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Council Building  
2 High Street  
Perth  
PH1 5PH

11/08/2021

A meeting of the **Environment and Infrastructure Committee** will be held virtually on **Wednesday, 18 August 2021** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**BARBARA RENTON**  
Interim Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Angus Forbes (Convener)  
Councillor Kathleen Baird (Vice-Convener)  
Councillor Alasdair Bailey  
Councillor Michael Barnacle  
Councillor Stewart Donaldson  
Councillor John Duff  
Councillor Tom Gray  
Councillor Anne Jarvis  
Councillor Grant Laing  
Councillor Roz McCall  
Councillor Andrew Parrott  
Councillor Willie Robertson  
Councillor Lewis Simpson  
Councillor Frank Smith  
Councillor Mike Williamson



**Environment and Infrastructure Committee**

**Wednesday, 18 August 2021**

**AGENDA**

**MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.**

**PLEASE NOTE THAT ALTHOUGH THE PRE-AGENDA MEETING IS NOT SUBJECT TO THE TERMS OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 IT IS RECOMMENDED THAT THE CONTENTS OF REPORTS AND DISCUSSIONS AT THE MEETING CONSTITUTE INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THAT ACT, AND THEREFORE, YOU SHOULD NOT DISCLOSE TO OR DISCUSS WITH ANY MEMBER OF THE PRESS OR PUBLIC ANYTHING CONTAINED IN REPORTS OR DISCLOSED DURING DISCUSSIONS.**

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF ENVIRONMENT AND INFRASTRUCTURE COMMITTEE OF 19 MAY 2021 FOR APPROVAL** **5 - 8**  
(copy herewith)
- 4 POLICY AND LEVEL OF SERVICE FOR WINTER 2021/2022** **9 - 32**  
Report by Environmental and Consumer Services (copy herewith 21/121)
- 5 FLOODING IN PERTH & KINROSS OF 11/12 AUGUST 2020** **33 - 60**  
Report by Head of Environmental and Consumer Services (copy herewith 21/122)
- 6 COMRIE FLOOD PROTECTION SCHEME 2020** **61 - 92**  
Report by Head of Environmental and Consumer Services (copy herewith 21/123)
- 7 AUCHTERARDER COMMUNITY FACILITIES FUND** **93 - 114**  
Report by Head of Planning and Development (copy herewith 21/124)

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## ENVIRONMENT AND INFRASTRUCTURE COMMITTEE

Minute of meeting of the Environment and Infrastructure Committee held virtually via Microsoft Teams on 19 May 2021 at 9.30am.

Present: Councillors A Forbes, K Baird, A Bailey, M Barnacle, S Donaldson, J Duff, T Gray (from item 5 onwards), A Jarvis, G Laing, R McCall, S McCole (substituting for M Williamson), A Parrott, W Robertson, L Simpson, and F Smith.

In Attendance: B Renton, Interim Chief Executive; C Mailer, Depute Director (Communities); M Butterworth, Head of Environmental and Consumer Services; B Cargill, S D'All, P Dickson and R Fletcher (Communities); and C Flynn, G Fogg, K Molley, A Brown and M Pasternak, L McGuigan and B Parker (Corporate and Democratic Services).

Apologies: Councillor Williamson

Councillor A Forbes, Convener, Presiding.

The Convener led discussion on items 1-5 and 7-8 and Vice-Convener on item 6.

### 1. WELCOME AND APOLOGIES

Councillor Forbes welcomed everyone to the meeting and an apology was noted as above.

### 2. REQUEST TO ADDRESS COMMITTEE

In terms of Standing Order 66, the Committee agreed to hear from Councillor C Stewart in relation to item 7.

The Committee agreed to vary the order of business to hear from Councillor C Stewart immediately before item 7.

### 3. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of Councillors' Code of Contact.

### 4. MINUTE OF PREVIOUS MEETING

The minute of the meeting of the Environment and Infrastructure Committee of 28 October 2020 was submitted and approved as a correct record.

### 5. THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009: SECOND CYCLE OF FLOOD RISK MANAGEMENT PLANS

There was submitted a report by Head of Environmental and Consumer Services (21/60) (1) providing an update on the progress towards the publication of the second cycle of SEPA's Flood Risk Management Strategies in December 2021 and the Council's Local Flood Risk Management Plans in June 2022; and (2)

seeking the Committee's approval of the key information in the draft Strategies and Plans, which will be put to public consultation from June 2021.

COUNCILLOR GRAY ENTERED THE MEETING DURING THIS ITEM.

**Resolved:**

- (i) The progress on the flood risk management planning process set out by the Flood Risk Management (Scotland) 2009 Act, be noted.
- (ii) The proposed objectives and actions that will be subject to public consultation from June 2021 as set out in Section 2 of report 21/60, be approved.
- (iii) The proposed national arrangements for a phased public consultation, which commenced in December 2020 (with the main information being added in June 2021), be noted.

**6. ACTIVE TRAVEL STRATEGY – CYCLING, WALKING AND SAFER ROUTES (CWSR) PROJECTS 2021/22**

There was submitted a report by Head of Environmental and Consumer Services (21/61) (1) detailing the Cycling, Walking and Safer Routes (CWSR) project implemented in 2019/20 and 2020/21; and (2) seeking Committee approval for a list of Cycling, Walking and Safer Routes projects for 2021/22.

**Resolved:**

- (i) The schemes implemented from the Cycling, Walking and Safer Routes Grant Funding in 2019/20 as detailed in Appendix 1 to report 21/61, be noted.
- (ii) The schemes implemented from the Cycling, Walking and Safer Routes Grant Funding in 2020/2021 as detailed in Appendix 2 to report 21/61, be noted
- (iii) The list of works for Cycling, Walking and Safer Routes projects for the financial year 2021/22 as detailed in Appendix 3 to report 21/61, be approved.

THERE WAS A 5 MINUTE RECESS AND THE MEETING RECONVENED AT 11.00AM.

**7. PROPOSED 40MPH SPEED LIMITS**

In terms of Standing Order 66, Councillor Stewart addressed the Committee. Following answering a number of questions from the Committee, he withdrew from the meeting.

There was submitted a report by Depute Director (Communities) (21/62) (1) summarising the proposed 40mph speed limits associated with the Cross Tay Link Road scheme on a section of the U88 Stormontfield Road and a section of the A94 Angus Road and details objections received; and (2) recommending Committee set aside the objections, noting the rationale and benefits of the proposals and agrees that the Orders are made as advertised.

**Resolved:**

It be agreed to set aside objections received and proceed with the Order to introduce the new 40mph speed limits as advertised and as shown in Appendix 1 to report 21/62

## 8. PROPOSED 50MPH SPEED LIMITS

There was submitted a report by Depute Director (Communities) (21/63) (1) summarising the proposed 50mph speed limits associated with the Cross Tay Link Road scheme on the A9294 Cross Tay Link Road and details the objections received; and (2) recommending Committee set aside these objections, noting the rationale and benefits of the proposals and agrees that the Orders are made as advertised.

### **Resolved:**

It be agreed to set aside objections received and proceed with the Order to introduce the new speed limit as advertised and as shown in Appendix 1 to report 21/63.

COUNCILLOR SIMPSON REQUESTED THAT HIS DISSENT TO THE DECISION TAKEN BE RECORDED.

DRAFT



## PERTH AND KINROSS COUNCIL

### Environment and Infrastructure Committee

18 August 2021

#### POLICY AND LEVEL OF SERVICE FOR WINTER 2021/2022

Report by Head of Environmental and Consumer Services  
(Report No. 21/121)

#### PURPOSE OF REPORT

This report recommends the level of service to be approved by committee for the gritting and snow clearing of roads and footways in Perth and Kinross during the winter of 2021/2022 using plant and labour resources of Tayside Contracts and other Council Services. **As in previous years, changes to the policy and level of service are shown in italics.**

#### 1. BACKGROUND / MAIN ISSUES

- 1.1 Within Perth and Kinross, there are a number of winter service arrangements for our public roads. Around 910km of the Council's 2,500km road network is designated as a high priority for winter service. These priority routes receive precautionary treatment that aims to keep them generally ice-free, although this can never be guaranteed.
- 1.2 The Council also provides a high level of service on priority footways in busy urban areas. Lower levels of treatment are provided on the remainder of the carriageway and footway network, as and when required during normal working hours.
- 1.3 Some very low priority carriageways and footways are normally not treated unless hard packed snow or ice threatens to prevent access for essential services.
- 1.4 In periods of prolonged severe weather, resources are targeted towards keeping the strategic road and footways network open. As a result, it can be a considerable time, in some cases several days, before lower priority routes are reached. The availability of operatives also impacts on the level of cover that can be provided for footway treatment.
- 1.5 The Scottish Government is responsible for the winter service on the 250km of trunk road network within Perth and Kinross covering the M90, A90, A9 and A85. This service is provided by the Operating Company - BEAR (Scotland) Ltd.
- 1.6 Experience of recent winters has shown that the level of service as set out in this Policy is generally achievable, *although public expectation is significantly higher in severe snow and ice events than can reasonably be delivered. This*

*is particularly the case on the lower priority roads and footways. The seven continuous weeks of required daily repeat treatment of the category 1 network in 2021 meant that category 2 routes could not be completed as resources were required to stay on the main category 1 routes. Drivers worked continuously, within statutory limits, to deliver the service with all weekends covered by more than the routine standby personnel.*

- 1.7 *Winter seasons are always unpredictable but 2020/21 was an extremely unusual season. Very few treatments were required prior to Christmas due to milder and wetter conditions. However, the network required constant retreatment during the seven-week period from Boxing Day to late February, due to frequent snowfall and freezing temperatures. Weather conditions across the Council area also differed, in that the Highland area, which is normally more severely hit, experienced more benign winter weather than the eastern and southern domains, although regular treatment was still required.*
- 1.8 *Operationally, more actions were carried out compared to the previous winter and the seven-year average. However, activity and response was compressed into a far shorter period, placing a significant demand on available resources. Forecasts and planned activity are based on road surface temperatures rather than air temperatures as reported in news forecasts. Table 1 Operational Activity Statistics details additional activity carried out over last winter compared to previous years, highlighting:*
  - *37 days of snowploughing (measured as treatment across 50% of the network), the second highest recorded level in the past seven winters, and almost 4 times greater than 2019/20;*
  - *24,158 tonnes of salt were spread, an increase of 6,000 tonnes on the previous winter.*
- 1.9 *Committee approved a reduction in the nightshift route operating from Aberfeldy (introduced in 2017/18) at its meeting in August 2020 (Report No. 20/133 refers). This did not impact on the network treatment.*
- 1.10 *The removal of the nightshift control had minimal impact on the service and maximised officer availability during the day. It is intended this would be the arrangement for this winter should it be required.*
- 1.11 *With over 1,600 grit bins, keeping them fully stocked when demand is high is challenging. Last winter, 3<sup>rd</sup> party contractors, housing repairs and greenspace colleagues assisted in stocking grit bins. In addition, bulk bags of salt were placed in communities in response to requests, supplementing the grit bins. Additional push along barrows were also issued to community groups/individuals to assist in treating areas we cannot routinely get to. Staff resources are also required to ensure that community groups have sufficient stocks of salt.*
- 1.12 *Expenditure during 2020/21 reflected the severe weather experienced and was the second highest over the last seven winters at £4,774,268, with only winter 2017/18 exceeding this cost at £5,045,623.*

- 1.13 At the end of each winter, a review of operations is undertaken with stakeholder consultation to identify areas of good practice, challenges faced, capacity and resource issues and improvements or adjustments to future plans. Changing weather patterns, resources and personnel constraints mean that the winter service needs to be agile and flexible to respond effectively. These management reviews seek to provide an acceptable level of service whilst minimising costs, complying with working time directives and managing the work/life balance for personnel. As part of the review *all elected members and Community Councils were contacted and invited to provide feedback on the 20/21 service to inform improvements or adjustments for the current year. Despite many requests for service during the period of severe weather, minimal feedback was received.*
- 1.14 Section 2 details the proposed changes for winter 2021/22.
- 1.15 A reduced level of vehicles is available during the lead in and lead out periods and *last winter rotas started later, reflecting weather patterns.* In circumstances when unseasonal weather is experienced, volunteers are sought to support any response and work out with normal hours. Using reduced staffing levels during these periods assists in containing costs however presents capacity risks when adverse weather is encountered, especially if this occurs early or late in the season.

Table 1 – Operational Activity Statistics

Action	14/15	15/16	16/17	17/18	18/19	19/20	20/21
Category 1 pre gritting	45	46	46	70	33	56	53
Category 1 Morning De Ice or Snow Clearing	99	80	71	108	53	66	66
Treatment on night shift routes	80	82	63	91	55	82	61
Number of snow days (>50% of network)	42	37	29	35	7	10	37
Treatment on Cat 2 network	46	34	24	56	28	20	44
Treatment on Cat 3 network	10	7	5	12	3	1	17
Treatment on footway network	27	23	11	50	19	12	38
Salt used (t)	21,212	21,300	13,301	30,632	12,191	18,681	24,158
Grit Sand used (t)	1,083	466	965	3,322	675	875	3,412
Red/Orange Alert in operation (days)	8	3	2	19	0	2	35

## 2. PROPOSALS 2021/22

- 2.1 The Winter Maintenance Policy is designed to deal with a typical winter and the level of service complies with the recommendations laid down in Code of Practice 'Well-managed highway infrastructure' (the code). The code refers to practical guidance by the National Winter Service Research Group (NWSRG).

All roads and footways in Perth and Kinross will continue to be categorised according to their relative importance and resources allocated to ensure that

public safety is maximised and accessibility maintained on the most heavily used roads and footways.

During prolonged periods of snow, the most important routes within the Category 1 network, designated Category 1a will be prioritised for gritting and snow clearing treatments as listed in Appendix 3.

Severe snow events may prevent access. During times when demands exceed the available resources teams will continue to focus their efforts on priority routes whilst *continually reviewing conditions and routes to ensure optimal efficiency.*

- 2.2 Cover will be provided between *18 October 2021 and 3 April 2022*. Appendix 1 details the resources available and the times that the agreed level of service will be provided if treatment is required. However, in periods of prolonged severe weather, this level of service is often not achievable given the need to ensure operatives are not overstretched and are given adequate (statutory) rest breaks. This is particularly evident during the lead-in/lead-out period. *Over weekends and the public holiday, a driver cohort that can treat only the Category 1 road and footway network is available. This is because the entire workforce is required to widely treat the lower categories, and to do this would prevent road workers getting adequate (statutory) breaks.*
- 2.3 In severe weather conditions, as *January / February 2021* the higher priority routes may have to be treated several times before resources can be diverted to lower usage roads. This is to ensure that people can move around beyond their local area on cleared roads. Treatment may be restricted to clearing only the carriageway or one footway. Restricting activity in this way helps to ensure that limited resources are utilised across communities as widely as possible.
- 2.4 Response Time: 1 Hour - the maximum time between the decision to begin treatment and vehicles leaving the depot. (for un-planned activities this includes calling operatives from home).
- 2.5 Target Completion Time - during the main cover period the target completion time for routine morning de-icing of Category 1 carriageways is 07:30 (09:00 on Sundays and nationally recognised public holidays). The treatment time in severe weather conditions will be longer. When snow falls it can take twice as long to complete treatment, as vehicles need to travel more slowly and ploughing is required in both directions. With the exception of the four nightshift routes which operate during the main standby period, no treatment will routinely extend beyond 21:00 (see Appendix 2a):
  - Category 1 priority roads will be treated seven days per week as detailed above.
  - Category 2 roads will be treated five days per week (Monday to Friday) as resources permit between 08:00 – 15.00.
  - Category 3 routes comprise of roads which are not normally treated, except in prolonged ice or snow conditions and only when resources

become available. Each treatment route will be arranged so that the most important parts are treated first, whilst taking account of operational efficiency.

2.6 Footways receive treatment according to their usage and importance in the public road network (see Appendix 2a). Based on this assessment:

- Category 1 priority footways will be treated seven days per week within the main winter period, with extended hours on weekdays if an alert is called. No footway treatment will be carried out on Christmas Day and New Year's Day as (in general) shops are not open on those days. *However, as Christmas Day/New Year's Day both fall on a Saturday it is intended to rota staff for the public holidays of Monday 27 and Tuesday 28 December and Monday 3 and Tuesday 4 January 2022. This is to prevent four consecutive days in each week without footway treatment.*
- *In periods of daily repeat treatment, officer discretion will be applied to treating the side of a footway "not normally treated". Consideration will also be given to rotation of treatment across settlements to ensure fair coverage. This flexibility will widen route coverage whilst not compromising category 1 route safety.*
- Category 2 footway routes will be treated five days per week (Monday to Friday) as resources permit between 08:00 – 15.00.
- Category 3 routes comprise of footways which are not normally treated, except in prolonged ice or snow conditions and only when resources become available. Each footway treatment route will be arranged so that the most important parts are treated first, whilst taking account of operational efficiency.

2.7 Situations occur which need restrictions on hours, routes, and the employment of contractors etc. to be relaxed, to deal more effectively with the emergency. This is allowed for and controlled by a system of 'Alerts'. In serious situations, either an Orange or Red Alert can be authorised by the Road Maintenance Partnership Manager, to allow working arrangements out with the 'normal' policy such as employing 3<sup>rd</sup> parties to work on clearing/lifting snow or exceeding driver hours to deal with un-forecast situations. *It is also proposed that this arrangement include emergency situations such as flood events, and that the winter maintenance budget be utilised to respond to flood events when necessary. Those on winter rotas will be redirected to deal with flooding etc as a higher priority as appropriate as described in the report "Flooding in Perth & Kinross of 11/12 August 2020".*

2.8 *Over the last five years, November average statistics indicate that the winter nightshift were utilised for 42% of the dates they were on duty. As significant snowfall does not tend to occur until December, it is intended therefore to reduce the nightshift cover period to 12 weeks over December, January and February.*

2.9 *Last winter season required 24,158 tonnes of salt to be spread, increasing the seven-year average to 20,210. For season 2021/22, it is intended to*

*again hold a starting stock of around 23,000 tonnes with 15,561 on order to achieve that stock holding. Whilst the salt price remains steady, transport costs over sea have increased significantly this year with marine salt expected to cost an extra £16 / tonne. This translates to an additional £0.120m restocking cost.*

2.10 The Council currently provides in excess of 1,600 grit bins, reflecting our approach to encourage self-help and the policy not to treat some minor roads routinely. Resources to service and replenish these containers is at capacity and, therefore, any request for additional grit bins may require relocation of bins with minimal usage. Grit bins are generally provided on steep gradients, tight bends, and steps or in some special cases where there is a specific community need.

2.11 Stakeholder feedback has highlighted our communities have a desire to help themselves, and officers have consulted with various stakeholders, including community councils and other interested community groups. It is hoped to continue to build on support for interested/able local individuals willing to treat sections of footway that the Council cannot ordinarily treat through:

- *additional push along barrows will be available for community use for winter 2021/22 in line with the budget motion which approved £35k on 10 March 2021*
- *whilst it remains a challenge to provide additional and replenish grit bins whilst also carrying out gritting operations, additional bulk bags of salt will be available on request to supplement the grit bin provision, also from the above budget motion funding*
- *Criminal Justice, greenspace and housing colleagues are available to assist with labour resources during snow conditions and it is intended to develop this further over the coming winter as required. Additionally 3<sup>rd</sup> party contractors will be utilised to re-supply grit bins and thus keep the retained workforce for actual snow clearing/gritting*

2.12 *Operational groups of staff, including supervisors and drivers have been involved in review discussions to ensure we continue to operate as efficiently as possible. Improvements such as the way we load/supply footway ploughs in some areas, occasional dead journeys going back to treat a single category 2 route that could have been done in passing whilst on the category 1 will be implemented for next winter.*

2.13 Voluntary arrangements are in place with 42 farmers to whom the Council supplies snow ploughs, which they fit to their own vehicles to clear snow on specified lengths of public road, and their own private roads. Farmers provide an invaluable additional resource, however *there was a significant reduction last winter of farmers returning insurance and driver details which advise the Council of changes to vehicles or employees, necessary to ensure the insurance details are in place. Without these returns, the Council cannot indemnify them to clear snow from the public roads and so they cannot be called upon. The previous 68 farmers included on this agreement covered around 300km of road, just under 8% of the overall Council road network.*

*Officers will endeavour to re-engage with those farmers not returning documentation and will encourage notes of interest from other farmers interested in the scheme.*

- 2.14 In addition, 28 farmers have indicated that they are available to be employed in severe conditions to undertake snow clearing of additional lengths of road. These farmers are called on for Orange Alerts as the sooner they are out on the network the sooner the benefit will be achieved. These farmers provide a much appreciated and important service.
- 2.15 *Tayside Contracts have four purpose built gritters and one demount body on order but these will not be supplied until February / March 2022 due to industry wide delivery issues. The vehicles they are replacing were being retired one year early to smooth the fleet replacement programme, however they will remain in operation until the replacements arrive. Replacement snow plough blades for farmers are also on order with an anticipated October 2021 delivery.*
- 2.16 *The weather forecast contract for the winter of 2021-22 will again be provided by MetDesk Weather Services. Winter 2020-21 was the fourth year of a 3 (plus 1 plus 1) year contract with MetDesk. As such, this is the final year of the contract. Metdesk delivered 90% accuracy of forecasting, which is within contractual tolerances.*
- 2.17 The Council have 7 weather stations and 8 camera sites (3 sites have dual directional cameras) placed strategically across the network. The station data and images are shared with neighbouring authorities & BEAR Scotland and their information shared with Perth and Kinross. The camera images are also available on the Council website alongside a community camera at Spittal of Glenshee (which the Council helped fund) and Braemar. This infrastructure is maintained, and information retrieved / interpolated by Vaisala. The MetDeska and Vaisala contracts are administered by Tayside Procurement Consortium on behalf of seven councils working collaboratively to achieve economies of scale.

