<th>May 2010</th>
<th>September 2010</th>
<th>January - March 2011</th>
<th>September 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree initial consultation proposals for local plan areas.</td>
<td>Initial written consultation supported by a national consultation event.</td>
<td>Further consultation through thematic workshops linked to the work of Advisory Groups for Scotland and Solway Tweed to agree local plan areas.</td>
<td>Final agreements on local plan areas.</td>
</tr>
</tbody>
</table>
3.4 Proposals for local plan areas

The above method initially led to the identification of 20 potential local plan areas (see Map 2). For comparison, a map with an overview of local authority boundaries and major catchments is provided in Annex 4.

Map 2: Proposed local plan areas
3.5 Coastal and estuarine units of management

The above proposals may not fit well with units of management for coastal flood risk (i.e., coastal cells² and estuaries). Coastal/estuarine issues will require further development by SEPA to ensure that coastal flood management can be dealt with effectively alongside the proposed local plan areas.

To help move this forward, SEPA has proposed the following approach to coastal flood risk management:

- The national flood risk management plans produced by SEPA will retain the overview of larger coastal and estuarine areas.
- Where necessary, partnerships, involving SEPA, relevant local authorities and others, will be established to assess and plan flood risk actions for large estuaries and other coastal areas that don’t fit with the proposed local plan areas.
- These partnerships will be required to consider whole coastal cells/sub-cells when developing objectives and actions within the national and local flood management plans.
- When establishing such groups, consideration will be given to existing groups and partnerships, as well as structures for implementing the Marine (Scotland) Act 2010.

Many local authorities already co-operate when dealing with coastal flood risk management issues. New partnerships would therefore only be required where this is not already the case.

Consultation question 4
Is this the appropriate approach to dealing with coastal flood risk management? If not, what alternative proposals would you put forward?

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² Coastal cells are coastline units within which sediment movement is self-contained.
4 Working in partnership to produce flood risk management plans

The preparation and co-ordination of flood risk management plans will require close working partnerships. The new act puts partnership working and co-operation at the centre of flood risk management. It requires all responsible authorities to collaborate and co-ordinate, leading to a ‘joined up’ approach to managing flood risk. This section sets out proposals for how such partnership may work in practice and introduces proposals for advisory groups. Again, proposals in this section were developed in partnership through the Scottish Government’s Scottish Advisory and Implementation Forum on Flooding (SAIFF).

A good example of effective partnership working and collaboration was establishment of a group to deal with surface water management in Glasgow (see box). The partnership was formed to deal with complex surface water management issues. Under the FRM Act, we need to establish similar partnerships that will deal with flooding issues from all sources.

The Metropolitan Glasgow Strategic Drainage Partnership (MGSDP)

The MGSDP is a unique partnership formed by organisations involved with the operation of the sewerage and drainage network within the Glasgow area; that is, Scottish Water, Glasgow City Council, South Lanarkshire Council, Scottish Enterprise and SEPA.

Scottish Water is responsible for the sewerage network; Glasgow City Council and South Lanarkshire Council are responsible for roads drainage, watercourses and flood risk in Glasgow; and SEPA is responsible for water quality and flood advice. Scottish Enterprise also has a role, as it considers economic development issues and the impacts.

Metropolitan Glasgow covers a total of seven local authority areas, and the partnership recognises that its aims and objectives cannot be met without the help and involvement of all these local authorities.

The overarching aim of the partnership is to provide a holistic approach to managing surface water in a way which reduces flood risk and unlocks development potential while improving water quality and allowing residential areas to co-exist with the natural landscape.
4.1 Framework for flood risk management in Scotland

All national level planning will need to be undertaken with consideration of locally derived information. Equally, all local planning will need to reflect national priorities and policies set out in the national plan. This ‘framework’ for flood risk management planning is described in Figure 5.

Figure 5: Framework for flood risk management planning

4.2 High level principles for flood risk management planning

The flood risk management planning system outlined under the act is designed to balance the need for national consistency and long-term investment planning with local accountability and knowledge. SEPA has been given a strategic co-ordinating role to work with lead local authorities to set objectives and ensure the most sustainable actions are selected. Lead local authorities will be responsible for agreeing funding and co-ordinating actions with other local authorities. These arrangements will be set out in the implementation components of local flood risk management plans. Ultimately, it is for Scottish Ministers to approve the national and local plans and provide guidance, policy and direction or intervene if necessary.
We propose the following principles for supporting a collaborative and effective planning process:

- Decisions on setting objectives and actions should be taken jointly, using partnerships at the appropriate scale (most likely to be at the scale of local plan area). This will minimise the time taken to reach agreement and ensure all responsible bodies buy into the aspirations of each plan.

- Flood risk management plans (national and supplementary parts of local plans) should be high-level and strategic in nature, outlining the most sustainable approach to flood risk management and the most appropriate combination of actions.

- Where available, the detail of individual actions will be included, or developed through a separate process led by the appropriate body. The flood risk management plans need to contain enough detail to enable lead local authorities to prepare implementation plans (a requirement of the FRM Act), which in turn require all bodies involved to have sufficient detail to secure funding for their respective contributions.

- The high level decisions outlined above will require detailed information and data on the nature of flood hazard, characteristics of catchments/coastlines, and flood impacts. They will also require new tools to assess the relative costs and benefits of various structural and non-structural actions. SEPA will have a strong role to play in supporting and facilitating the production and use of such information, data and tools.

- The information, data and tools would be available to support the subsequent stages of developing flood management actions, including flood protection schemes. The process of setting objectives and actions under the plans should speed-up, supplement or even possibly replace the early stages of flood protection scheme development. For example, this would mean that decision support tools would fulfil the options appraisal stage of scheme development and link to subsequent cost-benefit analysis.

**Consultation question 5**

Will these principles support a balanced flood risk management planning process? If not, do you have suggestions on how to improve these principles?

We are keen to learn about your experience of partnership working. If you were or are involved in partnerships, please share with us some of your experiences, including why the partnership worked well and the lessons you learned.

### 4.3 Partnership working – national\(^4\) and local\(^5\) advisory groups

The FRM Act requires a participatory approach to the preparation of flood risk management plans and the establishment of national and local advisory groups. A National Advisory Group will support SEPA in the preparation of national flood risk management plans and Local Advisory Groups will support local authorities in the preparation of local flood risk management plans.

#### 4.3.1 National Advisory Groups

These groups would be formed to oversee the preparation of flood risk management plans for Scotland and Solway Tweed. Such groups would, for example:

- review outputs from national flood risk assessment, flood risk maps and flood hazard maps;
- help set the National Policy Framework for flood risk management;
- assist in identifying national priorities, objectives and actions to manage flood risk.

\(^4\) *National Advisory Group* in this document refers to, and has the same meaning as, *District Advisory Group* under the FRM Act.

\(^5\) *Local Advisory Groups* in this document refer to, and have the same meaning as, *Sub-District Advisory Groups* under the FRM Act.
It is proposed that such an advisory group should be established by SEPA (or SEPA and the Environment Agency in Solway Tweed) in January 2011. Proposals for the purpose, role and membership are summarised in Table 4.

