

PERTH AND KINROSS COUNCIL

Climate Change & Sustainability Committee

19 December 2022

THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009: PUBLICATION OF FINAL REPORTS (CYCLE 1) & LOCAL FLOOD RISK MANAGEMENT PLANS (CYCLE 2)

**Report by Head of Environmental & Consumer Services
(Report No. 22/307)**

1. PURPOSE

- 1.1 The Council's duties with regard to flooding are set out within the Flood Risk Management (Scotland) Act 2009. The report provides an update on the recent national public consultation on flood risk management, the publication of SEPA's Flood Risk Management Plans. It also seeks the Committee's approval of the content of the Final Reports and Local Flood Risk Management Plans. These are required to be published by 31 December 2022.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- (i) endorses the progress made on delivering the Local Flood Risk Management Plans published in June 2016 as set out in the Cycle 1 Final Reports.
 - (ii) approves the content of the Cycle 1 Final Report on the Local Flood Risk Management Plan for the Tay District and the Council's input to the Cycle 1 Final Reports for the Forth, the Forth Estuary and the Tay Estuary & Montrose Basin Districts.
 - (iii) approves the content of the Cycle 2 Local Flood Risk Management Plan for the Tay District and the Council's input to the Cycle 2 Local Flood Risk Management Plans for the Forth, the Forth Estuary and the Tay Estuary & Montrose Basin Districts.
 - (iv) authorises the Executive Director (Communities) to carry out final minor amendments to the presentation of the above Cycle 1 Final Reports and Cycle 2 Local Flood Risk Management Plans prior to final publication on 21 December 2022, if required.
 - (v) approves the proposed arrangements for publication of the Cycle 1 Final Reports and Cycle 2 Local Flood Risk Management Plans.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4: Background/Main Issues

- Section 5: Proposals
- Section 6: Conclusion
- Appendices

4. BACKGROUND / MAIN ISSUES

- 4.1 The approach to tackling flooding in Scotland has changed in recent years. The Flood Risk Management (Scotland) Act (the 2009 Act) has introduced a more modern, coordinated and sustainable approach to flood risk management at both national and local levels.
- 4.2 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.
- 4.3 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) Plans and Local FRM Plans. This process of risk assessment, mapping and planning is required to be repeated every six years, with the initial cycles extending over the following dates:
- Cycle 1: 2016 – 2022
 - Cycle 2: 2022 – 2028
- 4.4 SEPA published the first cycle of FRM Plans (or Strategies) in December 2015. The Council published its first cycle of Local FRM Plans in June 2016 and subsequently published an interim report on the progress made on implementing those plans in March 2019. The published documents can be viewed on the Council's website at www.pkc.gov.uk/frmplans.
- 4.5 Most recently, the progress made on the FRM process was reported to the Environment & Infrastructure Committee on 19 May 2021 (Report No. 21/60 refers). The selected actions to manage flood risk were approved by the Committee and were subsequently put to public consultation from July to October 2021.

Update on Public Consultation

- 4.6 It is essential that any action taken on flooding is informed by the best available data. The 2009 Act, therefore, requires that the draft FRM Plans and the corresponding supplementary parts of Local FRM Plans be put to public consultation. SEPA and the lead local authorities were required to coordinate their consultation arrangements during the production of these documents.

- 4.7 The previous report to the Environment & Infrastructure Committee on 19 May 2021 (Report No. 21/60 refers) set out the public consultation arrangements.
- 4.8 The public consultation on the second cycle of FRM Plans was delivered through a phased approach. Phase 1 commenced on 21 December 2020 with further information being added during Phase 2, which progressed from 30 July to 31 October 2021.
- 4.9 The consultation was a national web-based exercise carried out jointly with SEPA and the other responsible authorities using the Citizen Space platform.
- 4.10 35 responses relevant to Perth & Kinross were received by the closing date (25 from members of the public, 1 from a local business, 2 from community bodies, 3 from other organisations and 4 from the local authority). A summary of the responses received, and the Council's comments on them is provided in Appendix A.
- 4.11 As required by the 2009 Act, the responses were used by SEPA to inform the second cycle of FRM Plans published in December 2021. They have also informed the Council's proposed Cycle 2 Local FRM Plans due for publication in December 2022.

