



Flood Risk Management (Scotland) Act 2009 consultation 'Planning for floods – planning for the future'

Digestion of consultation responses

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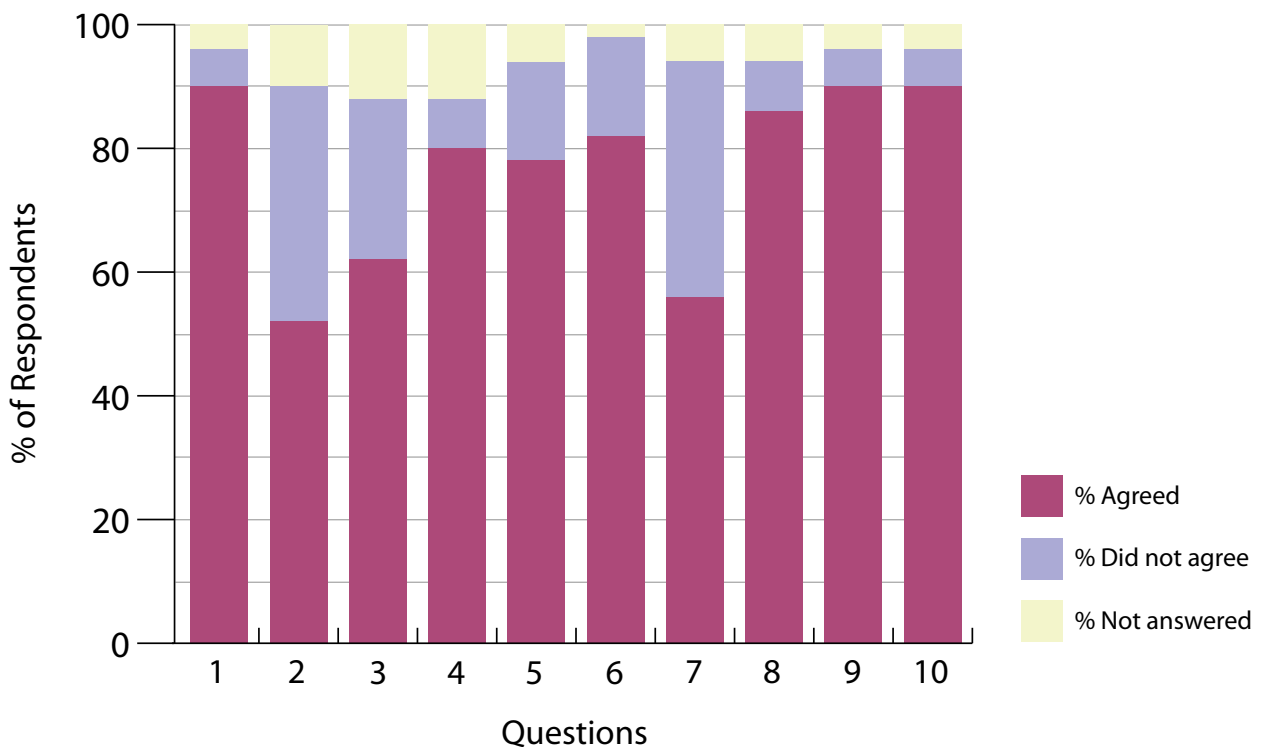
Executive summary

This digest reports the responses to the consultation 'Planning for floods – planning for the future'. The consultation was part of the early stages of work to implement the Flood Risk Management (Scotland) Act and an important first step towards establishing a framework for partnership working. It included proposals in three key areas:

- geographical boundaries for local flood risk management plans;
- working in partnership to produce flood risk management plans, including proposals for advisory groups and stakeholder engagement;
- consultation and communication activities to ensure public and stakeholder engagement in flood risk management planning.

Fifty written responses were received. We appreciate the effort that individuals and organisations put into considering the proposals and providing feedback. Responses varied from detailed comments on specific local plan areas to broader issues that require further consideration at a policy level.

A summary of responses to each consultation question is provided below.



In response to issues raised during the consultation SEPA has proposed a series of actions. These actions vary in nature and include the revision of the consultation proposals (eg the membership for the national advisory group) to further policy actions. Some issues, in particular those relating to the geographical boundaries for local plan areas and local plan advisory groups, will be discussed with the relevant authorities and stakeholders during workshops and consultation activities in 2011.

Setting of geographical boundaries for local flood risk management plans

There was a very good level of support for the principles for defining local plan areas. The majority of respondents agreed on the number of these areas, although some argued the number should be reduced in order to help minimise the resources required and facilitate resource sharing.

One area which will need to be clarified to meet the concerns of local authorities is the role of the lead local authority and non-lead local authorities in the preparation of local flood risk management plans. There was general support for the proposals that deal with coastal flood risk management issues.

SEPA will take the following actions:

- work with local authorities to refine local plan areas in 2011;
- work through the Scottish Advisory and Implementation Forum for Flooding (SAIFF) to clarify the respective roles of lead and non-lead local authorities;
- work with stakeholders to identify the best solutions for their engagement in local flood risk management plans.

Working in partnership to produce flood risk management plans

There was widespread support for the proposed principles behind the flood risk management planning process. It was thought that these principles would support a partnership approach to developing flood risk management plans. The proposals for the national advisory group and temporary arrangements for engagement at a regional level were also generally supported. A number of responders suggested additional members for the national advisory group, however, and a number of concerns were raised by local authorities regarding the proposed use of area advisory groups for stakeholder engagement in 2011. However, stakeholders supported this approach and some respondents suggested that such an approach should be considered in the long-term. Very good levels of support were given to the proposals regarding regional thematic workshops.

SEPA will take the following actions:

- publish a revised list of membership for the national advisory group;
- work, through the Scottish Advisory and Implementation Forum for Flooding (SAIFF), to develop detailed proposals for partnership structures to support the flood risk management planning process, based on the principles set out in this consultation document;
- set up workshops and stakeholder engagement activities through 2011 with local authorities, Scottish Water and other stakeholders. These should identify the right approach to support the production of local flood risk management plans.

Proposals for consultation and communication activities

There was strong level of support for SEPA's consultation and communication proposals, including proposals for a joint communication strategy and future consultation activities. Some respondents suggested additional engagement activities and ways of working together.

SEPA will take the following actions:

- develop a joint communication strategy with other responsible bodies, through the Scottish Advisory and Implementation Forum for Flooding (SAIFF), incorporating suggestions that were received as part of the consultation process;
- develop detailed proposals for consultation and communication activities to support the preparation of flood risk management plans;
- publish a statement of consultation actions in 2012.

What will happen next?

We will continue to engage with other responsible authorities and relevant stakeholders to enable the successful implementation of new flood risk management planning processes in Scotland. Issues raised during the consultation process, in particular those relating to the local flood risk management planning process and stakeholder engagement, will be discussed in detail with the relevant organisations at workshops and consultation events during 2011.

1 Introduction

We would like to thank those who responded to the consultation document or otherwise participated in the consultation process. The consultation 'Planning for floods – planning for the future' opened on 20 August 2010 and ran for a period of 8 weeks. This digest summarises the responses to the consultation process and actions that SEPA will take to address points raised.

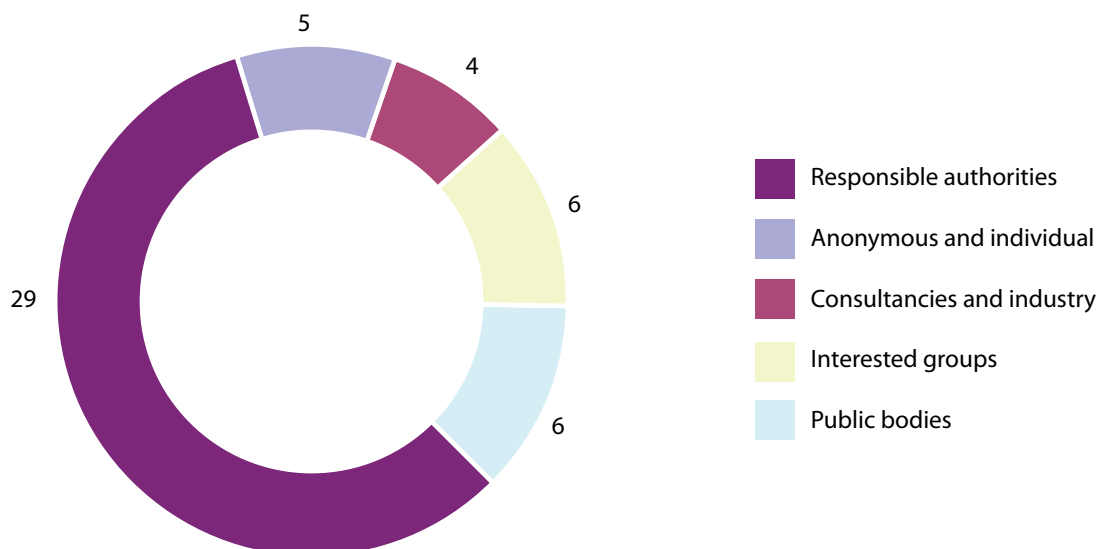
To support the consultation process, SEPA held an event on 8 September in Edinburgh to provide an opportunity for stakeholders and responsible authorities to discuss the consultation document and related questions. A summary of issues raised and conclusions from the event will be available from SEPA's website.

The consultation process is part of the early stages of work to implement the Flood Risk Management (Scotland) Act 2009 and an important first step towards establishing a framework for partnership working. The proposals in the consultation document were developed in partnership with other organisations through the work of the Scottish Advisory and Implementation Forum for Flooding (SAIFF). The consultation document included proposals in three key areas:

- geographical boundaries for local flood risk management plans;
- working in partnership to produce flood risk management plans, including proposals for advisory groups and stakeholder participation;
- consultation and communication activities to ensure public and stakeholder engagement in flood risk management planning.

SEPA received a total of 50 responses to the consultation. To facilitate the analysis of responses, respondents were grouped into categories. Figure 1 shows the breakdown of respondents by each category. These included 29 responses from responsible authorities (including 28 from local authorities), 6 from other public bodies, 6 from other stakeholders, 4 from consultancies and industry, and 5 unidentified responses. A full list of organisations that responded to the consultation is provided in Annex A.

Figure 1: respondent categories



All comments have been reviewed and taken into account as appropriate. Actions which will be taken as a result of the consultation process are summarised at the end of each relevant section of this document. Some issues, in particular those relating to local plan areas and local plan advisory groups, will be discussed with the relevant authorities during workshops and other consultation activities in 2011.

2. Analysis of responses

A large number of comments were received, some of which were complex and detailed, covering a wide range of issues. All responses were reviewed and analysed to identify common themes and messages. SEPA has proposed a set of actions in response to issues raised, which are summarised after each consultation question.

The full list of consultation questions can be seen in Table 1.

Table 1: list of questions asked in the consultation document

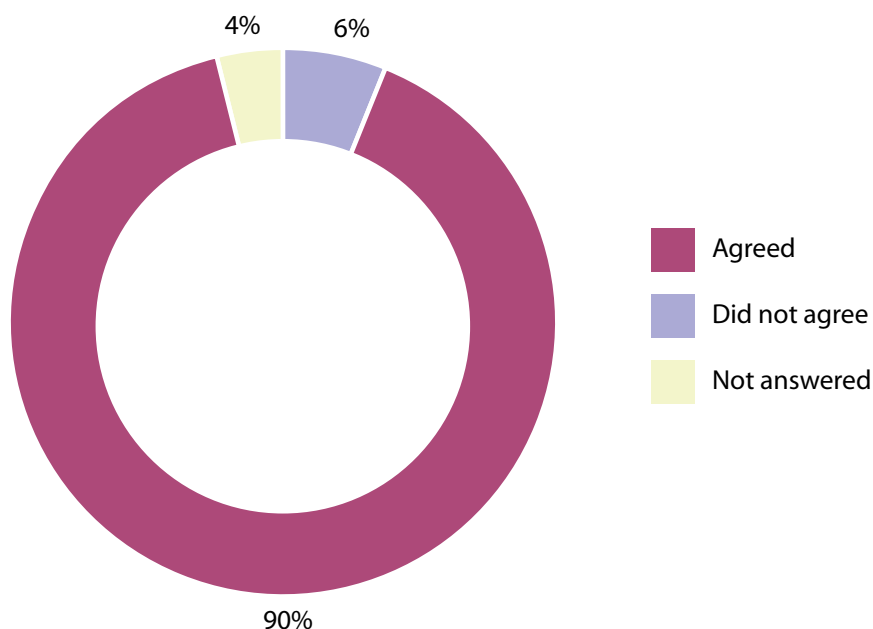
Key area of proposal	Consultation question
Geographical boundaries for local flood risk management plans	1. Do you agree with the principles for defining local plan areas? If not, what other suggestions do you have?
	2. Do you agree with the proposed number of local plan areas? If not, do you feel that 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? 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?
Proposals for partnership working in producing flood risk management plans	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 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?
Future consultation and communication activities	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 8? Are there any alternative or additional consultation activities that you would like to see included in the statement?

