



Flood Risk Management (Scotland) Act 2009 consultation

'Planning for floods – planning for the future'

Delivering partnership approaches to implementing the Flood Risk Management Act

Acknowledgement

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

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

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

The Scottish Advisory & Implementation Forum for Flooding acts as:

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

Foreword

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

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

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

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

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



Campbell Gemmell
SEPA Chief Executive

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1 Introduction to this consultation

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

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

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

How we developed proposals in this consultation document

Proposals in this consultation document were developed in partnership with others, through the Scottish Advisory and Implementation Forum on Flooding (SAIFF). The Scottish Government has established a set of advisory and technical (task and finish) groups under the umbrella of its SAIFF programme. These groups advise on technical implementation issues, such as the development of a methodology to support the production of national flood risk assessment, and national policy issues, such as guidance on the sustainable management of flood risk. The membership of SAIFF groups includes responsible authorities¹, technical experts, and interested stakeholders.

How is this document divided?

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

- **Section 3 sets out proposals for geographical boundaries for local flood risk management plans (local plan areas).**
Local plan areas will be the geographical areas for which lead local authorities will develop local flood risk management plans. In order to establish local plan areas, SEPA and its partner organisations developed a set of overarching principles based on the requirements of the FRM Act and the role of local plans. This methodology led to the identification of 20 potential local plan areas.
- **Section 4 sets out proposals for partnership working in producing flood risk management plans.**
The preparation and co-ordination of flood risk management plans will require SEPA, local authorities and others to work in close partnership. For this purpose, the FRM Act creates a flood risk management framework that aims to balance the need for national consistency with local accountability and knowledge. SEPA, together with partner organisations, developed a set of high level principles that aim to establish collaborative working and balance national and local needs.

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

¹Responsible authorities currently include Scottish Ministers, SEPA, local authorities and Scottish Water.

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

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

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

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

Who should respond?

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

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

Summary of consultation questions

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

4	5. Will these principles support a balanced flood risk management planning process? If not, do you have suggestions on how to improve these principles? We are keen to learn about your experience in partnership working. If you were or are involved in partnerships, please share with us some of your experiences, including why the partnership worked well and what lessons were learned.
	6. Have we correctly identified the purpose, role and membership for the Advisory Group for Scotland? If not, do you have suggestions on how we could improve these proposals?
	7. Do you support the proposal for the temporary use of Area Advisory Groups as a means of engaging local stakeholders? If not, what alternative proposals might you suggest?
	8. Do you support the proposal for a programme of thematic workshops for SEPA, local authorities and other responsible authorities? If not, do you have any alternative proposals that would achieve the same aim?
5	9. Do you support the proposal for a joint communications strategy? Do you have any suggestions for methods of communication that, in your experience, may be effective?
	10. Do you support the consultation activities highlighted in Table 7? Are there any alternative or additional consultation activities that you would like to see included in the statement?

How and when to respond

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

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

What happens next?

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

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

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

2 Background information

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

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

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

(National) Flood risk assessment – to be produced by 22 December 2011
The national flood risk assessment will analyse available, or readily derivable, data and information to assess the potential adverse consequences of possible 'future' floods, and collate and review historic flood incidents and impacts to create a broad-scale picture of flooding issues across Scotland. The assessment will lead to the identification of Potentially Vulnerable Areas (PVAs) and help target future efforts to plan for and invest in actions to reduce flood risk to these areas.
Flood hazard and flood risk maps – to be produced by 22 December 2013
Flood hazard and risk maps will outline the likely extent of different flood scenarios. They will summarise the potential impacts of those flood events, including the number of people affected, and the implications for economic activity. The maps will include information on flooding from various sources, including rivers, the sea, groundwater and surface water run-off. This information will improve our understanding of flooding problems and inform the selection of actions to manage flood risk. This information will be publicly available.
Flood risk management plans – to be produced and approved by 22 December 2015
For the purpose of EC reporting, flood risk management plans need to be produced for the Scotland and Solway Tweed districts ² . Each plan will include a set of objectives and actions for tackling flooding issues in each area identified as being potentially vulnerable to flooding. The plans will co-ordinate actions across catchments and all actions will be subject to cost-benefit analysis. Flood risk management plans will allow for targeted investments and better decisions to be made about actions to reduce flood risk.

