



Flood Risk Management Planning

Statement of consultation arrangements

May 2018

Foreword

Flood risk management is a matter of both national interest and critical importance to those who live with the threat of being flooded. We all have a responsibility to manage our own flood risk and to protect ourselves, our family, property and business. To do this effectively, we need to understand how the Responsible Authorities in Scotland are working together to reduce the impacts of flooding and how everyone can get involved to contribute their views.

The Scottish Environment Protection Agency's (SEPA's) purpose is to protect and improve the environment in ways that, as far as possible, also help create health and well-being benefits and sustainable economic growth. As part of this work, we will continue to ensure that the impact of flooding is reducing across Scotland. This will be achieved through three strategic outcomes:

- The likelihood and potential impact of flooding across Scotland is understood and Flood Risk Management Strategies are developed to tackle areas at greatest risks from flooding now and in the future.
- Flood warnings are provided and businesses, communities and individuals understand the steps they can take to protect themselves from the impacts of flooding.
- Robust advice is given to ensure planning decisions are well informed and new developments are not located in high flood risk areas.

Embedding climate change knowledge at the heart of this process to enable the prioritisation of actions which are adaptable to future change will help to ensure that everything we do in flood risk management helps our communities, infrastructure and way of life to adapt to climate change.

Working together is key to flood risk management in Scotland and we will continue to collaborate with partners to improve Scotland's Flood Risk Management Strategies and Local Flood Risk Management Plans. This partnership working and engagement is one of the key successes achieved during the first Flood Risk Management cycle (2010-2016) that must be further developed for the production of the second Flood Risk Management Strategies and Local Flood Risk Management Plans.

The purpose of this statement is to outline the consultation arrangements for the production of the second Flood Risk Management Strategies and provide you with an opportunity to feed into this process to ensure we are getting it right. We encourage you to take the time to read this document and provide comments at this early stage so they can be considered and help strengthen our consultation arrangements over this second planning period.

David Pirie
Executive Director
SEPA

Flood Risk Management Planning – consultation arrangements

What is this statement?

SEPA values your views and this statement is looking for feedback on the proposed consultation arrangements for flood risk management planning in Scotland. Flooding is a critical issue for communities and businesses and we want to ensure that everyone has the opportunity to make their views known.

This statement has been produced by SEPA to fulfil requirements set out under Section 30 of the Flood Risk Management (Scotland) Act 2009. It outlines the consultative actions SEPA will take to prepare the Flood Risk Management Strategies which will be published in December 2021.

Purpose of this statement?

This statement provides you with an opportunity to inform SEPA of any views or suggestions you may have to improve the proposed consultation arrangements described in this document. This statement is primarily aimed at public bodies and stakeholders involved in the management of flood risk, although we welcome all views received.

Working together

By June 2016 SEPA and local authorities had published Scotland's first set of Flood Risk Management Strategies (FRM Strategies) and Local Flood Risk Management Plans (Local FRM Plans). Together, these documents agreed the long term strategic priorities and shorter term actions to reduce the impact of flooding in Scotland. They were produced collaboratively with all stakeholders. Partnership working has been a major success in their production. Collectively, we have established a successful platform for engagement and want to continue to improve this way of working. The strong collaborative partnerships are reflected in the well established advisory groups (national, local and cross border) and in the development of our knowledge and action to reduce flood risk.

The FRM Strategies and Local FRM Plans will be updated to reflect a better understanding of flood risk and the potential impacts of flooding. These coordinated plans will help us make the most effective use of shared resources by targeting areas where there is the greatest benefit of intervention. Catchment based flood risk management has encouraged working across administrative and institutional boundaries, leading to authorities responsible for flood risk management working together more closely than ever before. As we develop the next FRM Strategies and Local FRM Plans, SEPA will continue to develop partnership working to improve flood risk management.

Working with other land and water policy areas

There is a clear need to coordinate the development of FRM Strategies and Local FRM Plans with other policy areas, including river basin management planning, surface water management planning and land use planning. These links are outlined in this statement. This collaborative approach aims to help deliver integrated land and water management across Scotland.

What we are asking you?

If you have any comments on the planned arrangements for consultation on the Flood Risk Management Strategies please contact us.

- By email: FloodActConsultation@sepa.org.uk
- In writing to: SEPA, FRM Planning, Silvan House, 3rd Floor, 231 Corstorphine Road, Edinburgh, EH12 7AT.

This statement can be made available in other formats. Please contact as above, or dial: 03000 99 66 99 to request a copy. The statement is also available to view in the following SEPA offices: Edinburgh, Angus Smith Building and Aberdeen. Specific sections may be translated by SEPA on request if required.