2.1 Consultation responses to proposals for identifying geographical boundaries for local flood risk management plans

Consultation question 1: principles for defining local plan areas

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

Overview of responses



A large majority of respondents to this question (90%) agreed with the proposed principles for local plan areas. It was widely recognised that achieving the balance between hydrological and administrative boundaries is a difficult task.

A number of respondents emphasised the importance of existing structures to the setting of boundaries for local flood risk management plans and how these have been considered. For example these include: community planning partnerships, area advisory groups, and strategic coordinating groups.

A large number of concerns were raised around the resource implications of designating 20 local plan areas for local authorities and others engaged in the local flood risk management planning process. Further concerns were raised regarding governance and decision making in local plan areas and the need for clarification as soon as possible. Concerns regarding governance mostly related to the role of lead and non-lead local authorities in preparing local flood risk management plans.

Detailed comments

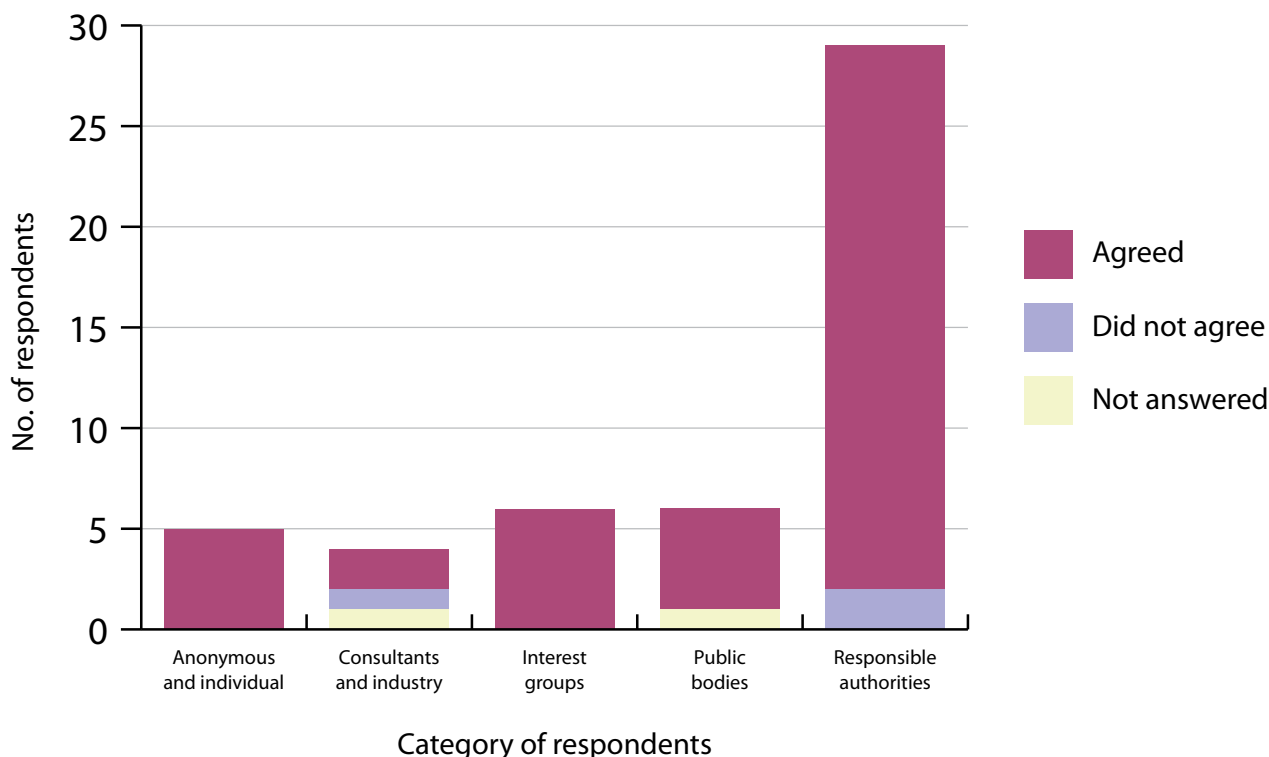
Detailed comments included:

- Angus Council strongly disagreed with the principle of local plan areas (LPAs) following catchment boundaries, suggesting that 'it should apply equally to catchments and sub-catchments'.
- A number of respondents commented that the mechanisms to identify lead local authorities needs clarification. Aberdeenshire Council commented that 'it may be premature to make assumptions about lead local authorities' and that further work is required in this area. Angus Council also commented that: 'It is not clear whether this is based on geographical, population, expertise, flooded areas, number of affected properties or value of affected properties'.
- Further comments were received voicing concerns about the relationship between a lead local

authority and the non-lead local authority in a local planning area and observing that this issue requires further clarification.

- A number of comments were received regarding local accountability. Retaining local accountability was seen as very important. Dundee City Council strongly emphasised that all responsible authorities need to be accountable (Scottish Water, and SEPA). The Scottish Rural Property and Business Association (SRPBA) also welcomed that all local authorities should be accountable for their actions, not just the lead local authorities in a local planning area. Angus Council and Falkirk Council also expressed strong concerns over the accountability of a non-lead local authority and felt that the processes required to resolve conflicts between local authorities need to be defined.
- Some respondents raised concerns over the term 'local plan area' as potentially confusing and suggested using the term 'local flood plan areas'.
- RSPB Scotland and Scottish Environment LINK suggested that local plan areas need to operate at a scale that facilitates effective stakeholder engagement.
- West Dunbartonshire Council commented that there should be a principle to minimise the number of local authorities in any local plan area. This was seen as important by other respondents too, as means of reducing resource pressures on local authorities and stakeholders.

Figure 1: detailed response to question 1



Sample responses

'Prior to defining local plan areas, some assessment of the capacity and capabilities of local authority groupings to provide the resources and appropriate joint working arrangements, both technical and political, would be beneficial.'

'... the pooling of funds for allocation across administrative boundaries is not considered to be a workable option unless the scheme directly benefits each council, for local accountability reasons.'

'In particular it is not clear how lead authorities will agree funding across local authority boundaries.'

'Funding for cross boundary schemes needs to be managed in such a manner that ensures it is available for the schemes intended, particularly where local authority boundaries are crossed. Funding is going to require to be 'ring fenced'.

SEPA response

We welcome the support for the principles we established to help define local plan areas. The Flood Risk Management Act requires SEPA to identify local plan areas. It is the Scottish Government's policy, fully supported by SEPA and the Scottish Advisory and Implementation Forum for Flooding (SAIFF), that these areas must include whole river catchments, although they may incorporate multiple catchments. This is the most appropriate unit of management for managing flood risk and it will allow strong links to be made with other initiatives, such as river basin management plans.

Where possible, we will work with local authorities to reduce the number of local plans to make the process of producing local flood risk management plans less resource intensive. Further refinement of local plan areas will be carried out in early 2011, with input from local authorities and Scottish Water, and will be subject to a full consultation later that year.

Further work to clarify the role of the lead local authority and participating local authorities is planned for early in 2011. This will inform the final decisions on local plan areas and will be carried out through SAIFF and discussed with all responsible authorities during the workshops planned for early next year.

We recognise the importance of stakeholder engagement at the local plan level. This is a vital part of the process and we will work with stakeholders to identify a solution that fits both the needs of the local flood risk management planning process and stakeholder engagement. Again, we will look to identify solutions during the consultation activities in 2011.

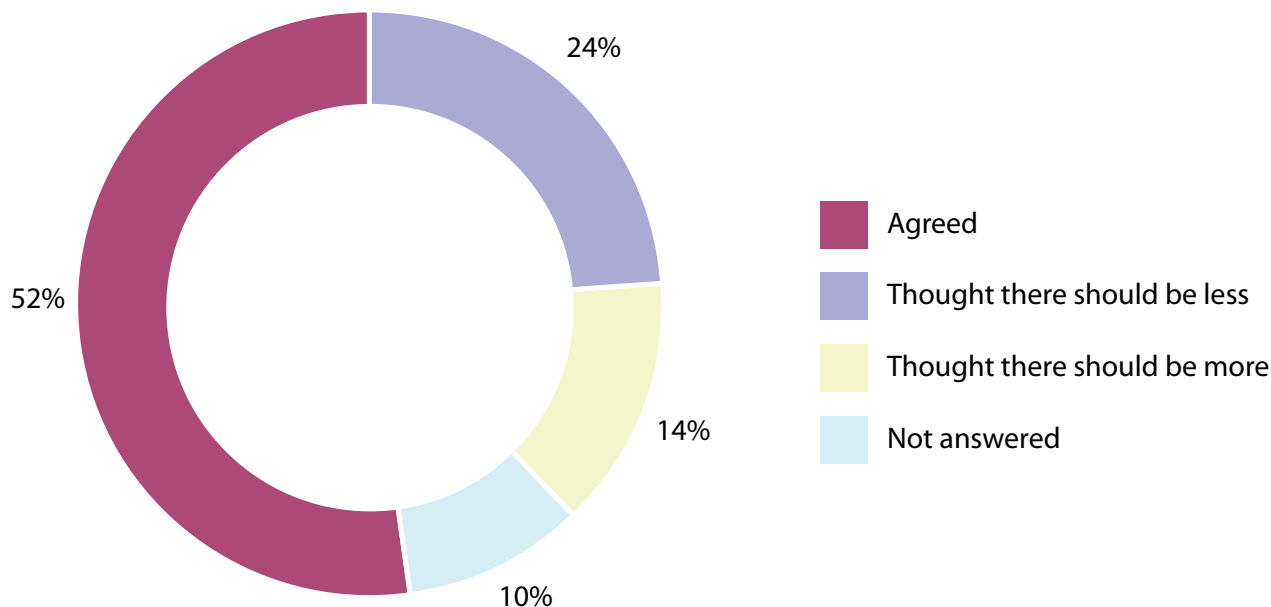
Terminology for flood risk management is being developed as part of SAIFF communication activities. The use of terms to define local plan areas will be considered at this time and common terms will be agreed by all responsible authorities.

Consultation question 2: proposed number of local plan areas

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.

Overview of responses



The majority of respondents (52%) agreed in general that the number of proposed local plan areas was appropriate. However, many of these respondents commented that some further refinement of the boundaries would be beneficial.

A number of respondents thought that the number of local plan areas should be reduced, highlighting that this would help reduce the resources required and would facilitate resource sharing.