The Solway Tweed is governed by a different set of regulations to those that apply to the rest of Scotland. This includes a combination of Scottish, cross-border and English regulations. Added to this, the responsibilities of the Environment Agency and local authorities are very different in England to those of SEPA and local authorities in Scotland. Due to these complexities, it is even more important to ensure that effective and meaningful engagement is put in place in Solway Tweed. These arrangements therefore require further discussions between the Department for Environment Food and Rural Affairs (Defra), the Scottish Government, SEPA, the Environment Agency, and local authorities, about the interaction between these different sets of regulations. We will seek to ensure that consultation arrangements are put in place in a timely manner to allow stakeholder input into national flood risk assessment.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Advisory role</td>
</tr>
</tbody>
</table>

**Consultation question 6**

Have we correctly identified the purpose, role and membership for the National Advisory Group? If not, do you have suggestions on how we could improve these proposals?

### 4.3.2 Local advisory groups

Local advisory groups will assist lead local authorities in the preparation of local flood risk management plans. They will enable stakeholders to provide advice to local authorities on the detail of objectives and actions required to reduce flood risk in local plan areas.

Local Advisory Groups will provide a critical link between the national and local plans, ensuring that the national plans can take account of local priorities and circumstances, and that local plans remain consistent with agreed national priorities.

Local authorities, other responsible authorities and SEPA may need to establish partnerships outside of the advisory groups to discuss and agree objectives, actions and funding mechanisms. As this may require formal arrangements to be put in place between SEPA and responsible authorities, this area of work is subject to further development.

We are still in the initial stages of developing a flood risk management planning process for Scotland and the partnerships that will be required to underpin this process. It was therefore agreed that it is too early to formally establish the required Local Advisory Groups. However, delaying the establishment of these groups...
would mean that local stakeholders may not be provided with the opportunity to comment on the flood risk assessment and associated issues. We have identified a possible temporary solution to this, by using the Area Advisory Groups (AAGs) which were established under the Water Framework Directive (WFD) to support the production and implementation of river basin management plans (RBMPs). This would enable us to engage with interested stakeholders, and set up workshops with local authorities.

Temporary arrangement for working with stakeholders

We propose to use AAGs as a means of engaging local interests in flood risk management planning, focusing on the development of flood risk assessments and flood risk management planning framework. We will ensure that members of AAGs and their organisations are consulted about these arrangements and made aware of what will be required of them and when. This will ensure that arrangements can be put in place to ensure meaningful stakeholder engagement. It would also allow other discussions to take place, in particular:

- future arrangements for collaboration between flood advisory groups and AAGs;
- the possibility of joint-working on relevant flood risk management projects;
- co-ordination of activities.

This arrangement would be in place until spring 2012, when Local Advisory Groups under the FRM Act will be put in place.

Consultation question 7
Do you support the proposal for the temporary use of AAGs as means of engaging local stakeholders? If not, what alternative proposals might you suggest?

Temporary arrangements for working with local authorities and other responsible authorities

We have also looked for the most effective means of working with local authorities and responsible authorities. We propose to do this by hosting a number of thematic regional workshops at a number of locations (see Table 5) throughout 2011. The aim of these workshops will be to engage local authorities and other responsible authorities to review and agree on:

- outputs from the national flood risk assessment;
- potentially vulnerable areas;
- local plan areas;
- identification of lead local authorities and participating local authorities;
- local advisory group structures to support development of local flood risk management plans.

Table 5: Draft schedule for thematic workshop

<table>
<thead>
<tr>
<th>Timescales for workshops</th>
<th>Key themes</th>
<th>Outline of discussion items</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2011</td>
<td>Initial review of national flood risk assessment (NFRA)</td>
<td>Discuss draft outputs from NFRA and potentially vulnerable areas (PVAs). Discuss the role of lead local authority. Review local plan areas (LPAs).</td>
</tr>
<tr>
<td>May 2011</td>
<td>NFRA consultation</td>
<td>Wider stakeholder consultation on NFRA and associated tasks.</td>
</tr>
<tr>
<td>September 2011</td>
<td>NFRA finilisation</td>
<td>Finalise NFRA, PVAs and LPAs. Identify lead local authorities.</td>
</tr>
<tr>
<td>January 2012</td>
<td>Next steps</td>
<td>Agree local advisory group structures for local flood risk management plans</td>
</tr>
</tbody>
</table>
5 Delivering public participation, consultation and communications in flood risk management

Public awareness, stakeholder engagement and community buy-in will be essential to the successful implementation of the FRM Act and the delivery of sustainable approaches to flood risk management. We are keen to work with partner organisations, stakeholders and the public to ensure that the plans have joint aspirations that are supported by a wide range of organisations, stakeholders and communities. This section sets out the principles and the direction for delivering public participation in flood risk management.

SEPA is already engaged with local authorities, Scottish Water and other stakeholders on early implementation work for the FRM Act. A comprehensive account of the current, planned and future participation activities, including timescales, planned consultations and the setting up of advisory groups, is provided in Table 6.
## Table 6: Summary of consultation steps leading to the production of flood risk management plans

### Key implementation steps

<table>
<thead>
<tr>
<th>Development of advisory groups/engagement activities and communications</th>
<th>Flood risk assessment</th>
<th>Flood hazard maps/flood risk maps and other assessments</th>
<th>Draft flood risk management plans</th>
<th>Final flood risk management plans</th>
</tr>
</thead>
</table>

### Timeline

|---|---|---|---|---|

### Consultation and participation activities

| Develop proposals for National Advisory Groups, local plan areas and the flood risk management planning process. | Set up National Advisory Groups. | Establish local advisory groups and local partnerships, as required. | Work with partners through SAIFF. | Consult on draft flood risk management plans. |
| Consult on proposals for flood risk management planning and advisory groups. | Consult river basin management planning Area Advisory Groups. | Work closely with local authorities, local advisory groups and National Advisory Groups to develop and agree objectives and measures to manage flood risk. | Submit final flood risk management plans to Ministers for approval. |
| National event on flood risk management planning. | Thematic workshops for local authorities and responsible authorities. | Consult on statement of consultation actions. | Publish final flood risk management plans. |
| Work with partners through SAIFF. | Publish a joint communication strategy. | Make flood hazard maps and risk maps publicly available. | |

### Key documents

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint communication strategy.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Section 20 assessment requires SEPA to identify opportunities for the restoration of natural features and characteristics to reduce flood risk.*
5.1 Communicating with the public

All responsible authorities, including SEPA, the Scottish Government, local authorities, and Scottish Water must play their part in raising public awareness of flooding issues. In order to communicate effectively, we need to develop common messages and aspirations and joined-up approaches to delivering public engagement. We therefore intend to develop and deliver a joint communication strategy with other partners and responsible authorities in 2011.

The aim of the strategy will be to deliver strong and effective communications relating to all aspects of the FRM Act.

The strategy will:

- set out key messages agreed by all responsible authorities;
- identify relevant audiences;
- identify effective communication methods and techniques;
- identify resources required for delivery.

Where possible, SEPA will make the best use of existing initiatives, such as flood warning campaigns, local floods groups, and the work of the Scottish Flood Forum to raise public awareness.

### Communication tools

To communicate flooding issues in the right way, to the right people, at the right time, we will deploy the following communications tools:

- Partner engagement (e.g., conferences, stakeholder events, briefings, meetings, focus groups).
- Partnership communications (e.g., articles in partner magazines, websites, bulletins).
- Media (e.g., news management, media relations, publicity opportunities).
- New media (e.g., social media, SEPA and partner websites, e-bulletins).
- Publishing (e.g., printed and/or online, leaflets, newsletters).
- Evaluation (e.g., market research, media monitoring).

