

PERTH AND KINROSS COUNCIL

Environment & Infrastructure Committee – 19 May 2021

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

Report by Head of Environmental & Consumer Services
(Report No. 21/60)

The Council's duties regarding flooding are set out within the Flood Risk Management (Scotland) Act 2009. This report provides 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. It also seeks the Committee's approval of the key information in the draft Strategies and Plans, which will be put to public consultation from June 2021.

1. BACKGROUND / MAIN ISSUES

Introduction

- 1.1 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.
- 1.2 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. This process of risk assessment, mapping and planning is to be repeated every six years.
- 1.3 SEPA published the first Flood Risk Management (FRM) Strategies on 22 December 2015 and the lead local authorities published Local FRM Plans on 22 June 2016.
- 1.4 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.
- 1.5 As Perth & Kinross Council is the lead local authority for the Tay catchment area, the Environment Committee approved the publication of the Tay Local FRM Plan on 1 June 2016 (Report 16/241 refers). The Committee also approved the Council's input to three other Local FRM Plans (for the Forth, Forth Estuary and Tay Estuary & Montrose Basin catchment areas). The published documents can be viewed at the following link:
<http://www.pkc.gov.uk/frmplans>

- 1.6 Since the publication of the FRM Strategies and Local FRM Plans in 2016, the Council has been moving forward with the implementation of the actions set out therein. The Environment and Infrastructure Committee approved an interim progress report on 23 January 2019 (report 19/16 refers). The report was published by the Council on 1 March 2019 and can also be viewed at the above link.

Flooding of 12 August 2020

- 1.7 During the night of 11/12 August 2020, much of Scotland experienced heavy rainfall and thunderstorms. Flooding impacts were experienced across a widespread area of Central and North East Scotland.
- 1.8 The entire Perth and Kinross Council area suffered extensive rainfall, thunder and lightning for 6 hours from around 11pm on 11 August. The storm was significant, and it is now understood that over 200 properties experienced some form of internal flooding with many more being affected externally. Parts of Perth were affected as well as Alyth, Dunning, Forgandenny, Kinross, Pitlochry, Blairgowrie, Methven and other areas.
- 1.9 Subsequently on 19 August 2020, the Environment and Infrastructure Committee requested officers to:
- 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;
 - 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;
 - 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;
 - Report back as early as possible with the result of these reviews and with the identified actions for Alyth and other areas to a future meeting of this Committee.
 - Review the Out of Hours Emergency Service as a matter of urgency.
 - Include winter and other weather events in future Policy and Level of Service reports.
- 1.10 As requested, officers have reviewed the Council's response to the flood events to identify any lessons that can be learned from the events prior to, during and after the recent flooding. A report is being produced on the outcome of this review as well as any outstanding issues arising from 1.9 above and this will be submitted to the next meeting of the Environment and Infrastructure Committee.
- 1.11 The purpose of this report is to set out the work to review and update the existing published FRM Strategies and Local FRM Plans. A national public

consultation on the proposed second version of these documents commenced in December 2020, with the main information was originally intended to be added in March 2021. However, this has been delayed until June 2021 at the earliest due to the recent cyber-attack on SEPA.

The 2nd National Flood Risk Assessment

- 1.12 The 2009 Act requires a cyclic process of flood risk assessment, mapping and planning is to be repeated every six years.
- 1.13 SEPA published Scotland’s second national flood risk assessment (NFRA2) on 22 December 2018. This assessment has provided Scotland with the knowledge and tools to assess the causes and consequences of river, coastal and surface water flooding, taking into account the effects of climate change. It considers the potential impact of flooding on human health, economic activity, the environment and cultural heritage and is based on the most up to date data available.
- 1.14 The numbers of properties considered to be at risk of flooding have increased under this latest assessment. This is mainly because there have been advances in how properties at risk have been identified, and not because the physical risk has changed. In Perth and Kinross, 8,700 properties are now estimated to be at risk of flooding. This equates to 1 in 12 residential properties and 1 in 7 businesses. The numbers of properties and businesses at risk will increase in the future due to the impact of climate change.
- 1.15 The assessment has also identified 235 areas across Scotland considered to be at medium to high risk of flooding. These areas are designated as Potentially Vulnerable Areas (PVAs) and specific objectives and actions will be set to manage and, where possible, reduce flood risk in these areas.
- 1.16 Perth and Kinross now has 17 PVAs (see Appendix A). The PVAs vary in size and there have been some changes to the way they have been grouped together while others have been split up. The following areas will not be designated as PVAs in the second FRM cycle as they have been re-assessed as having lower levels of flood risk:

PVA Reference	Location
08/02	Kinloch Rannoch
08/15	Forteviot
08/16	Dunning
09/02	Braco

- 1.17 There was previously some confusion that being within a PVA automatically meant that there was a risk of flooding. This is not the case, as a PVA represents a localised catchment area with a number of properties within that area being at risk. SEPA have, therefore, introduced the use of Objective Target Areas (OTAs) which are ‘hotspots’ of flood risk within the PVAs, where specific objectives are needed to reduce the risk of flooding and for where actions will be set. These areas will be the focus of flood risk management activities and national investment to manage flood risk within Flood Risk Management Strategies. Perth and Kinross has 22 OTAs (Appendix B).

- 1.18 SEPA have prepared a National Flood Risk Assessment 2 (NFRA2) webpage, which can be viewed at the following link: www.sepa.org.uk/data-visualisation/nfra2018/

Flood Mapping Updates

- 1.19 The 2009 Act requires SEPA to publish new flood hazard and flood risk maps. These maps show the predicted extent of various forms of flooding and probability levels. These indicative flood maps can be viewed on SEPA's web site at: <https://map.sepa.org.uk/floodmap/map.htm>
- 1.20 SEPA's most recent flood mapping update was in 2018, although they have recently launched a new flood mapping Viewer to allow the public to check the flood hazard and risk information in their area. The new Viewer also provides, for the first time, river and coastal future flood maps which take account of predicted climate change. The Viewer can be accessed at: <https://map.sepa.org.uk/floodmaps>

2. PROPOSALS

Draft FRM Strategies & Local FRM Plans

- 2.1 Work is currently underway to review and update the existing published FRM Strategies and Local FRM Plans. This work will eventually produce the second cycle of Strategies and Plans but at present, draft versions have been prepared for a national public consultation, which commenced on 21 December 2020. The final versions will be informed by this consultation exercise. SEPA will publish the FRM Strategies in December 2021 and the proposed Local FRM Plans will be submitted for committee approval prior to publication in June 2022.
- 2.2 For the purposes of managing flood risk, Scotland has been split into 14 catchment areas – known as Local Plan Districts (LPDs) and there is a FRM Strategy and Local FRM Plan for each. Perth and Kinross Council is the lead local authority for the Tay LPD and also contributes to three other LPDs (Forth, Forth Estuary and the Tay Estuary & Montrose Basin).
- 2.3 The proposed draft Strategies and Plans set out the following information for each LPD:
- (i) Catchment characterisation information;
 - (ii) Objectives for managing the identified flood risk;
 - (iii) The selected actions to achieve those objectives.
- 2.4 Catchment characterisation information - the catchment characterisation information defines the flood risk problem and provides the evidence base against which future actions to reduce risk can be assessed and compared. This factual information has been summarised in a series of characterisation reports on:
- Local Plan Districts (four for the Tay, Forth, Forth Estuary and Tay Estuary & Montrose Basin)
 - PVA Reports (17 in total)

- 2.5 Setting objectives for managing flood risk - the development of the draft objectives and actions for the next cycle of FRM Strategies and Local FRM Plans has taken account of: -
- The outcome from NFRA2;
 - Any on-going actions in current Local FRM Plans;
 - The outcome from any flood studies carried out in cycle 1.
- 2.6 Setting draft objectives is an important step towards identifying what actions should be taken to reduce the likelihood and impact of flooding. The objective setting framework consists of:
- a set of high-level national principles based around the delivery of Scottish Government's sustainable flood management outcomes;
 - a set of national objectives that apply across Scotland and;
 - a set of specific targeted objectives that apply to Objective Target Areas.
- 2.7 The national principles, national objectives and specific targeted objectives to manage flood risk are set out in Appendix C.
- 2.8 The specific targeted objectives have been set in consultation with SEPA to address the risk of river and surface water flooding. These objectives apply to the specific OTA's described at 1.17 of this report.
- 2.9 When selecting actions to achieve those objectives, it is important that a range of actions for managing flood risk are considered. This includes both general actions which are likely to be common to all areas but also those actions that are specific to individual PVAs and are required to tackle a particular source of potential flooding. Existing and on-going actions to manage flood risk are also included.
- 2.10 The general actions common to all Potentially Vulnerable Areas include the maintenance of any existing flood schemes, land use planning, maintenance work (including watercourse clearance and repair), flood forecasting and warning, self-help (including individual property flood measures), awareness raising and links with emergency planning. 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.
- 2.11 The specific actions include: -
- (i) Flood Protection Schemes or Works
 - (ii) Flood study – there are two types:
 - Flood Protection Study
 - Natural Flood Management (NFM) Study
 - (iii) Surface water flooding is managed separately from the Flood Risk Management process in some areas through:
 - Integrated Catchment Studies (ICS)
 - Surface Water Management Plans (SWMP)
 - (iv) Flood forecasting and warning
 - (v) Improved understanding (improvements to strategic flood maps).