2.2 Managing flooding sustainably

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

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

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

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

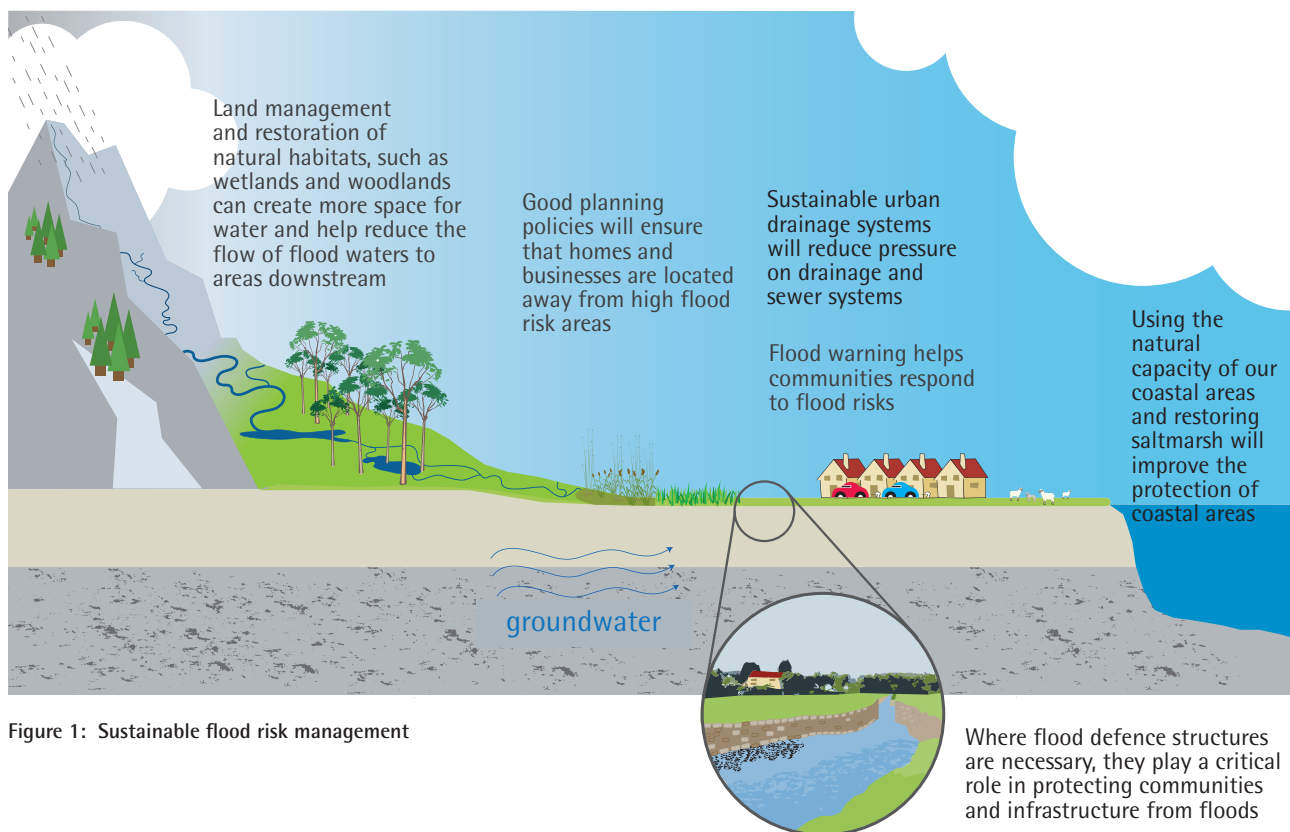


Figure 1: Sustainable flood risk management

2.3 Roles and responsibilities in flood risk management

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

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

- The public and communities – engaging with the process, sharing the local knowledge and taking action**
 The FRM Act gives the public and local communities an opportunity to be actively engaged in the process of producing and implementing the flood risk management plans. The public has an important role to play in sharing local knowledge and engaging in the design of flood protection actions for their areas.
- Local authorities – ensuring local accountability**
 Local authorities continue to play a central role in managing flood risk under the FRM Act. Existing local authority duties and powers have been strengthened and past restrictions have been removed. Under the act, lead local authorities are required to prepare local flood risk management plans, accompanied by an implementation strategy setting out how actions will be delivered. The plans will supplement the national plans prepared by SEPA and will ensure that objectives and actions set out in national plans are translated into locally targeted and co-ordinated actions to manage flood risk.

What will be the role of a lead local authority?

A lead local authority will fulfil the important role of producing a local flood risk management plan for their local plan area. This will include a summary of relevant information from SEPA's national plan and additional, locally relevant information, and an implementation strategy setting out how the actions described in the local plan will be delivered. A lead local authority will also be required to lead on discussions about the funding and implementation of actions.

- **Scottish Water – a key role in flood risk management**
 Scottish Water will be responsible for assessing the risk of flooding from surface and combined (surface water and foul) sewers that results from heavier than usual rainfall events. Once risks are identified, Scottish Water, working with local authorities and SEPA, will look for opportunities to reduce those risks through surface water management plans.
- **Other responsible authorities – contributing to managing flood risk**
 The act allows for the designation of additional responsible authorities. This designation order is currently being prepared by the Scottish Government and will be subject to consultation later in 2010. Such designated responsible authorities will have a direct role in contributing to reducing flood risk and/or playing an important role in preparing flood risk management plans.
- **Stakeholders – contributing and advising**
 Stakeholders have a key role to play in advising on flood risk management plans and, where appropriate, contributing to the implementation of plans.
- **SEPA – a strategic role in flood risk management**
 Under the act, SEPA has been given significant new responsibilities. Central to our new role is the delivery of the national framework for flood risk management in Scotland. This will be achieved through the preparation of national flood risk assessment maps and plans, setting out short to longer-term objectives and actions to manage flood risk sustainably across Scotland. Key to the success of this work will be building on existing partnerships and establishing new partnerships between SEPA, local authorities, Scottish Water and other public bodies, alongside stakeholders and the public.
- **Scottish Government – guiding the implementation process**
 Scottish Ministers are responsible for setting the policy framework for implementing the FRM Act, and will ultimately be responsible for approving the objectives and actions set out in flood risk management plans.

Table 2: Summary of the main elements of the FRM Act

Deadline	Lead authority	FRM Act requirement
May 2011	Scottish Government	Publish guidance on sustainable flood management.
January 2011	SEPA	Establish advisory groups.
December 2011	SEPA	Produce an assessment of flood risks across Scotland, leading to identification of areas most vulnerable to flooding.
	SEPA	Identify local plan areas.
March 2012	SEPA	Establish local plan advisory groups.
No statutory deadline	Local authorities	Prepare a schedule of clearance and repair works.
Timescales to be set by Scottish Ministers	Local authorities	Prepare maps of water bodies and Sustainable Urban Drainage Systems (SUDS).
Timescales to be set by Scottish Ministers	SEPA	Prepare maps of artificial structures and natural features.
Timescales to be set by Scottish Ministers	Scottish Water	Publish an assessment of flood risk from sewerage systems.
December 2013	SEPA	Publish an assessment of opportunities for restoration of natural features and characteristics to reduce flood risk.
	SEPA	Publish flood hazard maps and flood risk maps.
	SEPA	Publish a statement of consultation actions.
December 2014	SEPA and lead local authorities	Publish draft national and local flood risk management plans for consultation.
December 2015	SEPA and lead local authorities	Publish flood risk management plans.
June 2016	Lead local authorities	Publish implementation parts of local flood risk management plans.

2.4 Flood risk management districts

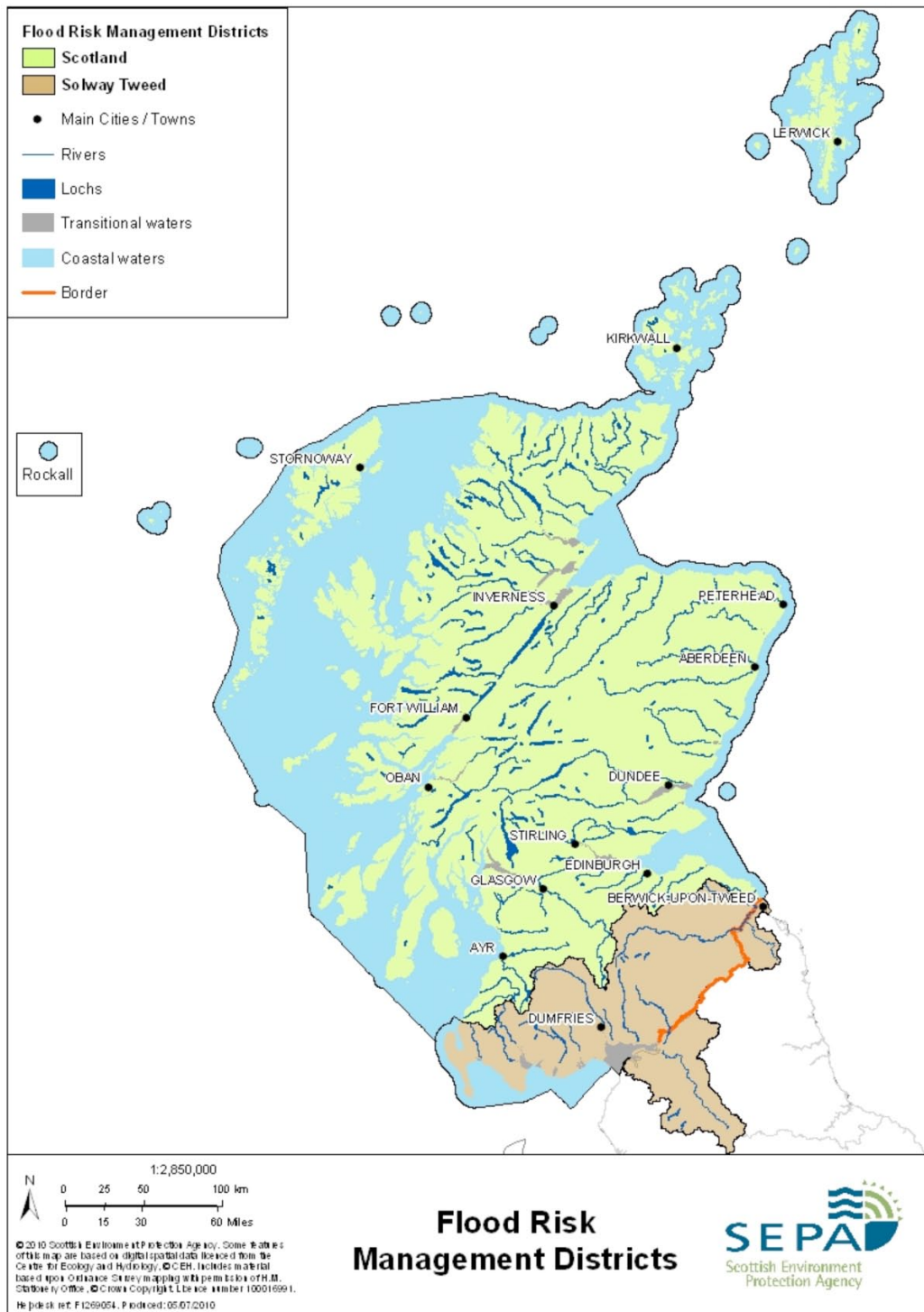
The Floods Directive encourages Member States to make use of administrative arrangements made under the Water Framework Directive (WFD). SEPA will therefore use the river basin districts (as defined under WFD) as flood risk management districts to assess flood risk, and prepare plans to manage those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