Publication of SEPA's Cycle 2 Flood Risk Management Plans

- 4.12 Following approval by the Scottish Ministers, SEPA published the second cycle of FRM Plans on 22 December 2021. These documents cover the 14 local plan districts across the whole of Scotland. They describe the objectives and actions that will be implemented by SEPA and responsible authorities over the second six-year cycle from 2022-2028.
- 4.13 Perth & Kinross is located within four of these local plan districts, i.e. the Tay district (which covers the majority of Perth & Kinross) as well as parts of the Tay Estuary & Montrose Basin, the Forth and the Forth Estuary.
- 4.14 The Council's actions, as set out in the published FRM Plans, are consistent with those approved by the Environment & Infrastructure Committee on 19 May 2021 (Report No. 21/60 refers).
- 4.15 The published documents can be viewed on the following page of SEPA's website - <https://www2.sepa.org.uk/frmplans/>

Final Reports (Cycle 1: 2016 - 2022)

- 4.16 Since the publication of the first cycle of FRM Plans (or Strategies) in 2015, and Local FRM Plans in 2016, the Council and other responsible authorities have continued to implement the actions set out therein. As noted at 4.4, the Council published an Interim Report on progress at the mid-point of the 6-year cycle in March 2019.

- 4.17 Section 38 of the 2009 Act requires lead authorities to publish a Final Report on the Local FRM Plan around the end point of the 6-year cycle, i.e. within 5 to 6 years of publication (between June 2021 and June 2022). The Scottish Ministers have since directed that the publication of these reports be deferred until no later than 31 December 2022.
- 4.18 The Final Report is required to set out the progress made in implementing the measures set out in the Local FRM Plan, along with a summary of any that were not implemented, and a description of any other measures taken.
- 4.19 As the lead authority for the Tay district, Perth and Kinross Council is required to publish this Final Report. The Council is also required to contribute to the Final Reports for the three Local FRM Plans covering the other districts noted at 4.13.
- 4.20 The 2009 Act also requires the Final Reports be made available for public inspection.

Local Flood Risk Management Plans (Cycle 2: 2022 - 2028)

- 4.21 The 2009 Act requires lead local authorities to publish Cycle 2 Local FRM Plans by 22 June 2022. The Scottish Ministers have since directed that the publication of these plans be deferred until no later than 31 December 2022.
- 4.22 As the lead authority for the Tay district, Perth & Kinross Council is responsible for publishing this plan. The Council also has an involvement in the three Local FRM Plans for the other districts noted at 4.13.
- 4.23 The 2009 Act also requires the Local FRM Plans to be consistent with, and supplement, the published FRM Plans. The FRM Plans have characterised the existing flood risk, set objectives for managing that risk and put forward the selected actions to achieve those objectives. The Local FRM Plans have, therefore, been drafted to be consistent with this information and have been developed based on a national template.
- 4.24 The Council's actions, as set out in the proposed Local FRM Plans, are consistent with those approved by the Environment & Infrastructure Committee on 19 May 2021 (Report No. 21/60 refers).
- 4.25 The Local FRM Plans are also required to provide more detail on the proposed implementation arrangements for the selected actions over Cycle 2 between 2022 and 2028. Where possible, a description of how the actions will be implemented has, therefore, been developed including the proposed timetable, responsibilities and funding arrangements. A description of how the functions of the responsible parties will be coordinated to achieve this has also been included.
- 4.26 The funding arrangements for flood schemes are currently under review by the Scottish Government and CoSLA, due to the current projected costs of Cycle 1 flood schemes across the country and the available funding. It has,

therefore, not been possible to set out a programme, or to confirm the funding arrangements, for the new Cycle 2 flood schemes. Further details are set out in Section 2.1-2.11 of the Annex to this report.