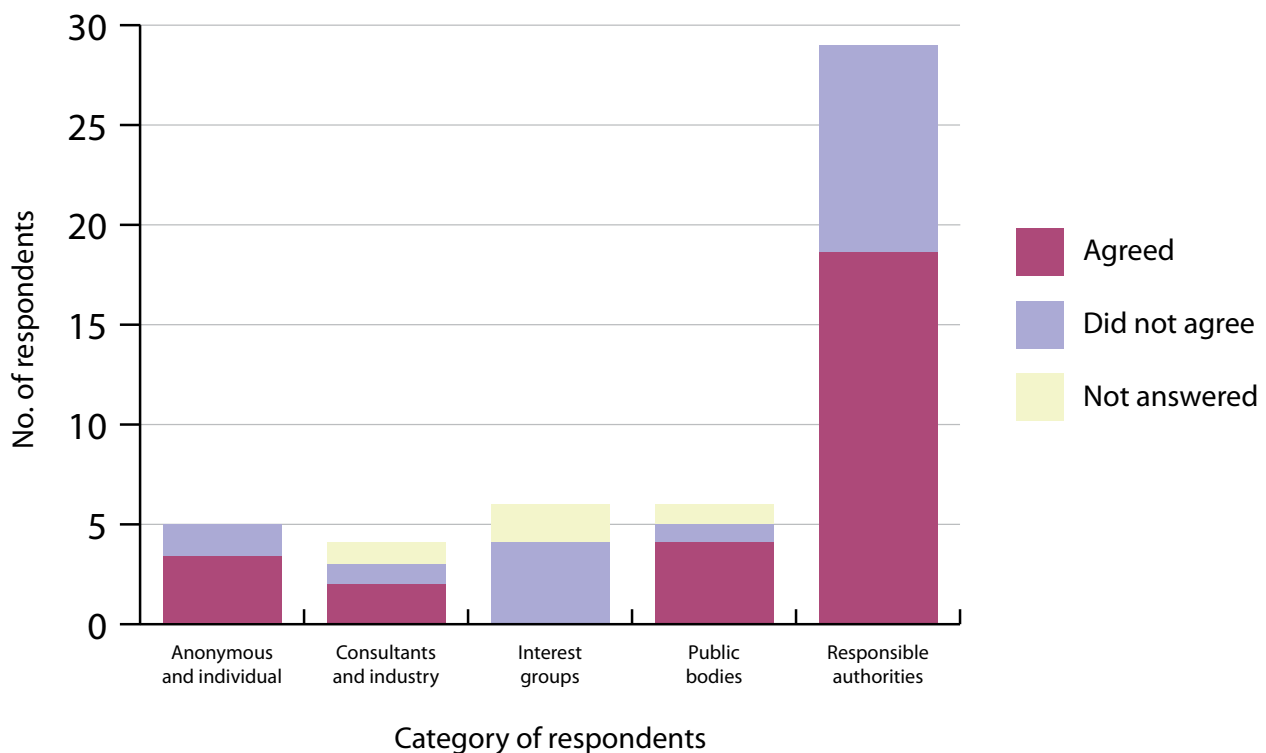
A small number of respondents thought that the number of local plan areas should be increased, emphasising that this would help maintain local accountability.

Detailed comments

- Interest groups raised concerns that there were too many local plan areas proposed.
- Reasons for reducing the number of local plan areas included the following:
 - o Resources could be saved if there were fewer local plan areas.
 - o Resources could be shared more easily across fewer local plan areas.
 - o It may help the local flood management plans fit in with other planning processes – eg local development plans.
 - o It may improve coastal and estuarine flood risk management.
 - o Governance would be better achieved across a smaller number of groups.
- A number of respondents suggested that local plan areas could be aligned with river basin management planning (RBMP) area advisory groups, as this would allow integration with RBMP objectives and improve stakeholder engagement.

- Scottish Water commented that the number of local plan areas could be reduced and suggested that Highland, Moray and Argyll and Bute could be merged and Shetland, Orkney and Western Isles could also be merged.
- Concerns were raised about accountability in larger local plan areas – eg it may be difficult for the public to identify who is the lead authority for their area.
- It was also suggested that local plan areas could be subdivided into smaller catchment based areas. This would allow resources to be shared and saved at the local area plan level and allow local accountability and more effective implementation of measures, at the smaller catchment level.
- The Macaulay Institute commented that: 'size, number and spatial scale in determining local plan areas may be less important than how competent authorities interact with others delivering flood measures. In areas with a good strategic partnership, a large area plan might work more effectively; but where there are no existing partnerships, a smaller area might be more effective until suitable partnerships can be built'.

Figure 2: detailed responses to question 2



SEPA response

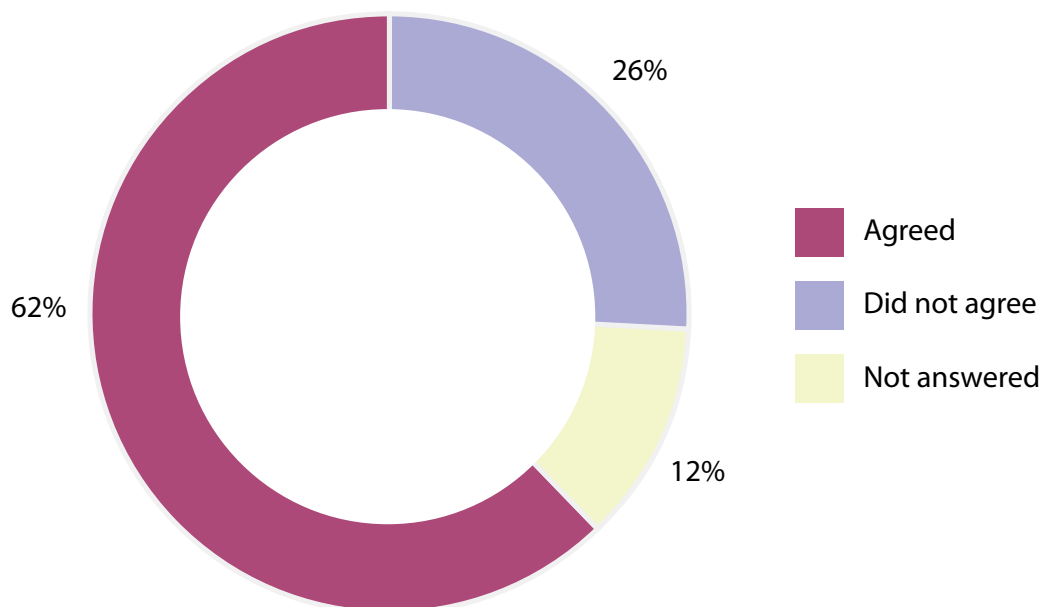
We considered the range of responses received and concluded that the proposal for 20 local plan areas is a good starting point but needs further refinement. We will work with local authorities to try and reduce the number of local plans where possible. We will also consult with stakeholders to identify appropriate solutions for their engagement in the local flood risk management planning process. Final proposals for local plan areas will be subject to a full consultation in 2011.

Consultation question 3: reducing the number of local plan areas

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?

Overview of responses



The majority of respondents (62%) agreed that we should aim to reduce the number of local plan areas where there are existing arrangements for sharing resources between local authorities. It was emphasised that reducing the number of local plan areas would help reduce resources required and would facilitate resource sharing. The need for political buy-in for the local plan areas within the local authorities was also emphasised.

Some local authorities – including councils in Renfrewshire, North Lanarkshire and Glasgow City, Aberdeenshire, Moray, Angus and East Lothian – commented that they did not think a reduction in local plan areas in their jurisdiction would be beneficial. The reasons for this included that the proposed areas already take into account proposals to share resources and that larger areas may compromise local accountability.

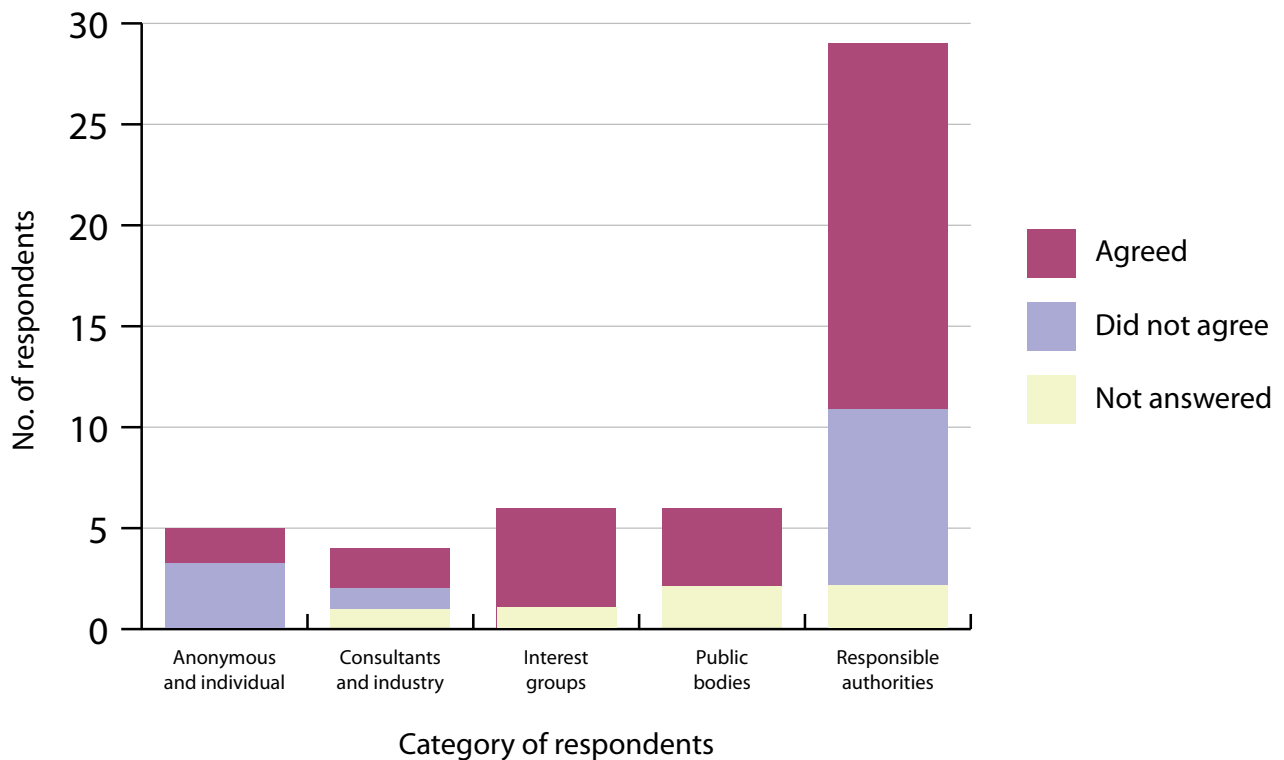
Some local authorities – including councils in Perth and Kinross, West Lothian, City of Edinburgh, Falkirk and South Ayrshire – commented that a reduction in local plan areas within their jurisdiction would be beneficial. The reasons given for this included to reduce resources and facilitate resource sharing and also to take into account existing arrangements for sharing resources.

Detailed comments

- 100% of public bodies and interest groups agreed with the proposal to aim to reduce the number of local plan areas, as did 67% of responsible authorities.
- Renfrewshire, North Lanarkshire and Glasgow City Councils all emphasised that the Clyde and Loch Lomond local plan area already takes into account proposals to share services within the Clyde Valley (as set out in the Arbuthnott Report), therefore significant changes to this local plan area may not be beneficial.

- South Ayrshire Council emphasised that: 'the three Ayrshire authorities are used to working together on flooding issues – eg on the flood response plan under the Ayrshire Civil Contingencies team; and on the old FLAG group covering Ayrshire. Shared Services, covering all three Ayrshire authorities.' However, North Ayrshire Council was generally against reducing the number of local plan areas.
- Some respondents commented that Inverclyde would be more appropriately grouped with the Clyde and Loch Lomond local plan area.
- Aberdeenshire, Moray and Angus Councils all commented that the number of local plan areas should not be reduced. All stated that a reduction in number would make the areas too large to be seen as local by the public and local politicians. However, they were keen to share resources where river catchments or sub-catchments are shared across administrative boundaries and where cross-boundary measures are required.
- Perth and Kinross Council would welcome a reduction in the number of areas.
- Highland Council, Orkney Council and Comhairle nan Eilean Siar raised concerns about the resources required to produce a local flood risk management plan for each of these local plan areas. It was suggested the Highlands and Islands could share resources to produce plans across these areas – eg pooling funding for specialist modelling studies.
- It was highlighted that the existing ELBF (Edinburgh, the Lothians, Borders and Fife) Forum is committed to identifying shared service models for local authorities within that area.
- West Lothian Council, the City of Edinburgh Council and Falkirk Council commented that the number of local plan areas within the Forth should be reduced.
- East Lothian Council did not agree that the number of areas should be reduced.
- Stirling Council suggested that, although there may be possibilities of shared resources between Falkirk and Clackmannanshire, there would be no benefit to consolidate the areas into a larger plan area if this meant involving other councils adjoining Falkirk and Clackmannanshire with which Stirling has no shared resources.
- Scottish Borders Council and the Tweed Forum strongly suggested that the Eye Water catchment should be included in the Tweed local plan area. This would reflect existing groups such as the Borders Regional Assessment Committee (BRAC), the Scottish Borders Local Biodiversity Action Plan, the Tweed Catchment Management Plan, and the Tweed & Eye Fisheries District Fisheries Management Plan. These existing groups may be key to achieving natural flood management measures.

Figure 3: detailed responses to question 3



Sample responses

'Inverclyde's topography leads to an individual plan for the catchments draining through Port Glasgow, Greenock and Gourock to the Clyde. However, the catchments in Inverclyde draining to the River Gryfe lend themselves to being part of a combined plan with Renfrewshire.'

'The inclusion of Inverclyde Council with North Ayrshire should be reconsidered. Inverclyde would be better placed in the Clyde and Loch Lomond Plan area for both geographical and administrative reasons.'

