

Flood Risk Management Planning in Scotland: Statement of Consultation Arrangements

Summary of Responses

1. Purpose of the Statement of Consultation Arrangements

The Statement of Consultation Arrangements (the Statement) outlines the steps SEPA will take in gathering stakeholder views during the preparation of the first Flood Risk Management Strategies (FRM Strategies). This Statement is required under Section 30 of the Flood Risk Management (Scotland) Act 2009 and can be viewed on the SEPA website¹.

The preparation of the FRM Strategies will happen in collaboration with our partners. There are close links with the preparation of the Local Flood Risk Management Plans (Local FRM Plans) and a need to coordinate with river basin management planning. These links are also outlined in the Statement.

The Statement was open to public consultation for a period of three months, which closed on 22 March 2013. This document summarises the responses SEPA received and further actions SEPA will take in response to the views expressed.

What will happen next?

- We will publish this summary of consultation responses on the SEPA website and notify key stakeholders of how we have taken on board their views.
- We will publish an amended version of the Statement that takes into account responses received.
- We will work with responsible authorities and stakeholders in 2013 to further develop the consultation arrangements.

¹ http://www.sepa.org.uk/flooding/flooding_publications.aspx

2. Respondents

We received 18 responses to the consultation. A full list of the persons or organisations that responded can be viewed in Appendix 1. The majority of replies were from responsible authorities (thirteen local authorities and Scottish Water). We would like to thank all respondents for taking the time to read and comment on the Statement.

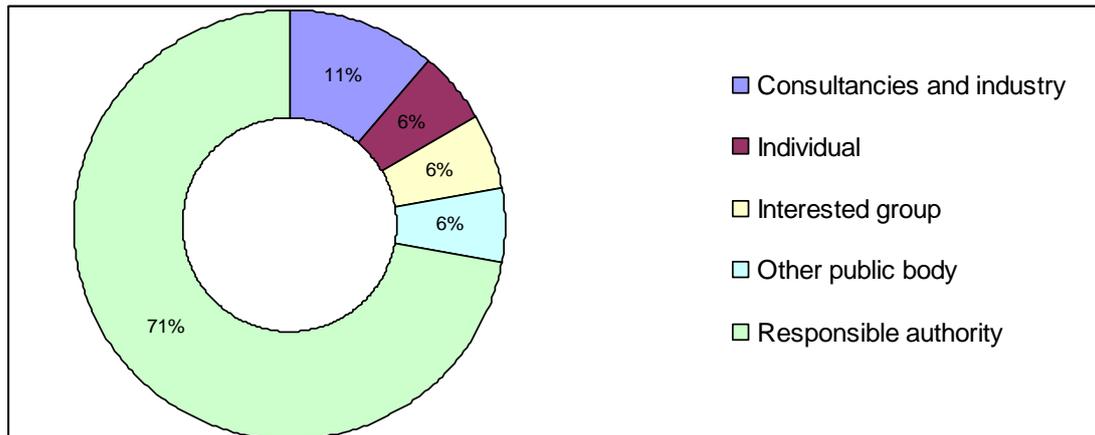


Figure 1: Percentage of each category of organisation that responded to the Statement of Consultation Arrangements.

3. Responses received

3.1 Overview of responses received

Approximately two thirds of respondents were in agreement or in agreement subject to minor comments with the consultative actions proposed for the production of the FRM Strategies. No respondents stated general opposition to the proposals. One third of respondents did not state whether they were in general agreement with the approach we are taking to consult of the FRM Strategies.

Most of the specific comments received were related to how to best achieve coordination with the Local FRM Plans and river basin management planning; and how to engage with and achieve agreement on the plans with numerous stakeholders in the time available.

3.2 Detailed responses received

The majority of respondents were in support of the consultation arrangements proposed in the Statement. There was strong support for the consultative, partnership-based approach that has been put in place, particularly between responsible authorities, SEPA and the Scottish Government, to develop the FRM Strategies and Local FRM Plans.