### Consultation question 9

Do you support the proposal for a joint communication strategy? Do you have any suggestions for methods of communication that, in your experience, may be effective?

5.2 Statement of consultation actions

The FRM Act requires SEPA to publish a statement of consultation actions that will be put in place to support the production of flood risk management plans.

While the requirement to publish such a statement falls on SEPA, we propose to publish a joint statement with local authorities and Scottish Water. This is to ensure that approaches to national and local consultation actions are joined up.

The statement will be published in December 2012 and will be subject to full public consultation prior to its release. It will provide a comprehensive description of the actions and activities that SEPA and its partner organisations will take to ensure public and stakeholder engagement in the production of flood risk management plans. A set of proposed activities are outlined in Table 7.
<table>
<thead>
<tr>
<th>Type of activity</th>
<th>Purpose</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness raising</td>
<td>To raise awareness of the FRM Act, flood risk and other associated issues.</td>
<td>Detail will be developed through our joint communication strategy.</td>
</tr>
<tr>
<td>Advisory groups</td>
<td>Provide stakeholders with an opportunity to comment and contribute to the development of flood risk management plans at national and local level.</td>
<td>Advisory groups will provide input to the development of the flood risk management planning framework, review outputs from assessments and maps, and support the production of national and local flood risk management plans.</td>
</tr>
<tr>
<td>Consultation activities</td>
<td>To gather public and stakeholder views at key stages of the process. This will include written consultation, workshops and events.</td>
<td>These consultations will include flood risk assessments, a statement of consultation actions, and draft flood risk management plans.</td>
</tr>
<tr>
<td>Other engagement activities</td>
<td>Provide public and stakeholders with the opportunity to influence the flood risk management planning process.</td>
<td>Making use of existing partnerships, networks and groups to disseminate information and gather views.</td>
</tr>
</tbody>
</table>

**Consultation question 10**
Do you support the consultation activities highlighted in Table 7? Are there any alternative or additional consultation activities that you would like to see included in the statement?
### 6 Glossary

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAG</td>
<td>Area Advisory Group</td>
</tr>
<tr>
<td>COSLA</td>
<td>Convention of Scottish Local Authorities</td>
</tr>
<tr>
<td>Defra</td>
<td>Department of Food and Rural Affairs</td>
</tr>
<tr>
<td>EA</td>
<td>Environment Agency</td>
</tr>
<tr>
<td>NFRA</td>
<td>National flood risk assessment</td>
</tr>
<tr>
<td>FRM Act</td>
<td>Flood Risk Management (Scotland) Act 2009</td>
</tr>
<tr>
<td>FRMP</td>
<td>Flood risk management plan</td>
</tr>
<tr>
<td>PVA</td>
<td>Potentially Vulnerable Area</td>
</tr>
<tr>
<td>RBMP</td>
<td>River basin management plan</td>
</tr>
<tr>
<td>SAIFF</td>
<td>Scottish Government’s Advisory and Implementation Forum for Flooding</td>
</tr>
<tr>
<td>SCG</td>
<td>Strategic Co-ordinating Group</td>
</tr>
<tr>
<td>SCOTS</td>
<td>Society of Chief Officers for Transportation in Scotland</td>
</tr>
<tr>
<td>SEPA</td>
<td>Scottish Environment Protection Agency</td>
</tr>
<tr>
<td>SG</td>
<td>Scottish Government</td>
</tr>
<tr>
<td>SNH</td>
<td>Scottish Natural Heritage</td>
</tr>
<tr>
<td>SUDS</td>
<td>Sustainable Urban Drainage Systems</td>
</tr>
<tr>
<td>SW</td>
<td>Scottish Water</td>
</tr>
</tbody>
</table>
Annex 1  Flood risk management districts
Annex 2  Solway Tweed flood risk management district
Annex 3  Proposed membership for (Scotland) National Advisory Group

Membership will include representatives from all responsible authorities, organisations listed under the section 49 (7) (a) and (b) of the FRM Act and other representatives with an interest in flooding issues. Detailed proposals for membership for the Scotland Advisory Group are provided below. Membership for the Solway Tweed District Advisory Group will be developed in consultation with The Environment Agency.

<table>
<thead>
<tr>
<th>Persons specified under the FRM Act</th>
<th>Any other relevant persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA</td>
<td>British Ports Association</td>
</tr>
<tr>
<td>Representation from local authorities†</td>
<td>British Waterways</td>
</tr>
<tr>
<td>Emergency responders</td>
<td>Confederation of British Industry (CBI) Scotland</td>
</tr>
<tr>
<td>Forestry Commission Scotland</td>
<td>Convention of Scottish Local Authorities (COSLA)</td>
</tr>
<tr>
<td>Loch Lomond and the Trossachs National Park</td>
<td>Association of Salmon Fisheries Boards Scotland</td>
</tr>
<tr>
<td>Cairngorms National Park Authority</td>
<td>Environment Agency</td>
</tr>
<tr>
<td>Scottish Water</td>
<td>Association of British Insurers</td>
</tr>
<tr>
<td>Scottish Natural Heritage</td>
<td>MET office</td>
</tr>
<tr>
<td></td>
<td>National Farmers’ Union Scotland (NFUS)</td>
</tr>
<tr>
<td></td>
<td>Network Rail</td>
</tr>
<tr>
<td></td>
<td>Rivers and Fisheries Trust Scotland</td>
</tr>
<tr>
<td></td>
<td>Scottish Coastal Forum</td>
</tr>
<tr>
<td></td>
<td>Scottish Council for Development and Industry</td>
</tr>
<tr>
<td></td>
<td>Scottish Enterprise</td>
</tr>
<tr>
<td></td>
<td>Scottish Environment Link</td>
</tr>
<tr>
<td></td>
<td>Scottish Flood Forum</td>
</tr>
<tr>
<td></td>
<td>Scottish Government§</td>
</tr>
<tr>
<td></td>
<td>Scottish Rural Property and Business Association (SRPBA)</td>
</tr>
<tr>
<td></td>
<td>Scottish Society of Directors of Planning</td>
</tr>
<tr>
<td></td>
<td>The Crown Estate</td>
</tr>
<tr>
<td></td>
<td>Waterwatch Scotland</td>
</tr>
</tbody>
</table>

†These will include representatives from district groups representing local authority interests, for example SCOTS, local authority’s communications group and planning.
Annex 4  Map of Local authorities’ boundaries and river catchments
Annex 5  Map of proposed local plan areas
Annex 6   Table of local authorities and local plan areas

A black tick indicates part of a local authority is within a proposed local plan area (Note: This could be a very small part of a local authority as local plan areas follow catchment boundaries). A red tick indicates all or the majority of a local authority is within a proposed local plan area. Inverclyde is the only local authority with two red ticks as there is a similarly large proportion of this local authority in two local plan areas.