'Be aware that East Ayrshire Council is landlocked and has no coast or experience of managing coastlines'

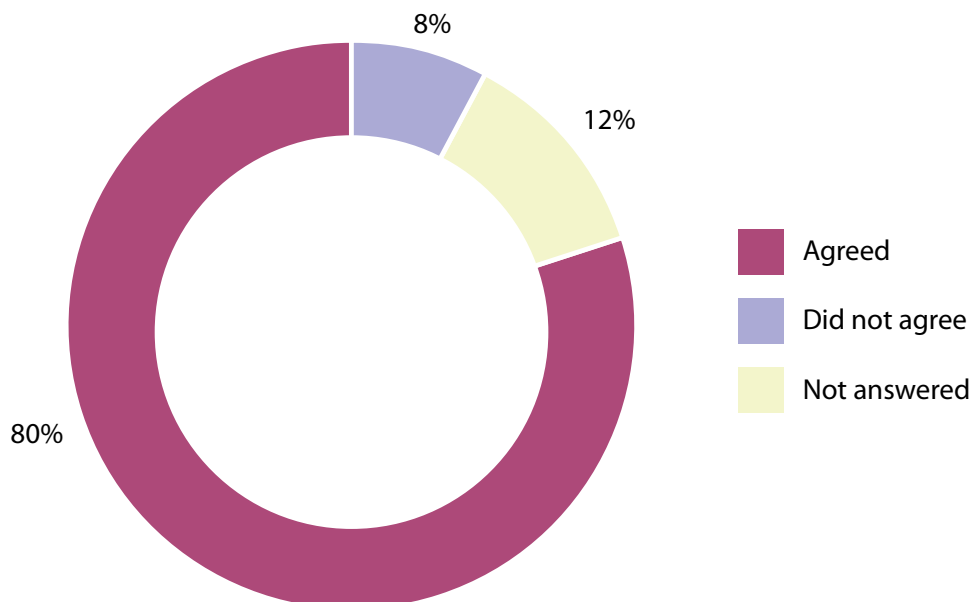
SEPA response

The majority of responses indicated that further merging of local plan areas into larger units would be welcome. This is encouraging and we will work closely with local authorities to agree where this may be possible. This would reduce the administrative burden on local authorities, other responsible authorities and key stakeholders. We aim to finalise the local plan areas in 2011 through discussion with responsible authorities and other stakeholders. Whilst further adjustment of local plan areas is possible, it is not considered feasible to divide catchments into smaller units. Catchment-based approach to flood risk management is supported by SEPA, Scottish Government and the Scottish Advisory and Implementation Forum for Flooding (SAIFF) and is considered to be the most appropriate unit of management.

Consultation question 4: proposals for coastal flood risk management

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

Overview of responses



A large majority of respondents (80%) supported the proposed approach to coastal flood risk management. It was recognised that incorporating coastal flood risk management into local plan areas that are based on fluvial catchments is difficult and in general the proposals to address coastal flood risk were seen as pragmatic.

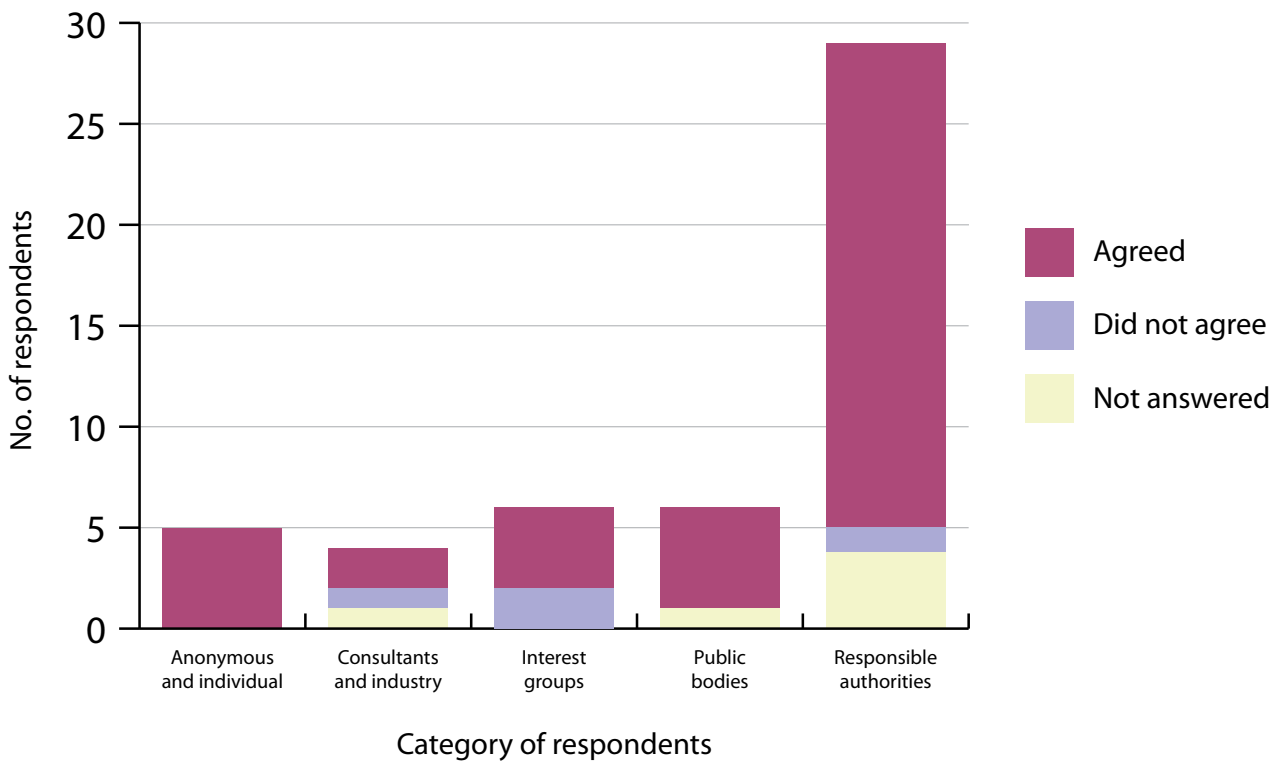
However, it was emphasised that coastal flood risk management should not be completely separated from local plan areas, in particular in areas where there is more than one source of flooding. The importance of integrating with existing marine and coastal plans and partnerships was also emphasised.

Detailed comments

- The following issues that should be taken into account when managing coastal flood risk were highlighted:
 - It is unlikely that coastal flooding could be addressed separately to local plan areas where the primary causes of flooding in an area are fluvial and coastal.
 - Excluding coastal flood management from local plan areas may create a danger that coastal issues are neglected.
- More detail is required on how existing partnerships and coastal groups will be integrated into the proposals for coastal flood risk management, including shoreline management plans and marine plans produced by Marine Scotland.
- Further consultation on proposed coastal and estuarine units of management would be welcomed.

- Some respondents disagreed with the proposed approach to coastal flood risk management. The following concerns were raised:
 - o The old definition of coast should not be used – tidal limits should be referred to.
 - o It will be necessary to refer to tidal areas which overlap with river and surface water flooding problems rather than just coastal cells.
 - o It is important for local plan areas to fully integrate coastal flood risk management rather than viewing this as a separate issue.
 - o Coastal flooding is primarily a local issue and coast protection authorities (ie local authorities) will have the best knowledge of local flood risk.

Figure 4: detailed responses to question 4



SEPA response

The detail of how coastal flood risk management will be integrated with the national and local flood risk management plans and other legislation is still to be developed. We will work closely with local authorities and responsible authorities to identify appropriate units of management for coastal and estuarine flood risk and, where possible, aim to integrate with local plan areas. This may result in further grouping of local plan areas in large estuaries. This work will be done as part of thematic workshops during 2011.

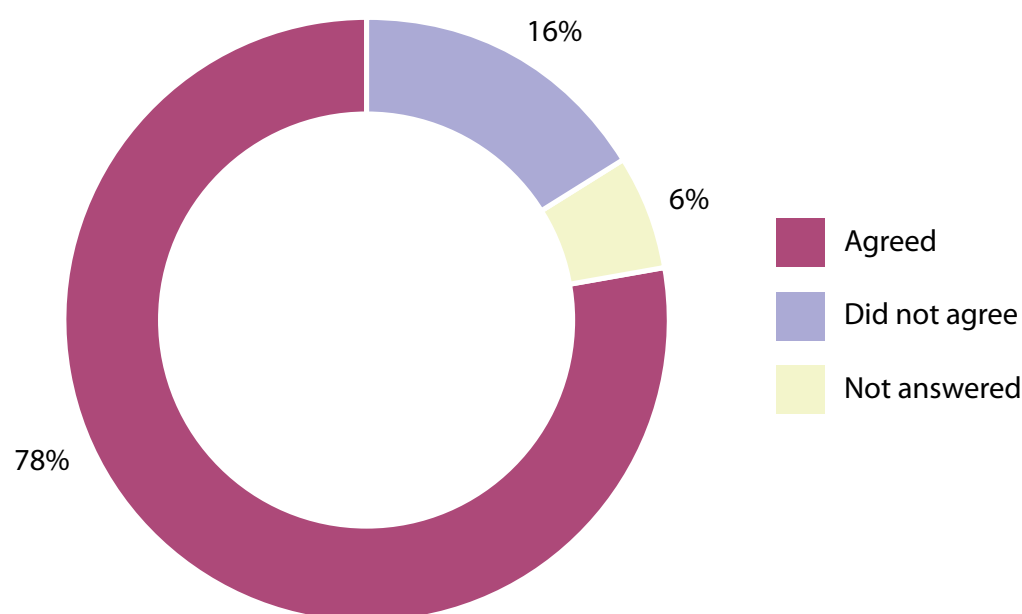
2.2 Working in partnership to produce flood risk management plans

Consultation question 5: principles for partnership working

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.

Overview of responses



The majority of respondents (78%) supported the proposed principles for flood risk management planning.

A number of respondents raised concerns over funding and resources. It was emphasised that funding and resources for responsible authorities must be addressed to enable them to carry out their duties; in addition funding and incentives for other stakeholders involved with the implementation of measures (eg landowners) must also be addressed.

Another issue highlighted was the importance of putting in place effective decision making processes for flood risk management planning. In order to be effective they should take account of existing processes within local authorities.

A number of respondents highlighted that the roles and responsibilities of everyone involved in the flood risk management planning process should be clarified.

The importance of ensuring the flood risk management planning process is integrated with existing plans and processes was also emphasised.

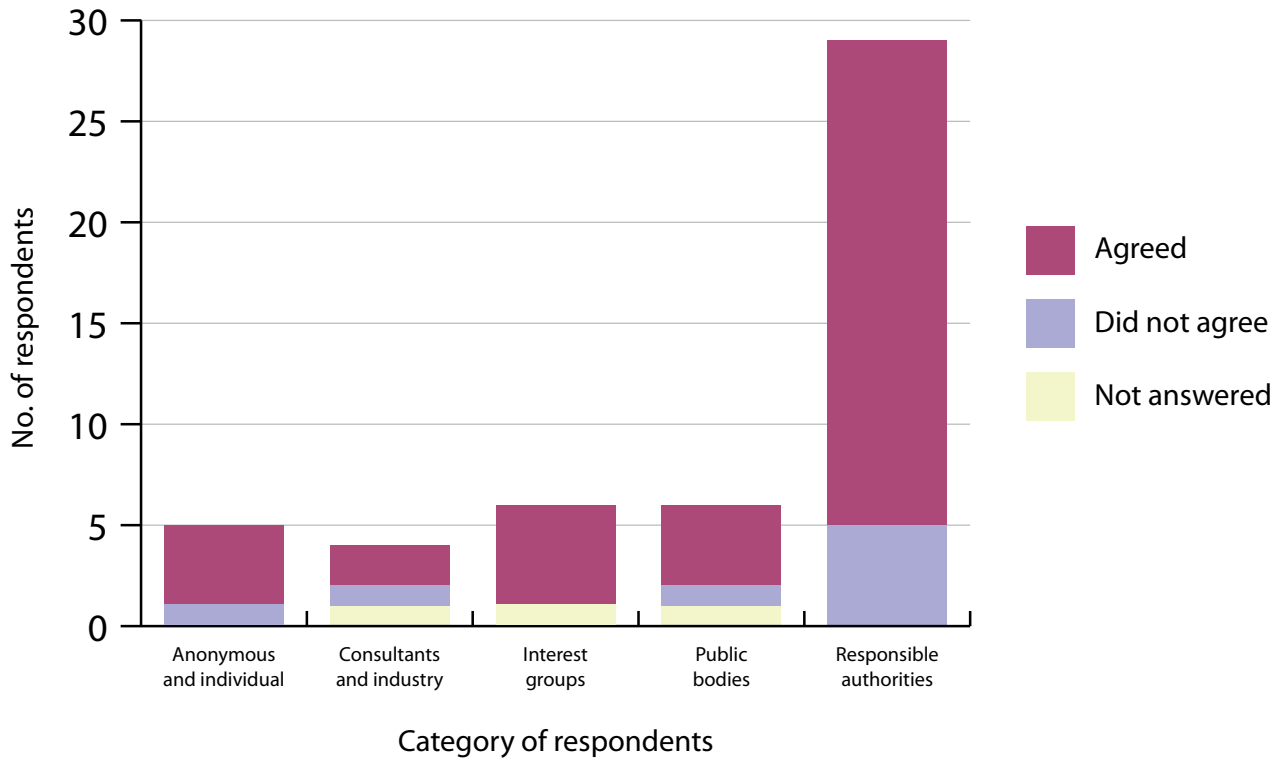
Many examples of existing successful partnerships were given along with suggestions of what makes partnerships effective.