*Developments in technology are enabling less expensive and intrusive infrastructure to be installed to assist in decision making. Prior to winter, two new road sensors will be installed on A91 west of Carnbo village and A924 approximately 3km north east of the Edradour Distillery road junction. In addition, a new forecast station will be installed on A822 between Muthill and Braco. This £26k investment will reduce the need for officers to travel the network so extensively and give early warning of poor weather conditions in an area that is often affected by localised lying snow.*

- 2.18 *There is a national desire for people to reduce car usage and move to other forms of active travel such as buses, bicycles and walking. This approach will differ across urban and rural locations and will require a revised approach to de-icing and snow clearing utilising different equipment and driver rotas. Over the course of this winter, officers will examine how best to achieve this and include in next year's report for potential implementation in 2023/2024.*

### 3. CONCLUSION AND RECOMMENDATIONS

3.1 It is recommended that the Committee agrees that:

- i. the winter maintenance service should be delivered as outlined in this report.
- ii. the Executive Director (Communities) is authorised to make arrangements out with the policy and level of service in exceptional conditions such as snow *and flooding* emergencies
- iii. *the winter maintenance budget, ( £3.81m) be used to also fund other weather related emergencies such as works to mitigate immediate risk of flooding to properties/roads and wind damage, directly affecting free movement across the network.*

<b>Name</b>	<b>Designation</b>	<b>Contact Details</b>
Stuart D'All	Road Maintenance Partnership Manager	01738 475000 <a href="mailto:HECommitteeReports@pkc.gov.uk">HECommitteeReports@pkc.gov.uk</a>

#### Approved

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Mark Butterworth	Head of Environmental and Consumer Services	10 August 2021

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>Yes</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>Yes</b>
Sustainability (community, economic, environmental)	<b>Yes</b>
Legal and Governance	<b>None</b>
Risk	<b>Yes</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The winter maintenance service is provided to ensure that transport links essential to economic and social activity can continue to be used safely throughout most of the winter. However, it is not the intention and is not possible to keep all roads free from ice and snow at all times.
- 1.2 The Council's policy is set out in Report 96/180 "Summary of Council Policies for Roads and Transport" approved by the Roads and Transport Committee on 24 April 1996: (Art. 63/96). It is deemed that this policy is still relevant.
- 1.3 Policy 5 of the above report - The Council will operate a priority system of winter maintenance which will, as far as reasonably practicable, permit the safe movement of vehicular and pedestrian traffic on the more important parts of the road and footway network, taking into account the finance which has been made available. The priority system will be applied uniformly and will, as far as possible, contain costs to an acceptable level.
- 1.4 The objective of this policy is to enable the Council to comply with its statutory duty as set out in Section 34 of the Roads (Scotland) Act 1984 which states: "A roads authority shall take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads." The policy allows the Council to meet its statutory obligations by providing the most effective winter maintenance service it can

within the constraints of its finite resources. During severe weather, the Council will endeavour to keep delays to a reasonable minimum.

### Corporate Plan

1.5 The Council's Corporate Plan for Securing the Future 2018 and Beyond lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. This report impacts on the following:-

- i) Promoting a prosperous, inclusive and sustainable economy
- ii) Supporting people to lead and independent, healthy and active life
- iii) Creating a safe and sustainable place for future generations

## **2. Resource Implications**

### Financial

2.1 The following table illustrates the pattern of expenditure in recent years.

Year	Budget	Standing Charges	Operating Costs	Outturn Cost
2004/05	£2.826m	£1.359m	£1.241m	£2.600m
2005/06	£2.911m	£1.378m	£1.477m	£2.855m
2006/07	£2.888m	£1.275m	£1.086m	£2.361m
2007/08	£2.888m	£1.433m	£1.202m	£2.635m
2008/09	£2.888m	£1.549m	£1.966m	£3.515m
2009/10	£2.888m	£1.752m	£3.333m	£5.085m
2010/11	£2.795m	£1.794m	£4.169m	£5.963m
2011/12	£2.795m	£1.776m	£1.765m	£3.541m
2012/13	£2.880m	£1.997m	£2.387m	£4.384m
2013/14	£3.317m	£1.317m	£1.676m	£2.993m
2014/15	£3.617m	£1.986m	£1.895m	£3.881m
2015/16	£3.617m	£2.088m	£1.568m	£3.656m
2016/17	£3.617m	£2.148	£1.223	£3.371m
2017/18	£3.717m	£2.185m	£2.857m	£5.042m
2018/19	£3.714m	£1.738m	£1.833m	£3.571m
2019/20	£3.714m	£1.436	£2.885	£4.321m
2020/21	£3.714m	£2.278m	£2.495m	£4.774m
Mean				£3.953m

2.2 The actual expenditure on the Winter Service will be dependent upon the severity of the weather throughout the winter and other emergencies throughout the year and will be closely monitored and reported regularly to the Strategic Policy & Resources Committee.

2.3 The costs of providing a winter service is split into two distinct areas:

- Standing Charges – these are the costs involved in having specialised plant, depots, hired plant and standby personnel etc in place to provide

the service. these are effectively “up front” costs incurred irrespective of weather conditions.

- Operating costs – cover the cost of fuel, routine repairs, salt, grit sand and the actual cost of paying staff and operatives to provide the service.
- 2.4 As detailed in the table in paragraph 2.1 the mean outturn cost over the past ten years is £3.953M which exceeds the budget figure. *Last winter although the 2<sup>nd</sup> highest in the last 10 years was considerably lower than 2010/11 and so reduced the overall mean value. Five of the last ten winters have exceeded the budget and the Council will continue to utilise reserve funds to meet the full cost of the Winter Service.*
- 2.5 The Council have this year set a budget for £3.81M for winter 2021 – 2022 and this report is brought it to committee to enable preparations to begin for the winter season. It is recognised that in these continuing unprecedented times the Council financial position may change requiring a subsequent alteration in the levels of service delivery to match the available budget.
- 2.6 The Council will continue to implement operational and efficiencies savings to contain costs but as winter is unpredictable the cost will vary.

### Workforce

- 2.7 The staff and the operatives of Tayside Contracts and the Council Services who provide the service, have demonstrated over the life of the Council, that they have the experience, flexibility and expertise to effectively tackle the worst of winter weather, although public expectation will exceed the ambitions of what officers can realistically achieve.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 An equality impact assessment has been completed with the following outcomes for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council’s legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as relevant and actions taken to reduce or remove the following negative impacts:
    - There are finite resources which limit the amount of treatment which can be carried out.

- (ii) Assessed as relevant and the following positive outcomes expected following implementation:
- (iii) The Winter Manual will have a list of priorities for snow clearing. It will include also include giving priority to clearing bus stops disabled parking bays and pedestrian crossing points (both designated pedestrian facilities, and at road junctions) to assist pedestrians, to complete the link between cleared footways and carriageways.
- (iv) Publicity information on the Winter Service via, local media and [www.pkc.gov.uk](http://www.pkc.gov.uk) will recommend that members of the community should look out for vulnerable community members and see if they can provide any assistance to them. It will also emphasise that the Council needs the assistance and support of as many members of the community as possible in order to restore the roads and footways to a safe condition.

### Strategic Environmental Assessment

- 3.3 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and pre-screening has identified that the PPS will have no or minimal environmental effects. It is therefore exempt and the SEA Gateway has been notified.
- 3.5 The reasons for concluding that the PPS will have no or minimal environmental effects is that over the years the roadside verges have already been impacted and have adapted, resulting in vegetation, particularly grass, which is tolerant to the salt. It is not anticipated that there will be any long-term, frequent, permanent or cumulative environmental effects, or impacts on areas of high biodiversity or cultural heritage value, as a result of the policy.

### Sustainability

- 3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.7 Perth and Kinross Council also has the following mitigation measures in place to ensure there is minimal environmental effect as a result of the Winter Service Policy including:
  - Salt Management – gritters are calibrated and data from IEWS system and the specialist weather forecast enables treatment to be targeted at the areas that require it.

- The majority of the salt storage is in buildings or covered in tarpaulins in locations which have been approved by SEPA, thus helping to prevent leaching into the ground.
- Discharge of surface water from new developments addresses the potential environmental effects to prevent pollution.
- The Winter Service is reviewed on an annual basis to take account of changing climatic factors and planning for extreme weather events.

#### Risk

- 3.8 The Council as Roads Authority have a statutory duty as set out in Section 34 of the Roads (Scotland) Act 1984 which states: “A roads authority shall take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads.”
- 3.9 This policy allows the Council to meet its statutory obligations and minimise exposure to risk by providing the most effective winter maintenance service it can within the constraints of its finite resources. During severe weather, the Council will endeavour to keep delays to a reasonable minimum.

### **4. Consultation**

#### Internal

- 4.1 As in previous years Elected Members are given the opportunity throughout the winter and in April 2021 to become involved in agreeing the route categories with the Roads Maintenance Partnership. The policy also allows unadopted roads with an important community use to be included within the categorisation and is not restricted to adopted roads.
- 4.2 As local circumstances, and travel patterns change, winter maintenance categories are subject to change and Elected Members have a role in identifying and agreeing such changes. However the resources available to carry out winter maintenance are finite, so if the relative priority of a road or footway is to be raised then that of another road or footway within a particular Ward must be reduced.
- 4.3 The Council will always receive complaints about the winter maintenance service due to high public expectations, limited available resources and the vagaries of the weather. A distinction has to be made between complaints related to proven failures to meet the approved level of service and complaints regarding the policy.
- 4.4 At the end of the 2020 - 2021 winter comments on the winter service provision were invited from Elected Members and from Community Councils.

4.5 Despite the severe winter weather which led to widespread requests for service very few responses were received. Those responses that were received were a mix of complimentary comments and requests that require extensive additional plant and labour resources.

## **5. Communication**

5.1 Communication will take place in due course and the policy and level of service, along with specific detail on gritting routes and times will be made available on the Council website. Ongoing winter action and road conditions will be made available via Council facebook and twitter.

## **2. BACKGROUND PAPERS**

2.1 Well Managed Highway Infrastructure 2016

2.2 Road (Scotland) Act 1984

## **3. APPENDICES**

3.1 Appendix 1 - PERIODS OF COVER

3.2 APPENDIX 2a - LEVEL OF SERVICE & PRIORITY SYSTEMS  
(CARRIAGEWAYS)

3.3 APPENDIX 2b - LEVEL OF SERVICE & PRIORITY SYSTEMS  
(FOOTWAYS)

3.4 APPENDIX 3 - CATEGORY 1A CARRIAGEWAY SNOW ROUTES





**PERIODS OF COVER 2021 - 2022**

**Appendix 1**

Instructions on reporting times for Nightshift crews Sunday to Friday, early start crews Monday to Friday and standby crews 7 days per week, will be issued by Roads Maintenance Partnership Staff during the previous day

Period  (All changes take place at 12 noon)	Standby routes covered						Total	
	South			North				
	Perth	Kinross	Crieff	Blairgowrie	Aberfeldy	Blair Atholl		
<b>18</b> October – <b>31</b> October 2021	3	1	1	3	2	1	11	<b>Lead in period – limited vehicles on reduced cover</b>
<b>1</b> Nov 2021 – <b>6</b> March 2022	6	2	3	6	2	3	22	Main standby period – full cover
<b>26</b> Nov 2021 – <b>25</b> Feb 2022	5 plus 1n/shift	1 plus 1 n/shift	2 plus 1 n/shift	5 plus 1 n/shift	2	3	22	Main standby period – full cover incl. nightshifts
<b>26</b> Feb 2022 – <b>6</b> March 2022	6	2	3	6	2	3	22	Main standby period – full cover
<b>7</b> March 2022 – <b>20</b> March 2021	3	1	1	3	2	1	11	<b>Lead out period limited vehicles on reduced cover</b>
<b>21</b> March 2022 – <b>3</b> April 2022	0	1	1	1	0	1	4	Required routes covered

During all periods road condition weather forecast is monitored and daily action plan devised.  
During lead in/lead out periods it is not possible to treat all / any parts of the network and so available resources will be deployed to best effect in relation to weather conditions being experienced



APPENDIX 2a

**WINTER MAINTENANCE- LEVEL OF SERVICE & PRIORITY SYSTEMS 2021 – 2022  
(CARRIAGEWAYS)**

Category	Definition	Routes (examples)	Length (km) Indicative Only	Hours of Cover	Service Provided
Nightshift routes	The most important strategic routes. City routes plus early morning bus service routes in the Perth area. The A93 South of Blairgowrie, the A94 between Meigle and Perth and the A923 between Blairgowrie and Tullybaccart. Kinross area A class road and Crieff / Auchterarder areas A class roads.	A class roads network and early morning bus routes in the Perth area Important road links in Kinross, Crieff, Blairgowrie and Highland Perthshire areas	320 estimate	Sunday to Friday 00:00 – 08:00 through December, January and February. As per category 1a route cover times outwith this period	In ice and snow conditions or <u>pre-salted</u> when ice or snow is forecast and roads are not dry.
1a	Other strategic routes carrying large volumes of traffic and connecting main centres of population outwith the Perth area	A977, A91, A913, A926, A827 Aberfeldy – Ballinluig A822 Crieff – Greenloaning A924 through Pitlochry	220	Until 21:00 all days. In the full cover period, complete morning de-icing by 07:30 (09:00 on Sundays and nationally recognised public holidays)	In ice and snow conditions or <u>pre-salted</u> when ice or snow is forecast and roads are not dry.
1b	Other strategic routes connecting larger communities and other main rural roads. Roads leading to important or sensitive locations such as hospitals or fire stations.*	A93 Blairgowrie – Glenshee A923 Blairgowrie - Dunkeld A827 Aberfeldy - Killin A822 Crieff - Dunkeld A823 (part), A824 (part), A912 B996, B9097, B9099, B996 etc.	370 estimate	Until 21:00 all days. In the full cover period, complete morning de-icing by 07:30 (09:00 on Sundays and nationally recognised public holidays) **	In ice and snow conditions or <u>pre-salted</u> when ice or snow is forecast and roads are not dry.  In severe snow conditions, Category 1b routes will be treated after Category 1a
2	More minor rural roads serving small settlements or a significant number of rural properties. Secondary distributor/local roads in settlements. Other urban or rural roads with special difficulties such as steep gradients.*		1310	08:00-15:00 Monday –Friday <b>Excluding public holidays</b>	In ice and snow conditions only, no <u>pre-salting</u>
3	Rural roads serving no or small numbers of isolated properties. Local access roads in settlements within easy reach of local distributor roads.	This will include most residential streets with only local traffic	210	Not applicable	<b>Not normally treated</b> unless there is hard, packed rutted snow on these roads with road surface temperatures below zero and treatment of all other categories has been completed
4	Rural public roads serving no habitation which because of their altitude, alignment and width cannot reasonably and safely be treated using normal winter maintenance plant. Private (unadopted) roads which is not the responsibility of a Council service and which are not considered to have a wider community use.	U159 Kenmore – Garrows (Kenmore Hill). U161 Bridge of Balgae – A827 at Loch Tay.	8  14	Not treated	Not treated.

\* Service Bus routes have been included in categories 1a , 1b & 2 to ensure their comprehensive coverage.



## APPENDIX 2b

## WINTER MAINTENANCE - LEVEL OF SERVICE &amp; PRIORITY SYSTEMS 2020 – 2021 (FOOTWAYS)

Category	Descriptions	Examples	Length (km)	Hours of Cover	Service Provided	Response Time	Target Treatment Times (Priority Routes)	Target Post Gritting / Snow Clearance Time
1	Main shopping areas, main arterial footways, busy feeder footways and footways leading to community centres and centres of employment.	Perth, Aberfeldy, Auchterarder, Blairgowrie, Crieff, Kinross, Pitlochry, Alyth, Bridge of Earn, Coupar Angus, Dunked, Luncarty, Milnathort and Scone.	N/A	0630-1500 Mon-Sat 0800-1500 Sun and nationally recognised public holidays	In snow and ice conditions	1 hour	N/A	6 hours
2	As above plus Other footways with significant usage.	As above plus Abernethy, Aberuthven, Almondbank, Balbeggie, Bankfoot, Blackford, Braco, Burrelton Caputh, Comrie, Glencarse, Glenfarg, Inchture, Longforgan, Methven, Muthill, Powmill, Meigle, Stanley	N/A	08:00-15:00 Monday -Friday	In snow and ice conditions	As soon as possible after Cat 1 routes have been completed	N/A	N/A

Lower priority routes will only be treated once the higher priority routes have been treated unless operational factors such as efficient route planning dictate otherwise. No footway treatment on either 25<sup>th</sup> /26<sup>th</sup> December or 1<sup>st</sup> /2<sup>nd</sup> January .

Footway cover is only provided during the main winter period and during lead in/lead out periods it is not possible to treat all / any footway and so available resources will be deployed to best effect in relation to weather conditions being experienced

**WINTER MAINTENANCE - LEVEL OF SERVICE & PRIORITY SYSTEMS 2020 – 2021 (FOOTWAYS)**

Category	Descriptions	Examples	Length (km)	Hours of Cover	Service Provided	Response Time	Target Treatment Times (Priority Routes)	Target Post Gritting / Snow Clearance Time
3	Less well used footways and footways where a feasible alternative route exists		N/A	08:00-15:00 Monday - Friday	Not normally treated. Only treated in prolonged snow and ice conditions if time and resources permit, and after successful treatment of higher priorities	N/A	N/A	N/A
4	Footways which are not the responsibility of a Council Service, which are not considered to be important in the footway network, or have a suitable alternative route treated		N/A	N/A	Not treated	N/A	N/A	N/A

Lower priority routes will only be treated once the higher priority routes have been treated unless operational factors such as efficient route planning dictate otherwise.  
No footway treatment on either 25<sup>th</sup> /26<sup>th</sup> December or 1<sup>st</sup> /2<sup>nd</sup> January

Footway cover is only provided during the main winter period and during lead in/lead out periods it is not possible to treat all / any footway and so available resources will be deployed to best effect in relation to weather conditions being experienced

## APPENDIX 3

**CATEGORY 1A CARRIAGEWAY SNOW ROUTES FOR PERIODS OF SEVERE WEATHER**

Route	Description
A822	Crieff to Greenloaning
A823	Auchterarder to Junction with A822
A824	Auchterarder to Aberuthven
A827	Aberfeldy to Ballinluig
A91	Yetts o' Muckart to Strathmiglo (through Kinross)
A911	Kinross to Fife Boundary at Auchmuirbridge
A912	Edinburgh Road, Perth to Fife Boundary
A913	Aberargie to Newburgh
A923	Blairgowrie to Angus Boundary near Lundie
A924	Through centre of Pitlochry
A926	Blairgowrie to Angus Boundary near Craigton
A93	From A94 junction in Perth to Blairgowrie
A94	Perth Bridge to Angus Boundary near Meigle
A977	Kinross to Blairingone
B954	Alyth to Angus Boundary near Newtyle
B996	Kinross to Fife Boundary

The following roads in Perth City

A93 Glasgow Road - Broxden to Caledonian Road York Place, County Place, South Street, Queens Bridge. A85 Dundee Road - from Toll House, Dundee Road, Gowrie Street, Perth Bridge to Charlotte Street A85 Barrack St and Dunkeld Road to Crieff Road A85 Crieff Road - Dunkeld Road to Newhouse Road Roundabout. A912 Dunkeld Road - Crieff Road to Inveralmond Roundabout A989 Tay Street, Marshall Place, Kings Place, Leonard Street, Caledonian Road, Atholl Street, Charlotte Street Newhouse Road, Burghmuir Road, Jeanfield Road, Long Causeway Manse Road, Hatton Road, Corsie Hill Road, Muirhall Road, Lochie Brae



**PERTH AND KINROSS COUNCIL**

**Environment and Infrastructure Committee**

**18 August 2021**

**FLOODING IN PERTH & KINROSS OF 11/12 AUGUST 2020**

**Report by Head of Environmental & Consumer Services  
(Report No. 21/122)**

**PURPOSE OF REPORT**

This report describes the extent of the severe flooding which occurred in Perth and Kinross on 11 and 12 August 2020. It also includes the findings of the review of the Council's response to the flooding and actions taken in response to the emergency motion approved by Committee on 19 August 2020. The report makes recommendations for short, medium and long term actions.

**1. BACKGROUND / MAIN ISSUES**

**Introduction**

- 1.1 During the night of 11/12 August 2020, much of Scotland experienced heavy rainfall and thunderstorms resulting in flooding across a widespread area of Central and North East Scotland.
- 1.2 The entire Perth and Kinross Council area suffered extensive rainfall (for approximately 6 hours) from around 11pm on 11 August 2020 into the early hours of the following morning. The storm was significant and particularly affected parts of Perth City, Alyth, Dunning, Forgandenny, Kinross, Pitlochry, Blairgowrie, Methven and other areas.
- 1.3 It is understood that in total approximately 225 properties in Perth & Kinross experienced some form of internal flooding with many more being affected externally.
- 1.4 To illustrate the severity of the event, the Met Office confirmed that, in Perth, the majority of the rain fell between midnight and 3am, with 43.4mm falling between 1am and 2am. The total rainfall in Perth during the 24 hour period from 6am on 11 August was 86.4mm. This compares to an expected normal level of rain in the whole month of August of 88.8mm.
- 1.5 SEPA published a report on the flood in December 2020 which can be viewed at: [www.sepa.org.uk/media/536333/the-flash-floods-of-11-and-12-august-2020.pdf](http://www.sepa.org.uk/media/536333/the-flash-floods-of-11-and-12-august-2020.pdf). The report confirms that the maximum hourly rainfall accumulations for Perth are typically expected to have a return period of 1 in 150 years, and the longer duration rainfall accumulations are expected to have a return period in the range of 1 in 75 years (3 hours) and 1 in 250 years (12 hours).