2.12 Details of the proposed specific actions for the four Local Plan Districts (LPDs) that Perth & Kinross Council is involved in are summarised in the table below:

Local Plan District (LPD)	PVA	OTA Ref	Location	Proposed Action
Tay Estuary	07/09	235	Invergowrie	Natural Flood Management (NFM) Study (on-going)
	07/15	-	Auchtermuchty	General Actions
Tay	08/01	172	Blair Atholl	Flood Protection Study
	08/02	254	Pitlochry	Flood Protection Scheme
	08/03	182	Weem	General Actions
		183	Aberfeldy	Flood Protection Scheme Surface Water Management Plan
	08/04	189	Alyth	Natural Flood Management (NFM) Study
	08/06	199	Blairgowrie & Rattray	Surface Water Management Plan
	08/07	214	Coupar Angus	General Actions
	08/08	179	Spittalfield	General Actions
		225	Dunkeld and Birnam	Flood Protection Study (on-going)
		273	Dalguise	General Actions
	08/09	194	Bankfoot	General Actions
	08/10	247	Luncarty	Flood Protection Study
	08/11	255	Scone	Flood Protection Scheme (Annaty Burn) Flood Protection/NFM Study Surface Water Management Plan
	08/12	187	Almondbank	General Actions
		249	Methven	Flood Protection Study
		253	Perth	Flood Protection Study (Craigie Burn) Flood Protection Studies (surface water flooding) including: <ul style="list-style-type: none"> • Feus Road & Cavendish Avenue areas (on-going) • Other areas identified in the Perth ICS Surface Water Management Plan Flood Protection Works (Bridgend)
08/13	213	Comrie	Flood Protection Scheme (on-going) Surface Water Management Plan	
08/14	205	Bridge of Earn	Flood Protection Study (surface water)	
Forth	09/03	198	Blackford	Flood Protection Scheme
Forth Estuary	10/03	239	Kinross	Flood Protection Scheme (on-going) Surface Water Management Plan
		303	Milnathort	Flood Protection Scheme (on-going) Surface Water Management Plan (on-going)

- 2.13 It should be noted that a flood study is first required to justify a flood protection scheme. A good deal of design work, community consultation and statutory approval are also required before any new flood defences can be constructed. The table above includes new proposed flood protection schemes for Pitlochry and Aberfeldy (report 19/309 refers). A further proposed scheme has been identified in Blackford following the draft outputs from a local flood study. Details of these three schemes have been submitted to SEPA for national prioritisation.
- 2.14 Where appropriate, the general actions described at 2.10 will also apply to the above PVAs.
- 2.15 SEPA and the other responsible authorities will also be setting out their own respective actions. At present, the Council has not had sight of these yet and so they are not included in the above table.
- 2.16 Once the most appropriate and sustainable actions have been selected for the FRM Strategies and Local FRM Plans, they will be prioritised to determine their order of implementation. Although not a guarantee of funding, the ranking of schemes and works is likely to be a key source of evidence in the forthcoming national funding allocation process.
- 2.17 It should be noted that it will not be possible to carry out all of the selected actions to manage flood risk, as this is based upon the resources available to the Council at this time. Although required actions have been identified, the decisions around implementation will be based on a number of 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. Therefore, any new actions noted above are therefore being proposed for the purposes of public consultation only at this stage.