Detailed comments

- West Lothian Council emphasised: 'the cost of the machinery leading to production of flood risk management plans must remain in proportion to the benefits claimed for them (cost benefit should not be a limited assessment of flood defence options)'.
- Some respondents welcomed the proposal to provide decision support tools for options appraisal, such as cost benefit analysis, along with consistent national standards.
- Some respondents warned it was unrealistic to expect support tools to fulfil the options appraisal stage other than for very simple schemes. It was highlighted that, at present, the option appraisal process entails a careful assessment of all the social, environmental, technical and economic issues of which cost benefit is only a part. 'Light versions' of this assessment could risk public enquiry.
- The importance of providing incentives for land managers to implement measures in upstream areas that will prevent flooding downstream was emphasised. The Macaulay Institute commented that: 'outcomes from Aquarius project show that over 70% of land managers do not feel climate change will affect them; nor do they feel responsible for preventing downstream flooding.'
- It was suggested that government agency funding schemes such as the Scottish Rural Development Programme (SRDP) should take account of flood risk management plans when allocating funding, or include representatives from these organisations in local plan area advisory groups.
- Some respondents expressed concern over the ability to produce sufficiently robust assessments for non-structural actions in the timescales stipulated. They were particularly concerned that the plans should be adequate to satisfy the Association of British Insurers.
- Some respondents emphasised the need for the decision making process to take into account existing processes within local authorities for decision making – eg corporate committee processes. This was viewed as key and was not thought to be adequately reflected in the principles. It was highlighted that local councillors will need to be educated about the process and involved at early stages to ensure funding can be agreed. Conflict between funding decisions for flood measures, and politically motivated requirements to reduce flood risk problems was also raised as an issue.
- It was highlighted that buy-in to local plans should be sought from all stakeholders, including land managers and communities, not just responsible authorities. It was recommended the principles should be amended to reflect this.
- It was suggested that linkages with existing planning processes – eg the development planning process and the Scottish Water quality and standards planning process – needed to be better established.
- A large number of examples of effective partnerships were given by various organisations. The following points were made in regard to what constituted an effective partnership:
 - o A common goal or shared vision with clear objectives.
 - o Objectives need to be beneficial for all partners.
 - o The roles of partners need to be clear, with very clear terms of reference or governance to allow effective decision making.
 - o A process for the resolution of differences should be identified.
 - o Mechanisms should be put in place to review progress.
 - o Membership is to be flexible as objectives develop or are implemented.
 - o The importance of considering existing partnerships was emphasised to avoid duplication of effort.
 - o In some cases partnerships may need to take place on a much smaller scale than local planning areas, with limited people involved to reduce delays and minimise potential confusion.

- A number of respondents emphasised that the relationship between the national flood risk management plan and the local flood risk management plans should not be a 'top down' process only. It was highlighted that local flood risk management plans should also feed into the national flood risk management plans.

Figure 5: detailed responses to question 5



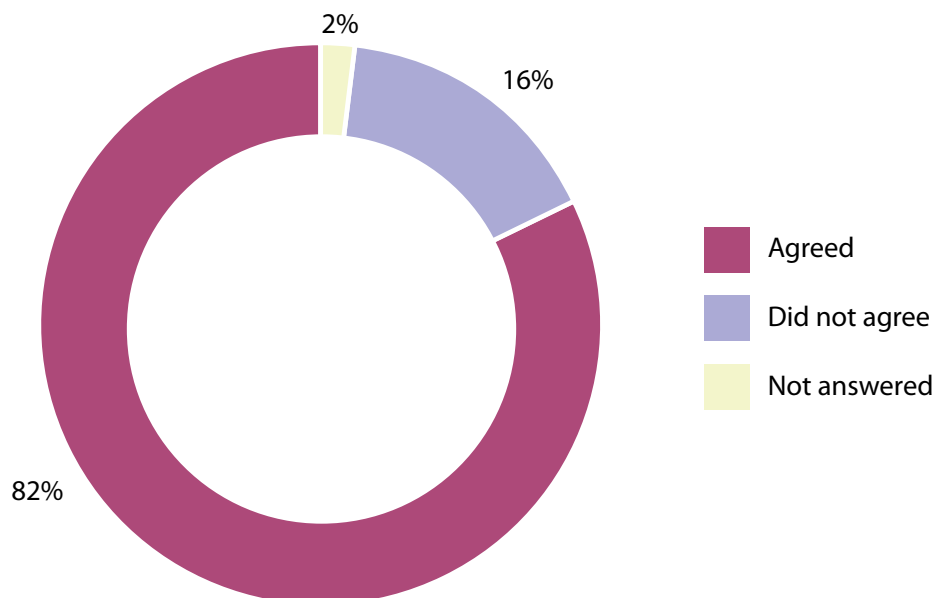
SEPA response

We welcome the support for the high level principles for partnership working set out in the consultation document. We will look to learn lessons from existing partnerships, especially where such partnerships worked well to deliver their aims. We agree the flood risk management plans should add value to subsequent stages of developing the appropriate measures and that the resources required to support the partnerships established should be proportionate to the value they add. It is important plans are pitched at the correct level so that the implementation of measures is streamlined in the future. We will work with partners through the Scottish Advisory and Implementation Forum for Flooding (SAIFF) to develop a robust decision making process underpinning flood risk management plans. It is clear that data, information and tools used in setting objectives and selecting the most sustainable measures need to be made widely available.

Consultation question 6: national advisory group

Have we correctly identified the purpose, role and membership of the national advisory group? If not, do you have suggestions on how we could improve these proposals?

Overview



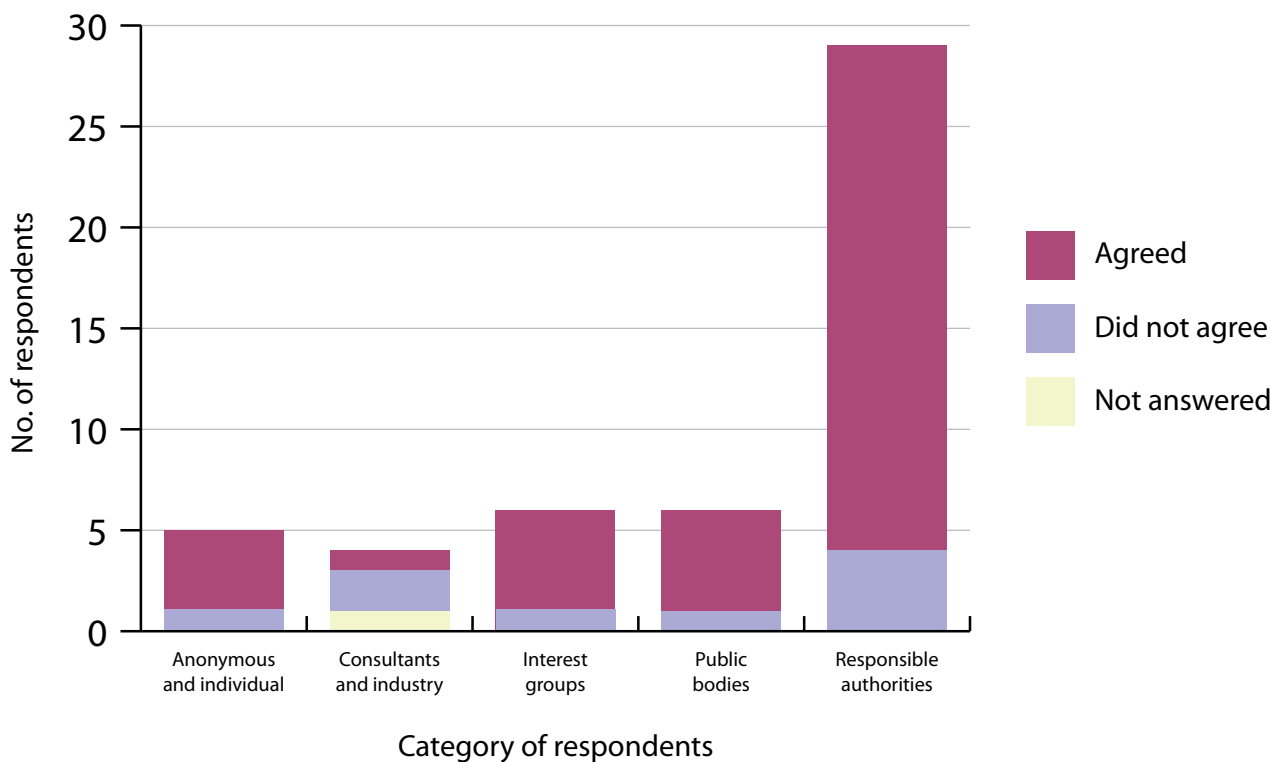
The majority of respondents (82%) thought that the purpose, role and membership of the national advisory group (NAG) had been correctly identified. Recommendations were given for additional members of the group, in particular it was emphasised that local authorities should be represented given their statutory role with regard to flooding. Recommendations were also given for additional roles, including extending the role of the group to include the provision of advice to other responsible bodies, in addition to SEPA.

Detailed comments

- A number of respondents recommended that the Society of Chief Officers for Transportation in Scotland (SCOTS) flood group should be represented on the national advisory group. It was highlighted that local authorities should be adequately represented in the group, given the statutory role they have with regard to flooding.
- Other recommendations for organisations that should be represented on the group include Homes for Scotland, hydro power generation companies, consultants that provide technical input into planning applications (ie Scottish Hydraulics Study Group) community groups, older citizen associations, health services/health protection, SNIFFER, Scottish Wildlife Trust, ConFor, tourism groups and wider sporting interests. It was also recommended that there should be at least two members from other EU states outwith the UK, fish farming bodies, RSPB Scotland, policy makers involved in rural/environmental development, policy makers involved in climate change, the Ordnance Survey, the Chartered Institute for Water and Environmental Management (CIWEM), the Association of Consulting Engineers (ACE) and the Institution of Civil Engineers (ICE).
- It was highlighted that the number of representatives on the national advisory group must be manageable, if the group is too large it may not be effective. It was suggested that working groups could be set up within it to address this issue (eg 'a technical working group that would be able to convey more specific guidance to local authorities and answer any queries that arise from them.')

- A number of respondents raised concerns that the role of the group was 'to advise and support SEPA'. It was recommended that the role should be extended to include advice and support for local authorities and all responsible authorities.
- It was also suggested the role of the advisory group should be extended to include:
 - o reviewing guidance and best practices, such as national planning guidance and building standards;
 - o identifying training requirements for local authorities and others;
 - o ensuring consistency and quality control (eg lead on terminology);
 - o sharing national resources on a value for money and risk based approaches;
 - o linking levels of ambition to funding available for measures proposed;
 - o advising on conflicts of interest related to SEPA being both a facilitator and a regulator.
- Some respondents expressed concerns over how the national advisory group would relate to existing Scottish Advisory and Implementation Forum for Flooding (SAIFF) groups. It was felt this needed clarifying to avoid duplication of effort. A concern was also raised that the proposals only listed organisations and that representation from each organisation needed to be clarified.

Figure 6: detailed responses to question 6



Sample responses

'... strongly suggest that the Local Authority presence is proportionate to all other parties mentioned – ie perhaps a minimum of 5 members.'