- 1.6 On 19 August 2020, the Environment and Infrastructure Committee approved an emergency motion requesting officers to:
- i. review the existing flood schemes and local flood risk management plans to determine what further interim arrangements may need to be put in place to manage flood risk before the proposed schemes are completed; and
  - ii. review where there are additions required to the list of local flood schemes included in the national flood risk management plan and any additions required to the lists of actions in local flood risk management plans; and
  - iii. after hearing feedback from the local community about their experiences and opinions on how to avert or mitigate future flooding, identify short, medium and long-term actions for the communities that have been affected and Alyth in particular; and
  - iv. report back as early as possible with the outcome of these reviews detailing the identified actions for Alyth and other areas to a future meeting of this Committee; and
  - v. review the Out of Hours Emergency Service as a matter of urgency; and
  - vi. include other weather events in future Policy and Level of Service for Winter reports.
- 1.7 A review of the Council's response to the flood event was initiated to gain a full understanding of its extent and determine whether the impact on residents and businesses could have been reduced. The review aimed to identify any lessons that could be learned from the way in which the Council responded to the event to improve future practice.

#### **Points i and ii of the Motion: The Second Cycle of Flood Risk Management Plans**

- 1.8 The Flood Risk Management (Scotland) Act (the 2009 Act) sets out a framework designed to reduce flood risk across Scotland over time. Local authorities, SEPA and Scottish Water have duties to work together to produce a national flood risk assessment, flood risk and hazard maps, Flood Risk Management (FRM) Strategies and Local FRM Plans. The legislation requires this process of risk assessment, mapping and planning to be repeated and updated at least every six years.
- 1.9 Although public authorities are expected to take a proactive role in managing and, where achievable, lowering overall flood risk, the primary responsibility for avoiding or managing flood risk still remains with land and property owners. The 2009 Act does not alter this. Individuals, businesses and communities must, therefore, play the central role in making themselves more resilient and reducing the impact of flooding.
- 1.10 On 19 May 2021, the Environment and Infrastructure Committee approved the Council's proposed actions for the second cycle of Flood Risk Management (FRM) Strategies and Local FRM Plans (Report No. 21/60 refers). The report included the outcome of the review of existing flood schemes. It also set out

proposals for new flood protection schemes and other actions intended to manage flood risk before those schemes are completed.

- 1.11 This included a range of general actions, common to all areas and actions specific to individual objective target areas required to tackle a particular source of potential flooding. Those actions can help to manage flood risk in the interim, whether or not a flood scheme is proposed for the area.
- 1.12 The general actions include maintenance work (including watercourse clearance and/or repair works), the maintenance of any existing flood schemes, awareness raising, flood forecasting, self-help (including individual property flood measures), land use planning and links with emergency planning.
- 1.13 The specific actions include flood schemes or works, flood studies, flood warning or actions to improve understanding of flooding (such as improvements to strategic flood maps).

**Points iii to iv of the Motion: 11- 12 August Flooding Event - Post Flood Response Work & Community Engagement**

- 1.14 Following the flooding of 11 and 12 August 2020, officers from the Council's flooding team were immediately deployed to investigate, initially undertaking door to door visits, engaging with affected residents and businesses and offering advice and support. This work was supported by our Customer Contact Centre, Health & Social Care Partnership and other agencies, including the Scottish Flood Forum who set up their response van in flood affected communities in the days that followed. The Housing Service also set up a dedicated team to ensure advice and support was provided to council and private tenants / owners. Temporary accommodation was provided to five households and practical assistance (such as the loan of heaters, priority access to crisis grants and dehumidifier) was given to over 20 households.
- 1.15 A general community bulletin and Frequently Asked Questions were quickly issued, and specific flood bulletins were also sent out to all of the main areas affected by the flooding. A dedicated web page([www.pkc.gov.uk/August2020flooding](http://www.pkc.gov.uk/August2020flooding)) and a generic e-mail address ([flood@pkc.gov.uk](mailto:flood@pkc.gov.uk)) were set up to provide a single source of information and advice and to route all flood related enquiries.
- 1.16 Although the flood event lasted just a matter of hours, the impact was felt for much longer and the Council continued to receive a high volume of calls and e-mails from residents for some months. By the end of December 2020, the teams had logged and were still responding to over 650 enquiries.
- 1.17 Between 15 September 2020 and 12 October 2020, nine on-line community meetings were held for residents and businesses in five areas of Perth and Alyth, Kinross, Dunning and Forgandenny. The meetings were supported by a multi-agency group, including the Council's flooding team, the Roads Maintenance Partnership, the Scottish Flood Forum, Scottish Water, SEPA and the emergency services. The meetings involved a presentation and the

opportunity for questions. The group discussed the response to the flooding and provided advice on on-going and future action to manage flood risk in the areas affected, including flood recovery work, property and community flood resilience and forthcoming projects in the flood risk management plans. Approximately 180 members of the public and elected members attended. Meetings were recorded and can be viewed at: [www.pkc.gov.uk/August2020flooding](http://www.pkc.gov.uk/August2020flooding).

- 1.18 Council Officers undertook additional actions including:
- continued work with public agencies and local resilience groups to investigate and respond to the impact of the flooding, focusing on homes and businesses most affected
  - on the ground work in the most affected areas to respond to, and support, on-going emergency works.
  - clearance works on the Craigie Burn, the Alyth Burn and the Dunning Burn.
  - CCTV camera surveys of drainage systems and culverts
  - works to make safe a collapsed retaining wall on the Deich Burn in Bridge of Earn.
- 1.19 Looking forward, a national public consultation on the proposed second version of the FRM Strategies and Local FRM Plans commenced in December 2020 and the main information on the proposed actions will be added on 30 July 2021. The consultation will run until 30 October 2021.
- 1.20 The final FRM Strategies must be published by 22 December 2021 and the Local FRM Plans by 22 June 2022. Both will take account of the views expressed during the forthcoming public consultation.

### **The Council's response to the flooding as it happened**

- 2.1 The Road Maintenance Partnership are responsible for providing the reactive response to severe weather events and maintaining and operating the Council's flood protection schemes. This involves: -
- maintaining an out of hours rota to respond to emergency requests
  - providing sandbags in response to, or in advance of, flooding
  - closing flood scheme gates in accordance with specific warnings
  - working collaboratively with other Category 1 responders

### **Advance warning**

- 2.2 On the evening of 11 August 2020, prior to the event, a MET office yellow "be aware" warning was in place. These yellow warnings are numerous, only impacting in extremely rare occasions. The Council does not routinely undertake any special measures in response to a yellow warning, due to its anticipated low-level impact, generally covering a wide geographic area. On 11 August 2020, in line with other first responders, the Council took no special measures.

- 2.3 At 11pm on 11 August 2020, the yellow warning was upgraded to amber. Usually when an amber warning is issued, road maintenance partnership officers assess the location of the warning area, known flooding likelihood/issues and consider proactive placing of sandbags and increase staffing resources for the out of hours response. However, on this occasion, the amber warning was issued as the severe rainfall commenced, leaving no time or opportunity to prepare or plan.
- 2.4 No river flood warnings were in place, and as a result no action was initiated on the Perth Flood Protection Scheme, as required by established operational procedures.
- 2.5 An event timeline at Appendix A, details how flooding developed in the Craigie burn catchment area of Perth over this period. The Scottish Water combined sewerage system across the city was inundated and, as most of the Council's surface water gullies in the city run into this system, this resulted in the inundation of many roads.
- 2.6 Road gullies (drains) hold a very small quantity of water only, to allow solids to settle and prevent them entering and blocking the pipe system. The water collected in the gully discharges, principally, into the sewerage system in an urban environment. When this system is at capacity, the gully cannot drain away, leading to surface water ponding/flooding. There will be isolated gullies blocked at any point in time across the Council network, however, in an event such as this, locally blocked gullies would not impact significantly on any communities flooded.
- 2.7 When capacity returned to the system, gullies emptied with no widespread evidence of blockages, although solids will have settled in the gullies during the event and so added to the silt in the gully pot. An example of capacity returning to the system, and gullies emptying effectively, was evident in Feus Road, where the entire street drained within just over three hours.
- 2.8 Rural roads and those in towns and villages similarly became inundated with three significant road bridges and several culverts lost to the flood water. The areas affected most significantly in addition to Perth were Alyth, Dunning, Forgandenny, Kinross, Pitlochry Blairgowrie and Methven. Many homes were flooded, five schools had to be closed due to flood damage or water ingress and Perth Leisure Pool, Bells and 2 High St were seriously impacted.
- 2.9 Much of the flooding was caused by intense rainfall, which generated high volumes of surface water in urban areas, often beyond the capacity of the drainage systems. The high rainfall also generated a considerable response in some watercourses, with the Craigie Burn in Perth, the Alyth Burn, the South Queich in Kinross as well as other small watercourses being particularly affected. Flooding in some parts of Perth was also exacerbated by three of the flood gates around the South Inch flood storage area not being closed. One was as a result of human error (due to a training issue) and a lack of time to initiate the checking process which is usually followed during the gate closure procedure. The other two gates were

inundated by water in the short time it took staff to arrive rendering it unsafe to approach these gates. The requirement to close the gates was triggered by a surface water flood event rather than a river warning. This issue has now been addressed.

### **Point v of the Motion: Review of the Out of Hours Emergency Service**

- 2.10 Customer contact and out of hours arrangements are provided by Aberdeen City Council (ACC). This arrangement has been in place for a number of years and Aberdeen also provide the service on behalf of Aberdeenshire Council, Highland Council and Moray Council. The service involves call handling between 5pm and 8:45am Monday to Friday and 24 hours over the weekend and Bank Holidays at an annual cost of circa £0.006m.
- 2.11 The Service involves the provision of three phone lines answered by customer contact advisors in Aberdeen who triage enquiries and refer them on to the Roads Maintenance Partnership (RMP). Although the service has worked well since its introduction in 2010, it has never had to deal with an event of the magnitude of 11 August 2020. In response to the emergency motion, an urgent review of the arrangements was undertaken to identify any service enhancements to ensure a more effective response to any future emergency events.
- 2.12 On the evening of 11 August 2020, the Aberdeen call centre had 5 members of staff answering calls. Under normal circumstances, this number of call handlers effectively manage all calls received for the four authorities. This is evidenced by monitoring information which demonstrates that all three Perth and Kinross lines are concurrently utilised less than 1% of the time. However, on the evening of the 11/12 August 2020, the call centre was unable to deal with the volume of calls from Perth and Kinross residents and whilst 219 call were answered, some 267 were unanswered. Some of these unanswered callers would have persevered and eventually got through.

The table below provides further information.

Date	Time	Answered	Unanswered calls
11-8-20	20.00 and 20.59	2	0
	21.00 and 21.59	0	0
	22.00 and 22.59	1	0
	23.00 and 23.59	1	0
12-8-20	00.00 and 00.59	1	0
	01.00 and 01.59	1	0
	02.00 and 02.59	38	134
	03.00 and 03.59	28	24
	04.00 and 04.59	43	9
	05.00 and 05.59	15	0
	06.00 and 06.59	26	7
	07.00 and 07.59	29	24
	08.00 to 08.45	34	69
	Totals	219	267

- 2.13 The volume of calls received during that evening had never been experienced in 20 years of the call centre being in operation. To have effectively handled the volume of calls received would have required significantly more (multiples of 10 call handlers) particularly during the peak time of 2am to 3am.
- 2.14 In discussion with colleagues at Aberdeen CC, officers have considered a number of options for responding to any potential future event. The following context is relevant when considering options for any future response:
- the Met Office only issued a yellow warning prior to the flooding event, with the status escalating to Amber from 11pm on 11 August 2020, effectively when the flooding event began.
  - there were 72 yellow warnings in 2 years prior to the event on 11 August 2020 and 4 amber warnings in the same period.
  - this was the only one occasion that the Out of Hours call handling arrangements were overwhelmed.
- 2.15 Furthermore, given the nature of the event, the timing of the amber warning and the lack of any opportunity for the Council to prepare, no additional contingency arrangements could have been initiated within the timescales.
- 2.16 A further challenge exists with the current IT arrangements, as the telephony network which links Perth & Kinross and Aberdeen does not allow calls to be redirected back to a call handler in Perth & Kinross, if they could not be answered in Aberdeen. Therefore, any contingency arrangements above those currently in place would require the Council to answer **all** out of hours calls during an emergency.
- 2.17 Given the highly unusual circumstances of the incident, the continued satisfactory arrangements on a normal operating basis and the level of resource required to be available in the event of a similar situation arising again, any enhancements need to be proportionate and reflect this context. Aberdeen CC have agreed to offer an enhanced service by increasing staffing capacity by up to three dedicated call handlers at peak times. It is proposed that this enhanced service is initiated and complemented with additional contingency arrangements within Perth & Kinross's own contact centre. On the evening of 27 July 2021, the Council received more than 8 hours' notice for the amber warning, allowing time to prepare in advance. As a result, the customer contact centre provided an extended service on the evening until 9.30pm, at which point the phone lines were transferred to ACC with enhanced call handler provision.

**Point vi of the Motion: Policy and Level of Service for Winter**

- 2.18 The emergency motion requested that officers include other weather events in future Policy and Level of Service for Winter reports. Officers have reviewed arrangements and incorporated other weather events into its arrangements and policy for winter service. This will become routine practice and will enable officers to report to provide a consolidated and more comprehensive overview to committee of all severe weather events that have occurred during the

previous year with an overview of issues and impacts, resources and any improvement actions for future years.

### **3. PROPOSALS**

#### **Point iii of the Motion: Interim Arrangements / Short, Medium & Long Term Actions**

The review of the response to the flood event has enabled a detailed understanding of the sequence of events before, during and after the flooding on 11 and 12 August 2020. Whilst the unusual and unprecedented circumstances, along with the lack of adequate warning time, of the event limited officers' ability to plan and respond, a number of additional actions have been identified to enhance the Council's response to any future events.

- 3.1 The FRM Strategies and Local FRM Plans identify a wide range of structural and non-structural actions to manage flood risk.
- 3.2 As noted at 1.9, individuals, businesses and communities must play a central role in making themselves more resilient and reducing the impact of flooding. Community resilience and self-help, supported by awareness raising form a key role in flood risk management – as set out in the current and draft FRM Strategies and Local FRM Plans.
- 3.3 Flood protection schemes have already been implemented in a number of communities and more schemes are proposed. However, it is not possible to implement flood protection schemes in all areas that are at risk of flooding.
- 3.4 As noted at 1.8 - 1.13, the draft FRM Strategies and Local FRM Plans already include general and specific actions intended to manage flood risk. Those actions will help to manage flood risk in the medium (or interim) term, whether or not a flood scheme is proposed for an area.
- 3.5 The long-term actions have also been noted at 1.19 and are generally considered to be actions that require longer timescales to be implemented. These include flood studies (where further investigation of flood risk, and the potential means of managing it, is required which will recommend further action) and flood schemes (which involve a long process of development, statutory approval, design and construction). Again, these actions are already included in the draft FRM Strategies and Local FRM Plans.
- 3.6 The short, medium (or interim) and long-term actions are summarised in Appendix B (emergency motion point iv).
- 3.7 Further community bulletins will be issued to the communities noted, to provide an update on these actions and an opportunity to discuss them further if required.
- 3.8 As noted above, residents and businesses can engage with the national public consultation on the proposed second version of the FRM Strategies and Local FRM Plans which runs from 30 July until 30 October 2021.

3.9 It is proposed that arrangements are established whereby Aberdeen City Council call centre provide additional dedicated staff to answer calls during severe weather events. Such an arrangement will be based on the availability of staff, and at the request of PKC. It is therefore intended to introduce this arrangement in the event of an amber warning. On the basis of two amber warnings annually (historic data indicates this frequency), this will cost circa an additional £0.002m per annum funded from the road maintenance budget. It would, however, require an advance warning to be in place to enable call handlers to be sought.

#### 4. CONCLUSION AND RECOMMENDATION

4.1 The Council did not receive any timeous warnings to indicate that a storm of the severity of that which occurred was anticipated. This impacted on the Council's ability to instigate precautions immediately prior to the event.

4.2 The Council was, however, quick to respond on the evening of the event, although given the timing and the severity and extent of the flooding the Council was limited in its ability to reduce its impact.

4.3 During the evening, except for the closure of the 3 flood gates, officers followed the Council policies and procedures. Follow up actions and engagement with communities was extensive and this, alongside the involvement of staff, has supported a comprehensive review of the Council's response before, during and after the event.

4.4 The review has enabled a number of improvements to be identified and introduced which will ensure an effective approach to mitigating and minimising the impacts of flooding and supporting those communities at greatest risk.

4.5 It is recommended that the Committee:

- (i) notes the steps taken in response to the Environment & Infrastructure Committee's emergency motion of 19 August 2020.
- (ii) approves the actions detailed in Section 3 and Appendix B of this report to further strengthen the Council's response to supporting communities at risk of, and affected by, flooding.

#### Authors

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Approved</b>
Mark Butterworth	Head of Environmental and Consumer Services	10 August 2021

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>Yes</b>
Sustainability (community, economic, environmental)	<b>Yes</b>
Legal and Governance	<b>Yes</b>
Risk	<b>Yes</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 The proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:

- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

1.2 The proposals relate to the achievement of the following Priorities in the Council's Corporate Plan:

- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (i) Creating a safe and sustainable place for future generations.

## 2. Resource Implications

### Financial

- 2.1 This Scottish Government opened the Bellwin Scheme following the flooding of 11/12 August, the scheme is to assist with the cost of the emergency works. A claim of £1,114,249 was submitted, of which the first £743,021 of costs are to be met by the Council. To date grant funding received is £334,105 which is 90% of the difference, the remaining £37,123 will be received after the claim is audited.
- 2.2 It should be noted that not all of the actions identified in the second cycle of draft FRM Strategies and Local FRM Plans will be implemented during that cycle. The implementation arrangements for on-going actions have already been prioritised and set out in the current published Local FRM plans for 2016-2022. The Interim Reports published in 2019 provide a recent update on the progress of those actions. Any new potential measures will be subject to further development through the progression of flood studies or flood scheme proposals and the proposed implementation arrangements will not be finalised until the Council's Local FRM Plans are published in June 2022. As a result, there are no immediate resource implications arising directly from the recommendations in this report.
- 2.3 However, the flood risk management planning process will have on-going financial implications. The second cycle of Local FRM Plans to be published in June 2022 will include the implementation arrangements including the timetable for current and new actions to manage flood risk, who will be responsible for implementing them, as well as how they will be funded and coordinated by SEPA and the responsible authorities over the second six-year cycle from 2022-2028.
- 2.4 The 2009 Act requires the Scottish Government to have regard to the FRM Strategies and Local FRM Plans when allocating funds to SEPA and responsible authorities. The Scottish Government, CoSLA and SEPA agreed the distribution of capital funding to the actions identified nationally in the current FRM Strategies and Local FRM Plans. The following arrangements apply:
- (i) Only works and schemes that are prioritised in the FRM Strategies and Local FRM Plans are eligible for capital funding.
  - (ii) Flood protection schemes attract capital grant assistance of up to 80% of their estimated project cost at tender stage from the Scottish Government. Local authorities are required to fund the remainder of the cost of flood schemes.
  - (iii) The Scottish Government allocates capital funding to local authorities engaged in flood risk management across Scotland. 80% of this capital funding will continue to be allocated to flood protection schemes with the remaining 20% to other actions within the FRM Strategies, as detailed in the Local FRM Plans. This 20% is distributed to the 32 Scottish local authorities based on the number of properties at risk of flooding and the estimated annual average flood damages.

- 2.5 These arrangements are being reviewed by the Scottish Government, CoSLA and SEPA before the second cycle (from 2022 – 2028) commences.
- 2.6 The Council currently has four flood protection schemes that have been included in the national priority list for the first cycle from 2016-2022. Both the Scottish Government and the Council have made capital allocations for these schemes. The allocated grant is adjusted as flood scheme proposals are developed.
- 2.7 The Council submitted details of a further three flood protection schemes to SEPA in December 2019. SEPA will be assessing and prioritising all the actions across Scotland to be funded in the second cycle of FRM Strategies from 2022-2028. Any studies and investigations that did not arrive at an identified solution by December 2019 will not attract funding in the second cycle. This may result in certain communities being at an increased risk of flooding for longer.
- 2.8 Revenue funding will continue to be distributed in line with current arrangements.
- 2.9 The Council has a duty to have regard to the published FRM Strategies and local FRM plans and so the actions set out therein are statutory obligations. The actions included in the current strategies and plans have been set out assuming that funding remains at current levels. However, if funding should prove not to be available throughout the remainder of the first 6-year cycle or the subsequent cycle of the plans, the implementation of those actions is likely to be delayed.
- 2.10 Clearly the issue of funding support from central government will continue to have a significant bearing on when the Council will be able to deliver any actions to manage flood risk in the future. In the meantime, the actions set out in the Council's current local FRM plans have been prioritised but will only be implemented as available resources allow.

#### Workforce

- 2.11 There are no workforce implications arising directly from the recommendations in this report.

#### Asset Management (land, property, IT)

- 2.12 The proposals in this report have no IT implications.
- 2.13 The individual actions set out within the draft local FRM plans may have land and property implications however these will be dealt with on an individual project basis.

### 3. Assessments

#### Equality and Fairness Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).
- 3.2 The function, policy, procedure or strategy presented in this report was previously considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome.
- 3.3 Following an assessment using the Integrated Appraisal Toolkit, it was determined that the proposal be assessed as **relevant** and the following positive outcomes expected following implementation:

- (i) Assessed as **relevant** and actions taken to reduce or remove the following negative impacts:

The effects and aftermath of flooding could have a greater impact on mobility impaired, sight impaired, blind people or disabled people, on children and the elderly and infirm, and on pregnant women or nursing mothers, in relation to adverse psychological, physical and health impacts. The selected actions to reduce flood risk described in this report will reduce or remove these impacts.