Public Consultation Arrangements

- 2.18 The 2009 Act required that the draft FRM Strategies and the corresponding supplementary parts of Local FRM Plans be put to public consultation by 22 December 2020. SEPA and the lead local authorities are required to coordinate their consultation arrangements during the production of these documents.
- 2.19 SEPA and the responsible authorities have been working in partnership to develop the FRM Strategies and Local FRM Plans. This process is running behind programme due to the Covid-19 pandemic, the severe flooding in August 2020 and the December 2020 cyber-attack on SEPA. However, similar arrangements to the last public consultation in early 2015 are being proposed.
- 2.20 The consultation will again be delivered through a phased approach. Phase 1 commenced on 21 December 2020 and Phase 2 will commence in June 2021 at the earliest (the exact date is still to be advised by SEPA). The consultation will close three months after Phase 2 opens (sometime around September

2021). The consultation can be viewed online at <https://consultation.sepa.org.uk/>

2.21 As the lead local authority for the Tay District, the Council has a duty to publish and consult on a draft of the supplementary part of the Local Flood Risk Management Plan. This will comprise a set of catchment characterisation reports which describe the existing flood risk and the corresponding objectives and short list of measures to manage that risk. The key information that will be consulted on is:

Phase	Phase 1: 21 December 2020	Phase 2: June 2021
	Catchment Characterisation Information	Proposed Objectives and Actions to Manage Flood Risk
Draft for Consultation	<ul style="list-style-type: none"> • Background on FRM process • Information on the consultation process. • Draft LPD information: high level description, large flood event and administrative arrangements • Draft PVA information (similar to NFRA2 publication in 2018) • List of draft OTAs. 	<ul style="list-style-type: none"> • Summary information on the OTA, including flooding history and progress since 2015. • Draft OTA documents, including background information, objectives and actions. • Local details on the actions for the next cycle, potential coordination. • Strategic Environmental Assessment report • Questions on the Phase 2 information.

2.22 The data provided during Phase 1 is factual and has been provided for information purposes only. Phase 2 commences in June 2021 when more information will be made available and there will be a full opportunity to comment.

2.23 The consultation will be a national, web-based exercise and will be carried out jointly with SEPA and the other responsible authorities using the Citizen Space platform (see web link at Item 2.20 above)

2.24 Under Section 35 of the 2009 Act, the Council, as the lead local authority for the Tay district, must publicise this consultation and the opportunity to make representations on the material presented.

2.25 The joint web-based public consultation will be publicised by the following means:

- (i) notices will be placed in the Courier and the Edinburgh Gazette.
- (ii) letters will be issued to each community council that falls within a PVA to notify them of the consultation and how to access it;
- (iii) the Council's web site will be updated to include a link to the online platform that will host the consultation;
- (iv) announcements will be posted on social media (the Perth & Kinross Council Facebook and Twitter pages).

Next Steps

- 2.26 A further appraisal will be carried out on the proposed actions in order to determine the final proposals for the FRM Strategies and Local FRM Plans and to inform the national prioritisation of actions in line with agencies' available resources.
- 2.27 This will inform the final implementation arrangements which will be confirmed in the final Strategies and Plans. The FRM Strategies will indicate which 6 year cycle the actions are likely to be taken forward within. The Local FRM Plans will then set out a more detailed timetable for implementation and funding arrangements within each 6-year cycle.
- 2.28 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.

3. CONCLUSION AND RECOMMENDATION

- 3.1 This report provides an update on progress towards the publication of the second cycle of SEPA's Flood Risk Management Plans (or Strategies) in December 2021 and the Council's Local Flood Risk Management Plans in June 2022.
- 3.2 The report provides an update on the public consultation on the draft versions of those FRM Strategies and Local FRM Plans.
- 3.3 The report also describes the current proposals for the phased public consultation which commenced in December 2020 (Phase One) and June 2021 (Phase Two).
- 3.4 It is recommended that Council:
- (i) notes the progress on the flood risk management planning process set out by the 2009 Act.
 - (ii) approves the proposed objectives and actions that will be subject to public consultation from June 2021 as set out in Section 2 of this report.
 - (iii) notes the proposed national arrangements for a phased public consultation, which commenced in December 2020 (with the main information being added in June 2021).

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

2. Resource Implications

Financial

2.1 It should be noted that the 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.

- 2.2 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.
- 2.3 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.
- 2.4 These arrangements are likely to continue for cycle two (2022-2028), although it is understood that the Scottish Government, CoSLA and SEPA will be reviewing them.
- 2.5 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.
- 2.6 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.

- 2.7 Revenue funding will continue to be distributed in line with current arrangements.
- 2.8 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.
- 2.9 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

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

Asset Management (land, property, IT)

- 2.11 The proposals in this report have to IT implications.
- 2.12 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:

(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. ConsultationInternal

- 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 September 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)
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3. APPENDICES

- 3.1 Appendix A – Plan of the Potentially Vulnerable Areas
- 3.2 Appendix B – Objective Target Areas
- 3.3 Appendix C - Objectives