'Given the key role that local authorities play in flood risk management it is important there should be adequate local authority representation on this group and this may mean representation from more than one service – eg Planning & Development and Roads & Transportation as both perform important but different roles in flood risk management.'

'It is important that local authorities are represented by, for example, a number of representative of the SCOTS Flooding Group. The number of representatives could be based around the five family groups that SCOTS currently use – island, rural, semi-rural, semi-urban and city. ...it may be appropriate to have their representation along these lines as flooding issues are likely to be very different in a rural area compared with a densely populated urban area.'

SEPA response

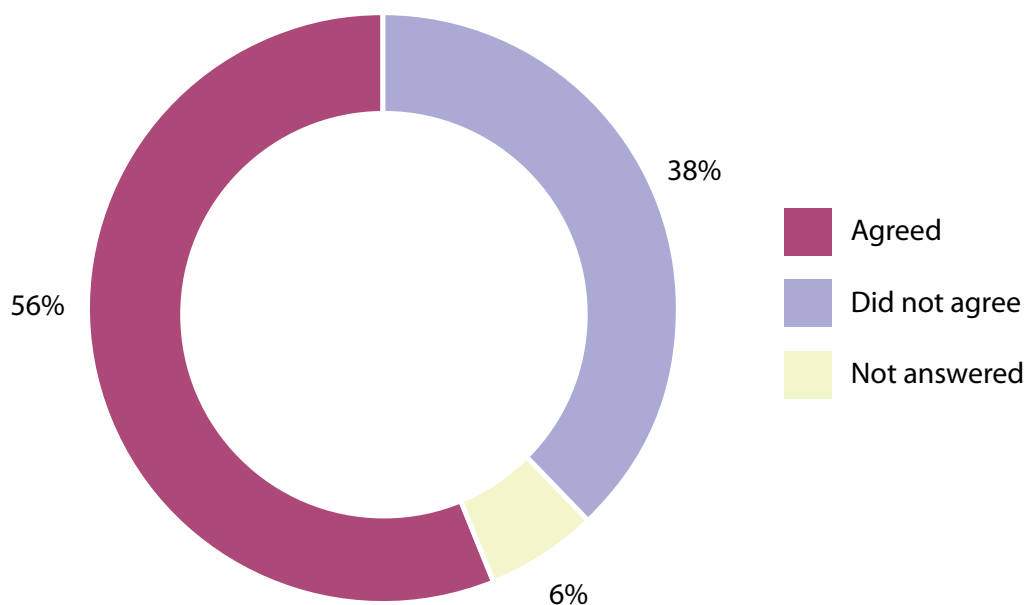
SEPA welcomes the proposals to extend the membership of the national advisory group, in particular to ensure local authorities are adequately represented. A revised national advisory group membership is provided in Appendix B. SEPA will invite additional local authority representatives to the first meeting, and ensure that the national advisory group periodically reviews its membership to ensure the needs of the group are met. We will extend the role of the group to include the provision of advice to other responsible bodies in addition to SEPA. The role and membership of the group will be part of the agenda for the first meeting, and will be finalised once we have received feedback from that first meeting.

SEPA views the Scottish Advisory and Implementation Forum for Flooding (SAIFF) as having a distinct but complementary function to the national advisory group. SAIFF's primary function is to enable the development of policy, direction and guidance at early stages of implementing the Flood Risk Management Act (FRM Act), such as for national flood risk assessment. SAIFF will only be in place for the initial stages of the FRM Act's implementation. The national advisory group will be established for the long-term and serve as a forum for providing advice to SEPA and other responsible authorities and reviewing outputs from this initial work, such as maps produced as part of national flood risk assessment. There will be interaction between these groups, which will need to be carefully managed. For example, the national advisory group will be able to provide recommendations on further policy development, and where a gap in policy provisions has been identified it will not lead on the development of such policy – that is the role of SAIFF.

Consultation question 7: temporary use of river basin management plan area advisory groups

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

Overview



The majority of respondents (56%) agreed with the proposal to use the river basin management plan area advisory groups as a means of engaging stakeholders during 2011. Whilst this is not an overwhelming degree of support, it is important to note that 90% of stakeholders that we expect to engage through these groups agreed with this proposal. However, only 50% of local authorities agreed.

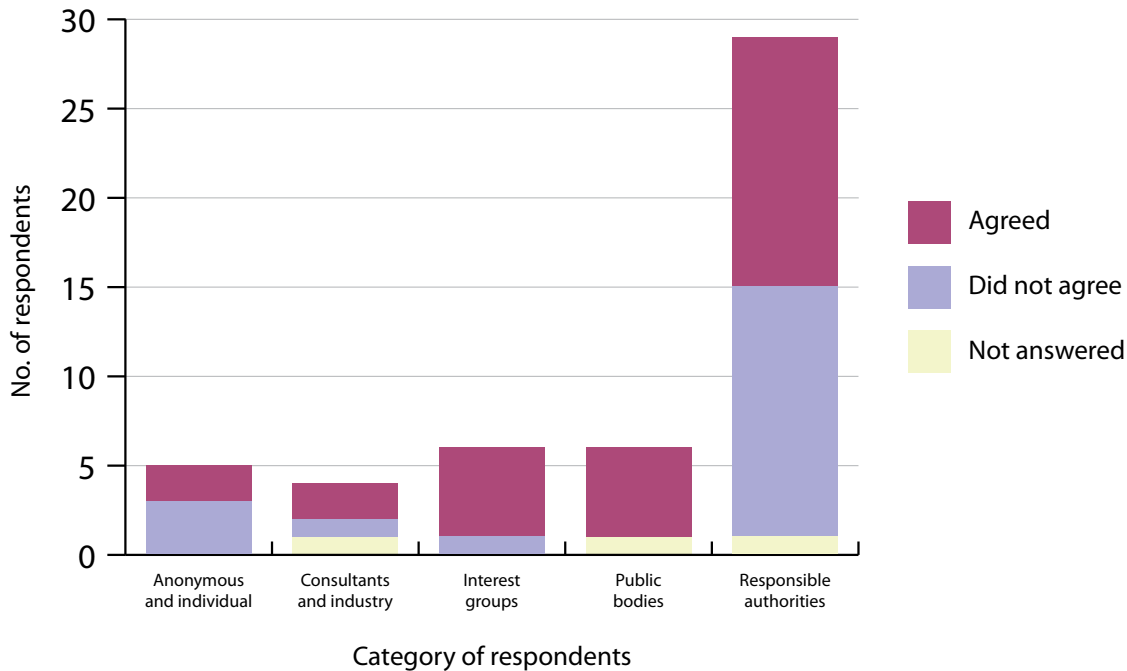
Some concerns related to the membership of area advisory groups and the need to ensure that membership is revised to ensure that representation from organisations is appropriate for flood risk management discussions. A number of respondents commented that more effort should be made to ensure that local authorities – including the planning and flooding functions – are fully represented. There was support from a number of interests groups and public bodies that SEPA should aim to use area advisory groups on a permanent basis. Some comments from local authorities in opposition stated that the preferred approach was not to use interim arrangements, but aim to set out local plan advisory groups as soon as possible.

Detailed comments

- In support of this proposal interest groups and Forestry Commission Scotland commented that area advisory groups should be used to engage stakeholders on a permanent basis.
- The Macaulay Institute suggested that a flooding sub-group could be developed for each area advisory group area, thus creating a good link between managing water quality and quantity.
- Fourteen responsible authorities did not believe it was beneficial to create interim arrangements. It was thought this could be counter-productive, particularly as area advisory groups only meet twice a year. Alternative proposals included setting up local plan advisory groups on a temporary basis, perhaps covering a number of local plan areas, and putting a permanent arrangement in place as soon as geographical arrangements are agreed.

- Further suggestions for alternative arrangements included using the existing Flooding Liaison Advisory Groups (FLAGS), in particular those covering the Tweed and the Clyde.
- It was emphasised that local advisory groups should be established as soon as practicable to enable effective partnership working between groups in time to successfully implement the Flood Risk Management Act.
- Concerns were raised over how this proposal would work in practice given that some proposed local plan areas have more than one area advisory group crossing their boundaries and vice versa.

Figure 7: detailed responses to question 7



SEPA response

We are encouraged by the strong support for the use of area advisory groups, especially from those stakeholders who will be represented at these groups. We would like to emphasise that these arrangements relate to engaging stakeholders, and not responsible authorities. Thematic workshops will be held in 2011 to engage responsible authorities.

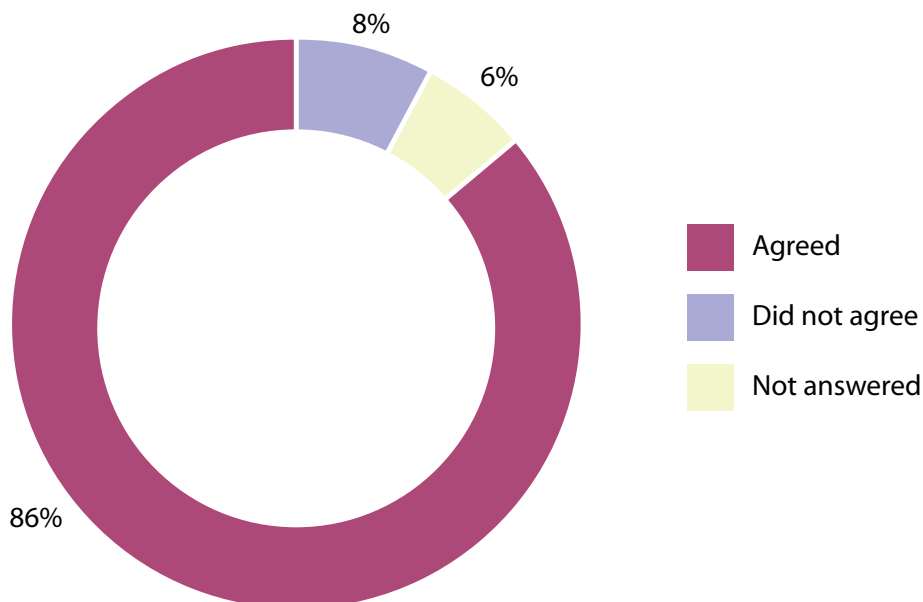
The proposed arrangements are being discussed with the groups and initial indications suggest good levels of support. The members of the groups will be asked to suggest the relevant contacts from their organisations for flooding issues and propose suggestions for other flooding interests in their area. This will ensure that we capture all relevant stakeholders in the region and have appropriate representation for discussion about flood management issues. We view area advisory group engagement as the most efficient and appropriate way of engaging stakeholders in flooding issues until agreements are reached about structures to support the local flood risk management process.

We have taken into account the points raised regarding the establishment of permanent arrangements, and are also keen that local advisory groups are set up as soon as practicable to start the partnership working process. SEPA believes it would not be beneficial or efficient to try to set up local advisory groups prior to local plan areas being finalised in December 2011. We believe that the use of area advisory groups during 2011 represents an efficient use of both SEPA's and other stakeholders' resources next year. We have examined the use of FLAGS and, while we recognise, that where they exist, they have an important role to play in enabling responsible bodies to discuss flooding issues, we do not believe they represent an appropriate forum for engagement with the wider stakeholder community on implementation of the Flood Risk Management Act.

Consultation question 8: workshops for responsible authorities

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?

Overview



A large majority of respondents (86%) agreed with the proposed programme of thematic workshops for SEPA, local authorities and other responsible authorities.

A number of respondents highlighted that the size and attendance of the workshops must be carefully planned to ensure they are effective; the workshops must take into account the existing decision making processes within local authorities; and that it is important the relevant people attend to ensure decisions can be made.