- (ii) Assessed as **relevant** and the following positive outcomes expected following implementation:

- The selected actions will have the same positive impact for all equality groups as the reduction in flood risk to communities will provide benefits for all (improved safety, health & wellbeing through avoidance of flood impacts and damages) in the long-term.
- Providing the opportunity for all equality groups to comment on all aspects of flood risk and the various potential measures to reduce that risk within a specific area will allow particular concerns to be raised and incorporated within the final FRM Plans.

#### Strategic Environmental Assessment

- 3.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

- 3.5 There are likely to be significant environmental effects associated with the Tay Local FRM Plan and the other three Local FRM Plans that the Council will contribute to. As a consequence, an environmental assessment is necessary. SEPA have commenced an environmental assessment for their FRM Strategies and their scoping report has already been completed. Following a review of this assessment, it has been confirmed that this will cover the Local FRM Plans and that no further assessment is likely to be required at this time.
- 3.6 This remained the case for the existing published Local FRM Plans (screening reports previously submitted to the SEA Gateway confirmed this). This position will be kept under review as the Local FRM Plans are developed.

### Sustainability

- 3.7 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
  - in the way best calculated to deliver any statutory adaptation programmes; and
  - in a way that it considers most sustainable.
- 3.8 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the proposal is likely to contribute positively to the following corporate sustainable development principles:

### **Climate Change**

- Efficient use of resources now and in the future in the built environment and service provision (e.g. energy efficiency, land, water resources, flood defence, waste minimisation) (*Principle 2*)
- Mitigation and adaptation to manage the impact of climate change & reduce the production of greenhouse gases (*Principle 3*)

#### Justification:

- The implementation of the actions is aimed at mitigating the effects of increased flood risk brought about by climate change.

### **Fair and Sustainable Communities**

- Creating a sense of place (e.g. a place with a positive 'feeling' for people, and local distinctiveness) (*Principle 22*)

Justification:

- The proposed actions are intended to reduce the flood risk to communities and will be subject to public consultation.

### **Equality and Human Rights**

- Refer to Item 3.3 (above).

3.9 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the proposal is likely to contribute negatively to the following corporate sustainable development principles:

- **Consumption and Production**  
Efficient use of resources now and in the future in the built environment and service provision (e.g. energy efficiency, land, water resources, flood defence, waste minimisation) (*Principle 2*)  
Mitigation and adaptation to manage the impact of climate change & reduce the production of greenhouse gases (*Principle 3*)

**Justification:**

- The implementation of actions, e.g. new flood defences, may require a short-term increase in energy consumption during construction, but a future reduction due to reduced flood risk.

**Mitigation:**

- The efficient use of resources is to be considered on an individual project basis.

3.10 However, under the 2009 Act, the Council has a duty to manage flood risk in a sustainable way and to act in the best way calculated to contribute to the achievement of sustainable development. The measures that will be identified in the Council's future Local FRM Plans will comply with this requirement.

### Legal and Governance

3.11 The Head of Legal and Governance has been consulted on this report.

3.12 The legal basis for the proposals set out in this report is the Flood Risk Management (Scotland) Act 2009.

### Risk

3.13 The risks associated with any actions to manage flooding will be identified and managed through individual projects.

## **4. Consultation**

### Internal

- 4.1 The Head of Legal and Governance and the Head of Finance have been consulted in the preparation of this report.

### External

- 4.2 The proposed format of the web based public consultation and the Citizen Space platform together with the proposed FRM actions have been developed and agreed in principle by SEPA, Scottish Water and the relevant local authorities.
- 4.3 Consultation will be carried out with relevant external stakeholders on any individual proposals.

## **5. Communication**

- 5.1 The key outputs described in this report will be subject to phased public consultation between December 2020 and October 2021. This will be a joint web-based consultation using the Citizen Space platform.
- 5.2 Communication with relevant external stakeholders will take place on any individual actions proposed to reduce flood risk in the future.

## **2. BACKGROUND PAPERS**

- 2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in the preparation of the above report;

- PKC – Environment Committee – 27 January 2010, Flood Risk Management (Scotland) Act 2009 (Report No. 10/51)
- PKC – Environment Committee – 20 November 2013, Progress Report Flood Risk Management (Scotland) Act 2009 (Report No 13/544)
- PKC – Environment Committee – 12 November 2014, The Flood Risk Management (Scotland) Act 2009, Short List of Potential Measures to Manage Flood Risk (Report No 14/483)
- PKC – Environment Committee – 21 January 2015, The Flood Risk Management (Scotland) Act 2009, Public Consultation Arrangements (Report No. 15/16)
- PKC – Environment Committee – 9 September 2015, The Flood Risk Management (Scotland) Act 2009, Selected Actions and Prioritisation (Report No 15/359)
- PKC – Environment Committee – 1 June 2016, The Flood Risk Management (Scotland) Act 2009, Publication of Local Flood Risk Management Plans (Report No 16/241)

- PKC – Environment and Infrastructure Committee – 23 January 2019, The Flood Risk Management (Scotland) Act 2009 Publication of Interim Report (Report No 19/16)
- PKC – Environment and Infrastructure Committee – 19 May 2021, The Flood Risk Management (Scotland) Act 2009 Second Cycle of Flood Risk Management Plans (Report No 21/60)

### **3. APPENDICES**

- 3.1 Appendix A – Event timeline  
Appendix B - Summary of Short, Medium (or Interim) and Long-Term Actions

## Appendix A

### **Event Timeline**

1. 11 August 2020 - 23:30 – The Roads Maintenance Partnership (RMP) standby officer received a text telemetry alarm to clear the trash screens on Craigie Burn on South Inch and Queens Avenue. The officer attended the site at approximately 23:45, cleared the screens and left the site at approximately 00:15, returning home around 00:30am.
2. Further telemetry alarms started going off at the railway arch at the side of Craigie burn around 1am. Consequently the site was attended by the standby officer when it was established that the Scottish Water manhole had blown (not uncommon) however water remained in the channel. As a result of the deteriorating weather, increasing phone calls and a potentially escalating situation the PKC standby officer called four Tayside Contracts road workers from Perth and Blairgowrie at 1am to attend Perth depot as soon as possible.
3. At around 1am the A9 culvert on south side of Broxden roundabout blocks and overflows on to A93 Glasgow Road in Perth adding more water to the already overloaded surface water drainage system and continues to flow down towards the Cherrybank area. The Council became aware of this around 2am when it was observed BEAR Scotland attending to their culvert around 2am.
4. Broxden Flood Ponds attenuate water and wet pond performed satisfactorily and successfully attenuates the volume of water being discharged into the dry pond below. However due to the huge volume of water the dry pond subsequently overtopped into the woods and Craigie Burn resulting in increased flows in the Craigie Burn. The maximum telemetry readings for water levels in these wet ponds was 65.7m AOD which is 2.2m (7 feet 2 inches) higher than normal and in excess of design levels.
5. The Scottish Water sewer systems in Glasgow Road and Crieff Road which run down to the city centre also quickly became overloaded leading to surcharging water / sewage and manhole covers being blown off into the road around 2am, which led to an extensive uncontrolled overland flow of water
6. The Craigie burn culvert in the Persimmon Homes site at Cherrybank blocked due to the volume of water and water overtopped the attenuation area to flow over the B9112 Necessity Brae and cascade down into the Cherrybank Inn car park. It is important to note that Persimmon Homes had been alerted by the flooding team to maintain this culvert on several occasions and that the RMP identified work required to adopt by PKC, however, this work had not been undertaken.
7. The flow of surface water down the B9112 Necessity Brae joined the Craigie burn via Low Road adding to the volume of water along with the flow from Persimmon Homes site (see above).

8. From telemetry data at around 2:15am the trash screen at Queens Avenue blocks due to build-up of debris (subsequently known to be wheelie bins, garden waste etc.) and consequently water began to spill over into Queen Street and Windsor Terrace. This trash screen was cleared prior to midnight by the standby officer and was coping at that time.
9. Telemetry measurement identify the water levels at Queens Avenue to be 4.581m @ 00:45, 5.01m@ 01:00, 5.13m @ 01:30 and 5.17m @02:15. This is a significant increase in water level of 0.589m over 90 minutes, including a large surge of +0.429m over a fifteen minute period. This increase in height coincides with losing all attenuation at Broxden ponds, Broxden roundabout culvert failing and Bellway Homes / Persimmon Homes sites Sustainable Urban Drainage Scheme (SUDS) and culvert blocking.
10. Sections of private walls along the Craigie burn in Windsor Terrace area began to collapse into the watercourse and block the culvert at Glenearn Road causing water to flow over Glenearn Road and inundate Glenearn Community Campus and then flow back into watercourse above the railway bridge
11. The Telemetry alarms received at 2:30am indicated that the South Inch flood gates should be closed as the Craigie burn was overtopping banks and flowing into South Inch reservoir area. An officer arrived at the site at 3.00am and established that the 2 gates at the side of Craigie Burn were inundated and could not be safely reached. This is fast flowing water obscuring blown manhole covers and so is not safe to approach. It is not unusual for these gates to become inundated in under an hour and are generally pro-actively closed based on warnings received. Around the same time the standby officer became aware from Tayside Contract colleagues that Feus Rd and Marshall Place were also being flooded, therefore he elected to call for assistance from 2 other RMP officers who were in depot by 3:30am. Unfortunately, given the volume of rain, most affected properties were likely to already be flooded.
12. 04.30 A RMP officer attends the South Inch flood gates. It was observed at this time that gullies and manholes on the “dry side” were surcharging due to the sheer volume of water. The officer on site passed the message to a colleague who subsequently contacted SW to ensure the pumps were operational.
13. 04.35 Multi-agency first responder teleconference. This covered an update on the forecast, flooding issues and the resources available. The Council’s Emergency Duty Officer advised he would contact Scottish Water to get information on how the SW pumping stations in Perth were performing
14. Water levels continue to build up in Marshall Place, Princes Street and Canal Street in Perth as Scottish Water sewers have reached capacity in the area with houses and businesses being at risk of inundation. Scottish Fire and Rescue attend with Police closing the road. The water level drops, and emergency services leave around 4:45am.

- 15 The RMP Manager was called at home at 4am and advised of the flooding situation and generally deteriorating conditions across entire Council area. He attended depot at 5am via Feus Road. Feus Road was approximately knee height at its mid-point and was suffering from bow waves of large vehicles. Tayside Contracts set up a more rigid closure at each end to prevent this from continuing at around 6am once the blown Scottish Water manhole covers on Crieff Road had all been protected.
- 16 The South Inch reservoir continues to fill up and then flows into the culvert that takes it to the South Inch pumping station with four large pumps operating at around 2000 litres / minute.
- 17 05.15 – 06.15 The Council ERDO tried to contact Scottish Water call centre regarding the pumping stations update but lines permanently engaged. Improved lines of communication are now in place between the Council and Scottish Water. However, he was advised when he called the local contact that the scheme had earlier ceased operating, and that they had dispatched a maintenance crew to South Inch Terrace and Mill Lade pumping stations immediately to reset. This coincides with the surcharging that was observed when closing the South Inch gate and it is assumed they were inoperable for a period of around an hour but they worked satisfactorily after that.
- 18 05.50 The Council's ERDO contacted the Council's Corporate Emergency Planning and Business Continuity Manager to update him on the current situation. He agrees to attend the next multi-agency teleconference.
- 19 Officers attended numerous flooded areas between 3am and 8am but were limited in what they could do to assist as all were already flooded. This involved 11 officers and road workers, including 3 who were not on standby but who voluntarily came to assist when called in the middle of the night.
- 20 At around 7am it was observed that Marshall Place water level had gone up and was increasing to around the same level as before. SW confirmed that the pumps remained operational. It was assumed that the reason for the continuing increase in water being discharged on to Marshall Place was the sheer volume that had fallen and entered the SW system creating a head of water within the sewer system toward Marshall Place – this being the low point in the system.
21. Therefore, it was decided at 8am to deploy a 6-inch pump to attend Marshall Place and when it arrived it started to reduce the level of water however not as quickly as anticipated. PKC supervisor attend again around 9am and established that one flood gate at the children's playpark had been missed in error, and had not been closed. He and a colleague immediately waded into chest high slow moving water to close this gate and reduce the flow of water out onto Marshall Place.
22. Unfortunately, whilst by no means the sole factor, it is fair to say that less water would have entered Marshall Place should this gate have been closed earlier. This omission was clearly an error on the Council's behalf, however

additional awareness of gates and pro active closure in the event of yellow warnings are now in place to avoid any reoccurrence in the future.

23. SW attended Feus Road at around 11am but could not remove the water due to the sheer volume. Capacity started to return to the sewerage system just after mid-day and all flood water (except basements) was clear by 4pm on 12 August 2021.
24. Tayside Contracts remained at Marshall Place with six-inch pump to bring down level of flood water until approximately 1pm. Tayside Contracts then attended Queich Place Kinross until 7pm due to concerns with water levels in the Queich Burn. During this time we deployed the 6 inch pump to reduce water levels affecting properties
25. Both the RMP and the Council's flooding & structures team officers visited, assessed and assisted numerous locations through the day and ensuing weeks / months. This involved more than 100 officers.

**Summary of Short, Medium (or Interim) and Long-Term Actions**

The following general actions apply to all areas of Perth & Kinross (where applicable): maintenance work (including watercourse clearance and repair), the maintenance of any existing flood schemes, awareness raising, flood forecasting, self-help (including individual property flood measures), land use planning and links with emergency planning.

The specific action taken, or being planned, for the main areas affected by flooding on 11/12 August 2020 are set out in the table below.

Location	Short-Term Action	Medium (Interim) Term Action	Long-Term Action
<p><b>Alyth</b></p>	<p>The Council’s emergency response to the flood event.</p> <p>Emergency clearance works on the Alyth Burn and Johnshill Burn.</p> <p>A landowner was encouraged to undertake embankment repair works along the Doctor’s Burn, which has reduced the flood risk from this watercourse.</p>	<p>The Council and other organisations have supported the Alyth Community Support Group to improve the resilience of the community to flood risk. This includes a resilience plan, river level monitors and flood resilience stores throughout the town.</p> <p>Improvements have been carried out make Council-owned properties more resilient to flooding.</p> <p>The Council continues to inspect the Alyth Burn (every 3 months) and smaller watercourses (every 6 months) and will continue to carry out clearance and repair works where this will significantly reduce flood risk.</p>	<p>The current, and future, Tay Local Flood Risk Management Plan includes:</p> <ul style="list-style-type: none"> <li>• Natural Flood Management (NFM) Study</li> </ul>

Location	Short-Term Action	Medium (Interim) Term Action	Long-Term Action
<b>Dunning</b>	<p>The Council's emergency response to the flood event.</p> <p>Emergency clearance works on a blocked footbridge and a partially collapsed culvert.</p> <p>A catchment walkover was undertaken to establish the source of wooded debris, but no obvious source was found.</p>	<p>A culvert on the Latch Burn was repaired.</p> <p>The Council's flooding team has increased the frequency of routine watercourse inspections on the Dunning Burn from once a year to every six months and will carry out clearance and repair works where this will significantly reduce flood risk.</p>	<p>General actions as noted above.</p>
<b>Forgandenny</b>	<p>The Council's emergency response to the flood event.</p> <p>Clearance work at culvert trash screens and CCTV camera surveys of all culverted watercourses in the area.</p> <p>Significant emergency works to repair a collapsed culvert at Station Road.</p> <p>A catchment walkover was undertaken to fully understand the flood mechanisms.</p>	<p>The Council continues to carry out 6-monthly inspections of watercourses in the area and will carry out clearance and repair works where this will significantly reduce flood risk.</p> <p>The Council's Roads Maintenance Partnership also continue to reactively clear culvert trash screens.</p> <p>Clearance works have been identified on a local roadside ditch and action will be taken by the Council's Roads Maintenance Partnership to reduce the risk of flooding in the area.</p>	<p>A potential location upstream of Forgandenny has been identified for additional flood water storage. Discussions are on-going with the landowner.</p> <p>General actions as noted above.</p>

<b>Location</b>	<b>Short-Term Action</b>	<b>Medium (Interim) Term Action</b>	<b>Long-Term Action</b>
<b>Kinross</b>	<p>The Council's emergency response.</p> <p>Emergency clearance works on the Clash Burn.</p>	<p>Residents in Kinross have worked with the Scottish Flood Forum and the Council's Emergency Planning Officer to set up the Kinross Flooding Resilience Group (KFRG). This will improve the resilience of the community to flood risk.</p> <p>The Council continues to carry out 6-monthly inspections of the South Queich, Gelly Burn and Clash Burn and will continue to carry out clearance and repair works where this will significantly reduce flood risk.</p>	<p>The current, and future, Tay Local Flood Risk Management Plan includes:</p> <ul style="list-style-type: none"> <li>• On-going work to develop a Flood Protection Scheme for South Kinross.</li> <li>• Surface Water Management Plan</li> </ul>

<b>Location</b>	<b>Short-Term Action</b>	<b>Medium (Interim) Term Action</b>	<b>Long-Term Action</b>
<b>Perth:</b> Cavendish Avenue	<p>The Council's emergency response to the flood event.</p> <p>Repairs to Council-owned housing, and temporary re-housing of tenants.</p>	<p>Scottish Water and the Council worked jointly on the Perth Integrated Catchment Study to improve understanding of flood risk at this location.</p> <p>An on-going flood study by Scottish Water and the Council is considering potential infrastructure upgrades and improvements to manage flood risk in the local area.</p>	<p>The current, and future, Tay Local Flood Risk Management Plan includes:</p> <ul style="list-style-type: none"> <li>• The Perth Surface Water Management Plan.</li> </ul>

Location	Short-Term Action	Medium (Interim) Term Action	Long-Term Action
<p><b>Perth:</b>            Craigie Burn            (including Low Road &amp; Croft Park)</p>	<p>The Council's emergency response to the flood event.</p> <p>Emergency clearance works on the Craigie Burn.</p> <p>CCTV camera inspections and maintenance work on adjacent surface water drainage systems.</p>	<p>Significant clearance works at the Low Road culvert.</p> <p>The Perth Flood Protection Scheme (including the three existing flood storage ponds) continues to be maintained by the Council's Roads Maintenance Partnership.</p> <p>The Council continues to carry out 6-monthly inspections of the Scouring and Craigie Burns and will carry out clearance and repair works where this will significantly reduce flood risk.</p>	<p>The current, and future, Tay Local Flood Risk Management Plan includes:</p> <ul style="list-style-type: none"> <li>• The Craigie Burn Flood Protection Study</li> <li>• The Perth Surface Water Management Plan</li> <li>• Flood Protection Study (surface water) - other areas identified in the Perth ICS</li> </ul>
<p><b>Perth:</b>            Feus Road, Crieff Road &amp; Fairfield</p>	<p>The Council's emergency response to the flood event.</p>	<p>The road drains (gulleys) are inspected on a 6-monthly schedule at this location and cleansed if necessary however it should be noted the gully pot is rarely blocked.</p> <p>Scottish Water and the Council worked jointly on the Perth Integrated Catchment Study to improve understanding of flood risk at this location.</p> <p>An on-going joint flood study by Scottish Water and the Council is considering potential infrastructure upgrades and improvements to manage flood risk in the local area.</p>	<p>The current, and future, Tay Local Flood Risk Management Plan includes:</p> <ul style="list-style-type: none"> <li>• The Perth Surface Water Management Plan.</li> </ul>

Location	Short-Term Action	Medium (Interim) Term Action	Long-Term Action
<p><b>Perth:</b> South Inch/ Marshall Place</p>	<p>The Council's emergency response to the flood event.</p> <p>Emergency clearance works on the Craigie Burn.</p> <p>In November 2020, Scottish Water and the Council carried out the replacement of all 8 pumps in the South Inch Pumping Station, as part of planned maintenance work.</p>	<p>The South Inch Flood Group was formed by residents and has worked with the Council's Emergency Planning Officer and the Scottish Flood Forum to develop a flood resilience group.</p> <p>The Perth Flood Protection Scheme continues to be maintained by the Council's Roads Maintenance Partnership. They have also carried out a review of their procedure for closing the flood gates on the South Inch and now close the gates on receipt of yellow weather warnings in addition to the previous trigger of closing gates when River Tay flooding is predicted. This proactive closing of gates is recorded and cross checked in accordance with the procedure.</p> <p>The Council continues to carry out 6-monthly inspections of the Scouring and Craigie Burns and will carry out clearance and repair works where this will</p>	<p>The current, and future, Tay Local Flood Risk Management Plan includes:</p> <ul style="list-style-type: none"> <li>• The Craigie Burn Flood Protection Study</li> <li>• The Perth Surface Water Management Plan</li> <li>• Flood Protection Study (surface water) - other areas identified in the Perth ICS</li> </ul> <p>Scottish Water have also been working to address the risk of internal sewer flooding in the area.</p>

		<p>significantly reduce flood risk.</p> <p>Starting August 2021 the remaining pumps on the Perth Flood scheme between Inveralmond and South Inch, will be replaced along with upgraded telemetry information being provided.</p>	
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<b>Location</b>	<b>Short-Term Action</b>	<b>Medium (Interim) Term Action</b>	<b>Long-Term Action</b>
<p><b>Perth:</b> Wallace Crescent</p>	<p>The Council's emergency response to the flood event.</p> <p>Repairs to Council-owned housing, and temporary re-housing of tenants.</p>	<p>Scottish Water and the Council worked jointly on the Perth Integrated Catchment Study to improve understanding of flood risk at this location.</p> <p>The Council is planning minor drainage improvements in the area.</p> <p>Scottish Water will also be carrying out maintenance works.</p> <p>Council Housing stock affected by flooding will be made more resilient.</p>	<p>The current, and future, Tay Local Flood Risk Management Plan includes:</p> <ul style="list-style-type: none"> <li>• The Perth Surface Water Management Plan.</li> <li>• Flood Protection Study (surface water) - other areas identified in the Perth ICS.</li> </ul>

**PERTH AND KINROSS COUNCIL**

**Environment and Infrastructure Committee**

**18 August 2021**

**COMRIE FLOOD PROTECTION SCHEME 2020**

**Report by Head of Environmental and Consumer Services  
(Report No. 21/123)**

**PURPOSE OF REPORT**

This report provides an update on the progress of the Comrie Flood Protection Scheme and proposes that the Environment and Infrastructure Committee takes a final decision under the Flood Risk Management (Scotland) Act 2009 to confirm the proposed Scheme without modification.