<table>
<thead>
<tr>
<th>Local Authorities</th>
<th>Proposed Local Plan Area</th>
<th>Total Number of Proposed Local Plan Areas in Local Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highland</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Western Isles</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Orkney</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Shetland Islands</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Moray and Speyside</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Aberdeenshire</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Angus</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Argyll and Bute</td>
<td>✓</td>
<td>3</td>
</tr>
<tr>
<td>Clackmannanshire</td>
<td>✓ ✓ ✓</td>
<td>3</td>
</tr>
<tr>
<td>Dumfries and Galloway</td>
<td>✓</td>
<td>2</td>
</tr>
<tr>
<td>Dundee City</td>
<td>✓</td>
<td>1</td>
</tr>
<tr>
<td>East Ayrshire</td>
<td>✓ ✓ ✓ ✓</td>
<td>3</td>
</tr>
<tr>
<td>East Dunbartonshire</td>
<td>✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td>East Lothian</td>
<td>✓ ✓ ✓</td>
<td>3</td>
</tr>
<tr>
<td>East Renfrewshire</td>
<td>✓</td>
<td>3</td>
</tr>
<tr>
<td>Edinburgh City</td>
<td>✓ ✓</td>
<td>1</td>
</tr>
<tr>
<td>Falkirk</td>
<td>✓ ✓ ✓ ✓</td>
<td>4</td>
</tr>
<tr>
<td>Fife Council</td>
<td>✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td>Glasgow City</td>
<td>✓</td>
<td>1</td>
</tr>
<tr>
<td>Highland</td>
<td>✓ ✓ ✓</td>
<td>3</td>
</tr>
<tr>
<td>Inverclyde</td>
<td>✓ ✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td>Midlothian</td>
<td>✓ ✓ ✓</td>
<td>3</td>
</tr>
<tr>
<td>Moray</td>
<td>✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td>North Ayrshire</td>
<td>✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td>North Lanarkshire</td>
<td>✓ ✓ ✓</td>
<td>3</td>
</tr>
<tr>
<td>Orkney Islands</td>
<td>✓</td>
<td>1</td>
</tr>
<tr>
<td>Perth and Kinross</td>
<td>✓ ✓ ✓ ✓ ✓</td>
<td>5</td>
</tr>
<tr>
<td>Renfrewshire</td>
<td>✓ ✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td>Scottish Borders</td>
<td>✓ ✓ ✓ ✓ ✓</td>
<td>5</td>
</tr>
<tr>
<td>Shetland Islands</td>
<td>✓</td>
<td>1</td>
</tr>
<tr>
<td>South Ayrshire</td>
<td>✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td>South Lanarkshire</td>
<td>✓ ✓ ✓</td>
<td>5</td>
</tr>
<tr>
<td>Stirling</td>
<td>✓ ✓ ✓ ✓</td>
<td>5</td>
</tr>
<tr>
<td>West Dunbartonshire</td>
<td>✓</td>
<td>1</td>
</tr>
<tr>
<td>West Lothian</td>
<td>✓ ✓ ✓</td>
<td>3</td>
</tr>
<tr>
<td>Western Isles</td>
<td>✓</td>
<td>1</td>
</tr>
</tbody>
</table>

Total Number of Local Authorities in Proposed Local Plan Area: 2 1 1 2 3 4 4 4 4 3 1 14 5 8 3 4 5 5 5

Total Number of Local Authorities in Proposed Local Plan Area: 14
APPENDIX B - DRAFT CONSULTATION RESPONSES

General Consultation Response

Angus Council have responded to the specific consultation questions as requested. In responding to these questions, we have identified other issues that have been included in the consultation but were not subject to a specific question. We have also presented below a general summary of issues that have been raised but not addressed by the consultation, as presented to Angus Council’s Infrastructure Services Committee on 12 October 2010.

B1.1 The FRM Act requires plans to be produced and then updated every six years, which will include a set of objectives and actions for tackling flooding issues in each area identified as being potentially vulnerable to flooding, as defined in the National Flood risk assessment. The plans will co-ordinate actions across catchments and all actions will be subject to cost-benefit analysis. Flood risk management plans will allow for targeted investments and better decisions to be made about actions to reduce flood risk. Draft national and local flood risk management plans are required for consultation by December 2014, with publication by December 2015. The “Implementation parts” of the local flood risk management plans must be prepared by June 2016. It is not clear from the FRM Act or consultation document what the transitional arrangements are for implementing flooding measures prior to the finalisation of the local flood risk management plans.

B1.2 The consultation document details a set of overarching principles based on the requirements of the FRM Act and the role of local plans. The consultation states that ‘local authority boundaries are...the second most important consideration in defining local plan areas’. Angus Council’s view is that local authority boundaries are equally important to river catchment boundaries as it is through individual local authorities that local accountability is ensured. It is not clear how the importance of the principles presented in the consultation have been applied to the proposed local plan areas.

B1.3 The FRM Act places a general duty on all parties so far as practicable, to adopt an integrated approach by co-operating with each other so as to coordinate flood risk management functions. It is not clear within the FRM Act and consultation how the issues relating to the cross-boundary and cross-administration, local accountability, joint decision-making and joint ownership are to be addressed.

B1.4 SEPA have established that there are two principal flood risk management districts - a Scotland flood risk management district (covering most of Scotland) and the Solway Tweed cross-border flood risk management district shared with England. Angus Council would suggest an alternative to the current proposal would be a split to the ‘Scotland’ district to address the differences in the catchments flowing into the main conurbations of the central-belt, which could be a Forth-Clyde district, and separately a Northern Scotland district, which is more rural, has few large urban areas and is more sparsely populated. This might allow different and fairer allocations of funding, not solely based on a ‘one size fits all’, Scotland-wide set of parameters. The major city conurbations might always have a greater call on any flood funding mechanism based on properties within flood zones because of their relatively denser population and higher property and land values when considering cost-benefit. The establishment of the districts is not however subject to a specific question within the consultation.

B1.5 The consultation makes detailed proposals for who will be the lead local authority for each proposed local plan area, however, it also states that ‘it will be for local authorities to agree on who will take the lead in each local plan area’, although the mechanism for achieving such agreement is not mentioned. It is not considered clear within the consultation how agreement is to be reached on who is the lead local authority and what the role of the ‘non-lead’ local authorities is, other than ‘to cooperate with the lead local authority’. It is not considered clear within the FRM Act
or the consultation document how local accountability and a democratic mandate for the entire administrative areas included in the local flood risk management plans will be delivered in defining lead and non-lead authorities. **Angus Council’s view is that a local advisory group should be established as early as is practicable, bringing together officer representatives from the affected authorities to discuss the application of the principles on the proposed Angus and Dundee LPA and Perth & Kinross LPA.**

**B1.6** Scottish Water has been designated as a responsible authority, with a duty to exercise its flood risk related functions to reduce overall flood risk and to cooperate with the lead local authority and others in producing local flood risk management plans. A major issue that has not been addressed in the consultation of the FRM Act to date is the different parameters that are used in regard to flooding, which for Scottish Water and other authorities is most often the key driver for investment decisions. For SEPA and local authorities the 1:200 year return period flood is most often applied, whilst for Scottish Water, a 1:10 year return period flood within a property is applied with a 1:30 year return period capacity for their sewerage systems as a whole. Furthermore, Scottish Water’s priorities as stated in their latest 2010-14 Capital Investment Programme is to address water quality issues and not flooding issues. **Angus Council’s view is that the issues of different flood parameters and funding mechanisms will need to be addressed by the Scottish Government to allow the FRM Act to operate as intended.**