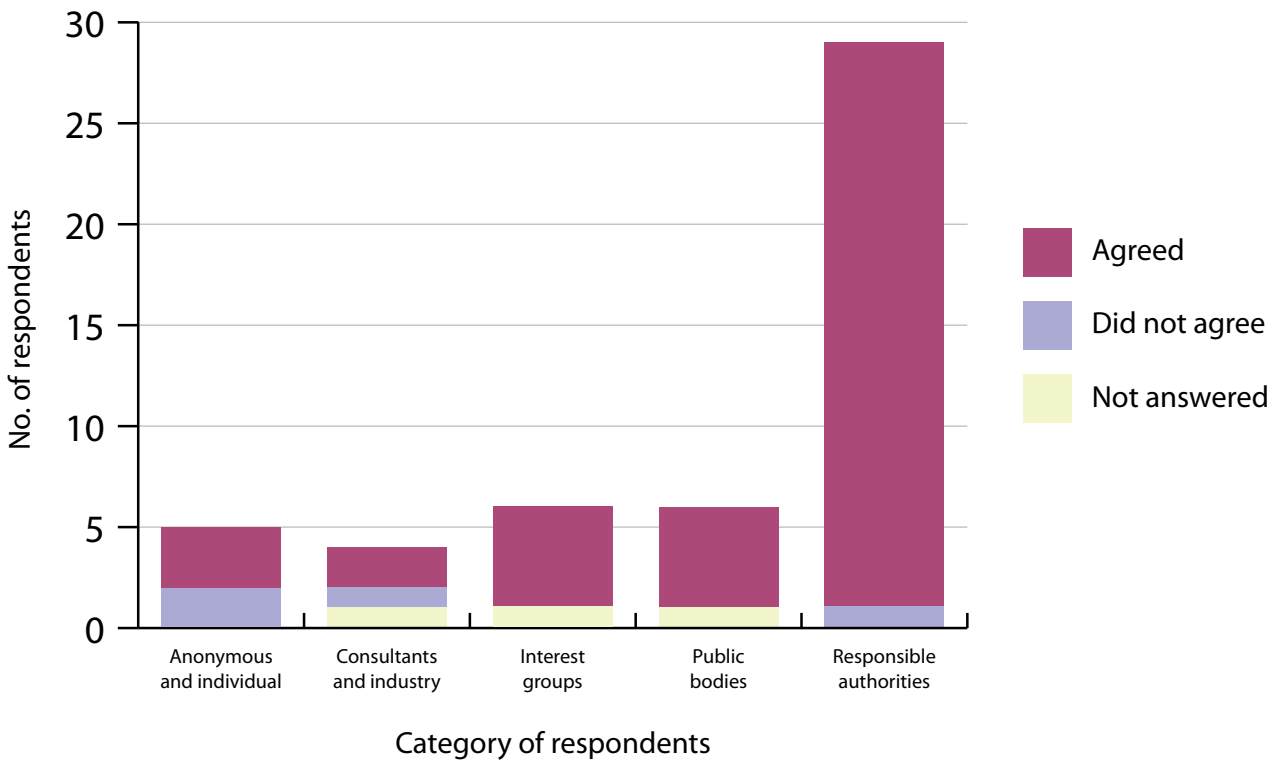
It was suggested that key representatives from local authorities could attend – including councillors, MSPs, directors and chief executives – to ensure buy-in to the flood risk management planning process.

Detailed comments

- A number of respondents highlighted that the workshops, especially those discussing the role of the lead authority and the local plan areas, would have to take account of the democratic decision making process within local authorities. It was suggested that key representatives from local authorities (including councillors, MSPs, directors and chief executives) attend to ensure buy-in to the process, or that the workshops produce a consultation for each local authority that will allow decisions to be made.
- Some respondents highlighted that workshops must be aimed at a local level and must not be too large in order to be effective. It was suggested that local level discussions or focus groups may be more effective.
- The importance of having a clear remit was highlighted to ensure the relevant people attended.
- It was recommended that time and resources must be put aside for follow-up to ensure they are effective.
- Some respondents commented that the timescales for the workshops and establishment of local advisory groups should be brought forward.

- It was recommended that the draft outputs from the national flood risk assessment should be made available prior to the workshop to ensure time for responsible authorities to review the data.

Figure 8: detailed response to question 8



SEPA response

Based on the strong level of support received for the proposed thematic workshops, progress has been made on planning and implementing these workshops. Suggestions on format and preparation for the workshops will be taken into account in our planning. We will work closely with local authorities through SCOTS to ensure that we identify appropriate attendees for these workshops.

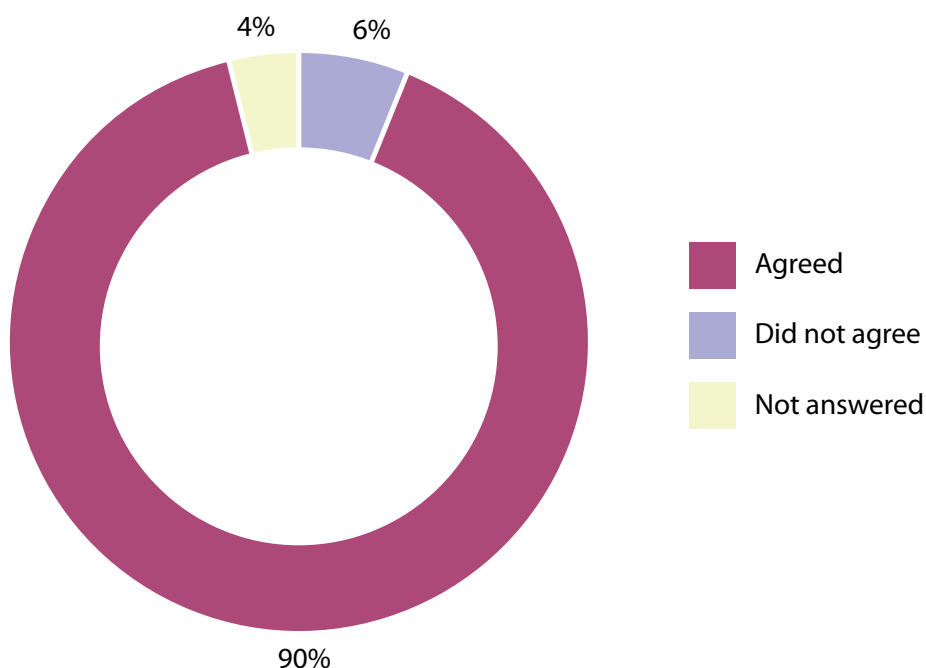
2.3 Delivering public participation, consultation and communications in flood risk management

Consultation question 9: communication strategy

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?

Overview



A large majority of respondents (90%) agreed with the proposal for a joint communication strategy. The importance of engaging with the public was highlighted, in particular conveying the message of community resilience. A number of respondents highlighted that using existing community groups and processes (such as community planning partnerships, community council meetings and local public meetings) would be an effective means of engaging with communities.

Other audiences that were highlighted as being important included local authority elected members and also farmers and landowners, given their potential contribution to delivering sustainable flood risk management.

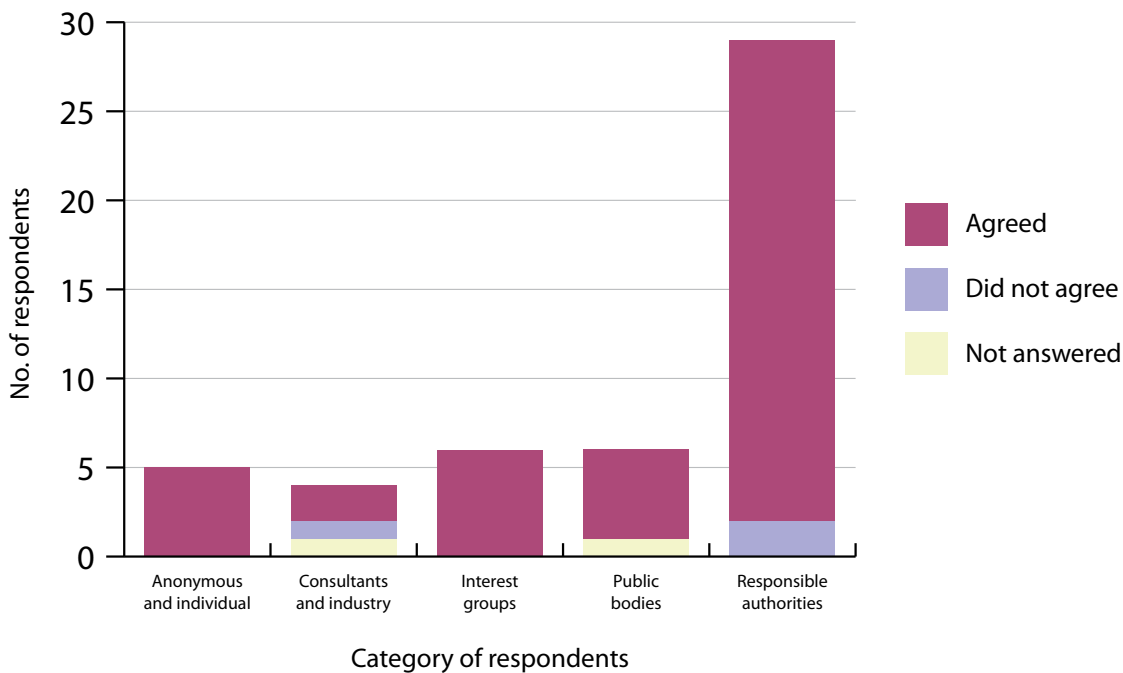
A number of respondents emphasised the importance of maintaining flexibility in communicating messages to different stakeholders, as different audiences will require different levels of detail and different methods of communication.

Detailed comments

- The message thought most important to convey to the public was that of community resilience. It was emphasised that public responsibilities with regard to flood risk and protection need to be clearly outlined and there needs to be integration with the resilience agenda.
- Local public meetings, community council meetings and community planning partnerships were all considered effective means of engaging with communities.
- Other suggested methods for effective communication included:
 - o SEPA e-bulletins and website;
 - o SEPA and Scottish Government press releases (making use of communication units of local authorities to ensure local relevance);

- o Trunk Road Network variable message signs;
 - o web cams on vulnerable areas;
 - o meetings and workshops to engage landowners and their advisors;
 - o school education: 'Education packs that can be used in the curriculum to make the children aware of the sources of flooding and how we make the situation worse, coupled with how to minimise the impact should be drawn up and used';
 - o Facebook (to gather the view of the public);
 - o existing events such as local agricultural shows;
 - o Water Vision type public displays;
 - o voluntary flood brigades.
- A number of respondents emphasised the importance of maintaining flexibility in communicating messages to different stakeholders as different audiences require different levels of detail and different methods of communication.
 - The Macaulay Institute emphasised that their research has found 'a simple diagram showing the three following elements is vital:
 - o how the existing different organisations and strategies fit together under the act(s);
 - o a glossary of the new terms being introduced under the act(s);
 - o the milestones for the process and opportunities for active engagement and formal consultation!

Figure 9: detailed responses to question 9



SEPA response

SEPA welcomes the overwhelming support for responsible bodies to develop a joint communications strategy to support the implementation of the act. To take this work forward, a Scottish Advisory and Implementation Forum for Flooding (SAIFF) task and finish communications group has been established. Members of this group include SEPA, Scottish Government, local authorities, the Scottish Flood Forum and Scottish Water.

A key output from the group is the production of a joint communication strategy which will be shared and adopted by responsible authorities. This strategy will consider issues including target audiences, communication methods and shared key messages.

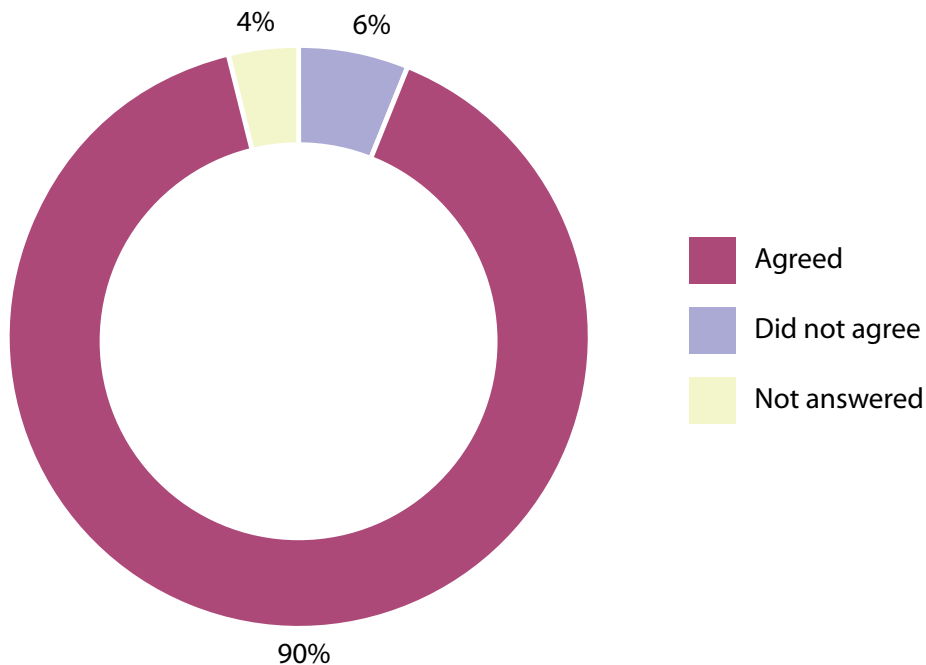
Another output of the SAIFF communications task and finish group is an events calendar which will be shared by responsible authorities. This will support a co-ordinated and integrated approach to public engagement across responsible authorities.