This creates two principal flood risk management districts – a Scotland flood risk management district (covering most of Scotland) and the Solway Tweed cross-border flood risk management district shared with England. Although these are large-scale planning units, the clear intention is for objectives and actions identified in plans to be co-ordinated across catchments (river basins) or sub-catchments (parts of river basins).

A combination of Scottish, cross-border and English regulations apply in the Solway Tweed district. All catchments entirely in Scotland will be governed by the FRM Act, while those entirely in England will be governed by English regulations. Only those catchments that are truly cross-border (Solway Estuary, and the rivers Tweed, Esk and Sark) will be governed by cross-border regulations and will require joint working between all responsible authorities in England and Scotland. A detailed map illustrating cross-border catchments is provided in Annex 2.

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

Map 1: Flood risk management districts



2.5 (National) Flood risk assessment

What is flood risk?

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

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

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

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

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

2.6 Flood risk management plans

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

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

- SEPA will be responsible for producing national flood risk management plans covering Scotland and Solway Tweed that will set the strategic framework for flood risk management in Scotland. These plans will identify, prioritise and co-ordinate objectives and actions across Scotland. This information will help set the framework in which actions to manage flood risk will be delivered or planned for at a local level. The plans will also fulfil the reporting requirements of the directive.
- (Lead) local authorities will be responsible for preparing local flood risk management plans that will supplement and influence the national plans. Local plans will include a supplementary part and an implementation part. They must be consistent with the national plans, but will contain additional, locally relevant information, including additional details of particular actions to manage flood risk. All local plans must be accompanied by an implementation strategy, setting out how the actions described in the local plan will be delivered.

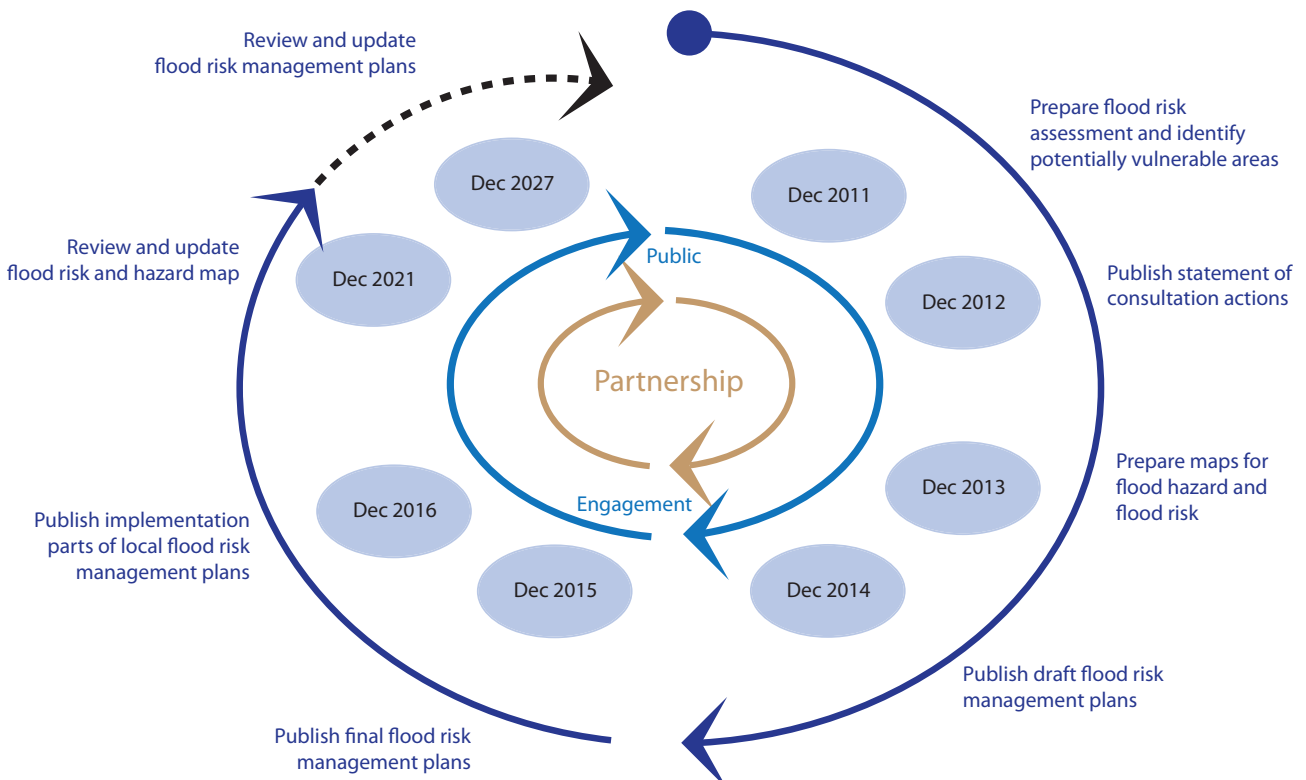
Figure 2: National and local flood risk management plans