However, a number of suggestions were received, which fall into three main categories and are summarised below:

- Responses received on the Statement;
- Responses received on the consultation process;
- Responses received relevant to the FRM Strategies.

3.2.1 Responses received on the Statement

The majority of comments received with regard to the Statement were positive, commenting that it clearly outlined the key dates for consultation on the FRM Strategies. References made to Local FRM Plans and the river basin management planning process were also commended. Some suggestions were made on other information that could be included in the Statement:

- One respondent suggested reference could be made to the inter-relationship with Surface Water Management Planning, given one of the key outcomes of the FRM Strategies is to prioritise where Surface Water Management Plans are required.
- One respondent suggested clarifications were required to better reflect that:

- Lead local authorities (not every local authority) are responsible within the legislation for engaging with the public on the development of the plans; and
 - SEPA (not Lead Local Authorities) currently chair and administer the Local Advisory Groups.
- One respondent commented that the legislation does not explicitly require SEPA to provide feedback to Lead Local Authorities on any representations received in the FRM Strategy consultation relevant to the development of the Local FRM Plans, and that this should be addressed.
- One respondent suggested consultation with the public should be given greater emphasis in the Statement.

A sample of responses to the Statement can be viewed below.

Sample Responses

“The tables in the consultation document are very helpful in setting out the key dates for significant consultations on flood risk management (FRM) plans and the associated maps and assessments.”

“It is considered imperative that the public are involved in the development of these plans and there is a concern that the importance of public consultation is not given sufficient emphasis in this document.”

“I commend the statement for promoting the aims of Sustainable Flood Risk Management with regards to coordination of the responsible bodies’ efforts and achieving consistency with related plans.”

Actions SEPA will take:

- We have taken into account many of the above suggestions and will publish an amended version of the Statement that is available on our website: http://www.sepa.org.uk/flooding/flooding_publications.aspx
- The amended Statement does reference surface water management planning, clarifies that Lead Local Authorities are responsible in the legislation for consultation on the Local FRM Plans, and gives greater emphasis to public consultation.
- We will make arrangements to provide Lead Local Authorities with comments received through the formal consultation on the FRM Strategies that are relevant to the Local FRM Plans and will work with responsible authorities in 2013 to further define when and how best to do this.

3.2.2 Responses received on the consultation processes

Effective stakeholder engagement

- Comhairle nan Eilean Siar were concerned that current video conferencing arrangements for the Flood Risk Management Local Advisory Group (FRM LAG) meetings between Dingwall, Stornoway and Ballinvarich are not effective due to the western seaboard of the North West mainland having different issues than those in the Outer Hebrides. However, it was acknowledged that SEPA were in the process of addressing this issue.
- Two respondents would like the National Flood Management Advisory Group to meet more frequently as we move into the phase of FRM Strategy and Local FRM Plan development. One respondent also emphasised the importance of the Scottish Advisory and Implementation Forum for Flooding Policy Stakeholder group and requested it also met more frequently.
- One respondent suggested SEPA should provide appropriate assistance and direction to local authorities, where required, to ensure effective stakeholder engagement.
- One respondent expressed concerns that those attending the FRM LAGs would not have sufficient detailed knowledge and experience of both FRM planning and river basin management planning to be able to provide coordination. However, another respondent suggested FRM LAGs and RBMP AAGs should become one group.
- Two respondents emphasised the need for consistency between Local FRM Plan production given the large number of stakeholders with differing priorities and governance arrangements.

Actions SEPA will take:

- We recently consulted on proposals to modify the River Basin Management Planning Area Advisory Group (RBMP AAG) boundaries. Following this consultation, we intend to modify the RBMP AAG boundaries and thus the Outer Hebrides would have FRM LAG and RBMP AAG focused on that area.
- We do not view it appropriate to merge the FRM LAGs and RBMP AAGs into one group, but will work further to coordinate them. A number of attendees will be present at both these groups which should facilitate coordination between the two processes.
- We intend NFMAG to meet on the following basis:
 - June 2013
 - twice in 2014
- Arrangements for the Flooding Policy Stakeholder group are a matter for government.