- 4.27 The responses to the public consultation undertaken between July and October 2021 have been taken into account in producing both the published FRM Plans and the proposed Local FRM Plans.
- 4.28 In order to finalise any Local FRM Plan, the 2009 Act requires the lead authority, every other responsible authority and SEPA to agree to its content. The other partners in each district are, therefore, arranging formal agreement in accordance with their respective governance arrangements.
- 4.29 The process of developing the final Local FRM Plans has been delayed by various issues including the Covid-19 pandemic, the SEPA cyber-attack, an on-going national review of capital funding for flood risk management, staffing shortages and flood events. However, the four Local FRM Plans are currently at a final draft stage and only require minor amendments prior to publication on 21 December 2022 – see point 5.9.

5. PROPOSALS

Final Reports (Cycle 1)

- 5.1 Public awareness, participation and community support are essential components of sustainable flood risk management. Public participation can not only raise awareness of flood risk, but it can also inform decisions and contribute to the successful implementation of actions. The publication of a final progress report near to the end-point of the 6 year FRM cycle is, therefore, intended to assist with this.
- 5.2 The draft Final Reports have been developed in partnership with SEPA and the relevant responsible authorities. For the Tay district, this includes local authorities, Scottish Water, Scottish Forestry, the Loch Lomond & the Trossachs National Park Authority and the Cairngorms National Park Authority. The Scottish Flood Forum have also provided information.
- 5.3 The published FRM Plans and Local FRM Plans contain both general actions, which apply across the local plan district as well as actions that are specific to Potentially Vulnerable Areas (PVAs). The published Local FRM Plans also provided delivery timescales for the selected actions. The Final Reports, therefore, set out the progress made to date on delivering those actions as well as the measures planned to complete them.
- 5.4 Each action has been allocated a red, amber or green (RAG) status to provide an indication of its progress to date. The RAG status definitions are set out in Chapter 3 of the Tay Final Report.

- 5.5 The introduction of the Flood Act has initially led to improved partnership working and data sharing between SEPA and the responsible authorities. However, this has been affected by the Covid-19 pandemic and the cyber-attack on SEPA. The published Tay Local FRM plan has remained current and relevant. Since its publication in June 2016, in general good progress had been made over the first 4 years of the first cycle, despite a relatively slow start. Progress on the initial actions was delayed by the response required to Storms Frank and Desmond, the staff resources required to complete investigations into flood schemes (in Comrie, Bankfoot and Coupar Angus) and the procurement of sufficient consultancy services initially also proved problematic. However, with relatively few flood events between early 2016 and 2019, more steady progress was made in delivering the selected actions. However, this changed in March 2020 with the start of the national Covid-19 lockdowns, and the severe flooding of August 2020 further exacerbated this situation. All of the identified flood studies are complete or are currently on-going, with only two to be commenced. The progress on the larger and more complex flood protection schemes has been further delayed. However, a large flood protection scheme in Almondbank was substantially completed in 2018 and the construction of a major flood scheme in Comrie has commenced. The delivery of the actions set out in the Cycle 1 Plan has reduced flood risk and informed future actions that will reduce flood risk in subsequent cycles. It should be noted that the responsible authorities involved in delivering the actions for the Tay Local Plan District () are also involved in delivering actions in other local plan districts and their resources have been split accordingly.
- 5.6 In order to finalise the Final Reports, the other partners in each district are therefore arranging formal agreement in accordance with their respective governance arrangements, as noted above.
- 5.7 The four Final Reports are currently at a final draft stage and only require minor amendments prior to publication – see point 5.9
- 5.8 The final drafts of the Tay Final Report and the Council's input to the other Final Reports can be viewed in Appendices B to E:
- Appendix B - Tay
 - Appendix C - Tay Estuary & Montrose Basin (Extract)
 - Appendix D - Forth (Extract)
 - Appendix E - Forth Estuary (Extract)

Final Reports - Next Steps

- 5.9 As noted at 5.7, the final reports are at a final draft stage and may still require further minor amendments prior to final publication on 21 December 2022. The amendments will mainly relate to the presentation of the final documents and will include any further progress updates prior to final publication. As such, the content (as presented in this report) will not materially change prior to publication.