Proposed consultation arrangements for Flood Risk Management Strategies

The final FRM Strategies will be published in December 2021 and formal consultation on the draft FRM Strategies will be initiated in December 2020. The consultation arrangements for the FRM Strategies are set out in **Table 1**. In preparing the FRM Strategies for formal consultation in December 2020, SEPA will take advice from the national and local level advisory groups as outlined in **Table 2**. In addition, SEPA will publish a summary of the actions carried out to take account of any views or comments made on the formal consultation in December 2020.

Formal consultation will be made publicly available on the SEPA website at the following link: http://www.sepa.org.uk/about_us/consultations.aspx.

When SEPA launches the formal consultation on the FRM Strategies or modifies the FRM Strategies in response to ministerial recommendations the following actions will be taken:

- an email will be sent to inform key stakeholders and partnership groups listed in **Table 2**.
- a notice will be published in one national newspaper (The Edinburgh Gazette) to advertise this fact and press adverts will be placed in national and regional newspapers.

It will be possible to request a copy of the consultation documents in hard copy or an alternative format e.g. large scale print if required.

Table 1: Key dates for the consultation and preparation of FRM Strategies.

Key dates	Consultation and preparatory actions
1 May 2018	Public consultation on the National Flood Risk Assessment, Potentially Vulnerable Areas and Statement of Consultation Arrangements (this statement). <i>Three month consultation period.</i>
1 August 2018	Opportunity closes to make comments on the above public consultation.
By 22 December 2018	SEPA publishes the second National Flood Risk Assessment, Potentially Vulnerable Areas and Statement of Consultation Arrangements.
By September 2020	The Environment Agency and SEPA will agree a consultation plan for the joint consultation of the draft plans prepared that cover the whole of the Solway-Tweed River Basin District (including Cross

	Border Areas).
By 22 December 2020	Public consultation on the draft FRM Strategies and accompanying Environmental Report. <i>Three month consultation period.</i>
22 March 2021	Opportunity closes to make comments on the draft FRM Strategies and accompanying Environmental Report.
By 22 June 2021	SEPA to receive from Lead Local Authorities any comments relevant to the FRM Strategies made on the Local FRM Plan consultation (the consultation carried out by Lead Local Authorities).
By October 2021	SEPA submit FRM Strategies to Ministers for approval. Modifications made to FRM Strategies to be publicised prior to 22 December 2021.
By 22 December 2021	Second FRM Strategies published.

Strategic Environmental Assessment

Strategic Environmental Assessment is a way of assessing the environmental impacts of a proposed plan or strategy. SEPA will undertake a Strategic Environmental Assessment of the FRM Strategies. To support the assessment, SEPA will undertake two formal consultations.

For the first consultation, in 2019, SEPA will prepare a Scoping Report that will describe how the environmental assessment will be undertaken. The views of the statutory consultation authorities will be sought, as well as the views of responsible authorities.

SEPA will then prepare an Environmental Report that will assess the environmental impacts of the FRM Strategies and propose mitigation of any adverse impacts. SEPA will undertake a public consultation on the Environmental Report by 22 December 2020 for a three month period, alongside the consultation on the FRM Strategies. This will help us ensure environmental impacts, and the views of stakeholders on these impacts, are taken into account during the preparation of the FRM Strategies.

SEPA consultative arrangements to date

SEPA will continue a consultative, partnership-based approach with responsible authorities when developing the FRM Strategies and Local FRM Plans. This section outlines the actions undertaken to date.

Guidance documents

Guidance documents have been produced by SEPA and the Scottish Government to inform the preparation of FRM Strategies and Local FRM Plans. These guidance documents include:

- Scottish Government Guidance on Delivering Sustainable Flood Risk Management, which can be found here: <http://www.gov.scot/Publications/2011/01/14152758/0>
- Updated Scottish Government appraisal guidance to support development of flood protection initiatives can be found here: <http://www.gov.scot/Resource/0050/00500974.pdf>
- Scottish Government guidance for local authorities to assess bodies of water at risk of flooding and carry out clearance and repair works can be found here: <https://beta.gov.scot/publications/flood-risk-management-scotland-act-2009-guidance-duties-local-authority/>
- SEPA's Flood Study Check List for local authorities can be requested from FRMPlanning@sepa.org.uk

- SEPA's Natural Flood Management Handbook which helps local authorities and landowners implement natural flood management measures, the handbook can be found here: <http://media.sepa.org.uk/media-releases/2016/sepa-publishes-guidance-on-natural-flood-management/>

Additional guidance documents are available here:

- Scottish Government's website: <http://www.gov.scot/>; or,
- SEPA's website: www.sepa.org.uk

Partnership working

Many organisations are collaborating to improve flood management. These organisations are working more closely together than ever before and relationships have strengthened as a result. Delivering partnership has been a great success since publication of the Flood Risk Management (Scotland) Act 2009 and there is strong support to continue this way of working.