**1. BACKGROUND / MAIN ISSUES**

**Introduction**

- 1.1 SEPA and lead local authorities have published Flood Risk Management (FRM) Strategies and Local FRM Plans under the Flood Risk Management (Scotland) Act 2009 (the 2009 Act). These documents set out a range of actions that SEPA and responsible authorities will take to manage and, where possible, reduce the risk of flooding over a six-year period.
- 1.2 Although public authorities are expected to take a proactive role in managing and, where achievable, lowering flood risk, the primary responsibility for avoiding or managing flood risk still remains with land and property owners. The 2009 Act does not alter this. Individuals, businesses and communities must, therefore, play a critical role in making themselves more resilient and helping to reduce the impact of flooding.
- 1.3 The 2009 Act provides local authorities with discretionary powers to promote new flood protection schemes. Only those flood schemes which have been included in the published FRM Strategies, the Local FRM Plans, and the national priority list will be taken forward in the six-year period.

**Flood Risk Management in Comrie**

- 1.4 One of the key actions included within the published Tay Local FRM Plan is to implement a flood protection scheme in Comrie. The flood scheme was included as the 7th highest scheme on the national priority list.
- 1.5 Comrie is located in the River Earn catchment within Potentially Vulnerable Area (PVA) 08/14. The town is located at the confluence of three large rivers –

the Water of Ruchill, the River Earn and the River Lednock. There has been a history of flooding in the town, and in the Dalginross area in particular.

- 1.6 Perth and Kinross Council engaged consulting engineers to investigate and to promote a flood protection scheme for Comrie. The progress of the Scheme has been periodically reported to the former Environment, Enterprise and Infrastructure Committee and more recently the Environment and Infrastructure Committee and Perth & Kinross Council. A full list of relevant committee papers is provided at the end of this report.

### **The Proposed Scheme**

- 1.7 The Council, along with consulting engineers, Sweco, have developed the outline design of the preferred flood scheme, which was put to public consultation in 2019.
- 1.8 The proposed flood scheme includes approximately 2.8km of new flood walls and embankments on the Water of Ruchill and the River Earn extending from Comrie Bridge to the Comrie Holiday Park (north bank) and from the private property 'Aros Field' to the east side of Tay Place (south bank). Flood defences are also proposed for both banks of the River Lednock, extending from both St Serfs Church and St Margaret's Church to the confluence with the River Earn.
- 1.9 The proposed scheme will also require public utility diversions, the provision of riverbank erosion protection measures and areas of landscaping.
- 1.10 A plan of the proposed scheme is shown in Appendix A and, as published, can also be viewed on the Council's website at [www.pkc.gov.uk/article/21568/Comrie-flood-protectionschemedocuments](http://www.pkc.gov.uk/article/21568/Comrie-flood-protectionschemedocuments)

### **Scheme Publication**

- 1.11 The notice for the Comrie Flood Protection Scheme 2020 was published under the 2009 Act on 28 February 2020. Those affected by the Scheme were notified and information (including an Environmental Impact Assessment Report (EIAR)) were also made available for public inspection on 28 February 2020. The 2009 Act requires that a period of 28 days from the date of publication is allowed for objections; this period being slightly increased to 30 days in relation to the EIAR.
- 1.12 Two valid objections (both from residents) were received by the Council within the 28-day period. Officers held discussions with these two residents, but their objections were not withdrawn at that time.
- 1.13 On 24 June 2020, Perth & Kinross Council was provided with an update on the progress of the Scheme (Report No. 20/103 refers). Having considered the valid objections and the Environmental Impact, the Committee took a preliminary decision to confirm the proposed Scheme without modification.

- 1.14 In order to progress the statutory process, the Council then referred the Scheme to the Scottish Ministers for their consideration. Notice of the Council's preliminary decision to confirm the Scheme was provided to the Scottish Ministers and those residents who submitted an objection on 9 July 2020.
- 1.15 On 18 January 2021, the Scottish Ministers responded, confirming their decision not to call the Scheme in and noting that the issues raised in the objections did not appear to warrant a formal public local inquiry or further consideration by them.
- 1.16 Officers held further discussions with one of the objectors, who subsequently withdrew their objection to the Scheme on 27 March 2021. The other resident continued to maintain their objection.

### **Local Hearing**

- 1.17 As the other resident maintained their objection, the Council was required to arrange a local authority hearing.
- 1.18 Therefore, the Council approached the Scottish Government's Planning and Environmental Appeals Division to supply a suitable chair for the Local Hearing. Mr Paul Cackette was appointed as the independent Reporter on 26 April 2021. The Reporter was appointed to make a recommendation to the Council on whether the Council should:
- confirm the proposed Scheme without modification,
  - confirm the proposed Scheme with modifications, or
  - reject the proposed scheme.
- 1.19 The local hearing to resolve the sole remaining objection was held at 10am on 22 June 2021. The hearing took place online due to the on-going Covid-19 pandemic and members of the public were able to view the proceedings. The recording of the event can be viewed at <https://youtu.be/DzCf4AgRPJM>
- 1.20 The hearing was attended by the Reporter, officers from the Council's Flooding Team, designers and environmental consultants from Sweco. The sole remaining objector chose not to attend the hearing or to have any representation at the meeting, although they did provide a written submission in advance.
- 1.21 The Council received the report on the local hearing on 7 July 2021. This is included in Appendix B.
- 1.22 The Reporter has recommended that the Council dismiss the remaining objection and make a final decision to confirm the Scheme without modification.

## **2. PROPOSALS**

- 2.1 As stated above, as a result of one outstanding objection, a local authority hearing was held on 22 June 2021 and the Reporter has recommended that

the Council take a decision to confirm the proposed Scheme without modification.

- 2.2 Therefore, the Council must make a final decision under Paragraph 9 of Schedule 2 of the 2009 Act to either:
  - a) confirm the proposed Scheme without modification,
  - b) confirm the proposed Scheme with modifications, or
  - c) reject the proposed scheme.
- 2.3 Prior to making the above decision, the Council must consider
  - a) the valid objection – this can be viewed in Appendix C and;
  - b) the scheme's environmental impact as set out within the Environmental Impact Assessment Report (EIAR). The EIAR is available online at [www.pkc.gov.uk/article/21568/Comrie-flood-protection-scheme-documents](http://www.pkc.gov.uk/article/21568/Comrie-flood-protection-scheme-documents).
  - c) the representations made at the local hearing. These are set out in the report provided by the Reporter in Appendix B.
- 2.4 It is proposed that the Council make a final decision to confirm the proposed Scheme without modification. Once the final decision has been made, the Council is required to
  - a) notify all parties who were originally notified of the scheme,
  - b) notify every relevant objector, and
  - c) place a notice in a local newspaper and the Edinburgh Gazette.
- 2.5 A period of 6 weeks is then allowed for an appeal to be lodged by any person affected by the Scheme. The grounds of appeal are that, in reaching a decision to confirm the Scheme, the Council erred in law or that there was a failure to comply with the procedural requirements contained in Schedule 2 of the 2009 Act (or any Regulations made under that Act). If no appeals are lodged, the Scheme would become operative after this 6-week period.
- 2.6 Subject to the Scheme being confirmed, consulting engineers will finalise the necessary detailed design work. Further consultation will take place with the local community. The main construction works are anticipated to commence in Spring 2022, assuming no further delay to the statutory process and the current detailed design programme.
- 2.7 The 2009 Act does not require a separate planning application for flood protection schemes. If such schemes are confirmed under the 2009 Act, then the Scottish Ministers must also direct that planning consent is deemed to have been granted.
- 2.8 It is, therefore, proposed that further work be undertaken, when the Scheme is confirmed, towards writing to the Scottish Government setting out proposed planning conditions and requesting that planning permission shall be deemed to be granted and be subject to those conditions.

### 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The purpose of the flood protection scheme is to manage flood risk in Comrie.
- 3.2 The Scheme was published on 28 February 2020 and received two objections. One objection was subsequently withdrawn following further consultation; the other objection has been maintained.
- 3.3 The Council held a local authority hearing on 22 June 2021 to resolve the remaining objection.
- 3.4 The Reporter has now concluded their report and has recommended that the Council dismiss the outstanding objection to the proposed Scheme.
- 3.5 In order to progress the Scheme, it is recommended that the Environment and Infrastructure Committee:
- (i) notes the valid objection, the Environmental Impact and the representations made at the local hearing, as outlined in this report;
  - (ii) makes a final decision to confirm the proposed Comrie Flood Protection Scheme 2020 without modification as outlined in this report; and
  - (iii) authorises the Executive Director (Communities) to carry out all necessary steps to implement the Scheme, including:
    - a) giving notice of the final decision to confirm the Scheme to all of those who were originally notified, to any relevant objectors and in the relevant newspapers;
    - b) seeking deemed planning permission from the Scottish Ministers;
    - c) finalising the detailed design for the proposed Scheme;
    - d) the appointment of a contractor to construct the Scheme.

#### Authors

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#### Approved

Name	Designation	Contact Details
Mark Butterworth	Head of Environmental and Consumer Services	27 July 2021

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
<b>Resource Implications</b>	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
<b>Assessments</b>	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
<b>Consultation</b>	
Internal	Yes
External	Yes
<b>Communication</b>	
Communications Plan	Yes

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 The proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:

- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

1.2 The proposals relate to the achievement of the following Priorities in the Council's Corporate Plan:

- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

### 2. Resource Implications

#### Financial

2.1 The Comrie Protection Scheme has been prioritised in the published Tay Flood Risk Management (FRM) Strategy and Local FRM Plan. The flood scheme is

therefore receiving Scottish Government capital grant assistance, and this will continue up to 80% of the project value at tender stage. The Council is required to fund the remainder of the cost of the scheme.

- 2.2 Although funding for the scheme is in place, it should be noted that the implementation of the flood scheme will be some time away. The current outline design for the proposed scheme requires further development as part of the detailed design process and some further statutory consents require to be obtained. Construction is anticipated to commence in Spring 2022 assuming no further delay to the statutory process and the current detailed design programme.

#### Capital

- 2.3 The estimated capital cost of the flood scheme over the financial years to 2023/24 is £27.9m. The Scottish Government has committed £22.3m in capital grant to the scheme and the Council's contribution is expected to be 20% of this, giving a budgeted cost, to the Council of £5.6m. The Scheme is included in the Council's current capital programme.
- 2.4 The estimated costs of flood schemes across Scotland continue to be reported to the Scottish Government by local authorities on an annual basis.

#### Revenue

- 2.5 The on-going maintenance costs for the scheme are estimated at £0.025m per annum.
- 2.6 This additional cost will require to be considered through the Council's budget process once the scheme has been completed.

#### Workforce

- 2.7 The project management of the flood scheme will be undertaken by the Council's Flooding Team. There will be a resource implication for Legal and Property Services for technical assistance required throughout the remaining duration of the project.

#### Asset Management (land, property, IT)

- 2.8 In order to construct the proposed scheme there will be a requirement to purchase land and/or provide compensation to relevant landowners. Property Services have been consulted on the scheme and a landownership plan has been produced to inform future negotiations with relevant landowners.

### **3. Assessments**

#### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality

groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).

3.2 The proposals in this report have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

(i) Assessed as **relevant** and actions taken to reduce or remove the following negative impacts:

- The construction works could temporarily have a greater impact on mobility impaired, sight impaired, blind people or disabled people, on children and the elderly and infirm, and on pregnant women or nursing mothers, in relation to adverse psychological, physical and health impacts. Appropriate mitigation measures will be adopted to minimise disruption, noise, dust and vibration and to ensure adequate safe access throughout the construction works.

(ii) Assessed as **relevant** and the following positive outcomes expected following implementation:

- The flood scheme will have the same positive impact for all equality groups as the reduction in flood risk to Comrie will provide benefits for all (improved safety, health & wellbeing through avoidance of flood impacts and damages) in the long-term.

#### Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

3.4 The matters presented in this report and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

3.5 As outlined in this report, an Environmental Impact Assessment Report (EIAR) was produced for the Scheme. The EIAR identified that the Scheme has a number of potentially significant impacts that would arise as a result of the construction and future use of the Scheme. Mitigation measures have been identified with a view to reducing, managing and minimising those impacts. The Schedule of Mitigation describes the measures embedded in the design solution and those that should be incorporated into the future development of the Scheme design and construction.

3.6 At the time of publishing the notice for the flood scheme under the 2009 Act, the EIAR was submitted to statutory and non-statutory Consultees for their consideration. Any additional requirements have been incorporated, where appropriate, as conditions into the deemed planning consent for action during the detailed design or construction of the Scheme.

## Sustainability

3.7 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:

- in the way best calculated to delivery of the Act's emissions reduction targets;
- in the way best calculated to deliver any statutory adaptation programmes; and
- in a way that it considers most sustainable.

3.8 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the proposal is likely to contribute positively to the following corporate sustainable development principles:

(i) Climate Change

Efficient use of resources now and in the future in the built environment and service provision (e.g. energy efficiency, land, water resources, flood defence, waste minimisation) (*Principle 2*)

Mitigation and adaptation to manage the impact of climate change & reduce the production of greenhouse gases (*Principle 3*)

**Justification:**

The flood scheme proposed in this report will significantly reduce flood risk in Comrie and will therefore help in tackling the effects of climate change.

(ii) Fairer Communities

Creating a sense of place (e.g. a place with a positive 'feeling' for people, and local distinctiveness) (*Principle 22*)

**Justification:**

The flood scheme will help to make the local community safer and more sustainable for residents, through a reduction in flood risk. This will help the community to thrive in the longer term despite the temporary construction impacts.

3.9 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the proposal is likely to contribute negatively to the following corporate sustainable development principles:

(iii) Consumption and Production

Efficient use of resources now and in the future in the built environment and service provision (e.g. energy efficiency, land, water resources, flood defence, waste minimisation) (*Principle 2*)

Mitigation and adaptation to manage the impact of climate change & reduce the production of greenhouse gases (*Principle 3*)

**Justification:**

There will be a short-term increase in the use of materials and resources during construction of the flood scheme, but a future reduction due to reduced flood risk.

**Mitigation:**

The Environmental Impact Assessment and eventual Construction Environmental Management Plan will consider energy consumption and waste management practices during construction.

Legal and Governance

- 3.10 The Head of Legal and Governance has been consulted on this report.
- 3.11 The Scheme of Administration authorises the Environment and Infrastructure Committee delegated powers to exercise the Council's functions in relation to matters concerning The Flood Risk Management (Scotland) Act 2009 for which this report is applicable.

Risk

- 3.12 Risks associated with the proposal will be managed through appropriate communication and project management.

**4. Consultation**

Internal

- 4.1 The Head of Legal and Governance and the Head of Finance have been consulted in the preparation of this report.
- 4.2 At the time of publishing the notice for the flood scheme under the 2009 Act, all relevant sections of the Council were notified including, but not limited to: local elected members, Planning, Property, Land Quality, Environmental Health, Structures Team, Community Greenspace, the Council's Biodiversity Officer and Legal.

External

- 4.3 All relevant landowners and occupiers, Comrie Community Council, SEPASNH, Historic Environment Scotland, the Public Utilities and all other relevant organisations were consulted during the development of the proposals.
- 4.4 A public exhibition was held in Comrie on 30 April and 8 May 2019. The aim of the exhibition was to provide the community with further information on:-
- the risk of flooding in Comrie;

- the Council's proposals for the flood scheme; and
  - other action to raise awareness of flood risk and improve flood resilience.
- 4.5 The exhibition was widely advertised in advance and the local community was invited to attend through the distribution of newsletters, posters, persona letters and e-mails, a press release and via social media. Approximately 150 people attended the exhibition.
- 4.6 The public exhibition included a central display, the proposed outline design drawings, computer-generated visualisations at key locations, flood maps and a presentation. Representatives from the Council's flooding team, Sweco, SEPA and the Scottish Flood Forum were available to answer questions and provide further information. Those attending were given an opportunity to record their views and questions on comment forms or via the Council's website and Consultation Hub. 43 comment forms and e-mails were returned to the Council after the exhibition.
- 4.7 The Council has issued a public consultation report to the local community, including a response to any questions raised during the exhibition or on comment forms.
- 4.8 The public consultation materials used at the exhibition and public consultation report can still be viewed on the Council's website at [www.pkc.gov.uk/comriefloodscheme](http://www.pkc.gov.uk/comriefloodscheme).
- 4.9 The response to the exhibition was generally positive with the majority of the community being supportive of the proposed outline design for the flood scheme. Some concerns were raised and these were summarised and addressed in the public consultation report. The Council and Sweco also responded in writing to any concerns that were raised and, where possible, amendments were made to the proposed outline design.
- 4.10 All relevant Landowners and occupiers, the Public Utilities, Scottish Government, SEPA, SNH, Historic Environment Scotland and other relevant organisations were notified of the flood scheme under the 2009 Act.

## **5. Communication**

- 5.1 The communication arrangements to date were as noted in Section 4 above.
- 5.2 A newsletter is issued periodically to the local community and relevant consultees in order to update them on the progress of the Scheme. Full details of the scheme are also available to view on the Council's website.
- 5.3 The Council will continue to communicate with the local community, statutory consultees, local landowners and other stakeholders as the detailed design of the scheme is developed. The above noted website will continue to be updated and further letters and newsletters will be issued to the local community as appropriate.

## **2. BACKGROUND PAPERS**

2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in the preparation of the above report;

- PKC – Enterprise and Infrastructure Committee – 24 October 2007, Flood Mitigation Schemes and Flood Studies (Report No 07/681)
- PKC – Environment Committee – 30 January 2008, Biennial Report on Flood Prevention Responsibilities 2007 (Report No 08/41)
- PKC – Environment Committee – 4 November 2009, Biennial Report on Flood Prevention Responsibilities 2009 (Report No 09/504)
- PKC – Environment Committee – 21 March 2012, Biennial Report on Flood Prevention (Report No 12/135)
- PKC – Environment Committee – 20 November 2013, Progress Report Flood Risk Management (Scotland) Act 2009 (Report No 13/544)
- PKC – Environment Committee – 12 November 2014, The Flood Risk Management (Scotland) Act 2009, Short List of Potential Measures to Manage Flood Risk (Report No 14/483)
- PKC – Environment Committee – 9 September 2015, The Flood Risk Management (Scotland) Act 2009, Selected Actions and Prioritisation (Report No 15/359)
- PKC – Environment Committee – 1 June 2016, The Flood Risk Management (Scotland) Act 2009, Publication of Local Flood Risk Management Plans (Report No 16/241)
- PKC – Environment, Enterprise and Infrastructure Committee – 6 September 2017, Comrie Flood Protection Scheme (Report No 17/277)
- PKC – Environment and Infrastructure Committee – 23 January 2019, The Flood Risk Management (Scotland) Act 2009 Publication of Interim Report (Report No 19/16)
- PKC – Perth & Kinross Council – 24 June 2020, Comrie Flood Protection Scheme 2020 (Report No 20/103)

## **3. APPENDICES**

3.1 Appendix A – Plan of the Proposed Scheme  
Appendix B – Report on the Local Hearing  
Appendix C – Summary of Objection





Planning and Environmental Appeals Division



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

## Report to Perth and Kinross Council

### FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009

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Report by Paul Cackette, a reporter appointed by Perth and Kinross Council

- Case reference: FPS-340-1
- Name of Scheme: Comrie Flood Protection Scheme 2020
- Promoting authority: Perth and Kinross Council
- Objector: Ms Fiona Smith, Achomer, Commercial Lane, Comrie PH6 2DP
- Date of hearing session: 22 June 2021
- Date of site visit : 22 May 2021

Date of this report and recommendation: 7 July 2021

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Perth & Kinross Council  
2 High Street  
Perth  
PH1 5PH

DPEA case reference: FPS-340-1

Perth & Kinross Council  
Perth

In accordance with my minute of appointment dated 26 April 2021, I conducted a hearing in connection with an objection into the Council's Flood Protection Scheme at Comrie in relation to property at and to the rear of Achomer, Commercial Lane, Comrie on 22 June 2021.

The Scheme proceeds under the Flood Risk Management (Scotland) Act 2009. After promoting the Scheme and receiving and considering objections to it, the Council resolved on 24 June 2020, as a preliminary decision, to confirm the Scheme without modification.

Scottish Ministers decided on 18 January 2021 not to require an inquiry into the objections, by way of call-in under paragraph 6 of Schedule 2 to the 2009 Act. As provided for at paragraph 8 of Schedule 2 to the 2009 Act, the Council were in consequence required to hold a hearing into the objections before making a final resolution as to whether to adopt the Scheme. I was appointed as the independent reporter to hold that hearing and report.

My report into the outstanding objection is attached. I took into account the documents lodged by the Council and from the objector (including her initial email of objection, the responses to it and subsequent communications with her), the Council's Statement of Case and Scheme Justification, matters arising during the hearing and impressions from my site visit. I had regard to the Environmental Impact Assessment prepared in relation to the Scheme and the relevant Flood Risk Management Strategy and Flood Risk Management Plan.