Timescales

- Three respondents raised concern over the tight timescales to produce the Local FRM Plans given the requirement to consult over the same time period as the FRM Strategies.
- Scottish Water invited further discussion with SEPA over how best to manage the difference in timescales between the Quality and Standards investment timescales and flood risk management planning cycles.
- Two national organisations expressed concern over the ability to respond to 14 FRM Strategies and 14 Local FRM Plans within the three month timescale.
- Two respondents suggested the consultation period should be extended to six months in line with river basin management planning; one suggested phasing the consultations would be desirable, although not allowed under current legislation.

Actions SEPA will take

- We appreciate the difficulties associated with the tight timescales to produce and consult on the FRM Strategies and Local FRM Plans and will work in partnership with responsible authorities in 2013 to further develop proposals to best facilitate this.
- We will pursue further discussions with Scottish Water to consider how to manage the differing timescales between the flood risk management planning process and Quality and Standards investment cycles.

Consultees

- One respondent raised a concern that every category 1 responder with functions exercisable in the district were not included in the FRM LAGs and therefore were not currently being engaged under the current proposals.

Actions SEPA will take

- FRM LAGs currently include representation from the SEPA Resilience Team, who liaise with category 1 responders at Strategic Coordinating Groups (SCGs). Many category 1 responders and SCGs are currently undergoing a restructure/review. Following the outcomes of this, we will work in partnership with category 1 responders and responsible authorities to determine if the current mechanisms to engage with category 1 responders on the FRM Strategies and Local FRM Plans should be amended.

3.2.1 Responses received on the FRM Strategies

Although not the main purpose of the consultation on the Statement, some responses received were relevant to the content of FRM Strategies and the types of measures to be included. A sample of these responses can be viewed below.

Sample Responses

“Scottish Property Federation members are interested to learn what action if any will be taken on retro-fitting existing developments where flood risk has increased.”

“Clarity on responsibility and accountability is vital which enables businesses and developers to know exactly who the responsible authorities for flooding risk management are and wherever possible for these arrangements to be as simple and transparent as possible.”

“The careful overview of creatures such as beaver whose lodge/dams trapping silt are a bonus preventing loss of soil and nutrients; but local authorities in flood areas, with a low gradient are a problem worthy of a compromise solution”

Actions SEPA will take

- We will take account of any comments received relevant to the FRM Strategies and where appropriate pass on responses received to the Scottish Government or other responsible authorities.

4. Summary of actions SEPA will take

- We will take account of the responses received on the Statement and publish an amended version of this on our website:
http://www.sepa.org.uk/flooding/flooding_publications.aspx
- We will work with responsible authorities and stakeholders in 2013 to further develop the consultation arrangements on the FRM Strategies.
- We will liaise directly with those respondents and appropriate persons to address some of the specific concerns raised during this consultation process.

Annex 1: List of respondents to consultation on the Statement of Consultation Arrangements.

Table 1: List of Respondents to Consultation on the Statement of Consultation Arrangements, listing organisation type and region organisation is associated with.

Respondent	Organisation Type	Region
Aberdeenshire Council	Responsible authority	North
City of Edinburgh Council	Responsible authority	South East
Comhairle nan Eilean Siar	Responsible authority	North
Dundee City Council	Responsible authority	South East
East Ayrshire Council	Responsible authority	South West
East Lothian Council	Responsible authority	South East
Falkirk Council	Responsible authority	South East
Inverclyde Council	Responsible authority	South West
North Lanarkshire Council	Responsible authority	South West
Perth and Kinross Council	Responsible authority	South East
Renfrewshire Council	Responsible authority	South West
RSBP Scotland	Interested group	All
Scottish Land & Estates	Consultancies and industry	All
Scottish Natural Heritage	Other public body	All
Scottish Property Federation	Consultancies and industry	All
Scottish Water	Responsible authority	All
Stirling Council	Responsible authority	South East
William Graham	Individual	South West