SEPA provides strategic direction and technical analysis to local partnerships throughout Scotland, ensuring a consistent national approach is taken. Local authorities and Scottish Water ensure that local knowledge and expertise informs the decision making process. National Park Authorities and Forestry Commission Scotland also contribute to this process.

Further advice will be sought from relevant organisations at key stages. The FRM Strategies will benefit from Local Advisory Groups, providing important community and area-based knowledge on both the causes and consequences of flooding and on the appropriate actions for future management.

Some of the work being carried out by SEPA is complex and technical in nature and professional advice has and will be sought through the membership of the Scottish Advisory and Implementation Forum for Flooding (SAIFF). This includes expertise from local authorities, Scottish Water, National Park Authorities, Forestry Commission Scotland and other key interested organisations.

SEPA will continue to work with other organisations with similar responsibilities within the UK and Europe. We will specifically work with the Environment Agency and English local authorities in the cross border areas.

Groups that are set up to continue to facilitate the production of the FRM Strategies and Local FRM Plans are summarised in **Table 2**, below.

Table 2: Groups facilitating the production of the FRM Strategies and the Local FRM Plans.

Group	Purpose	Frequency of meetings*
Scottish Advisory and Implementation Forum for Flooding (SAIFF)	SAIFF was set up by the Scottish Government and comprises of a series of working groups each with a specific remit. These are convened to help develop specific guidance or undertake further analysis of important technical issues. Membership varies between groups to ensure appropriate representation from policy, stakeholders and technical experts.	Approximately 2 to 3 months <i>(dependent on group and remit)</i>
National Flood Management Advisory Group (NFMAG)	NFMAG covers the whole of Scotland and includes wider stakeholders with an interest in flood risk. It provides advice to SEPA on its flood risk management functions.	Biannual
Cross Border Advisory Group (CBAG)	CBAG covers the Solway Tweed River Basin District. It provides advice to SEPA and the Environment Agency on the delivery of cross border flood risk management issues. Membership includes SEPA, Environment Agency, local authorities in England that border Scotland, local authorities in Scotland that border England and water companies north and south of the border.	Biannual
Lead Local Authority Forum (LLAF)	The LLAF provides an opportunity for Lead Local Authorities and SEPA to discuss issues relating to their functions within the local partnerships. Membership includes Lead Local Authorities, Scottish Water, Scottish Government and SEPA. SEPA will work with this group to develop proposals on how best to coordinate the consultation arrangements for Local FRM Plans and FRM Strategies.	Approximately 3 months
Flood Risk Management Local Advisory Groups (FRM LAGs)	There are currently 10 FRM LAGs. These largely correspond with the Area Advisory Groups used for river basin management planning and help provide a key link between the two processes. These groups include wider stakeholders with an interest in flood risk and provide advice to Lead Local Authorities on the preparation of the Local FRM Plans. Lead Local Authorities will take the appropriate draft Local FRM Plans to these groups.	Once a year
Local Plan District Partnerships	There are 14 Local Partnerships. These correspond with the Local Plan Districts. Membership includes key partners (local authorities, SEPA and Scottish Water) to inform the production of FRM Strategies and Local FRM Plans. These groups will act as a key link to ensure consistency between the Local FRM Plans and the FRM Strategies. Membership can be widened if viewed appropriate to seek advice on a particular issue.	Approximately 2 to 3 months

Note:-

*The frequency of meetings is just an indication. Frequency can increase as considered appropriate at various stages in the FRM planning cycle.

Wider stakeholder engagement

SEPA issues two regular electronic communications to the flooding community. These ensure our external stakeholders are updated on the work SEPA is doing in flood risk management across Scotland. The two electronic communications are summarised in **Table 3**, below.

Table 3: *SEPA’s communications to aid engagement on the production of the FRM Strategies and the Local FRM Plans.*

Communication	Purpose	Audience	Frequency
Flood Risk Management Development and Delivery e-newsletter	Provides an update on SEPA’s current work implementing its Flood Risk Management services in support of the national FRM Strategies.	All flooding contacts	Biannual
Local Plan District Partnership e-bulletin	Provides an update on SEPA’s current work implementing its Flood Risk Management services in support of national FRM Strategies and Local FRM Plans. It supplements SEPA’s Development and Delivery newsletter	Local Plan District Partnerships	Issued every 3 months

If you would like to receive the Flood Risk Management Development and Delivery e-newsletter please contact FRM Planning via email: FRMPlanning@sepa.org.uk.