In my view, the Comrie Flood Protection Scheme 2020 is a legitimate, proper and proportionate exercise of the powers of the Council under the Flood Risk Management (Scotland) Act 2009. It appears to me that there is a clear and rational connection between the legitimate aim of minimising the risk of future flooding in the area and the need for the Scheme as promoted as the means of securing that aim in relation to the town of Comrie. That conclusion is supported by the Flood Risk Management Strategy and Plan in identifying that need and that aim.

I am satisfied that all the required procedures and processes under the 2009 Act and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 have been met.

I have considered the various grounds set out in the outstanding objection. I have considered the impact of the proposal on the private ownership rights and the amenity of the property of the objector.

Planning and Environmental Appeals Division  
Hadrian House, Callendar Business Park, Falkirk, FK1 1XR  
[www.gov.scot/policies/planning-environmental-appeals/](http://www.gov.scot/policies/planning-environmental-appeals/)



**OFFICIAL-SENSITIVE**

The principal objection relates to the need for the access stairs over the flood defence wall proposed to be located at Commercial Lane, Comrie and the proposal to locate the stairs close to the properties at Achomer and Earnmhor. In my view the need for the stairs is established under the Scheme in order to provide the benefits of public access to and over the amenity ground known locally as the Boulevard. That is an appropriate outcome to have pursued under the Scheme. I consider that locating the stairs there on publicly used and maintained amenity land is preferable to a location on private land further to the east.

None of the other grounds of objection in my view support the making of modifications of the Scheme.

I recommend that the Comrie Flood Protection Scheme 2020 be confirmed without modification.

## BACKGROUND

1. The Flood Risk Management (Scotland) Act 2009 rationalised and updated flood risk related functions of public bodies in Scotland. This required them to take necessary steps to reduce overall flood risk. Public bodies were given functions under that Act to that end. The Scottish Environment Protection Agency (SEPA) and local authorities must act with a view to achieving the objectives in their Flood Risk Management Plan for the district. They must act co-operatively with a view to managing flood risk in a sustainable way, promoting sustainable flood risk and contributing to sustainable development and raising public awareness. Regard is to be had to the social, environmental and economic impacts of such steps. Duties are imposed on local authorities to establish a framework for assessing and mapping flood risks (Part 3 of that Act) and to take necessary steps to reduce the risk of flooding in their area, as may occur imminently and have serious adverse consequences for human health, the environment, cultural heritage or economic activity (Part 4 of that Act).
2. To those ends, planning to prevent or minimise those risks was undertaken by SEPA through the adoption on 14 December 2015 of a Flood Risk Management Strategy for the area of the River Tay. In respect of the Perth and Kinross District, this Council took a leading role in developing similar planning steps, working in conjunction with SEPA and other local authorities in the area concerned, to develop and adopt the Flood Risk Management Plan for the Tay Local Plan District. That Plan covered the first planning cycle under the 2009 Act covering the period 2016-22. It was published by the Council on 22 June 2016.
3. As part of that planning, consideration was given to the risk of flooding as may affect the town of Comrie.
4. In the Flood Risk Management Strategy, the importance of taking action at Comrie was recognised in the foreword to the Strategy. It identified a potentially vulnerable area extending to 168 square kilometres in the area of the River Earn catchment, including the towns of Comrie and Crieff. In that potentially vulnerable area, the areas identified as being at the highest risk of flooding were at Comrie from the Water of Ruchill, River Earn and River Lednock and at Crieff. SEPA identified a range of objectives to manage flooding in that potentially vulnerable area including the reduction of economic damage caused by flooding in the area and reduction of disruption to the roads network in the area.
5. In the Flood Risk Management Plan for the Tay Local Plan District, the same potentially vulnerable area was identified. It too recognised the areas at the highest risk of flooding included Comrie from the Water of Ruchill, River Earn and River Lednock. The Plan identified a history of flooding in that area. Significant flood events occurred in January 1993, February 1997, December 2006 and in August and November 2012. The Comrie Scheme priority was ranked 7<sup>th</sup> nationally in Scotland. After that latest set of flood events mainly affecting the Dalginross area of Comrie, flood protection works were carried out to reduce the risk from the Water of Ruchill.

## THE SCHEME

6. It was considered by Perth and Kinross Council however that the wider risk from the River Earn and River Lednock (as well as combined flood risk) remained. A series of actions was identified, involving enhanced planning policies, emergency planning, improved forecasting and modelling, raising awareness and community engagement and maintenance.

7. An action was identified, consistent with the Flood Risk Management Plan, to take forward a proposed flood protection scheme at Comrie to provide flood walls and embankments, erosion protection measures, utility and service diversions and hard and soft landscaping. These defences, extending to around 2.8km, would be located at the right bank of the Water of Ruchill and at both banks of the River Earn and River Lednock. They would incorporate seepage cut-off, improved drainage, road works and accommodation works. Historic flood defences would be demolished to allow provision of suitable replacement structures.

8. The purpose of the Scheme was to reduce that combined flood risk from the Water of Ruchill, River Earn and River Lednock. It would be designed to benefit 189 properties in the event of a 1 in 200 year flood. The Council indicate that the estimated benefit/cost ratio over time is 1.38. The Scheme is designed to secure and deliver social and environmental advantages in the area.

9. The range of environmental benefits include an improved events space with seating and soft landscaping, replacement tree planting, traffic calming, protection of riverside walks against erosion, use of local stonework and cladding and increased provision of bat roost habitat and otter holts.

10. On 6 September 2017, the Council's then Environment, Enterprise and Infrastructure Committee was updated on progress on implementation of the Scheme consistent with the Flood Risk Management Plan and agreed a recommendation to progress the Scheme, including to publication.

11. In pursuance of that, the Council resolved to proceed with a [flood protection scheme](#) for the town of Comrie.

12. The Comrie Flood Protection Scheme was developed under the powers in section 60 of the 2009 Act. Promotion of such a Scheme under the Act requires to comply with the provisions of the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010. Those Regulations were amended in 2017 to reflect the implementation of the Directive 2014/52 on the assessment of the effects of certain public and private projects on the environment. The current Scheme post-dates that implementation and so the 2010 Regulations as amended applies to it.

13. The powers under that Act are to be read with guidance issued by the Scottish Government entitled The Flood Risk Management (Scotland) Act 2009, Local Authority Functions under Part 4 Guidance.
14. A number of steps in relation to the Scheme were required to be taken by the Council in terms of the 2009 Act and the 2010 Regulations, as amended.
15. These were the preparation of an environmental impact assessment (having determined that the Scheme would have a significant environmental impact), giving notice of the Scheme in terms of regulation 7(1) of the 2010 Regulations and the publicising, on a website used by it, of the proposed Scheme in terms of regulation 7(2) of the 2010 Regulations.
16. Under regulation 11, the Council were required to include a full description of the Scheme making clear the extent and scale of the operations thereunder, the land affected under them and land necessary to enter in order to implement the Scheme. The Scheme requires to indicate an estimate of the cost of it. Regulation 12 makes provision for objections to the Scheme.
17. The Council undertook a series of steps by way of public consultation in relation to the Scheme, both on the preferred option and on alternatives. They went to public consultation over the period from September 2016 to May 2019.
18. A public exhibition on the proposals was held in Comrie on 30 April and 8 May 2019. The exhibition was attended by around 150 people over the two days, demonstrating in the view of the Council a high level of interest in the proposed flood scheme. The view of the Council was that *“the response to the exhibition was generally positive with the majority of the community being supportive of the proposed outline design for the flood scheme. Some concerns were raised and these have been... addressed”*. Responses were made to concerns that had been raised and, where possible, amendments have been made to the proposed outline design. The Council indicate that responses will continue to inform future detailed design and the development of the proposals.
19. The Council have published both a [short public consultation response](#) and a [full public consultation response](#).
20. Wider than the points made in the outstanding objection, I note that there is support for public access to the stretch of the river bank running east from the River Earn crossing at Bridge Street towards Ancaster Lane, but also a recognition of the complex land ownership position in that area. The response documents accept that *“the proposed access provision in this location was not popular with local residents”*. I note that, in consequence of the consultation, the originally proposed disabled person’s ramps at the foot of Commercial Lane have been removed from the proposed design.
21. Beyond that local consultation in the town, other bodies consulted included SEPA, Forestry Commission Scotland, Scottish Natural Heritage (as then was), Historic Environment Scotland, Scottish Water, Perth & Kinross Heritage Trust and the British Horse Society.

22. As was confirmed as necessary by the Council in November 2016, an Environmental Impact Assessment (EIA) was required in relation to the Scheme. It was carried out by Sweco (a firm of consulting engineers) commissioned on behalf of the Council to develop the design of the Scheme and undertake that EIA. Amongst other things, the EIA assessed the landscape and visual impact of the Scheme, the water environment and fluvial geomorphology, hydrogeology and contamination, ecology and nature conservation, cultural heritage and socio-economics, public access and amenity. Sweco produced a [Non-Technical Summary of the EIA](#) when the Council were seeking representations on it.

23. Thereafter, by Notice dated 28 February 2020, the Council gave notice of the Scheme at Comrie as comprising a range of flood defence walls and embankments, including along the banks for the Rivers Earn and Lednock and Water of Ruchill, erosion protection measures, utility and service diversions and hard and soft landscaping. The notice indicated an intention of the Scheme to reduce the risk of flooding to 189 properties, set out the intended operations and indicated that an EIA had been carried out. To the nearest thousand, the estimated costs of the operations was stated as £25,686,000.

24. That Notice set out the process to follow, including how objections could be made in respect of the Scheme or the associated environmental assessment. Notice included arrangements to view or inspect Scheme documents, both at the offices of the Council and on a website used by it.

25. Within the required period for making objection, 2 objections were received along with 14 other representations. The view of the Council was that these representations were of a general nature and did not require material change to the Scheme. One objection was withdrawn on 27 March 2021 but the objection by the owner of property at Achomer, Commercial Lane, Comrie remains. Her objection was made by way of an email dated 18 March 2020.

26. In an exchange of letters and emails in the period from then until 19 June 2020, discussions took place seeking to address those concerns. The objector however remained dissatisfied with the responses by officials of the Council and Sweco.

27. The Council's Head of Environmental & Consumer Services then prepared a report with an update on the Scheme for consideration by Council. It recommended approval while noting the then 2 objections and the terms of the Environmental Impact Assessment. The proposed Scheme was approved in full Council (without modification) as a preliminary decision made on 24 June 2020. That decision is a preliminary decision under paragraph 5(1) of Schedule 2 to the 2009 Act. Notice of that preliminary decision was given to the current objector, as required by paragraph 5(3) of Schedule 2 to the 2009 Act, by letter of 9 July 2020.

28. In terms of the Scheme as a whole, I am satisfied that the Scheme is a legitimate, proper and proportionate exercise of the powers of the Council under the 2009 Act. It appears to me that there is a clear and rational connection between the legitimate aim of minimising the risk of future flooding in the area and the need for the Scheme as promoted as the means of securing that aim in relation to the town of Comrie. That conclusion is supported by the Flood Risk Management Strategy and Plan in identifying that need and

that aim. I am satisfied that all the required procedures and processes under the 2009 Act and 2010 Regulations have been met.

29. These matters are of importance not least because, by virtue of compliance with regulation 14 of the 2010 Regulations, the confirmation of the Scheme will result in a deemed planning permission for the development which the Scheme sets out. That is provided for by section 57(2B) of the Town and Country Planning (Scotland) Act 1997.

## HEARING INTO THE OBJECTION

30. In terms of the 2009 Act, where objections are maintained but a preliminary decision is made to confirm the Scheme, the matter is referred to Scottish Ministers to consider whether the nature and extent of outstanding objections requires the holding of a public inquiry. That would be by way of call-in of the Scheme under paragraph 6 and inquiry under paragraph 7 of Schedule 2 to the 2009 Act. Otherwise, the matter falls to be considered by a hearing held by an independent person. A preliminary decision under paragraph 5 of Schedule 2 to the 2009 Act to confirm was made by the Council on 24 June 2020. Ministers decided on 18 January 2021 not to proceed by the holding of a public inquiry. Accordingly, following my appointment on 26 April as such an independent person, a hearing was held by me on 22 June 2021.

31. As the objector did not attend the hearing, it is helpful in my view to summarise the procedure adopted, and steps taken, by me in order to understand her objection and give due consideration to it.

32. Guidance has been issued by the Scottish Government into the functions of authorities under the 2009 Act. In accordance with that Scottish Government guidance, consideration of outstanding and un-withdrawn objections are to be carried out under a Code of Conduct for Hearings set out at Appendix G, if agreed by parties. By letters of 10 May issued to parties with my agreement by the Council, agreement to the use of that Code was sought (by 19 May). Those letters included a suggested time line for the provision of written statements of case, lists of documents to be relied on, lists of witnesses and an indication of whether the objector intended to be represented or accompanied by a person supporting her at the hearing (by 2 June). The letter to the objector of 10 May is the notice as required by paragraph 8(4) of Schedule 2 to the 2009 Act.

33. A hearing date was fixed for 22 June 2021, with a view to proceeding as a virtual hearing. Public notice of that hearing was given by newspaper advertisement to allow members of the public to call in to attend as observers. This notice is as required by paragraph 8(5) of Schedule 2 to the 2009 Act. Notice was given in the Perth edition of the Dundee Courier and Advertiser on 21 May.

34. The Council agreed to the use of that Code in considering the outstanding objection to this Scheme. The objector did not respond to the suggestion of the use of that Code. I therefore wrote to her on 24 May indicating the procedure I intended to adopt in respect of the hearing. In addition to re-iterating the invitation to submit a statement of case and evidence by way of documents by 2 June, I gave an indication to the objector of the headings of her objection as I had interpreted them, in order to assist the smooth running of

the hearing. That of course was without prejudice to how she could choose to present her case. Mindful that part of her objection related to (or at least referenced) intrusion on her land, I sought confirmation of the position on land ownership, as required by regulation 12(2) of the 2010 Regulations.

35. I did not seek formal precognitions (or witness statements) from council witnesses but asked their witnesses to prepare short written summaries of their respective areas of expertise (& professional qualifications), to assist both the objector and myself to identify the witnesses to whom specific questions could be addressed at the hearing.

36. A [Statement of Case](#) and [Scheme Justification](#) was provided by the Council on 2 June along with a list of intended attendees and their qualifications. No statement nor confirmation on land ownership was provided by the objector. She did though [email on 10 June](#) re-iterating her objection, relying on her previous comments and indicating that she was unable to attend the hearing. She emailed further on 1 July, though that email raised no new substantive issues relevant to the Scheme.

37. I sought further information on 9 June from parties on a range of questions concerning the extent of the objectors title to her land, the ownership position of neighbouring land, especially Earnmhor and seeking information regarding the proposed double steps at The Limes and East Riverside. The Council [replied to my request on 17 June](#). This issue was explored at the hearing and further land ownership information was provided on 24 June. The objector was given an opportunity to comment on that further land ownership information. No further comments in detail in relation to title to land were received from her.

38. At the hearing on 22 June, I heard evidence concerning the purpose and justification for the Scheme, the environmental impact assessment and the general approach taken to consultation. The main focus of the hearing though was on the objection. In the absence of the objector, I sought in a range of ways to test the responses to the points set out in her reasons for objecting. I gave an opportunity but did not require the making of closing submissions by parties.

39. In order to better familiarise myself with the area, the Scheme and the issues in the objection, I made an unaccompanied site visit to Comrie and the area around where the objector lives on 22 May.

## THE OUTSTANDING OBJECTION

40. The objector was consulted on the Scheme in terms of the statutory framework. Her objection was validly and timeously made on 18 March 2020. Her objection is set out in a range of email communications dated 18 March, 4 May and 1 June 2020 and 10 June 2021, as well as a meeting with Council officials and Sweco on 29 March 2019.

41. She does not oppose the Scheme in principle. It appears to me from my consideration of the material, that her objection can be summarised under five headings, addressed by me as follows.

*Objection to the stairs over the flood defence wall at Commercial Lane*

42. The objector raised initial concerns in this respect at an early stage of consultation, where the then proposal was for pedestrian access stairs over the flood defence wall at the foot of Commercial Lane, including access ramps for disabled users. The extent of the works concerned is shown on drawing 119398/400/217.

43. As the development of detailed plans continued, through consultation in conjunction with local interests affected, the plans for pedestrian access stairs at this location were amended to remove the proposal for access ramps for disabled users. Disabled access will be secured by other means. The proposals as they stand at present can be seen from [drawing 119398/400/304](#). The objector however maintains her position that she objects to any stairs at this location, even where no longer envisaging such access ramps.

44. Her objection on this ground takes two parts – an objection in principle; and an objection based on a refusal to agree use of part of her private land for this purpose. The objector is the proprietor of property called Achomer, Commercial Lane, Comrie. Her title deed is produced with the hearing documents.

45. There is a degree of read-across between these parts of the objection. In order to consider its merits, it is necessary both to set out the aspirations underpinning this part of the Scheme and to consider the balance properly to be struck where private property and publicly exercised property rights and interests exist.

46. It appears to me that the Council's policy aspirations in this specific regard are to maintain and maximise the scope of public use of the stretch of the river bank running east from the River Earn crossing at Bridge Street towards Ancaster Lane. That area is known locally as "the Boulevard". It is maintained by the Council as amenity green space. The extent of the area maintained is set out in the Council's response to my questions on land ownership of 17 June. At the hearing it was indicated that it had been used for such purposes for a considerable period of time. Witnesses were unable to say for how long but there seems little doubt that this use of the area is long established. It is designated as open space in the Perth & Kinross Local Development Plan. There is support to maximise public access to the Boulevard, including as a means of promoting formal and informal path networks.

47. Chapter 10 of the EIA addresses socio-economic impacts and issues concerning public access and amenity. It recognises the Council view that the Boulevard is "*well-used and is an important aspect of the community*". At paragraph 10.5.2 of the EIA, it is noted that "*one of the key topics the locals raised frequently related to accessibility to the Boulevard area*". The modified improvements are stated, at paragraph 10.8.15, as having a minor beneficial residual impact to that area. The EIA identified that "*design of the proposed Scheme has improved connectivity to the Boulevard area and includes landscape planting*

*and seating resulting in a minor benefit*'. Construction impacts are recognised but described in the non-Technical Summary of the EIA as "*short term and reversible*".

48. From what I saw on my site inspection (on a Saturday lunchtime), this area of river bank appears to me to be a small but valued part of the community assets at Comrie.

49. At present, access can be taken by the public from Bridge Street, by a path running next to and behind public toilets. But as being the only public access (once the flood defence wall is built), that would not allow access eastwards by a circular route along the river bank. Users would need to return via that access, if unable to utilise access over land privately owned between Commercial Lane and Ancaster Lane. I consider that facilitating such circular access to the Boulevard for members of the public is a proportionate and proper objective for the Council to pursue, within the framework of the Scheme. It assists in off-setting part of the wider impact on amenity in the town. These policy aspirations are not essential to the underlying purpose of flood prevention. They are nevertheless consistent with benefits to the wider amenity in the town and the identified environmental benefits of the Scheme. Accordingly, in my view, these aspirations are legitimate.

50. In order to deliver that circular access and avoid the need to double back, a second means of access over the proposed flood defence wall is required. The need and options for location of that was explored at the hearing. Council officials in addition pointed out that such second means of access by way of unlocked access has health and safety advantages, on the occurring of a flood event, for any person caught on the wrong side of the wall.

51. The objector feels that, even if they are considered necessary (which she disputes), locating the stairs elsewhere is feasible and preferable. She argues for locating them further east.

52. In order to address this part of the objection, it is necessary to set out the distinction between privately and publicly owned and maintained land in this area. On the information provided to me, the position is that each landowner of the properties between Commercial Lane and Ancaster Lane owns a stretch of the river bank running from the south-most end of their land (beyond the lane) down to the river. The same is true for Earnmhor to the west of the objectors land. For that reason, the proposed access stairs to the river bank south of The Limes and East Riverside will comprise a lockable double set of stairs, either side of the proposed flood defence wall. This allows private access over the wall (in effect by doubling back) to the owner of The Limes without going onto land outwith the owner's title. The same applies to the owner of East Riverside.

53. The effect of that approach to those stairs is that it cannot be relied upon with certainty that the circular access desired can be guaranteed as being achievable based on public use of those stairs. This is important as being the explanation provided by the Council as the answer to the suggestion by the objector that stairs at Commercial Lane are unnecessary and that access over the flood defence wall is possible further east.

54. The objector asserts that the stairs as proposed would in part be located on her land. More specifically such impinging on her land might involve a longer stretch of the flood

defence wall being built on her land and involve the area necessary at the foot of the east most stairs, to allow access to the stairs.

55. The objector maintains that assertion but did not respond to my questions on the detail of her title position. The Council provided an explanation and further information after the hearing of their understanding of the title position. That explanation set out the position as they understand it of ownership of Commercial Lane (a private road) and a southerly extension of it down to the river. The view of the Council is that such land down to the river is part of the title to Earnmhor to the west of the objectors property. This can be seen from the [title ownership plan](#) prepared by the Council. That view is consistent with the plan attached to the objectors title deed. This suggests, based on the information before me, that the proposed stairs would not impinge on the objectors land.

56. In my view, land ownership in itself is not the determining issue. Impinging on private land or private rights in any event is not prohibited in a flood protection scheme. Clearly that can at times be unavoidable. In my view, the long standing maintenance by the Council of the amenity green space for public use, as described at paragraph 46, is a more important factor in this context. I observed that use on my site visit. Evidence from the Council is that public access over that amenity green space is unchallenged and has been unchallenged for some time. The proposed stairs fall within this area of amenity green space.

57. Accordingly, I accept that, in order to secure the desired circular access, these stairs are essential and that their being located on that publicly accessed amenity green space better secures that circular access to the Boulevard.