Consultation question 10: flood risk management planning consultation activities

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?

Overview



A large majority of respondents (90%) supported the consultation activities highlighted in Table 7. The importance of engaging local authority elected members and members of the public was highlighted.

A number of respondents suggested that using existing plans and processes for consultation would help engage the public and elected members.

Concerns about resources were raised again and it was highlighted that consultation should be clear and concise to avoid 'information overload' and to ensure resources required to input to the consultation process are minimised.

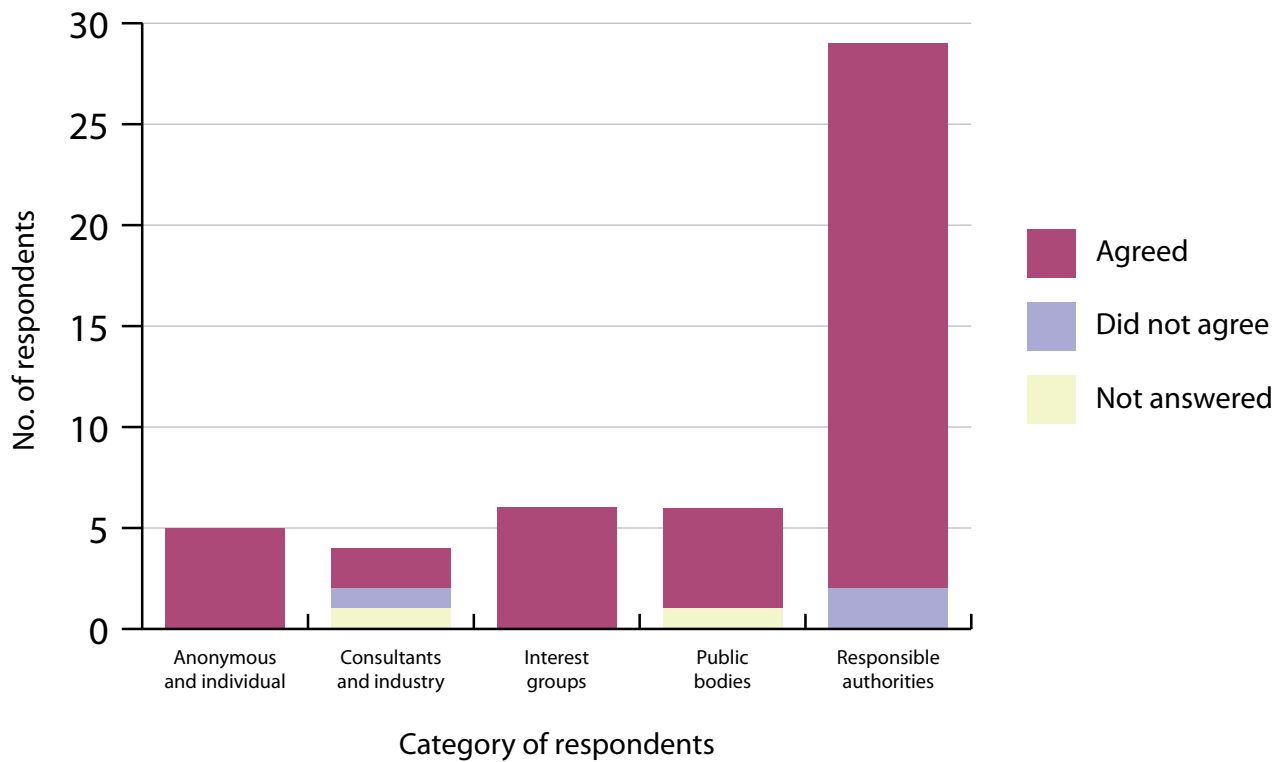
Some respondents recommended that consultation on incentives and funding for implementation of measures should be carried out alongside consultation on the flood risk management planning process.

Detailed comments

- A number of respondents emphasised the need to engage local authority elected members in the flood risk management planning processes; it was recommended that the process for doing this should be clarified.
- A number of respondents also highlighted the importance of engaging the public in the flood risk management planning process.
- It was suggested that, to help engage the public and elected members, existing partnerships and processes could be used for consultation. Examples given included:
 - o local authority committees;
 - o community planning partnerships;

- o local authority development plan consultation could be used as a good model;
 - o local coastal and marine partnerships – eg Outer Hebrides Coastal and Marine Partnership;
 - o community health partnerships and local health boards (which have existing structures and methods for communication, consultation – including community consultation, and the dissemination of information).
- Some respondents suggested that some professional bodies, such as the Chartered Institution of Water and Environmental Management (CIWEM), the Association of Consulting Engineers (ACE) and possibly the Institution of Civil Engineers (ICE), should be included in the consultation process.
 - It was highlighted that the process for showing stakeholders how their comments will be addressed needs to be clarified.
 - Some respondents highlighted that, where resources are scarce, some organisations may find it difficult to contribute effectively to the consultation process. Consultation must be clear and concise and innovative ways of consultation should be investigated to help reduce the resources required.
 - Some respondents also raised concerns about how measures will be funded and suggested that proposals for incentives or funding for measures should be consulted alongside the flood risk management planning process.
 - It was also highlighted that elements of the private sector that might be expected to implement measures (eg hydropower companies, private forestry and landowners) should also be engaged in the consultation process.
 - The Macaulay Institute commented that: 'One of the main findings from the Aquarius project to date is that there is insufficient information about how to pay for natural flood management measures. Further, there is little information on how to combine long term flood risk management strategies with short term agri-environment payments. Research is ongoing and is planned within the new RERAD research programme, Common Agriculture Policy reforms in 2013 may be key, but consultation in this area may be desirable.'
 - The following additional points were highlighted as important for the flood risk management planning process:
 - o Key messages should be agreed with all responsible authorities including the Convention of Scottish Local Authorities (COSLA), Audit Scotland and the Water Industry Commission for Scotland (WICS).
 - o Partnership working across administrative boundaries needs to be considered. This could be achieved by the councils for each proposed local advisory group meeting to allow the detailed issues to be identified and addressed to fully inform decisions on the make-up of the local plan areas and the lead local authority for each of these.
 - o Managing public expectation will be important – eg not all issues will be resolved in 2016.
 - o Information overload on the public and, to a lesser extent, stakeholders, should be avoided as this may lead to confusion.
 - o Finding a means to encourage active and ongoing community engagement to ensure that flooding does not fall off the radar (community memory can be quickly lost following a flood event).
 - o Some local pressure groups, which may not represent the views of the wider community, may try to exert undue influence on the process.

Figure 10: detailed responses to question 10



SEPA response

Suggestions made in this consultation will feed into the Scottish Advisory and Implementation Forum on Flooding (SAIFF) communications strategy. This strategy will build on existing forms of engagement and ensure a variety of tools are used to engage with the public and stakeholders. By taking a co-ordinated approach to the development of communications, responsible bodies can share consistent messages and a coherent approach to engaging with the public.

3. Conclusion

We welcome the level and range of responses received to the 'Consultation on planning for floods – planning for the future' and the detailed feedback provided.

In particular, we are pleased by the level of support expressed for the principles of partnership working in developing flood risk management plans and our planned consultation and communication activities. We are also pleased by the level of support for the setting up of the national advisory group and the constructive comments on the proposed membership, role and remit of the group. There will be flexibility in membership of this group, allowing new members to join as necessary.

The principles for partnership working were generally well received. These principles will provide the framework for further development of a partnership-based flood risk management planning process, which will be crucial to the success of the new planning process.

The majority of respondents supported the proposals to engage with responsible authorities via thematic workshops, but a range of comments were received on the proposals for engaging with area advisory groups. This consultation digest will help inform the final arrangements for stakeholder engagement in 2011.

We note and acknowledge the concerns about resource requirements, raised by a number of organisations. We will not be able to resolve all of these concerns but will work to develop a flood risk management planning system that is both effective and efficient. Part of this will be considering how best to engage stakeholders in the local flood risk management plans.

Further concerns were raised, in particular by local authorities, in relation to the role of lead and participating local authorities in the preparation of local flood risk management plans. We will work closely through SAIFF to clarify this important issue as a matter of urgency.

We will continue to work in partnership with responsible authorities throughout 2011 to finalise the local plan areas and local plan advisory groups. In doing so we will address concerns over the roles and responsibilities of local authorities and how accountability will be retained.

We would like to thank all those who have responded to the consultation. This national flood risk management planning process is new in Scotland and there are many challenges ahead. We must all be prepared to work together to ensure an effective and efficient outcome. We look forward to continuing our work together to develop a modern, partnership-based flood risk management planning process for Scotland.

Appendix A: list of respondents

Respondent	Respondent Category
Anonymous	Anonymous and Individual
Anonymous	Anonymous and Individual
Anonymous	Anonymous and Individual
Anonymous	Anonymous and Individual
Jeremy Osborne	Anonymous and Individual
Geodesign Barriers Ltd	Consultancy and Industry
Mike Donaghy Associates	Consultancy and Industry
MWH	Consultancy and Industry
Tingle Consulting	Consultancy and Industry
Confederation of Forest Industries (ConFor)	Interest Group
Macaulay Land Use Research Institute (Macaulay)	Interest Group
Royal Society for the Protection of Birds (RSPB)	Interest Group
Scottish Environment LINK Freshwater Task Force	Interest Group
Scottish Rural Property and Business Association (SRPBA)	Interest Group
Tweed Forum	Interest Group
British Waterways (Scotland)	Public Body
Cairngorms National Park Authority (CNPA)	Public Body
Forestry Commission Scotland (FCS)	Public Body
Health Protection Scotland (HPS)	Public Body
Ordnance Survey	Public Body
Scottish Natural Heritage (SNH)	Public Body
Aberdeenshire Council	Responsible Authority
Angus Council	Responsible Authority
Argyll & Bute Council	Responsible Authority
Clackmannanshire Council	Responsible Authority
Comhairle nan Eilean Siar	Responsible Authority
Dumfries and Galloway Council	Responsible Authority
Dundee City Council	Responsible Authority
East Ayrshire Council	Responsible Authority
East Dunbartonshire Council	Responsible Authority
East Lothian Council	Responsible Authority
East Renfrewshire Council	Responsible Authority
Falkirk Council	Responsible Authority
Glasgow City Council	Responsible Authority
Highland Council	Responsible Authority
Inverclyde Council	Responsible Authority
Moray Council	Responsible Authority
North Ayrshire Council	Responsible Authority
North Lanarkshire Council	Responsible Authority
Orkney Islands Council	Responsible Authority
Perth and Kinross Council	Responsible Authority
Renfrewshire Council	Responsible Authority
Scottish Borders Council	Responsible Authority
Scottish Water	Responsible Authority
South Ayrshire Council	Responsible Authority
South Lanarkshire Council	Responsible Authority
Stirling Council	Responsible Authority
The City of Edinburgh Council	Responsible Authority
West Dunbartonshire Council	Responsible Authority
West Lothian Council	Responsible Authority

Appendix B: revised membership of the national advisory group

Persons specified under the FRM Act	Any other relevant persons
Cairngorms National Park Authority	Association of British Insurers
Emergency responders	Association of Salmon Fisheries Boards Scotland
Forestry Commission Scotland	British Ports Association
Loch Lomond and the Trossachs National Park	British Waterways
Representation from Local Authorities, including SCOTS, COSLA, Heads of Planning Scotland (HoPS) (as of March 2010, formerly Scottish Society of Directors of Planning) and including Local Authorities representing rural, urban and coastal.	Confederation of British Industry (CBI) Scotland
Scottish Natural Heritage	Environment Agency
Scottish Water	Homes for Scotland
SEPA	MET office
	National Farmers' Union Scotland (NFUS)
	Network Rail
	Rivers and Fisheries Trust Scotland
	Scottish and Southern Electricity
	Scottish Coastal Forum
	Scottish Council for Development and Industry
	Scottish Enterprise
	Scottish Environment Link
	Scottish Flood Forum
	Scottish Government
	Scottish Power
	Scottish Rural Property and Business Association (SRPBA)
	The Crown Estate
	Waterwatch Scotland

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