**B1.7** Under the FRM Act, SEPA has been given a strategic role in flood risk management and significant new responsibilities. Central to SEPA’s new role is the delivery of the national framework for flood risk management in Scotland. This will be achieved through the preparation of national flood risk assessment maps and plans, setting out short to longer-term objectives and actions to manage flood risk sustainably across Scotland. Key to the success of this work will be building on existing partnerships and establishing new partnerships between SEPA, local authorities, Scottish Water and other public bodies, alongside stakeholders and the public. The national flood risk assessment maps and plans may establish prescriptive measures that will influence the local flood risk management plans, which themselves are the responsibility of the lead local authority and other non-lead local authorities. **Accordingly, Angus Council’s view is that it is considered vital that there is appropriate representation from Angus Council, and other local authorities, in the national advisory groups, who will advise SEPA on the local implications of the national framework which will be established. Angus Council would welcome the opportunity to have officer representation to the national advisory groups.**

**B1.8** The Scottish Ministers are responsible for guiding the implementation process and are responsible for setting the policy framework for implementing the FRM Act, and will ultimately be responsible for approving the objectives and actions set out in flood risk management plans. **Angus Council’s view is that it is vital that the Scottish Government addresses the funding mechanisms for Scottish Water and other authorities, and also identifies more transparent funding for flood risk management within local authority settlements.**

**B1.9** A National Advisory Group to support SEPA in developing the National Flood Risk Management Plan will be set up in January 2011. This group will include ‘representatives’ from local authorities as specified under the FRM Act. **Angus Council’s view is reiterated that it is considered important that there is comprehensive representation from local authorities to the proposed National Advisory Group to facilitate longer and deeper consultation on the early implementation of the FRM Act, which will have the most significant effect on the future implementation of flood risk management plans.**

**B1.10** Local advisory groups to support local authorities will be set up from January 2012. In the meantime, it is proposed in the consultation document to use Area Advisory Bodies set up under the Water Framework Directive for river basin management
planning, to allow stakeholders to engage in the flood risk management process. Whilst river basin management planning and flood risk management planning are interrelated, this proposal is not considered to be appropriate to address the particular issues related to flood risk management. It is important to note that the work of the Advisory Groups will be linked to further consultation through ‘thematic workshops’ during January – March 2011, which leads to ‘final agreements’ on local plan areas in September 2011. Angus Council’s view is reiterated that a local advisory group be established as early as is practicable, bringing together officer representatives from the affected authorities to discuss the application of the principles on the proposed Angus and Dundee LPA and Perth & Kinross LPA. If the Area Advisory Bodies set up under the Water Framework Directive are to be utilised, Angus Council’s view is that it is considered essential that Angus Council are fully engaged through the Perth & Kinross Area Advisory Group.

Consultation Response to Questions

Consultation question 1
Do you agree with the principles for defining local plan areas? If not, what other suggestions do you have?

Response to Q1:

Principle 1 is detailed as “Local plan areas must follow catchments boundaries. This is specified in the FRM Act.” Angus Council does not consider that this is explicit within the FRM Act as ‘catchment’ is not a term used. It is perhaps implicit, in that flood risk areas shall be made up of river basins or sub-basins. Angus Council’s view is that principle 1 should apply equally to catchments and sub-catchments alike in determining local plan areas.

In addition, the principles adopted relate only to the catchment boundaries as identified clearly in principle 1. Other administrative boundaries may not have been given due consideration. This additional consideration would lead to a more integrated approach to flood risk management by duly including all ‘peripheral’ issues. For example, LPAs need to integrate into other structures that currently exist such as the Strategic Co-ordinating Groups under the Civil Contingencies Act 2004, where much of the planning and preparation is undertaken with regard to response and recovery. The Civil Contingencies Act 2004 is not referenced in the consultation document. Further measures to mitigate against flood risk need to be integrated with the community risk register and risk assessments; however for flood matters one option would be rather than duplication of effort, local lead responders integrate the production of local risk maps etc to the risk register process. Angus Council’s view is that it is vital that the risk management for flooding is considered across services, structures and boundaries.

Principle 2 requires that “Local plan areas need to operate at a scale that allows agreements to be reached on funding, including taking forward flood protection schemes through local flood risk management plans.” In relation to the funding, the FRM Act makes only two references: one in regard to Scottish Ministers having regard for local flood risk management plans in determining any funding to be allocated for the purpose of flood risk management for any period, and one in relation to the arrangement for funding to be stipulated in the implementation part of the local flood risk management plan. It is not considered clear how local authorities within a shared local plan area will agree, identify and allocate funding to the implementation measures. It is considered possible that the lead local authority responsible for preparing the local plan will be asked to decide on priorities across administrative boundaries, which is not locally accountable (see principle 4). It is also not considered likely that the scale of funding available to individual local authorities will be sufficient to develop multi-million pound flood protection schemes, even if these funds were pooled. That said - the pooling of funds for allocation across administrative boundaries is not considered to be a workable option unless the scheme directly benefits each Council, again for local accountability reasons.

Principle 3 requires that it be possible that a lead local authority be identified for each local plan area. It is not clear whether this is based on geographical, population, expertise, flooded areas, number of affected properties or value of affected properties issues. The principle is perhaps intended to limit the number of lead local authorities.
Principle 4 establishes that there is ‘local accountability for making decisions and taking actions to help communities at risk of flooding’. Given that the application of earlier principles may lead to local authorities having flood risk responsibilities for large areas outside their administrative jurisdiction, the consultation is not clear on how local accountability will be assured. The FRM Act places a duty on the lead local authority in preparing the local flood risk management plan to consult on measures, and identify who is to be responsible for these measures. The plan shall include a description of how the functions of the persons responsible for the measure will be coordinated to implement the measures and, in particular, a description of how those functions will be coordinated. It is considered that this will be the fundamental issue in ensuring that the plans are locally accountable. It is not though clear given that the lead local authority has only a duty to consult with ‘non-lead’ local authorities how the democratic mandate for such decisions will be delivered, particularly as the lead local authority appears to be responsible for making such decisions in determining the plan. Section 39 of the FRM Act requires that where a local plan district covers more than one local authority’s area, the lead authority and the other authorities must, so far as practicable, co-operate with each other. There appears to be no recognition of any eventuality where this may not be the case nor mechanism to facilitate this. **Angus Council’s view is that principle 4 is the most important (of the five stated) and should be given priority over the others.**

Principle 5 appears to be a sound principle, however, the application of this principle to ‘City Councils’ will most often leave these authorities as administrative sub-catchments to larger local geographical areas.

**Further comments in relation to Angus Council and the specific application of these principles in the local plan areas proposed in the consultation:**

While the proposed LPAs would seem to adhere to principle 1, “local plan areas must follow catchments boundaries”, it is not clear that the proposal for a large section of Angus (the River Isla catchment, which includes two of the seven burghs within Angus (Forfar and Kirriemuir) and the Council’s administrative centre to be included within the Perth & Kinross Local Plan District adheres to principle 4, whereby Perth & Kinross would appear to be the lead local authority as the River Isla is part of the Perth & Kinross catchment. Also, it would appear that a significant area in the east of Perth & Kinross Council area (the Carse of Gowrie strip) which does not drain through either Angus or Dundee is included within the Angus and Dundee City Local Plan District.