- 5.10 Publication is currently programmed for 21 December 2022, in order to meet the deferred deadline of 31 December 2022 directed by the Scottish Ministers.
- 5.11 The Final Report for the Tay District will, therefore, be published on the Council's website at this time. The proposed publicity surrounding this will be as follows:
- (i) the Council's website will be updated to include the Final Report for the Tay District and to provide links to the other relevant published Final Reports.
 - (ii) a copy of the Final Report for the Tay District will be provided to SEPA and the Scottish Ministers.
 - (iii) notices will be placed in *the Scotsman*, *the Courier*, *the Stirling Observer* and *the Edinburgh Gazette*.
 - (iv) an e-mail with a link to the Final Reports will be sent to all Councillors within Perth and Kinross.
 - (v) letters will be issued to each community council that falls within a PVA to notify them of the publication of the Final Reports and how to access them.
 - (vi) hard copies of the documents will also be made available in the Council's Perth and area offices.
 - (vii) announcements will be posted on social media (the Perth & Kinross Council Facebook and Twitter pages).
 - (viii) information will be added to the Perth and Kinross Community Watch website.
 - (ix) information will be sent to local community resilience groups within a PVA
 - (x) information will be included in any other publications which are considered appropriate.

Local Flood Risk Management Plans (Cycle 2)

- 5.12 The final draft Local FRM Plans have been developed in partnership with SEPA and the relevant responsible authorities (for the Tay district this includes local authorities, Scottish Water, Scottish Forestry, the Loch Lomond & the Trossachs National Park Authority and the Cairngorms National Park Authority).
- 5.13 The published FRM Plans and final draft Local FRM Plans contain both general actions, which are common to all areas, and actions that are specific to PVAs that are required to tackle a particular source of potential flooding. Existing and on-going actions to manage flood risk are also included.
- 5.14 The general actions common to all areas include awareness raising, the provision of data to support climate resilience, links with emergency planning, flood forecasting and warning, developing guidance, flood mapping, land use planning, maintenance (of drainage networks, and watercourse clearance and repair works) and self-help (including individual property flood measures). Links with communities and emergency planning already exist through the

Council's internal civil contingencies steering group and involvement in the multi-agency community resilience group.

5.15 The specific actions include:-

- (i) Flood Protection Schemes or Works
- (ii) Flood studies
- (iii) Surface Water Management Plans (SWMP)
- (iv) Maintenance of Existing Flood Schemes
- (v) Community Engagement
- (vi) Community Resilience Groups
- (vii) Flood Warning Maintenance
- (viii) Adaptation Planning
- (ix) Sewer Flood Risk Assessment

5.16 The selected actions, which are specific to the PVAs within the four local plan districts are shown (with a green box and tick) in the table in Appendix F.

5.17 The detailed implementation arrangements for these actions are set out within the final drafts of the Local FRM Plans. Where possible, the timescale for the implementation of any existing and new actions has been set out, taking account of the on-going review of capital funding for new flood schemes, and the available resources at the current time. The prioritisation and timetable for flood studies has been based on the level of flood risk in each area. The actions will be delivered by SEPA, the relevant local authorities, Scottish Water, other responsible authorities or Transport Scotland as appropriate. The Local FRM Plans describe how the functions of these parties will be coordinated to implement the actions. The arrangements for funding the actions have been based around available or potential sources of funding at the current time.

5.18 The final drafts of the Local FRM Plans can be viewed in Appendices G to J:

- Appendix G - Tay
- Appendix H - Tay Estuary & Montrose Basin (Extract)
- Appendix I – Forth (Extract)
- Appendix J - Forth Estuary (Extract)

Local FRM Plans - Next Steps

5.19 As noted at 4.29, the Local FRM Plans are at a final draft stage and may still require minor amendments prior to final publication on 21 December 2022. The amendments will relate to the presentation of the final documents. As such, the content (as presented in this report) will not change prior to publication.

5.20 The 2009 Act requires the Council as lead authority for the Tay district to publish the final Tay Local FRM Plan. The final Tay Local FRM Plan will therefore be published on the Council's website on 21 December 2022. The proposed publicity surrounding this will be similar to that set out at 5.11.