58. Reliance on use of the private access at the stairs with lockable gates to the south of The Limes and East Riverside will not secure that outcome. Neither would reconfiguration of such an access where located on private land. The Council are in any event keen to respect private land rights as far as feasible. They indicated at the hearing a desire to actively encourage use of the public stairs over the flood defence wall in preference to that private access or use of private land in the area (including of course the private land of the objector).

59. Notwithstanding that acceptance of the need for the stairs and even if not directly located on the objectors land, I have considered other impacts on her land. I do so in order to be satisfied that the impact on her amenity and her private property rights is minimised.

60. Given where the proposed stairs are intended to be located, I have considered the point made by the objector about loss of privacy and about gardens being overlooked. I am not persuaded that this is a basis to modify the Scheme either not to install the stairs or move them further away from Achomer (either to the west or the east). The current proposed location is closest to Earnmhor where the impact is potentially on the residential (as opposed to garden) amenity. The owners there have not objected. The impact on the garden of Achomer is in my view marginal and oblique. It seems to me likely to be fleeting. I have noted an offer by the Council to consider screening, if a solution were required. Moving the stairs west to reduce the impact on Achomer will increase the impact on Earnmhor. As above, relying on access stairs provided further east runs into issues of

private land rights. The benefits of having the stairs set out above in my view outweigh that limited loss of privacy.

61. I have also considered the issue of the owner's of Achomer's own access to their land on the river side of the flood defence wall when built. The objector does not make this point, but, without the stairs, could only access that land from the public access under the bridge or by consented access over the stairs to the south of The Limes and East Riverside. This factor in my view goes some way to offsetting any adverse impact on the amenity or enjoyment of ownership of Achomer.

62. I should record to this point that the objector considers that, where there is to be intrusion on amenity or private rights, weight should be given to the fact that her land is owned by a long standing resident of Comrie. Other land in the area is regularly let out for self-catering. She suggests that less regard should be had to the interests of owners whose land is regularly let out for self-catering. I disagree. In my view, no weight should be given to the type of tenure or such use of affected land. What is in my view relevant is the degree of impact on the occupiers affected. That includes impact on the residential elements of property affected. If anything, the impact on the residential parts of the properties adjacent to the river bank is greater than on the residential part of the objectors property, located at the Drummond Street end of Commercial Lane.

63. I recognise at paragraph 49 above that the installation of these stairs is not essential to the purpose of the Scheme. It is nevertheless is justified and legitimate, in light of the wider amenity benefits in the town and in securing environmental benefits. That conclusion requires to be considered alongside the impact on private property rights of affected persons, including the objector. The impact on the private property rights of the objector in my view is very marginal. Indeed, there are benefits as well as dis-benefits in what is proposed. I do not consider such an impact is unacceptable or provides a basis to refuse confirmation or recommend any modification.

#### *Inappropriateness of breadth of consultation*

64. The objector flags up a contrast between consultation appropriate to neighbour notification in the context of a planning application and the steps taken by the Council to offer consultation in the context of the Scheme. She notes that a range of people with no connection to her property can nevertheless express views impacting on her and her property.

65. I see no force in that objection. The Council are required to follow the statutory consultation requirements and have done so. In any event, the Scheme requires to be viewed as a whole in its proposed community benefits as well as in relation to the individual impacts on those most directly affected. The consultation process is even-handed. It may allow others to express views as the objector says, but lets her too comment on aspects of the Scheme beyond any impact on her and her property, so long as relevant to the Scheme as a whole.

66. I understand the concern if the Council had placed equal weight on all objections, regardless of whether there is to be an impact on the property rights of any one objector.

However, I am satisfied from the evidence that proper regard was had, and proper weight given, to the objectors objection, taking into account that there was a direct impact of the contested stairs on her amenity and her property, due to their location.

### *Construction risks*

67. The objector makes the legitimate point that care is needed in the construction phase to ensure that the phasing of construction work does not give rise to unnecessary risks of flooding in areas whose works are scheduled later in that construction phase. The point has force when considering that the flooding history indicates, with just one example, that flooding occurred in the month of August in 2012. The risks cannot be avoided by timing of construction works alone. It appears to me that the location around Commercial Lane may be vulnerable to that risk, if appropriate care is not taken when carrying out work on the opposite bank adjacent to Strowan Road.

68. In addition, the objector raises concerns about construction traffic and the potential impact on her residential property as well as her garden ground to the rear.

69. I cannot comment or make findings in relation to what is alleged to have happened during construction works at Almondbank. In respect of this Scheme, the full detail of the necessary steps to minimise impacts is not as yet developed.

70. The Council's evidence is that a Construction Environment Management Plan will be prepared prior to commencing works and is already in hand. This will address a range of issues in connection with measures applicable during the construction phase.

71. On the sequencing of works, the objector raises an issue about the relative flood risks on her side of the river as compared to the Strowan Road side. The Council point out that risks do in fact remain on her side based on a 1 in 200 year flood mapping.

72. Assurances have however been given that the construction timings concerns will be addressed through construction sequencing in programme construction to mitigate risks of flows deflecting to the opposite bank. Where that is not possible, the northern bank defences will be constructed first. The reasoning stated for this is that the properties at the southern bank are at a slightly higher elevation and accordingly are less prone to flooding. At the hearing, these issues in relation to the order of construction were recognised and this was described as being "*to the forefront of flood modelling*".

73. On temporary impacts arising from construction itself, assurances have been given that the Management Plan will address issues relating to traffic movements, pollution, noise and dust. The Council accept that disruption will occur with temporary increases in traffic movements. Access for construction works may be needed down Commercial Lane, Ancaster Lane and Manse Lane. The Management Plan may require one-way systems, temporary road closures, parking restrictions and speed limits. The Council indicate that any necessary condition surveying of property will be carried out in advance and that post construction re-instatement will be done.

74. Such a Management Plan is an appropriate step in works of this nature. It is not in my view a matter of concern that the full detail of the Management Plan is not finalised at this stage. With assurances that it will be done to address all these issues, I see no reason based on this objection not to confirm that Scheme or to make any modifications.

75. At the hearing it was confirmed that full engagement with the community would be undertaken on the more detailed design of the Scheme as it develops. Certain mitigation has already been addressed but this work will continue. The Council will continue to consult with affected persons as they develop the detail and will maintain maximum transparency in indicating the steps proposed in the Management Plan.

#### *Risk of anti-social behaviour*

76. The objector flags up a range of risks relating to anti-social behaviour. These concern dog fouling, parking issues, garage access blocking, loitering of teenagers and other unsocial behaviours. She believes that building the stairs at this location will leave her unsafe and vulnerable.

77. The response of the Council to these issues in correspondence and at the hearing appeared to recognise that there may be an issue in these respects. However, their view is that any such issues are not created nor worsened by the installing of the stairs. They point out that there is and will remain a dog waste bin in the vicinity. On completion, the Council consider that there would be no long term impact on traffic use volumes or parking in the area.

78. I do not seek to diminish the concerns of the objector in relation to these matters. I agree from seeing the location that room for parking is very limited. However, I am not persuaded from the information before me either that (a) these risks are significantly increased in consequence of the Scheme by building the proposed stairs over the flood defence wall at the foot of Commercial Lane or (b) any higher risk outweighs the benefits from facilitating the circular access proposed at this stretch of the river bank.

79. In my view it will remain important going forward that the concerns of the objector are understood, respected and addressed by the Council as far as they reasonably can be, within the framework of Scheme.

#### *Confidence in council officials*

80. The objector in her initial objection expresses concern about her confidence in what she has been told by Council officials at earlier stages of discussion. She feels that she has been misled in a range of ways.

81. I cannot of course arbitrate on what may have been said at meetings in the past. I note though that stress is placed by the objector on a promise to remove plans for the disabled access ramps. This however has in fact been done. I should also record that, although disagreed with, Council officials have engaged with and corresponded with the objector on all her communications concerning her objection. The initial response was dated 17 April

2020. Later emails were issued on 22 May and 1 and 19 June 2020. A formal response was sent to her on 9 July 2020.

82. There is no doubt how strongly the objector feels about how she has been treated in this process and regard had (or not had) to her views. I consider and hope that she should feel assured that her concerns have been clearly aired and understood, not least through the hearing process.

## CONCLUSIONS AND RECOMMENDATION

83. In my view, the Comrie Flood Protection Scheme 2020 is a legitimate, proper and proportionate exercise of the powers of the Council under the Flood Risk Management (Scotland) Act 2009. It appears to me that there is a clear and rational connection between the legitimate aim of minimising the risk of future flooding in the area and the need for the Scheme as promoted as the means of securing that aim in relation to the town of Comrie. That conclusion is supported by the Flood Risk Management Strategy and Plan in identifying that need and that aim.

84. I am satisfied that all the required procedures and processes under the 2009 Act and 2010 Regulations have been met.

85. I have considered the various grounds set out in the outstanding objection. I have considered the impact of the proposal on the private ownership rights and the amenity of the property of the objector.

86. The principal objection relates to the need for the access stairs proposed to be located at Commercial Lane and the proposal to locate them close to the properties at Achomer and Earnmhor. In my view the need for the stairs is established under the Scheme in order to provide the benefits of public access to and over the amenity ground at the Boulevard. I agree that that is an appropriate outcome to have pursued under the Scheme. I consider that locating the stairs there on publicly used and maintained amenity land is preferable to a location on private land further to the east. I have considered but rejected the option of recommending making a modification to the Scheme in light of this part of the objection.

87. None of the other grounds of objection in my view support the making of modifications of the Scheme.

88. I recommend that the Comrie Flood Protection Scheme 2020 be confirmed without modification.

*David Coulter*

Reporter

## Appendix C

### **Comrie Flood Protection Scheme 2020 Summary of Objection**

Two valid objections (both from residents) were received by the Council within the statutory 28-day period. Officers held further discussions with one of the objectors, who subsequently withdrew their objection to the Scheme on 27 March 2021.

A summary of the remaining objection and the Council's response is provided below. The full objection can be viewed on the Council's website at:

[www.pkc.gov.uk/article/22115/Comrie-flood-protection-scheme-Local-hearing](http://www.pkc.gov.uk/article/22115/Comrie-flood-protection-scheme-Local-hearing)

The objector has noted that they are generally supportive of the flood scheme.

The objection was in relation to a part of the flood scheme proposed to be built in a resident's garden. The resident's main concern was the proposal for a disabled ramp and stairs to maintain access over the flood wall. The resident states that the comments they made at the time of the public consultation have been ignored as they had understood that the ramp and stairs would be removed from the proposed scheme. Their objection notes that access to the adjacent riverside should instead be taken from another location. If retained, the proposed access will encourage parking and possible blocking of a private road and access to other properties, as well as unsociable behaviour and dog fouling.

Their objection acknowledges the need for the flood scheme but states that this should not be at the expense of those whose ground the scheme will be built on. They raise concerns about vehicles passing by their property both on a temporary (during the proposed construction works) and permanent basis. The objection raises concern about the public consultation process and why others in the community have been consulted about proposed work on private ground.

Their objection also notes concern about the construction sequence of the proposed flood scheme and that this may temporarily increase flood risk to their property.

### **Perth & Kinross Council's Response**

A summary of the Council's response to this objection is as follows:

The proposed disabled access ramp formed part of an earlier proposal and was deleted from the proposed flood scheme following public consultation; disabled access to the riverside will be provided from another location. However, as public access is currently available to the riverside at this particular location, the access steps remain as part of the proposed flood scheme.

The Council has carried out an extensive public consultation exercise and has published a public consultation report. In this case, the majority of consultees were in favour of maintaining an access to the riverside over the flood wall.

Unfortunately, it is not always possible for the Council to accommodate every viewpoint made during public consultation, particularly when there are conflicting views within the community. This was made clear to the resident during earlier consultation.

The Council has considered moving the access steps, but this would result in moving an existing public access onto private ground. The residents in the vicinity of the alternative location have already expressed concern about an earlier proposal for an access point in this area.

In summary, the residents, and wider community of Comrie, expect access to the riverside (or 'boulevard' area) to be maintained. Access at this location, and various other locations, was considered within the Environmental Impact Assessment. There is only one suitable location for this access, and it is at the end of Commercial Lane. We believe that we have identified the best arrangement for this access and that no suitable alternative locations can be found.

The issues noted around traffic movements, parking, unsociable behaviour and dog fouling are likely to be of an existing nature and will not be created, or made worse, by the proposed flood scheme. The Council's Planning Officer does not consider that any public concerns/criticisms regarding the proposed steps cannot be overcome and, in any case, would not constitute a material reason for refusal if it were presented as a planning application.

In relation to the concerns expressed regarding anti-social behaviour, Perth & Kinross Council has a longstanding anti-social behaviour strategy developed in association with Police Scotland and our other Community Safety partners. A copy both of the strategy and the reporting mechanisms in response to incidences of anti-social behaviour is found at [www.pkc.gov.uk/article/15125/Report-antisocial-behaviour](http://www.pkc.gov.uk/article/15125/Report-antisocial-behaviour)

A Construction Environmental Management Plan will be prepared prior to the commencement of the site works setting out how construction traffic movements will be managed. This will include such measures as the provision of one-way traffic systems, parking restrictions, temporary road closures, speed limits, the use of marshals, etc. that would apply for the duration of the construction works. The flooding observed in Comrie to date has affected many in the community and the Council considers that the flood scheme is therefore a matter for the entire community to consider. The Flood Risk Management (Scotland) Act also requires the Council to notify all those who have an interest in any land on which the flood scheme is to be built and those who's land may be affected.

The flood scheme construction sequence is set out within the EIAR. The scheme documents therefore confirm that the flood defences would be constructed in such a way so as not to increase the risk of flooding to property in the area.

**PERTH AND KINROSS COUNCIL**

**Environment and Infrastructure Committee**

**18 August 2021**

**AUCHTERARDER COMMUNITY FACILITIES FUND**

**Report by Head of Planning & Development  
(Report No. 21/124)**

**PURPOSE OF REPORT**

This report seeks the determination of an application for funding from Auchterarder Community Sport and Recreation for a contribution of £100,000 towards the redevelopment of Victoria Park on Western Road, Auchterarder.

The application meets the Fund’s criteria. However, income projections indicate that the Fund will take considerable time for sufficient monies to be collected to meet this request. The Community Facilities Fund receives its income solely in the form of developer contributions based on the sales of new houses, and funding can only be allocated to projects where sufficient developer contributions have already been collected.

The views of local elected members and the Community Council have been sought, and these must be taken into account when determining this application.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Auchterarder Expansion Development Framework was published in February 2008, and was adopted by the Enterprise and Infrastructure Committee (Report No. 14/370 refers) as Supplementary Guidance to the Local Development Plan in September 2014.
- 1.2 That document set the framework for subsequent planning applications and defined the infrastructure requirements associated with this major expansion to the settlement. It has been acknowledged that the identified scale of development will have an impact on the level of existing service provided by community facilities. To mitigate this impact as the development progresses, one of the measures included in the Framework is a contribution of £1,000 per open market housing unit to be made to the Council by the developers up to a total of £600,000 towards an Auchterarder Community Facilities Fund.
- 1.3 In line with the section 75 Legal Agreements attached to the consented developments, the fund will be used for the sole purpose of providing Community Facilities, the meaning of which is set out in the agreements as:

*“...such public facilities within the settlement boundary of Auchterarder, the provision of which the Council, at its sole discretion, believes would improve the amenity of the public realm, including without prejudice to the foregoing*

*generality, car parking facilities, a public hall, adaption of existing school changing room facilities to permit access to the pitches forming part of the Sports Facilities, a public library, new or enhanced public transport services, improvements to the core path network and recycling facilities.”*

- 1.4 It is intended that the Fund is spent over the lifetime of the development as demand on community facilities increases. It is also intended that the Fund be used to support a range of projects that will benefit the community in Auchterarder.
- 1.5 Procedures for recording contributions received; distributing contributions towards the provision of community facilities; and reporting these details in an open and accountable way were agreed by the Enterprise and Infrastructure Committee (Report No. 16/375 refers). These procedures include reports on funding received and allocated each year; and procedures for the allocation of funding. Requests for funding up to £50,000 are delegated to the Executive Director (Communities). Where the amount sought exceeds £50,000, this needs to be referred to the Environment and Infrastructure Committee. The procedures also include provision where future contributions to the fund may be ring-fenced for projects, in addition to what has already been provided through the Fund.

## **2. PROPOSALS**

- 2.1 The Committee is asked to consider and determine an application for funding from Auchterarder Community Sports and Recreation, a charity (SCO48490) whose purpose is to improve the sport and physical activity offering in the Auchterarder and District area.
- 2.2 The application is for a sum of £100,000, sought as a contribution towards a project to redevelop Victoria Park on Western Road, Auchterarder. The park is near to several residential areas within the settlement boundary of Auchterarder, including one of the three Auchterarder Development Framework sites at Townhead (under development by Robertson Homes). The Provost Walk core path adjoins the park. Appendix 1 includes a copy of the application form, a location plan, and project plan.
- 2.3 The project to redevelop the park would include:
  - removal of the existing play equipment and surfaces;
  - drainage and resurfacing works, including turfing, seeding and shrubbery;
  - provision of new multisensory play equipment;
  - provision of natural play tunnels, log steps, sports fitness equipment, goals and basketball nets, mountain bike trail and pump track; and
  - improvements to a circular walking path and skatepark.
- 2.4 The purpose of the project would be to support the existing community's needs and meet demand from the new housing developments at the Auchterarder Development Framework sites.

- 2.5 The applicant has evidenced increased demand for the facilities at the park as the housing developments continue to expand the town's population. In particular, the applicant has identified a demand for local facilities for physical activities that younger people and teenagers will use. This project would combine the renovation of the existing park facilities with provision of new facilities not already offered in the town.
- 2.6 The applicant makes a link between the proposed redevelopment of the park and improvements to physical and mental wellbeing. The increase in number and frequency of visits to the park would promote opportunities for outdoor interactions where people are likely to meet informally, which will help build a strong community around the park. This will help integrate the new housing areas with the existing town, and will lead to higher levels of community wellbeing. In time, the applicant envisages that the park will act as a community hub, an area for the community to gather and where a programme of activities and informal recreation opportunities will be offered.
- 2.7 The applicant also links the park redevelopment project to increased use of the adjoining Provost Walk core path as an informal recreation resource accessed from the park. This path was recently upgraded with a substantial award from this fund, amongst other funding sources, and connects the park to the wider path network serving several housing areas in the south of the town.
- 2.8 The applicant reports strong community support including from the Friends of St Margaret's.
- 2.9 The application form stated that the original redevelopment project cost was estimated to be £356,914 and will be subject to a tendering process. Planning permission for the proposed development was granted on 11 March 2021 (planning permission reference 20/01646/FLL). An indicative project plan for the park's redevelopment is included at Appendix 1 showing the projected costs. However, it is anticipated that costs have increased since this project plan was originally prepared. Should an award be made, it is recommended that it be subject to submission of an updated project plan in due course showing finalised costs and identifying when the sum requested would be required over the course of the project.
- 2.10 In terms of financial support from other sources, the applicant has confirmed funding of £18,500 of its own, and has received or made one-off applications to a number of other funding bodies as follows:

<b>Funding Body/Fund Name</b>	<b>Amount</b>	<b>Status</b>
Auchterarder Community Facilities Fund	£ 100,000	Approval sought in this report
Perth and Kinross Council: Community Greenspace play area improvements programme	£ 150,000	Application approved
Friends of St Margarets	£ 30,000	Application approved
Auchterarder Common Good Fund	£ 30,000	Application approved

<b>Funding Body/Fund Name</b>	<b>Amount</b>	<b>Status</b>
<i>Garfield Weston Foundation</i>	<i>£ 42,000</i>	<i>Application submitted, pending</i>
<i>Private Bequest</i>	<i>£ 3,200</i>	<i>Pending</i>
<i>Aldi Scottish Sport Fund</i>	<i>£ 2,500</i>	<i>Application submitted, pending</i>

In addition to the above, the applicant has the following applications to other funding bodies under preparation:

<b><i>Future funding applications</i></b>	<b><i>Proposed amount</i></b>	<b><i>Status</i></b>
<i>Bank of Scotland Foundation: Reach Funding</i>	<i>£ 25,000</i>	<i>Submission under preparation (July)</i>
<i>Ecclesiastical: Movement for Good</i>	<i>£ 10,000</i>	<i>Submission under preparation (August)</i>
<i>Gannochy Trust</i>	<i>£ 50,000 - 60,000</i>	<i>Submission under preparation (August)</i>
<i>'Inspire' (sportscotland and Cycling Scotland)</i>	<i>£ 50,000 - 60,000</i>	<i>Submission under preparation (September)</i>

## **Consultation and assessment**

- 2.11 Based on the information provided by the applicant, it is clear that the project meets the fund criteria regarding the provision of community facilities.
- 2.12 In terms of consultation carried out on the application, the views of the Auchterarder and District Community Council and the local elected members were sought, in line with the Fund's operating procedures. These views require to be taken into account when determining this application.
- 2.13 The Auchterarder and District Community Council expressed support for the application, as did all three local elected members for the ward.
- 2.14 In terms of the fund balance, there is currently £ 40,123 in the account. The Council has received contributions totalling £ 293,000 of which £ 252,877 has already been allocated and paid to projects. A further sum of £ 50,000 also requires to be paid, representing the balance of the sum awarded to the Auchterarder Community Bus Group, previously approved by this Committee (Report No. 19/80 refers). This award of £ 50,000 places the fund in a negative position until sufficient contributions are ingathered.
- 2.15 Predictions on future contributions are based on the level of contributions to date along with an estimate of the rate of open market completions at the three development sites. For this year and coming years, officers anticipate an income of approximately £ 60,000 per annum. This is based on estimated house sales and an assumption that house building at the three large development sites proceeds with regular contributions made to the Fund from the respective developers. Of the estimated income for 2021/22, contributions of £ 3,000 are due shortly in respect of Townhead open market completions,

and further contributions of approximately £ 57,000 are anticipated to become due on remaining open market completions at Castlemains and Kirkton in September this year.