Similarly, it is not clear how the proposal adheres to principle 2 – “Local plan areas need to operate at a scale that allows agreements to be reached on funding, including taking forward flood protection schemes through local flood risk management plans” as it is considered highly impractical to rely on cross-administration agreements to promote measures wholly within an individual local authority area. This would perhaps be even more challenging if the non-lead authority wished to promote such a scheme.

For a LPA to operate at a scale that guarantees accountability and that agreements can be reached on funding, including taking forward flood protection schemes through Local Flood Risk Management Plans (LFRMPs) the optimum scale is perhaps the individual local authority. This would therefore ensure local accountability required under principle 4. This is because the delivery of the actions required by the LFRMPs would need to be implemented by individual Local Authorities (LAs) whose boundaries encompass the areas of concern or river catchments involved, while the funding and flood protection measures for implementation are likely to be of different priority for each LA. Similarly, different LAs are likely to have different priorities with respect to the development of the LFRMPs with respect to the form of the flood implementation measures to be promoted (albeit within the overall strategic framework established by SEPA in conjunction with other stakeholders, the National Flood Risk Management Plans, NFRMPs) planning considerations and funding available.

One solution to remedy this issue would be to develop a LFRMP for each individual LA. The main problem with this approach would seem to be that many river catchments cross into two or more LA areas, the rivers often forming the boundaries between LAs. This approach would not contravene principle 1 in that a sub-catchment approach would ensure compliance, but this approach would rely on good working relationships between local authorities to manage cross-boundary issues in partnership, as is the case under current legislation, rather than as ‘lead’ and ‘non-lead’ authorities.
Each LA would lead within their administrative boundaries, and where leads are required for sub-catchments made up of two or more administrative sub-catchments, they would be determined on a most appropriate basis. This might include considerations of expertise, funding or extent of flooding. The danger in adopting LFRMP areas which are too large is that the development of the LFRMPs would be problematic given the different priorities, funding and resources of different LAs. It is quite possible that the development of a LFRMP will be delayed by the slowest concluding LA in the area, potentially to the detriment of the aspirations of the other LAs within that area. The more LAs there are within the LFRMP areas, the more likely are these potential delays to occur. Although it is recognised that one of the main advantages of having larger LFRMP areas is the economy of scale (i.e. in terms of resources required to develop the plan perhaps) and the simpler interaction requirements for SEPA in particular, this may be unacceptable to individual LAs who may feel they have less say in what measures are proposed for their areas and that this approach would be detrimental to the requirements of the local accountability principle. We would be concerned about the centralisation of the development of the overall strategic framework (i.e. the NFRMPs) within which each LFRMP must be developed, where local authorities must be made aware of the issues that will establish ‘metaphorical’ boundaries on them through subsequent LFRMPs.

With respect to principle 1, “local plan areas must follow catchments boundaries”, it is not agreed that this should be an overarching principle for defining LPAs. What is important is that a catchment based approach should be adopted in the development of each LFRMP, but this could be achieved for catchments split between two or more LAs as described above in defining ‘sub-river-catchments’ and ‘administrative sub-catchments’. It would seem that this principle 1 has overridden principles 2 and 4 in defining the proposed local plan districts which Angus would be part of.

It is not clear how our LA neighbours will view the proposed Angus and Dundee City LPA. The application of principle 5 to Dundee City Council is that it is entirely within the proposed local plan area where Angus Council are the proposed lead authority. Angus Council’s response to this consultation in relation to the consequence of the application of principle 5 on our neighbours Dundee City Council is reserved.

Angus Council’s view is reiterated that a local advisory group should be established as early as is practicable, bringing together officer representatives from the affected authorities to discuss the application of the principles on the proposed Angus and Dundee LPA and Perth & Kinross LPA.

More detailed maps showing the proposals for the LPA affecting Angus Council than those presented in the consultation document were made available at the national event on flood risk management planning on 8 September 2010 which was attended by two Angus Council officers (see Appendix C for Proposed Local Plan Areas for Flood Risk Management: Angus and Dundee City by SEPA).

Angus Council’s view is that if these boundaries were to be applied, then there should be a detailed definition of roles and responsibilities for various sub-areas of the local plan area as delineated by the river catchment and local authority boundaries.

This would introduce ‘sub-river-catchments’ and ‘administrative sub-catchments’, as shown on the amended drawing of the Proposed Local Plan Areas for Flood Risk Management: Angus and Dundee City (see Appendix D).

In this alternative proposal to the LPA, Angus Council and Aberdeenshire Council would have shared responsibility for the River North Esk catchment. Aberdeenshire Council would be the ‘lead’ in terms of implementation measures in the ‘administrative sub-catchment’ to the north-east of the River North Esk, which is within Aberdeenshire Council’s boundary. Angus Council would be the ‘lead’ in terms of implementation measures in the ‘sub-river-catchment’ within Angus Council’s boundary. Issues with regard to implementation of shared activities on the administrative boundary would be undertaken jointly as has always been the case. The River North Esk ‘administrative sub-catchment’ of Aberdeenshire Council will form a section of the LFRMP and implementation part in its own right, which would be coordinated with a section on the overall River North Esk catchment, which would include the Angus Council sub-catchment. This cascade of responsibility would be essential to administration activities in relation to the FRM Act.
A similar proposal would be applied to the administrative sub-catchments of Perth & Kinross Council and Dundee City Council in terms of the proposed Angus and Dundee City LPA, and also in reverse for the administrative sub-catchment to the Perth & Kinross LPA that is in Angus.

However, in regard to the large area in the eastern half of Angus, which falls into the Perth & Kinross catchment and hence Perth & Kinross LPA, it should be noted that this is an extremely large administrative area for which Angus Council would not be the lead local authority under FRM Act as presented in this consultation. This is not considered to be appropriate as is currently presented, particularly given that Angus Council’s administrative centre in Forfar, as well as Kirriemuir, is not included in the LPA for Angus.

As an example, should there be a flooding issue in Glamis, who would the Angus Council resident call? Would this be locally accountable? In addition, would a Dundee resident call Angus Council in Forfar (which is in another LPA entirely as presented)?

This may be considered to be a detailed issue for future consideration and consultation. However, these issues are known and should therefore be clearly identified, if not solutions offered, in a consultation such as this. Given that it is not clear how Angus Council will be offered the opportunity to consult further on these issues before the local plan areas and lead local authorities are decided upon by SEPA, Angus Council does not agree with the local plan areas which are proposed to cover our administrative area.

Consultation question 2
Do you agree with the proposed number of local plan areas? If not, do you feel that there are too many or too few? Please provide reasons for your response.

Response to Q2:

Given the response to Question 1 and the alternative proposal using ‘sub-river-catchments’ and ‘administrative sub-catchments’ to more adequately identify local plan areas, Angus Council’s view is that there are too few local plan areas and that the proposed local plan areas need to be more clearly sub-divided to address the local accountability issues. The basis for the number proposed is through the application of the five principles. Our response has identified reservations in regard to these principles and the priority applied to each of them. It is also recognised that applying such principles is a subjective process, which can only be managed through a full and proper representation from the potentially affected parties, in this case the Councils of Aberdeenshire, Angus, Dundee City and Perth & Kinross. Should the principles be reassessed as has been recommended then the resulting proposal for the LPAs will in turn be reassessed. This may lead to a redrawing of the boundaries that would not lead to the administrative issues that we have identified.