- 5.21 It should be noted that it will not be possible to carry out all of the selected actions to manage flood risk within the resources available to the Council at this time. Although the Cycle 1 Final Reports and Cycle 2 local FRM plans will be published on 21 December 2022, the implementation of the actions, thereafter, will continue to be based on several factors, including priority; availability of funding; capacity within delivery bodies and third parties to develop the actions; coordination and agreements between partners; statutory processes and permissions; design or other preparatory time required.
- 5.22 As per Cycle 1, it is likely that in December 2025, SEPA will be assessing and prioritising the actions to be funded in the third cycle of FRM Plans (2028-2036). Any studies and investigations that have not arrived at an identified solution by this time will not attract funding in the third cycle. This may result in certain communities remaining at risk of flooding for longer.
- 5.23 The 2009 Act sets out a 6-year cycle between subsequent FRM Plans and Local FRM Plans. SEPA and the responsible authorities are required to implement the actions set out in the current FRM Plans and Local FRM Plans. In addition, the process of reviewing and updating the national flood risk assessment and flood maps, as well as producing the next generation of FRM Plans and Local FRM Plans, will also re-commence.
- 5.24 Within 3 years of finalising the Local FRM Plan, the Council is also required to publish an Interim Report on the progress made in implementing the selected actions. A Final Report on progress must also be published no later than 6 years after the Local FRM Plan is finalised.

6. CONCLUSION

- 6.1 This report provides an update on the publication of
- (i) SEPA's Cycle 2 Flood Risk Management Plans in December 2021.
 - (ii) The Council's Cycle 1 Final Reports on the Local Flood Risk Management Plans published in June 2016.
 - (iii) The Council's proposed Cycle 2 Local Flood Risk Management Plans for 2022-2028.
- 6.2 The report seeks the Committee's approval of the content of
- (i) The Cycle 1 Final Reports on the Local Flood Risk Management Plans for the Tay, Forth, Forth Estuary and Tay Estuary & Montrose Basin districts.
 - (ii) The Council's proposed Cycle 2 Local Flood Risk Management Plans for 2022-2028 for the Tay, Forth, Forth Estuary and Tay Estuary & Montrose Basin districts.
- 6.3 The report also seeks the Committee's approval to authorise the Executive Director (Communities) with officers to carry out final minor amendments to the presentation of the Cycle 1 Final Reports and Cycle 2 Local Flood Risk Management Plans, prior to publication on 21 December 2022.

Author

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Approved

Name	Designation	Date
Barbara Renton	Executive Director (Communities)	12 December 2022

APPENDICES

- Appendix A - Summary of Responses to Public Consultation
- Appendix B – Final Report (Tay)
- Appendix C – Final Report (Tay Estuary & Montrose Basin) (Extract)
- Appendix D – Final Report (Forth) (Extract)
- Appendix E – Final Report (Forth Estuary) (Extract)
- Appendix F - Summary of Selected Actions Specific to Potentially Vulnerable Areas
- Appendix G – Local Flood Risk Management Plan (Tay)
- Appendix H - Local Flood Risk Management Plan (Tay Estuary & Montrose Basin) (Extract)
- Appendix I - Local Flood Risk Management Plan (Forth) (Extract)
- Appendix J - Local Flood Risk Management Plan (Forth Estuary) (Extract)

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

- (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
- (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 It should be noted that not all of the actions identified in the second cycle of FRM Plans and Local FRM Plans will be implemented at this time. The implementation arrangements have been set out in the final drafts of the Local FRM plans and are scheduled to take place over the course of Cycle 2 from 2022-2028. The final reports provide an update on the progress of any on-going actions. Any new potential actions will be subject to further development through the progression of flood studies or flood scheme proposals. As a result, there are no immediate resource implications arising directly from the recommendations in this report.
- 2.2 The flood risk management planning process will, however, have future financial implications. The second cycle of Local FRM Plans contain the implementation arrangements, including the timetable for on-going and new actions to manage flood risk, who will be responsible for implementing them, how they will be funded (if known) and coordinated by SEPA and the responsible authorities over the second six-year cycle.
- 2.3 The 2009 Act requires the Scottish Government to have regard to the FRM Plans 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 Plans and Local FRM Plans. The following arrangements apply:
 - (i) Only works and schemes that are prioritised in the FRM Plans and Local FRM Plans are eligible for capital funding.
 - (ii) Flood protection schemes attract capital grant assistance currently 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. 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 Plans, 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.
- 2.4 These arrangements are currently under review by the Scottish Government and CoSLA, due to the current projected costs of Cycle 1 flood schemes across the country and the available funding.
- 2.5 The Council currently has four flood protection schemes that had 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 capital grant is adjusted as flood scheme proposals are developed.