- 2.16 The following table sets out the fund's anticipated income for this year and the following two years, with disbursements to existing commitments also shown. However, our estimate of projected income indicates that this year's contributions into the fund will be less than the sum requested by the applicant.

	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>Balance brought forward</b>	<b>£ 40,123</b>	<b>£ 75,123</b>	<b>£ 110,123</b>
<b>Existing commitments</b>			
Auchterarder Town Bus Service	£ 25,000	£ 25,000	£ -
<b>Total existing commitments</b>	<b>£ 25,000</b>	<b>£ 25,000</b>	<b>£ -</b>
<b>Income</b>			
Contributions received	£ -	£ -	£ -
<i>Future contributions (estimated)</i>	<i>£ 60,000</i>	<i>£ 60,000</i>	<i>£ 60,000</i>
<b>Total estimated income</b>	<b>£ 60,000</b>	<b>£ 60,000</b>	<b>£ 60,000</b>
<b>Balance carried forward</b>	<b>£ 75,123</b>	<b>£ 110,123</b>	<b>£ 170,123</b>

- 2.17 In recognition of an anticipated reduction in income to the fund this year, discussions with the Auchterarder Community Bus Group have resulted in an amendment to the agreed schedule of payments. An agreement has been reached to make an interim reduced payment of £ 25,000 from the fund to the Auchterarder Town Bus Service in September 2021, and payment of the final balance of £ 25,000 in September 2022. This would allow the bus service to continue to operate with support from the fund, while also allowing sufficient monies to remain in the account to support other projects, such as the Victoria Park redevelopment.
- 2.18 However, income projections indicate that the Fund would take considerable time for sufficient monies to be collected to also meet in full the request for support for the Victoria Park redevelopment project. Therefore, if awarded, it will be necessary to consider whether payments to the Victoria Park redevelopment project could also be made in stages to better align with when the fund actually receives contributions. To assist with calculating an appropriate sum for each stage of the project, the Council would work with the applicant to update the project plan, which would show finalised costs and indicate when the staged payments from the fund would be required over the course of the project.
- 2.19 The Community Facilities Fund receives its income solely in the form of developer contributions based on the sales of new houses and funding can only be allocated to projects where sufficient developer contributions have already been collected.

2.20 The rate at which those contributions are received into the account depends on the rate at which housebuilding continues at the three framework sites. If future contributions are not received as quickly as forecast, for example if the rate of housebuilding is not as forecast, there is no financial risk to the Council in forward committing grant aid. This is because whilst future contributions to the fund may be ring-fenced for projects, disbursements from the fund cannot be made until sufficient funds have been accrued in the account.

### 3. CONCLUSION AND RECOMMENDATIONS

3.1 As the project meets the Fund’s criteria, the Committee is required to determine this application taking into account the views of the consultees, given the level of funding requested, and also having regard the level of available funds in the account.

3.2 It is recommended that the Committee:

- (i) approves the change to payments to the Auchterarder Community Bus Group, as outlined in paragraphs 2.16 and 2.17 above
- (ii) considers and determines this grant request of £100,000 by Auchterarder Community Sports and Recreation, as a contribution towards the project to redevelop Victoria Park on Western Road, Auchterarder
- (iii) notes that grant payment can only be made subject to money actually being available within the fund at a future point; and is also subject to match funding confirmation; and submission of a project plan showing finalised costs and a payment schedule.

#### Author

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#### Approved

Name	Designation	Date
Barbara Renton	Executive Director (Communities)	10 August 2021

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan

- 1.1 The Perth and Kinross Community Planning Partnership brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan, which outlines the key things we think are important for Perth and Kinross:
- (i) Giving every child the best start in life
  - (ii) Developing educated, responsible and informed citizens
  - (iii) Promoting a prosperous, inclusive and sustainable economy
  - (iv) Supporting people to lead independent, healthy and active lives
  - (v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that this report on an application for funding from the Auchterarder Community Facilities Fund will contribute to the following objectives:
- (i) Giving every child the best start in life
  - (iv) Supporting people to lead independent, healthy and active lives; and
  - (v) Creating a safe and sustainable place for future generations

## Corporate Plan

1.3 The Council's corporate plan sets out objectives that provide clear strategic direction, inform decisions at a corporate and service level, and shape resources allocation. This report impacts on the following Corporate Plan Priorities:

- (i) Giving every child the best start in life;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

## **2. Resource Implications**

### Financial

2.1 Anticipated income for the next two years is outlined in paragraphs 2.15-2.20 of the report.

2.2 The amount requested is £ 100,000 from the Auchterarder Community Facilities Fund, which is an earmarked Reserve, administered by the Council in accordance with the approved Financial Regulations and in line with the legal agreements upon which it is founded.

2.3 The overall value of the Fund will be £ 600,000. Contributions of £ 293,000 have been made to the fund; and payments totalling £ 252,877 have already been made from it. The current value of the Fund is therefore £ 40,123 however, it should be noted that a sum of £ 50,000 has been agreed and earmarked for disbursement leaving no funds free at the time of writing (pending further developer contributions). Developer contributions into the Fund are made in September each year on the recently completed open market housing units. Of the estimated income for 2021/22, contributions of £ 3,000 are due shortly in respect of Townhead open market completions, and further contributions of approximately £ 57,000 are anticipated to become due on remaining open market completions at Castlemains and Kirkton in September this year.

2.4 The procedures for recording contributions received; distributing contributions towards the provision of community facilities; and reporting these details in an open and accountable way were agreed by the Enterprise and Infrastructure Committee (Report No. 16/375 refers) and summarised in paragraph 1.5 of this report. The procedures include provision where future contributions to the fund may be ring-fenced for projects. Future contributions may therefore be allocated towards the provision of community facilities, but funds may not be disbursed in advance of those contributions being received.

### Workforce

2.5 There are no workforce implications.

### Asset Management (land, property, IT)

2.6 There are no land, property or information technology implications.

## **3. Assessments**

### Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).

3.2 The report and proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

(i) Assessed as **not relevant** for the purposes of EqIA

### Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

3.4 The matters presented in this report have been considered under the Act and no further action is required as the proposal does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:

- in the way best calculated to delivery of the Act's emissions reduction targets;
- in the way best calculated to deliver any statutory adaptation programmes; and
- in a way that it considers most sustainable.

3.6 The report does not have a direct impact on sustainability or climate change as it provides detail of an application for funding.

### Legal and Governance

3.7 No legal and governance implications are identified.

## Risk

- 3.8 This report provides details of an application for funding received in respect of the Auchterarder Community Facilities Fund. There is no significant risk to the Council. The source of funding has been agreed through a Section 75 legal agreement and the Council decides how it is distributed to identified projects. There are minor risks that the lack of fund collection does not allow suitable projects to be supported, or that the funds are not used within five years and are returned.

## **4. Consultation**

### Internal

- 4.1 The views of the Local Elected Members and the Convener of the Environment & Infrastructure Committee were sought, in line with the Fund's operating procedures. All three Local Elected Members responded to express support for the application. In line with practice, the Convener wished to reserve his views, noting that the application would in time come before this committee for determination.

### External

- 4.2 The views of the Auchterarder and District Community Council were sought, in line with the Fund's operating procedures. The Community Council responded and expressed support for the application.

## **5. Communication**

- 5.1 This report provides details of an application for funding received in respect of the Auchterarder Community Facilities Fund. The target audience for this report is therefore the fund contributors (the developers of the Auchterarder Framework Sites) in respect of reporting their financial contributions, and the potential recipient of funding (Auchterarder Community Sports and Recreation).
- 5.2 While no specific communications are required to target the key audiences of this report, the report may be of interest to other community groups in Auchterarder that may be considering funding applications of their own. It may also have wider public interest in terms of how contributions to the fund are collected and used. The Council's website includes an information page to raise awareness of the fund and how to make an application to the fund.

## **2. BACKGROUND PAPERS**

- 2.1 This section should list the documents that have been relied on in preparing the report, other than those committee reports already referenced within the main body of the report. All documents must be kept available by the author for inspection by the public for four years from the date of the meeting at which the report is presented.

**3. APPENDICES**

3.1 Appendix 1 – Application form and supporting information.





**APPLICATIONS FOR FUNDING FROM THE AUCHTERARDER  
COMMUNITY FACILITIES FUND  
GUIDANCE NOTES FOR APPLICANTS AND APPLICATIONS FORM**

## **BACKGROUND**

The Auchterarder Development Framework will deliver 800 dwelling houses within Auchterarder. The identified level of development will have an impact on the level of existing services provision provided by community facilities. To mitigate this impact as the development progresses a contribution of £1,000 per unit will be made up to a total £600,000. This money will be used by the Council over the lifetime of the development to improve the wider realm or facilities as the demand on these increases. The Auchterarder Community Facilities Fund will be available for use on projects being promoted by Council Services and voluntary/community organisations which improve the amenity of the public realm or facilities within the settlement boundary of Auchterarder.

## **GUIDANCE NOTES**

The Council will consider all applications for funding in line with the essential criteria. Where it is agreed the proposal would support community projects and meet the essential criteria the Executive Director (Environment) can approve the transfer of contributions up to a maximum of £50,000 per project. Applications for funding for more than £50,000 per project will require Committee approval. Where Committee approval is required this may take up to 4 months, dependant on the Committee cycle.

All contributions received will be spent on projects which improve the amenity of the public realm or facilities within the settlement boundary of Auchterarder. These include, but not exclusively, car parking facilities, public hall improvements, adaption of existing school changing facilities to permit access to pitches forming part of the new Sports Facilities, a public library, new or enhanced public transport services, improvements to the core path network and recycling facilities. This range of community improvements forms the basis of the criteria against which applications for funding from the fund will be assessed.

The funding will not be received by the Council as a lump sum, but will be based upon the sales of each new dwelling within the Development Framework; therefore funds will only be allocated to projects where they have already been collected. The funding will not be used to fund a single large project, but will be spread across a range of projects. A report providing details of funding received and allocated will be published annually in April.

### **Who can apply?**

The Auchterarder Community Fund is available for use on projects being promoted by Council Services and voluntary/community organisations. The definition of a voluntary/community organisation is a body which is led by volunteers, is non-profit distribution, legally independent of the state, and is dedicated to a public good. The funding criteria contained in this guide apply to all local voluntary/community and national voluntary organisations and umbrella organisations requesting financial support from the Auchterarder Community Fund. Applicant organisations would have to demonstrate that they are open to all regardless of religion, race, gender or disability.

### **Specific Notes:**

- Religious organisations: religious organisations will be considered, if they meet the standard conditions, on the basis that the programme offered is sufficiently general in nature to be applicable to a wide cross-section of the population of regular and sufficient duration (eg weekly for 2 hours, 36 weeks per year).
- Uniformed organisations: Uniformed organisations can apply where there is provision within a written constitution for equal access and opportunity for individuals as appropriate to the nature of the organisation.

- National organisations: National organisations will be considered, if they are able to identify defined local activities to the reasonable satisfaction of the Council.

### **Criteria For Assessing Applications For Funding**

Applications for funding should meet the following criteria:

1. Projects should be located within the settlement boundary of Auchterarder as defined by the adopted Local Development Plan. Projects which start within the boundary but extend out with, such as core path improvements, would be acceptable;
2. Projects should be linked to mitigating the impact of the new housing within the scope of the Auchterarder Development Framework on the public realm or facilities;
3. Projects should improve the amenity of the public realm or facilities and should consider a range of funding streams in addition to the Community Facilities Fund to ensure maximum value. Money cannot be used for projects which are already fully funded from other sources. Projects being brought forward with contributions from other funding streams will be able to access gap funding from the Community Facilities Fund.
4. Projects should identify any ongoing maintenance or eventual replacement costs and demonstrate that this can be secured through existing or future budgets.

### **APPLICATION FOR FUNDING**

In order to minimise delays in processing your application please complete all sections as fully as possible. Plans and or information can be attached in support of the application form.

Name of applicant(s) (to whom funding would be payable)

Auchterarder Community Sport & Recreation (ACSR) SC048490

Project address/location (please attach a location plan)

Public (Victoria) Park, Western Road, Auchterarder PH3 1JG

#### **Project proposal overview**

Please see attached plans which Steven Kane, P&K Community Green Spaces, which were submitted for Planning Permission in November 2020.

The Project is to redevelop the whole of Auchterarder Public (Victoria) Park to include removal of current play equipment and surfaces and the addition of new multisensory play equipment which will include swings, roundabout, zip wire, climber, slide, springie, seesaw, inclusive DDA compliant play items (trampoline, wheelchair seesaw, spinmee).

In addition, there will be natural play tunnels, log steps and sports fitness equipment, new goals and basketball nets. To prepare for all of the new items, there will be drainage works, re-surfacing, paving, edging and to improve the overall park aesthetics, turfing, seeding and shrubbery..

The redevelopment plan also includes improvements to the circular walking path and extension to the skatepark, in addition to providing a Mountain Bike Trail and Pump Track.

ACSR - Park & Community Green Spaces WG, in partnership with P&KCGS, began this process in November 2017 with a Community Consultation. This was followed by a Feasibility Study carried out during 2018, a second Community Consultation in early 2019 and Final Plans shared in March and confirmed in September 2020.

The Park has safe links to the Provost Walk and ACSR plan to work with PKC to improve Parking and provide safe access to and from the Auchterarder Primrose FC Pavilion.

Due to Covid-19, the park development project has been delayed by approximately twelve months, however with funding the project can be realised by October 2021.

#### **Project output (What is the project seeking to achieve?)**

The aim is for Auchterarder Public Park to become a 'Destination' for all ages and abilities within our community. As Auchterarder continues to expand and our population continues to increase, it is important that local facilities keep up with demand. During CV-19, the Park, Provost Walk and Core Path network have all been invaluable assets and have seen between 300% - 400% increase in use.

The Scottish Government Rural Youth Survey (2018) highlights the need for the provision of good local facilities within rural communities, as often younger residents have access to limited public transport and therefore fewer opportunities and facilities within easy reach, compared to those living in more urban areas.

This can sadly be true for some young people during their teenage years, as it has been shown that not being able to access positive outlets for their energy, can lead to varying forms of anti-social behaviour and potentially drugs. The more activities and opportunities

available within our community the less likely this will happen. Not all young people enjoy formal sport and are more interested in physical activities that provide more personal challenges such as mountain biking and skateboarding, with a pump track for scooters, balance bikes and BMX that cater for ages and include families activities.

The redevelopment of the Park, will entice all ages and abilities to use the excellent and thrilling new play/recreation areas, encouraging individuals and families to return multiple times.

The more often people come to any park, the higher the likelihood they will meet an increasing number of their neighbours. When people interact with each other, they create friendships that, in turn, form the basis of a strong community.

In addition, any individuals or families, who are new to the area, will have an opportunity to bond into a collective with the aims of helping their neighbours and their community. This type of outdoor interaction will have the positive benefit of leading to higher levels of community wellbeing and this outcome could not be more needed during and beyond the Covid-19 pandemic.

Just being outside and being active has positive effects on mental and physical wellbeing and ACSR in partnership with PKC wish to provide a redeveloped community Park that excites people of all ages and provides a much improved location for all to gather.

We hope, this will also encourage those who live out with the area to make repeat visits and in time be an attractive stop for tourists to park and visit the town by using the Provost Walk.

ACSR aim to ensure that the Community Area within the Pavilion, will become an important 'Hub' for information and activities within the Park and community, in addition to hopefully becoming a 'Pop Up' Café on Match Days.

As Auchterarder continues to grow and once our new Development Officer is in place, ACSR will continue to work with our Clubs, schools and community organisations to establish a full Programme of activities linked with Auchterarder Park.

Amount of funding requested **£100,000.00**

#### **Details of what the funding will be spent on**

The total project cost is - £356,914 (including £88,414 in disability equipment costs). Please see the attached spreadsheet for itemised costs. We are seeking funding from a variety of sources to realise our project, as follows

PKC £150,000 - confirmed

ACSR £18,500 - confirmed

Auchterarder Community Facilities Fund £100,000 - herein

Auchterarder Common Good Fund £30,000 - application in progress (disability focus)

Friends of St. Margaret's £30,000 - application in progress (disability focus)

Bank of Scotland Reach Funding - £24,510 - application in progress (disability focus)

Securing £100,000.00 from the Auchterarder Communities Facilities Fund will greatly support our other funding applications.

ACSR – Parks WG hope to be able to fund other ‘extras’ eg pump track, extension to the skateboard area, lighting & safe access to the Pavilion. but these may require a phased approach as and when funds become available.

Pump track - total estimated £100,000 - £120,000

sportscotland cycling fund £50-60k – Expression of Interest submitted December 2020  
Match funding from Gannochy Trust £50-60 – Application to be submitted early 2020

Summary of any other funding sources which will be used in addition to requested funding

Please see details above.

Date by which receipt of funding is preferred

Planning Permission was submitted to PKC at the beginning of **November 2020**

Aim for all ‘pledged’ funding to be in place by **28<sup>th</sup> February 2021**

PKB CGS to begin Tendering process **March 2021**

Construction to take place between – July – September 2021

Payment due to ACSR/PKC by **September 30<sup>th</sup> 2021**

Park Completion and official opening October 2021 TCB

Applications for less than £50,000 will normally be decided within 6 weeks but if an earlier decision is required please indicate the date below. Applications for more than £50,000 will require Committee approval which may take up to 4 months.

28<sup>th</sup> February 2021 please see above schedule.

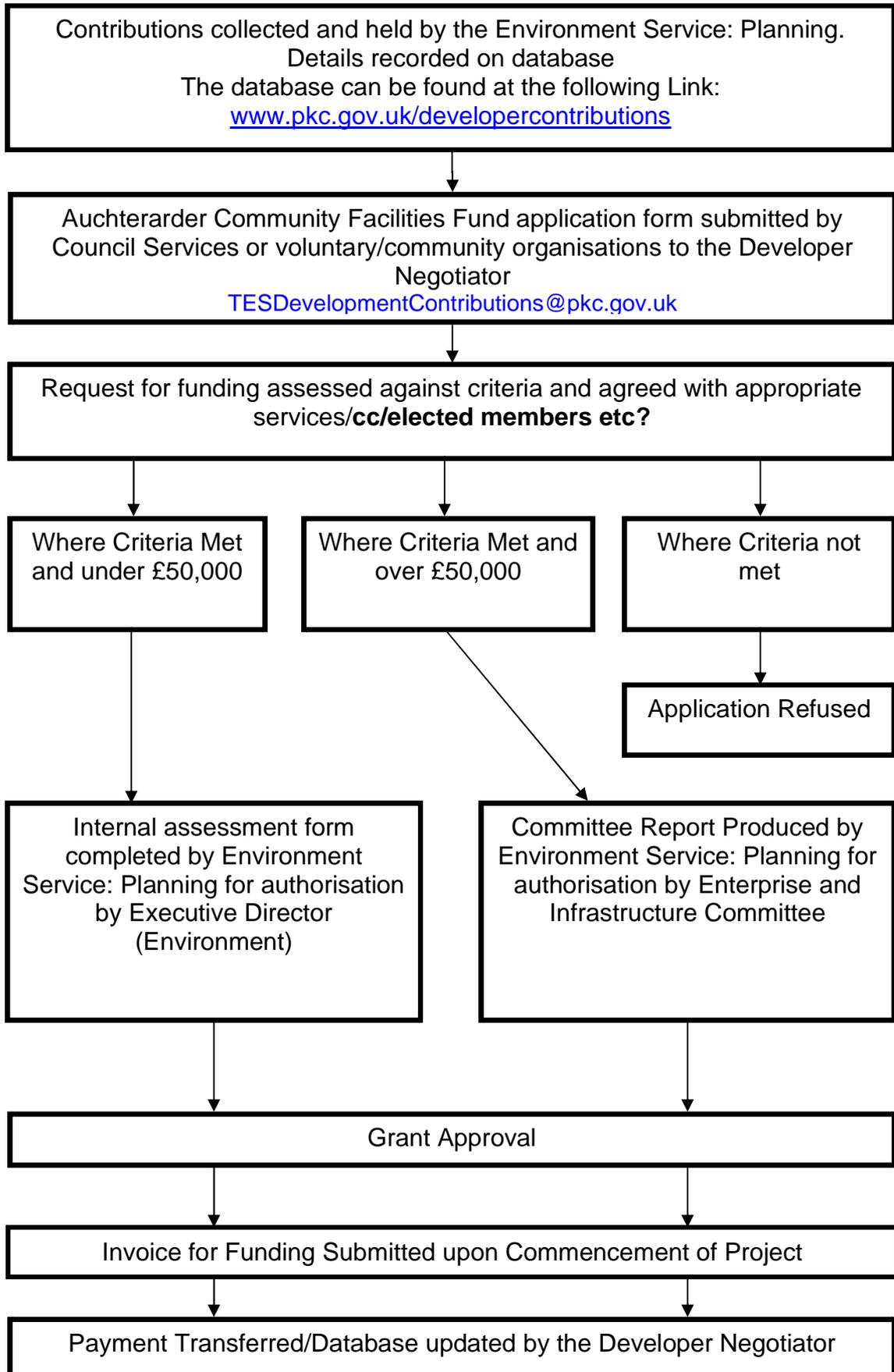
For all applications a **location plan** of the project site should be submitted with the application.

Applications should be preferably be submitted by email to the Developer Negotiator at [TESDevelopmentContributions@pkc.gov.uk](mailto:TESDevelopmentContributions@pkc.gov.uk)

A paper copy of the application together with the accompanying location plan should be sent for the attention of the Developer Negotiator to:

Strategy & Policy Planning  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth, Ph1 5GD

## Auchterarder Community Facilities Fund





**PROGRAMME**  
**7078 Aucterarder Public Park Project**  
**2020 09 29 rev F**