Another suggestion is that rather than reduce the number of LPAs, consideration be given to adopting the partnership approach it is proposed to adopt for coastal and estuarine units (section 3.5 refers) for catchments split between neighbouring LAs. The larger the LPA the harder it will be for the public to identify which is the lead local authority. This could be contentious if the lead LA is not accountable to residents in a neighbouring LA who happen to be included within the lead LA’s LPA (e.g. the Carse of Gowrie in Perth & Kinross and the River Isla catchment in Angus).

Consultation question 3
Do you agree that we should aim to reduce the number of local plan areas where there are existing arrangements for sharing resources between local authorities that have not yet been considered? If you are a local authority representative, what are your views on reducing the number of local plans in your area?

Response to Q3:

Angus Council’s view is that the aim should not necessarily be to reduce the number of local plan areas in general. It is true that there is a limited expertise and staff resource in relation to flood risk across not only local authorities but also SEPA and the private sector, however the sharing of resources between local authorities does not address the issue of local accountability, nor does it
reflect the importance of ‘local knowledge’ in relation to managing flood risk. If this local knowledge is applied over a larger area, i.e. through shared resources, there is a danger that this will be diluted, lose effectiveness and then be lost.

For reasons of accountability, Angus Council would only propose to share resources where administrative river catchments or sub-catchments are shared across administrative boundaries and cross-boundary measures are required, as is currently the case under existing legislation. We see no reason or requirement under the FRM Act to change this approach, particularly if our proposed changes to the proposed LPA affecting Angus Council are adopted.

Consultation question 4
Is this the appropriate approach to dealing with coastal flood risk management? If not, what alternative proposals would you put forward?

Response to Q4:
There is insufficient detail in the consultation on how the FRM Act in dealing with coastal flood risk management will be combined with the coastal erosion elements where the Coast Protection Act 1949 applies. The approach to move this forward seems reasonable in principle. However, more detail is required on who would take the lead in the development of the LFRMP for a coastal and estuarine unit. For instance, how would the LFRMP for the Perth & Kinross Estuary be developed?

Consultation question 5
Will these principles support a balanced flood risk management planning process? If not, do you have suggestions on how to improve these principles?
We are keen to learn about your experience of partnership working. If you were or are involved in partnerships, please share with us some of your experiences, including why the partnership worked well and the lessons you learned.

Response to Q5:
With respect to the high level principles:

- By apparently excluding LAs from inputting directly into the NFRMPs (as Fig. 5 of the consultation document indicates) the principle that “decisions on setting objectives and actions should be taken at the appropriate scale (most likely to be at the scale of the local plan area)” would not seem to apply to the development of the NFRMPs, and so would not support a balanced flood risk management process.

- As LAs must produce LFRMPs in compliance with the NFRMPs, it is vital that LAs have an input into the NFRMPs to ensure that objectives and prioritisation within the LFRMPs by the NFRMPs are realistic and reasonable and would not unduly constrain the LFRMPs in proposing the best and most cost effective, as well as environmentally sensitive, approach to solving local flooding problems. For instance the NFRMP could compel LAs to only consider a specific range of measures, which may be expensive to operate and maintain, to manage a flooding problem. This may well steer implementation away from larger flood prevention schemes, which may be more appropriate.

- In addition, it will be much more difficult for individual LAs to be persuaded to approve a certain approach or flood management measures in the LFRMP, in accordance with the NFRMPs, if the LAs have not had any input into the development of the approaches or
measures allowed for under the NFRMPs. This could lead to significant delays in both the development and implementation of LFRMPs.

- It is agreed that the high level decisions will also require new tools to assess the relative costs and benefits of various non-structural actions (for example Natural Flood Management measures) in particular. However, it is not clear that the development of sufficiently robust assessment tools for non-structural actions can be achieved in the timescales stipulated to satisfy, say, the Association of British Insurers with respect to flood risk.

- It is not clear that “the process of setting objectives and actions under the plans” would “speed-up, supplement or even possibly replace the early stages of flood protection scheme development” at this stage, as it is not clear what the overarching NFRMPs will allow. It’s possible that, unless the NFRMPs are carefully developed in conjunction with the main stakeholders, including LAs, the process may do the opposite for scheme development.

This section of the consultation categorises both the national and supplementary parts of local plans as high-level and strategic in nature. This joint classification appears to be in slight contradiction to the cascade from national down to local (i.e. supplementary) and then implementation part of the plans, and the need for the supplementary part to be sufficiently detailed to enable lead local authorities to prepare implementation plans. Indeed, ‘high level’ decisions are not adequately defined. However, the consultation includes a significant statement, in that implementation plans ‘require all bodies involved to have sufficient detail to secure funding for their respective contributions’. Given the continued uncertainty in relation to public finances and the allocation or otherwise of flood-related funding to local authorities, it is not clear how the lead local authority or the non-lead local authorities will have sufficient detail in regard of funding. It is also not clear whether individual local authorities will be solely responsible for funding implementation measures in their administrative areas or whether they will be required to contribute to the overall list of implementation measures identified across the whole of the local plan area. Angus Council’s view is that issues of funding need to be identified earlier in the process, so as to allow informed consultation, debate, advice and decision making at all levels.

The consultation proposes that partnerships are used to decided on setting objectives and that actions should be taken jointly. Experience shows that partnerships work well when the roles of all partners are clear and the interrelationship of these roles is well understood by all partners who are co-operative. However, what is not clear, and has not been evidenced to date with the Metropolitan Glasgow Strategic Drainage Partnership (MGSDP), which is consistently presented as the exemplar, is how these partnerships will operate to ensure local accountability and a democratic mandate.

In addition, there is no mention of the Community Risk Register (CRR) as required under the Civil Contingencies Act 2004. This is in place to ensure that each Strategic Co-ordinating Group (currently based on police force areas) assess local hazards and threats. In order to avoid duplication therefore, if data is to be produced via SEPA and lead local authorities,, for the purposes of the FRM Act as well as for the purposes of the CRR then consideration should be given to how that data gathering should be co-ordinated specifically in terms of the impacts and consequences required for the purposes of the CRR.

Consultation question 6
Have we correctly identified the purpose, role and membership for the National Advisory Group? If not, do you have suggestions on how we could improve these proposals?

Response to Q6:

Angus Council’s view is that the statement within the consultation, ‘[SEPA] will seek to ensure that consultation arrangements are put in place in a timely manner to allow stakeholder input into national flood risk assessment’ is no guarantee that Angus Council will have the opportunity to comment on more detailed proposals for the National Advisory Body.

It is not clear that the proposal for National Advisory Groups (NAGs) to only have an indirect input to the development of the NFRMPs, i.e. via advising SEPA, as opposed to the direct input which for example Scottish Water is allowed, is sufficient in identifying the correct national priorities and actions
in particular for managing flood risk. Furthermore, the large number of both statutory and non-statutory bodies to be represented on the NAGs will further dilute the influence of the proposed “representation from local authorities” though in effect the LAs will be the ones with prime responsibility for funding and implementing the NFRMPs via the LFRMPs. It is also not clear that the envisaged “representation from local authorities” groups are sufficiently representative of LAs’ general interests. Angus Council’s view is that only truly representative district groups, who have a democratic mandate to represent LAs as a whole, perhaps chosen via COSLA, provide LAs’ formal representation on the NAGs.