2.7 Implementation timetable

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

Figure 3: Implementation timescales



3 Identifying geographical boundaries for local flood risk management plans

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

3.1 Developing principles for establishing local plan areas

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

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

The statutory requirements under the FRM Act

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

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

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

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

The potential for alignment with existing boundaries

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

3.2 Principles for establishing local plan areas

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

Table 3: The overarching principles for defining local plan area

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

Consultation question 1

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

3.3 Method for determining local plan areas

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

Method for determining local plan areas

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

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

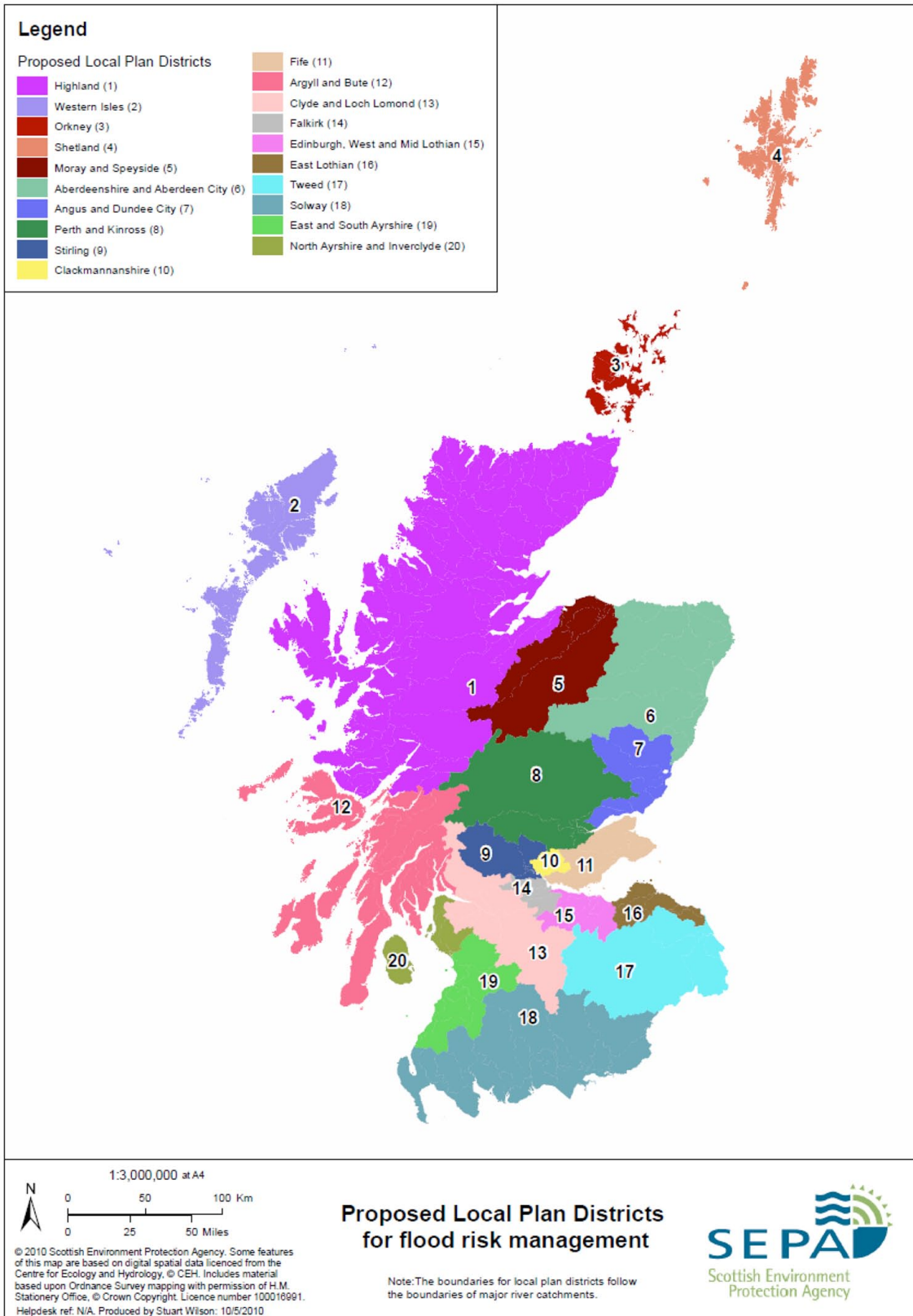
Figure 4: Timetable for developing and agreeing local plan areas



3.4 Proposals for local plan areas

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

Map 2: Proposed local plan areas



Consultation question 2

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

We developed the above proposals using a set of high-level criteria that may not reflect existing local arrangements; for instance, where two local authorities already work closely together, or where there is an opportunity to share services. In some cases, there may be an opportunity to group local plan areas and reduce the number of local plans that need to be produced. Minimising the number of areas is important as it would reduce the administrative burden associated with producing plans. As part of this consultation process, we are seeking views on whether there is potential to further reduce the number of local plan areas by grouping them into larger units, bearing in the mind that:

- for each local plan area a lead local authority must be identified;
- lead local authorities will be required to produce local plans for their local plan area (including supplementary and implementation parts);
- a lead local authority will also be required to lead on discussions about funding actions; and arrangements to implement such actions.
- lead local authorities must ensure they can effectively engage communities in the process.

Consultation question 3

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

3.5 Coastal and estuarine units of management

The above proposals may not fit well with units of management for coastal flood risk (ie coastal cells³ and estuaries). Coastal/estuarine issues will require further development by SEPA to ensure that coastal flood management can be dealt with effectively alongside the proposed local plan areas.

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

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

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

Consultation question 4

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

³ Coastal cells are coastline units within which sediment movement is self-contained.

4 Working in partnership to produce flood risk management plans

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

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

The Metropolitan Glasgow Strategic Drainage Partnership (MGSDP)

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

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

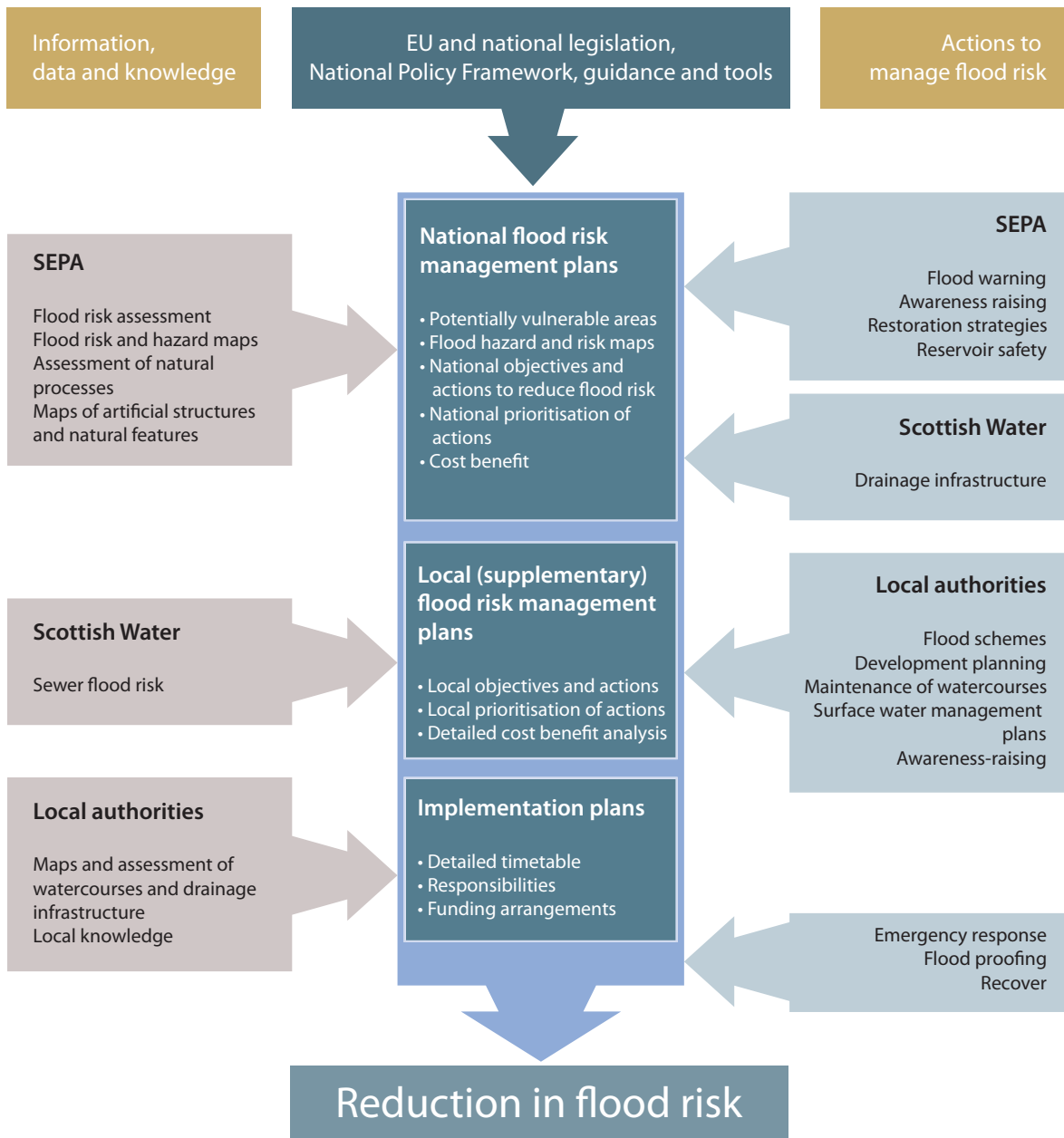
Metropolitan Glasgow covers a total of seven local authority areas, and the partnership recognises that its aims and objectives cannot be met without the help and involvement of all these local authorities.