- 2.6 At present funding is available for the Council's proposed flood schemes in Comrie, Milnathort and South Kinross and work on them continues. However, as a result of the above review, the 4th priority flood scheme, on the Annaty Burn in Scone, has been paused. While this scheme will still progress in the future, it is likely to take longer to implement due to these funding limitations.
- 2.7 The national review of capital funding is on-going and to date, no capital funding has been allocated to any new Cycle 2 flood schemes in Scotland. The Council has not made any allocations for its 20% contribution to the capital cost of the new Cycle 2 flood schemes at this time. The funding arrangements for the Council's new flood schemes proposed in Pitlochry, Aberfeldy and Blackford – and the flood protection works proposed for Bridgend in Perth - therefore remain unclear for the time being.
- 2.8 The conclusion of the national review into capital funding for flood risk management is awaited. However, COSLA leaders have recently confirmed that it is expected that the Local Government General Capital Grant will continue to include resources allocated for flooding projects, and decisions on quantum and distribution will be taken by Scottish Ministers and COSLA Leaders nearer the time.
- 2.9 Revenue funding will continue to be distributed in line with current arrangements. There are no funding issues associated with the non-flood scheme actions in the proposed Cycle 2 Local FRM Plans (flood studies, clearance & repair works, etc).
- 2.10 The Council has a legal duty to have regard to the published FRM Plans and local FRM plans and as such, the actions set out therein are statutory obligations. As noted above, there is some uncertainty around the funding arrangements for some flood schemes. However, the other actions included in the current Plans and Local 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.
- 2.11 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 its actions to manage flood risk in the future. Where possible, 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

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

Asset Management (land, property, IT)

- 2.13 The proposals in this report have no IT implications.

- 2.14 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 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](#).

- 6.2 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.

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

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. Consequently, an environmental assessment is necessary. SEPA have completed an environmental assessment for their FRM Plans and their environmental report has been published. Following a review of this assessment, it has been confirmed that this will cover the local FRM plans and that no further assessment is required. Screening reports submitted to the SEA Gateway have confirmed this.

Habitats Regulations Appraisal

- 3.6 As the lead authority for the Tay district and a competent authority, the Council also undertook a Habitats Regulations Appraisal to ensure that the Tay Local FRM Plan will not adversely affect the integrity of Special Areas of Conservation and Special Protection Areas. Scottish Natural Heritage was consulted on the appraisal and their views have been taken into account. Mitigation has been applied where required to ensure that the Tay Local FRM Plan will not adversely affect the integrity of Special Areas of Conservation and Special Protection Areas.

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

(ii) 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.

(iii) 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:

(iv) 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 key outputs from the Flood Risk Management process were subject to a national public consultation between July and October 2021. This was a joint web-based consultation carried out by SEPA and local authorities. The responses to the public consultation are included in this report (refer to 4.6 - 4.11 in the main report and Appendix A) and have been used to inform the published FRM Plans and proposed Local FRM Plans.
- 4.3 The local flood risk management plans have been developed through Local Plan District Partnerships by SEPA and the relevant responsible authorities (local authorities, Scottish Water, Scottish Forestry, Forestry & Land Scotland, the Loch Lomond & the Trossachs National Park Authority and the Cairngorms National Park Authority).
- 4.4 Further consultation will be carried out with relevant external stakeholders on any individual proposals in future.

5. Communication

- 5.1 The communications arrangements for the publication of the local flood risk management plans have been set out at 5.11 and 5.21 in the main report.
- 5.2 Communication with relevant external stakeholders will take place on any individual actions proposed to manage 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)
- PKC – Environment and Infrastructure Committee – 18 August 2021, Flooding in Perth & Kinross of 11/12 August 2020 (Report No 21/122)