We would also comment that there needs to be synergy between the advisory groups and national and local risk assessments, required under the Civil Contingencies Act 2004.

Consultation question 7
Do you support the proposal for the temporary use of AAGs as means of engaging local stakeholders? If not, what alternative proposals might you suggest?

Response to Q7:

The role of the local Area Advisory Group is not clear. Are they to ‘assist lead local authorities’ or ‘provide advice to local authorities’? Given that the role of the ‘non-lead’ local authorities is not adequately defined in the FRM Act or the consultation, there is potential for them to be disadvantaged where flood risk in large parts of their administrative areas is led by a neighbouring authority.

Angus Council do not agree that it is too early to formally establish the required Local Advisory Groups, particularly given their fundamental role. Given that this consultation and its proposal to utilise Area Advisory Groups may lead to definitive proposals on the formation of the local plan areas, it is vital that these groups are convened from each of the local authorities identified within each proposed local plan area. These groups should be represented by technical officers experienced in flood risk management as well as those who can deal with constitutional and administrative matters.

It is not clear that the Area Advisory Groups (AAGs) which were established for a different purpose, have sufficient flood management expertise to do the job envisaged for them. Also there is a danger that their influence, though positive in ensuring compatibility between the River Basin Management Plans (RBMPs) and the LFRMPs, may be skewed too much towards environmental and ecological concerns at the expense of addressing both economic and social concerns.

Given that one of the prime functions of the Local Advisory Groups (LAGs) is to ensure that “the national plans can take account of local priorities and circumstances” (though it is not clear what the mechanism for ensuring this would be) it is important that LAGs are set up before the process of developing the NFRMPs begins, so that local priorities and circumstances are taken into account at the earliest possible stage.

Angus Council’s view is reiterated that a local advisory group should be established as early as is practicable, bringing together officer representatives from the affected authorities to discuss the application of the principles on the proposed Angus and Dundee LPA and Perth & Kinross LPA.

Once again, we would also comment that there needs to be synergy between the advisory groups and national and local risk assessments, required under the Civil Contingencies Act 2004.

The consultation also states that the establishment of partnerships outside the advisory groups to ‘discuss and agree objectives, actions and funding mechanisms’ needs further development. Angus Council agrees that development of the establishment of partnerships is required and can only be identified through using local Area Advisory Groups that have been specifically formed to deal with flood risk management.
Consultation question 8
Do you support the proposal for a programme of thematic workshops for SEPA, local authorities and other responsible authorities? If not, do you have any alternative proposals that would achieve the same aim?

Response to Q8:

It is not clear that the ‘thematic workshops’ will be attended by local authorities and responsible authorities, but it is important to ensure that all such authorities are present and adequately represented. However, it is not clear how the ‘thematic workshops’ sit within the consultation process. The consultation states that these workshops will discuss the role of the lead local authority and review local plan areas. Will these discussions be based on the responses to this consultation? Will each democratically elected local authority have a further opportunity to vote and comment on the finalisation of the LPAs and lead local authorities planned for September 2011?

Angus Council’s view is that these workshops should be to inform formal written consultations with every LA, with a transparent process for showing how the consultation responses have been taken into account in:

- developing and finalising the national flood risk assessment (which may have significant implications for individual LA flood protection funding);
- the identification and assessment of potentially vulnerable areas;
- determining the identity and role of the lead local authorities;
- determining the boundaries and other issues concerning LPAs; agreeing LAG structures for LFRMPs.

Consultation question 9
Do you support the proposal for a joint communication strategy? Do you have any suggestions for methods of communication that, in your experience, may be effective?

Response to Q9:

A joint communication strategy is necessary to provide a single, consistent and meaningful source of information from all partners which can be accessed by the public. The consultation states that the strategy will ‘set out key messages agreed by all responsible parties’. The issues of cross-boundary/administrative proposals that will therefore result from the current proposal for the local plan areas in relation to local accountability and democratic mandate will apply equally to the communication strategy at a local level. In addition, as the communication strategy is likely to be cascaded through the national to the local level, it is imperative as has been stated in earlier responses to questions that local authorities have a due input into the formation of the NFRMP process.

Based on the summary of consultation steps presented in the consultation, the communication strategy and plans are due to be completed by January 2011. Given the short period between close of the consultation and this deadline, Angus Council’s view is that it is not considered adequate to properly develop the strategy and plan, particularly given that it is not clear as to who will be charged with this task and through what methods.

Work with partners through SAIFF has also been stated, which as stated in the FRM Act Annual Report to Parliament 2009 is working with SCOTS (Society of Chief Officers of Transport in Scotland) to ensure that the breadth of knowledge and expertise within local authorities is engaged in development of the policies, guidance and legislation that is supporting implementation of the FRM Act. Whilst it should be made clear that SCOTS does not represent all local authorities in Scotland, Angus Council have made every effort to engage in the early implementation work for the FRM Act through SCOTS Flood Risk Group, but still feel with the publication of this consultation and the short timescales to respond, that opportunities have been lost for us to make a fuller contribution. Indeed, in relation to the timescale for a response to the consultation, we are aware that many local authorities will be unable to seek prior approval, and a democratic mandate, from their Councils. This is not considered to allow a proper representation from local authorities, who play one of the key roles along with SEPA in delivering the FRM Act duties.
Local public meetings can be an effective means of communication. However, in order to ensure that local people see the relevance of attending these meetings, and hence ensure a good turnout, it is advisable to precede these meetings with a local and national press campaign to raise awareness of the issues and how these are likely to impact on the localities.

Consideration of the work that requires to be undertaken in terms of community resilience, which is communities being equipped to help themselves and how this will be achieved with the FRM Act, should be included in the strategy. There needs to be a consistent message in regard to self help. Flooding is one of the national risks identified and therefore there should be integration with regard to the resilience agenda.

Consultation question 10
Do you support the consultation activities highlighted in Table 7? Are there any alternative or additional consultation activities that you would like to see included in the statement?

Response to Q10:
In broad terms the type, purpose and detail of consultation activities appear to be comprehensive. What is not clear is the relative status of each of the consultation activities in developing proposals through to approval.

Angus Council would wish to see due consideration given to clearly establishing the issues in working across administrative boundaries that are predicted to be a major factor in delivering the LFRMP given the different priorities, funding and resources of different LAs. This includes a clear statement on the role of the non-lead local authorities.

As has been detailed in earlier responses, Angus Council’s view it that local Area Advisory Groups are formed based on the proposed local plan areas to discuss these issues using the practical examples that have been presented in this consultation. For example, this would include Angus Council, Dundee City Council, Aberdeenshire Council and Perth & Kinross Council for the proposed Angus and Dundee City LPA, and all local authorities affected by the Perth & Kinross LPA. This consultation activity would allow the detailed issues to be identified and addressed to fully inform decisions on the make-up of LPAs and the lead local authorities for these.
APPENDIX C – Proposed Local Plan Areas for Flood Risk Management: Angus and Dundee City by SEPA
Proposed Local Plan Areas for Flood Risk Management: Angus and Dundee City

Note: The boundaries for local plan areas follow the boundaries of river catchments.
APPENDIX D – Angus Council Alternative to Proposed Local Plan Areas for Flood Risk Management: Angus and Dundee City by SEPA