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

4.1 Framework for flood risk management in Scotland

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

Figure 5: Framework for flood risk management planning



4.2 High level principles for flood risk management planning

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

We propose the following principles for supporting a collaborative and effective planning process:

- Decisions on setting objectives and actions should be taken jointly, using partnerships at the appropriate scale (most likely to be at the scale of local plan area). This will minimise the time taken to reach agreement and ensure all responsible bodies buy into the aspirations of each plan.
- Flood risk management plans (national and supplementary parts of local plans) should be high-level and strategic in nature, outlining the most sustainable approach to flood risk management and the most appropriate combination of actions.
- Where available, the detail of individual actions will be included, or developed through a separate process led by the appropriate body. The flood risk management plans need to contain enough detail to enable lead local authorities to prepare implementation plans (a requirement of the FRM Act), which in turn require all bodies involved to have sufficient detail to secure funding for their respective contributions.
- The high level decisions outlined above will require detailed information and data on the nature of flood hazard, characteristics of catchments/coastlines, and flood impacts. They will also require new tools to assess the relative costs and benefits of various structural and non-structural actions. SEPA will have a strong role to play in supporting and facilitating the production and use of such information, data and tools.
- The information, data and tools would be available to support the subsequent stages of developing flood management actions, including flood protection schemes. The process of setting objectives and actions under the plans should speed-up, supplement or even possibly replace the early stages of flood protection scheme development. For example, this would mean that decision support tools would fulfil the options appraisal stage of scheme development and link to subsequent cost-benefit analysis.

Consultation question 5

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

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

4.3 Partnership working – national⁴ and local⁵ advisory groups

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

4.3.1 National Advisory Groups

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

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

⁴National Advisory Group' in this document refers to, and has the same meaning as, 'District Advisory Group' under the FRM Act.

⁵Local Advisory Groups' in this document refer to, and have the same meaning as, 'Sub-District Advisory Groups' under the FRM Act.

It is proposed that such an advisory group should be established by SEPA (or SEPA and the Environment Agency in Solway Tweed) in January 2011. Proposals for the purpose, role and membership are summarised in Table 4.

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

Table 4: Summary proposals for a National Advisory Group

Category	Description
Purpose	Advisory role
Role	To advise and support SEPA on the: <ul style="list-style-type: none"> • development of the flood risk management planning process; • preparation, delivery and implementation of the flood risk management plans, maps and assessments; • identification of national priorities to reduce flood risk; • identification of objectives and sustainable actions to reduce flood risk; • co-ordination and integration with other strategic plans and policies; • general awareness raising.
Membership	Please see Annex 3.

Consultation question 6

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

4.3.2 Local advisory groups

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

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

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

We are still in the initial stages of developing a flood risk management planning process for Scotland and the partnerships that will be required to underpin this process. It was therefore agreed that it is too early to formally establish the required Local Advisory Groups. However, delaying the establishment of these groups

would mean that local stakeholders may not be provided with the opportunity to comment on the flood risk assessment and associated issues. We have identified a possible temporary solution to this, by using the Area Advisory Groups (AAGs) which were established under the Water Framework Directive (WFD) to support the production and implementation of river basin management plans (RBMPs). This would enable us to engage with interested stakeholders, and set up workshops with local authorities.

Temporary arrangement for working with stakeholders

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

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

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

Consultation question 7

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

Temporary arrangements for working with local authorities and other responsible authorities

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

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

Table 5: Draft schedule for thematic workshop

Timescales for workshops	Key themes	Outline of discussion items
January 2011	Initial review of national flood risk assessment (NFRA)	Discuss draft outputs from NFRA and potentially vulnerable areas (PVAs). Discuss the role of lead local authority. Review local plan areas (LPAs).
May 2011	NFRA consultation	Wider stakeholder consultation on NFRA and associated tasks.
September 2011	NFRA finalisation	Finalise NFRA, PVAs and LPAs. Identify lead local authorities.
January 2012	Next steps	Agree local advisory group structures for local flood risk management plans

Consultation question 8

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

5 Delivering public participation, consultation and communications in flood risk management

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

SEPA is already engaged with local authorities, Scottish Water and other stakeholders on early implementation work for the FRM Act. A comprehensive account of the current, planned and future participation activities, including timescales, planned consultations and the setting up of advisory groups, is provided in Table 6.

Table 6: Summary of consultation steps leading to the production of flood risk management plans

Key implementation steps				
Development of advisory groups/ engagement activities and communications	Flood risk assessment	Flood hazard maps/flood risk maps and other assessments	Draft flood risk management plans	Final flood risk management plans
Timeline				
January 2010 – January 2011	May 2010 – January 2012	January 2012 – December 2013	January 2013 – December 2014	December 2014 – December 2015
Consultation and participation activities				
Develop proposals for National Advisory Groups, local plan areas and the flood risk management planning process.	Set up National Advisory Groups. Consult river basin management planning Area Advisory Groups.	Establish local advisory groups and local partnerships, as required. Work with partners through SAIFF.	Work with partners through SAIFF. Work closely with local authorities, local advisory groups and National Advisory Groups to develop and agree objectives and measures to manage flood risk.	Consult on draft flood risk management plans. Submit final flood risk management plans to Ministers for approval.
Consult on proposals for flood risk management planning and advisory groups.	Thematic workshops for local authorities and responsible authorities.	Consult on statement of consultation actions.		Publish final flood risk management plans.
National event on flood risk management planning.	Publish public consultation on flood risk assessments.	Publish statement of consultation actions. Make flood hazard maps and risk maps publicly available.	Hold public consultation events, as required.	Implementation process starts.
Develop communication strategy and plans.	Publish a joint communication strategy.			
Work with partners through SAIFF.	Work with partners through SAIFF.			
Key documents				
Consultation on flood risk management planning ('Planning for floods – planning for the future')	Consultation on national flood risk assessment. Final flood risk assessment. Joint communication strategy.	Flood hazard maps and flood risk maps. Section 20 assessment ⁶ . Statement of consultation actions.	Draft flood risk management plans for Scotland and the Solway Tweed. Draft local flood risk management plans.	Final flood risk management plans for Scotland and the Solway Tweed. Final local flood risk management plans.

⁶Section 20 assessment requires SEPA to identify opportunities for the restoration of natural features and characteristics to reduce flood risk.

5.1 Communicating with the public

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

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

The strategy will:

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

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

Communication tools

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

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

Consultation question 9

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

5.2 Statement of consultation actions

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

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

The statement will be published in December 2012 and will be subject to full public consultation prior to its release. It will provide a comprehensive description of the actions and activities that SEPA and its partner organisations will take to ensure public and stakeholder engagement in the production of flood risk management plans. A set of proposed activities are outlined in Table 7.

Table 7: Outline of consultation steps and activities to support the flood risk management planning process

Type of activity	Purpose	Detail
Awareness raising	To raise awareness of the FRM Act, flood risk and other associated issues.	Detail will be developed through our joint communication strategy.
Advisory groups	Provide stakeholders with an opportunity to comment and contribute to the development of flood risk management plans at national and local level.	Advisory groups will provide input to the development of the flood risk management planning framework, review outputs from assessments and maps, and support the production of national and local flood risk management plans.
Consultation activities	To gather public and stakeholder views at key stages of the process. This will include written consultation, workshops and events.	These consultations will include flood risk assessments, a statement of consultation actions, and draft flood risk management plans.
Other engagement activities	Provide public and stakeholders with the opportunity to influence the flood risk management planning process.	Making use of existing partnerships, networks and groups to disseminate information and gather views.

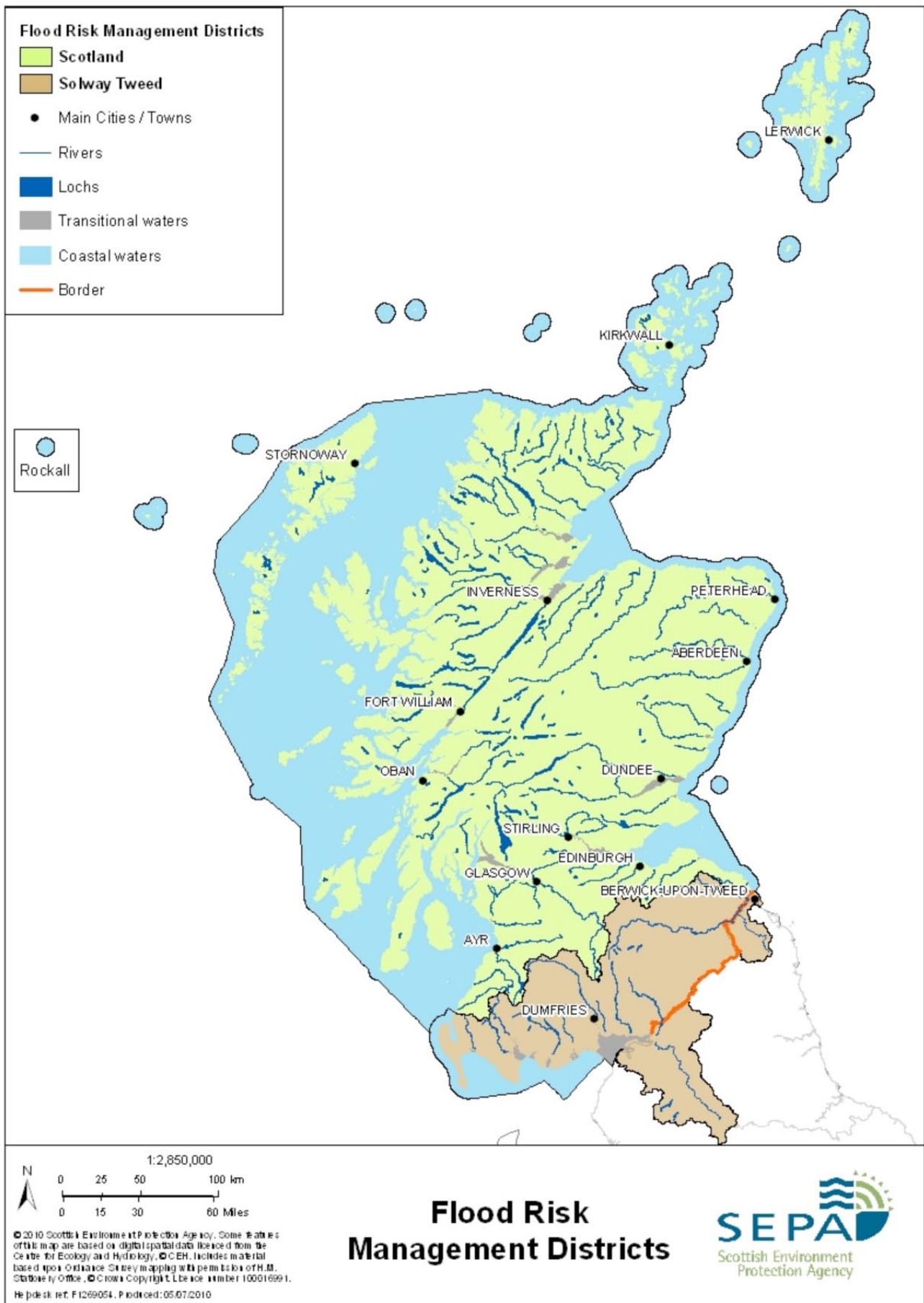
Consultation question 10

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

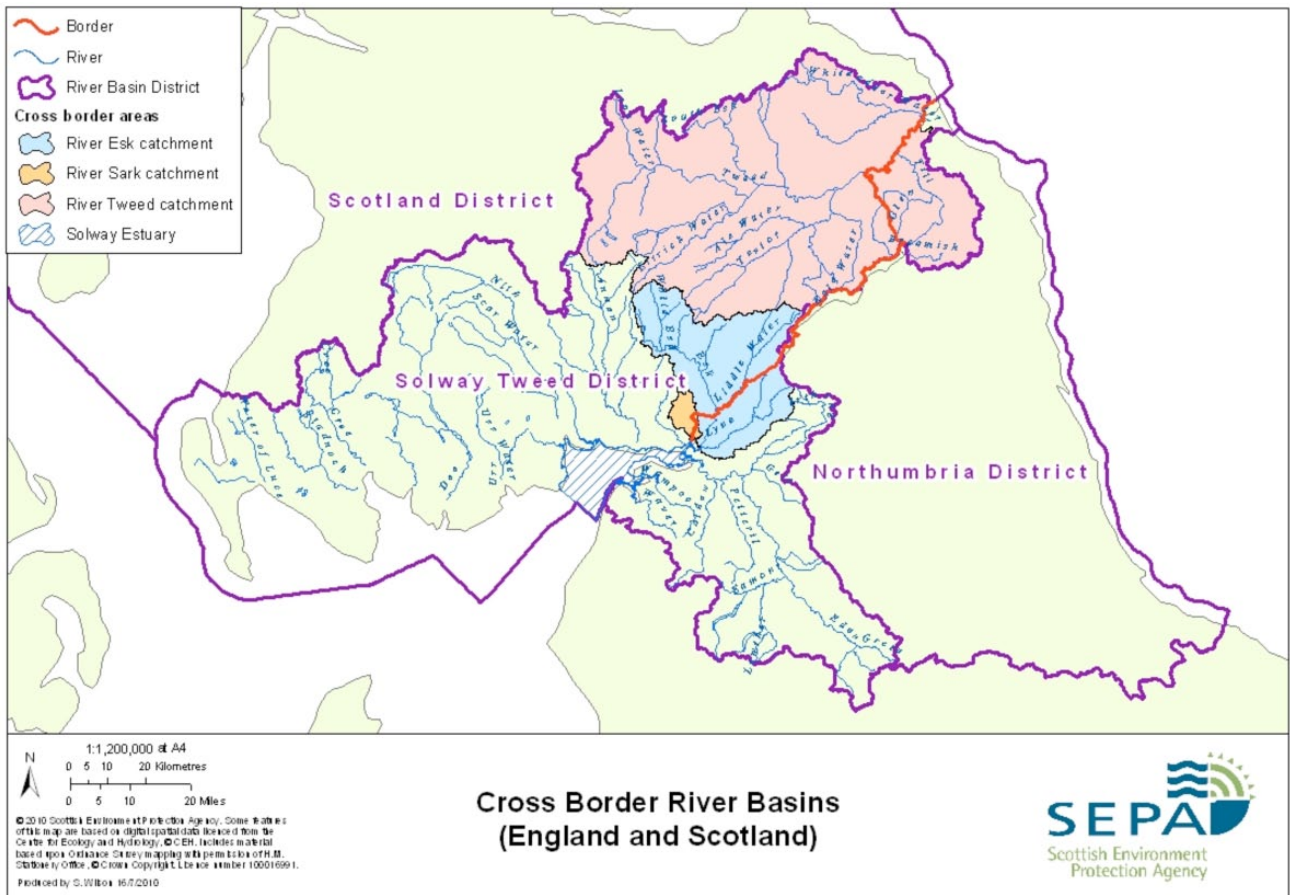
6 Glossary

AAG	Area Advisory Group
COSLA	Convention of Scottish Local Authorities
Defra	Department of Food and Rural Affairs
EA	Environment Agency
NFRA	National flood risk assessment
FRM Act	Flood Risk Management (Scotland) Act 2009
FRMP	Flood risk management plan
PVA	Potentially Vulnerable Area
RBMP	River basin management plan
SAIFF	Scottish Government's Advisory and Implementation Forum for Flooding
SCG	Strategic Co-ordinating Group
SCOTS	Society of Chief Officers for Transportation in Scotland
SEPA	Scottish Environment Protection Agency
SG	Scottish Government
SNH	Scottish Natural Heritage
SUDS	Sustainable Urban Drainage Systems
SW	Scottish Water
WFD	Water Framework Directive (2000/60/EC)

Annex 1 Flood risk management districts



Annex 2 Solway Tweed flood risk management district



Annex 3 Proposed membership for (Scotland) National Advisory Group

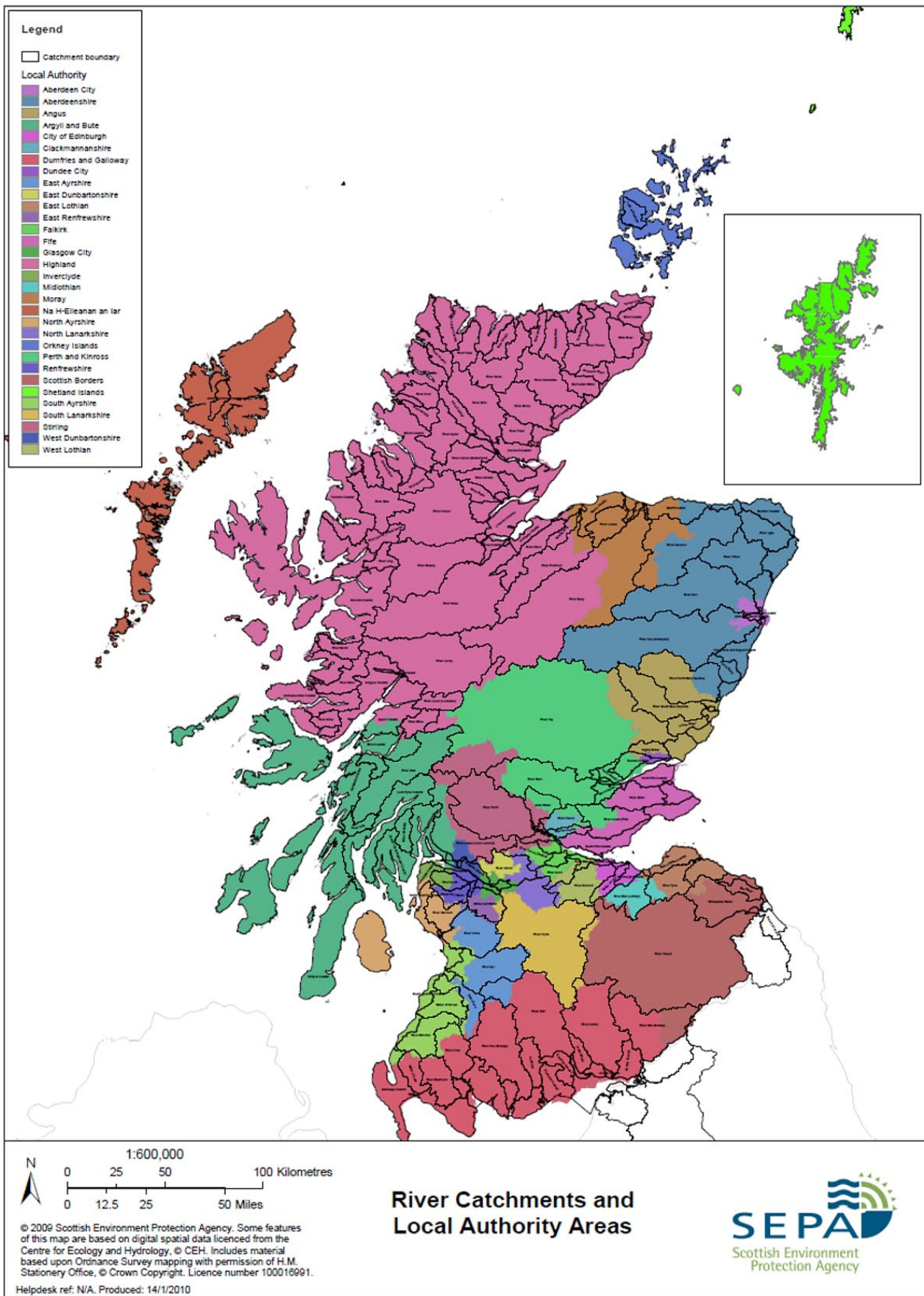
Membership will include representatives from all responsible authorities, organisations listed under the section 49 (7) (a) and (b) of the FRM Act and other representatives with an interest in flooding issues. Detailed proposals for membership for the Scotland Advisory Group are provided below. Membership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

Persons specified under the FRM Act	Any other relevant persons
SEPA Representation from local authorities ⁷ Emergency responders Forestry Commission Scotland Loch Lomond and the Trossachs National Park Cairngorms National Park Authority Scottish Water Scottish Natural Heritage	British Ports Association British Waterways Confederation of British Industry (CBI) Scotland Convention of Scottish Local Authorities (COSLA) Association of Salmon Fisheries Boards Scotland Environment Agency Association of British Insurers MET office National Farmers' Union Scotland (NFUS) Network Rail Rivers and Fisheries Trust Scotland Scottish Coastal Forum Scottish Council for Development and Industry Scottish Enterprise Scottish Environment Link Scottish Flood Forum Scottish Government ⁸ Scottish Rural Property and Business Association (SRPBA) Scottish Society of Directors of Planning The Crown Estate Waterwatch Scotland

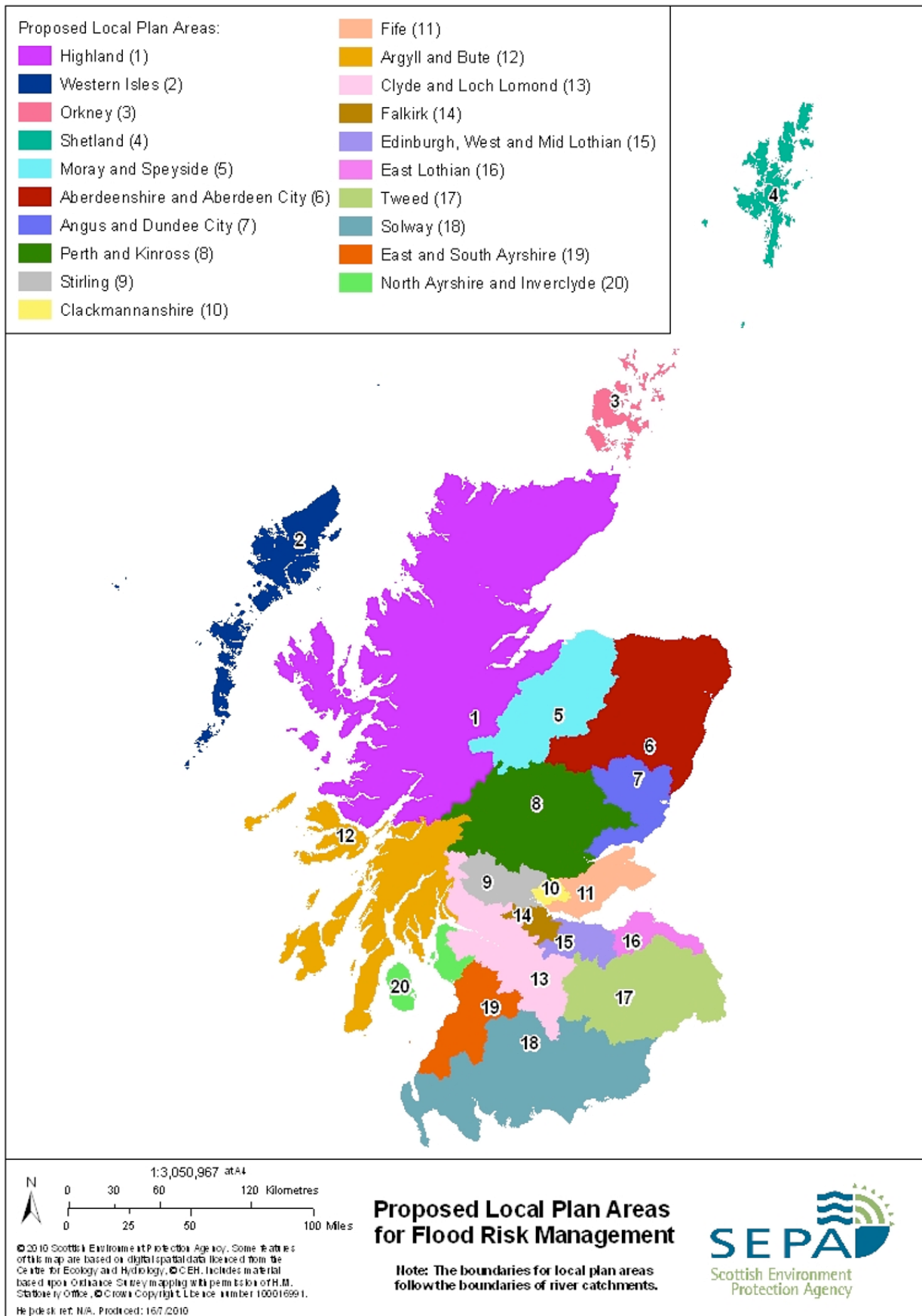
⁷These will include representatives from district groups representing local authority interests, for example SCOTS, local authority's communications group and planning.

⁸Scottish Government includes all relevant departments - Flooding, Marine Scotland, Transport Scotland, Agriculture, Water Framework Directive, Climate change, Planning, and Agriculture.

Annex 4 Map of Local authorities' boundaries and river catchments



Annex 5 Map of proposed local plan areas



Annex 6 Table of local authorities and local plan areas

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

	Proposed Local Plan Area																				Total Number of Proposed Local Plan Areas in Local Authority	
	Highland (1)	Western Isles (2)	Orkney (3)	Shetland (4)	Moray and Speyside (5)	Aberdeenshire and Aberdeen City (6)	Angus and Dundee City (7)	Perth and Kinross (8)	Stirling (9)	Clackmannanshire (10)	Fife (11)	Argyll and Bute (12)	Clyde and Loch Lomond (13)	Falkirk (14)	Edinburgh, West and Mid Lothian (15)	East Lothian (16)	Tweed (17)	Solway (18)	East and South Ayrshire (19)	North Ayrshire and Inverclyde (20)		
Aberdeen City						✓															1	
Aberdeenshire						✓	✓														2	
Angus						✓	✓														2	
Argyll and Bute	✓											✓	✓								3	
Clackmannanshire									✓	✓	✓										3	
Dumfries and Galloway													✓						✓		2	
Dundee City							✓														1	
East Ayrshire																			✓	✓	✓	3
East Dunbartonshire													✓	✓							2	
East Lothian															✓	✓	✓				3	
East Renfrewshire													✓						✓	✓	3	
Edinburgh City															✓						1	
Falkirk									✓				✓	✓	✓						4	
Fife Council										✓	✓										2	
Glasgow City													✓								1	
Highland	✓				✓		✓														3	
Inverclyde													✓							✓	2	
Midlothian															✓	✓	✓				3	
Moray					✓	✓															2	
North Ayrshire																			✓	✓	2	
North Lanarkshire													✓	✓	✓						3	
Orkney Islands			✓																		1	
Perth and Kinross						✓	✓	✓	✓	✓											5	
Renfrewshire													✓							✓	2	
Scottish Borders													✓		✓	✓	✓	✓			5	
Shetland Islands				✓																	1	
South Ayrshire																			✓	✓	2	
South Lanarkshire													✓		✓		✓	✓	✓		5	
Stirling								✓	✓	✓			✓	✓							5	
West Dunbartonshire													✓								1	
West Lothian													✓	✓	✓						3	
Western Isles		✓																			1	
Total Number of Local Authorities in Proposed Local Plan Area	2	1	1	1	2	3	4	4	4	4	3	1	14	5	8	3	4	5	5	5		