Coordination of planning for the Cross Border Area

The Environment Agency (EA) and SEPA will jointly agree a plan for the joint consultation of the prepared draft plans that cover the whole of the Solway-Tweed River Basin District (including the Cross Border Area) by September 2020. The consultation plan will:

- Include how SEPA and the EA will carry out their respective duties to act jointly in consulting on the draft plan(s); and,
- Include the duration of the joint consultation for each party.

The joint consultation plan will be made available to the public at the start of the joint consultation.

Coordination between Flood Risk Management Strategies and Local Flood Risk Management Plans

SEPA will continue to work in partnership with local authorities to ensure consistency between the two sets of complementary plans. Lead Local Authorities will engage with stakeholders

through local partnerships and FRM Local Advisory Groups to develop the Local FRM Plans. Each local authority will also be responsible for engaging with the wider public on the development of the Local FRM plan.

In early 2020, Lead Local Authorities, SEPA and the Scottish Government will work in partnership to further develop proposals on how best to coordinate the consultation arrangements planned for December 2020 on Local FRM Plans and FRM Strategies. As in December 2014 this is likely to take the format of a joint consultation through an online hub. This will be accessible from SEPA's website and all local authority websites. Paper copies will be available in a number of SEPA offices for public inspection. Each local authority will decide whether to hold additional community events to raise awareness of the Local FRM Plans.

Table 4. Key dates for the consultation and preparation of Local FRM Plans.

Key dates	Consultation and preparatory actions
By 22 December 2020	Lead Local Authorities launch formal consultations on the draft Local FRM Plans: aimed primarily at public bodies and stakeholders involved in the management of flood risk. <i>Three month consultation.</i>
By 22 December 2020	Opportunity for the Lead Local Authority to consult on the Strategic Environment Assessment for the Local FRM Plan along with the Local FRM Plan consultation.
22 March 2021	Opportunity closes to make comments on the draft Local FRM Plans.
By 22 June 2021	Lead Local Authorities provide SEPA with comments relevant to the FRM Strategies received via the Local FRM Plan consultation.
By 22 June 2022	Second Local FRM Plans published.

Coordination with Flood Risk Management Planning and Surface Water Management Planning

The FRM Strategies and Local FRM Plans identify actions to reduce the impact of flooding from all sources including surface water flooding.

In relation to surface water flooding the FRM Strategies:

- identify areas at greatest risk of surface water flooding in Scotland;
- require local authorities to develop and implement surface water management plans that will identify actions to reduce the impact of surface water flooding in these areas; and,
- describe any relevant actions that have been identified through the surface water management planning process.

The Local FRM Plans set out the timescales for developing new surface water management plans, reviewing existing ones and implementing actions identified.

As surface water flooding can often be a complex interaction of many sources of flooding and responsibilities can lie with different authorities, the Flood Risk Management (Scotland) Act 2009 included a duty for organisations to co-operate with each other.

Local authorities are likely to consult different stakeholders, including communities, throughout the development and implementation of surface water management plans to identify where and when there are opportunities for closer coordination or joint working between authorities. This will:

- Help achieve multiple benefits – for example, actions to manage surface water flooding can also enhance climate change adaptation, the urban landscape, improve the water environment, reduce surface water in the sewer, if co-ordinated between relevant authorities. Alternatively other stakeholders may be implementing work that could potentially help manage surface water flooding.

Improve cost-effectiveness and aid delivery – carrying out joint projects with multiple benefits is likely to make managing surface water flooding more cost-effective and open up other sources of funding. Some surface water management actions may only become cost-effective when implemented alongside other projects.

Coordination with land use planning

The interdependencies between land use planning and flood risk management planning are reflected in legislation and policy. FRM Strategies must take account of development plans relating to the district and anything else done under or in pursuance of the planning acts.

Development plans must also take account of finalised and approved FRM Strategies and Local FRM Plans. Land use planning is a key delivery mechanism in helping to achieve the main objectives of the FRM Strategies and Local FRM Plans. The coordination of land use planning and FRM processes will become increasingly important. Scottish Government guidance on Delivering Sustainable Flood Risk Management recognises that land use planning decisions are one of the most powerful tools available to manage flood risk. It also stresses the importance of partnership working, and highlights the need for SEPA, local authorities, Scottish Water and other stakeholders to work closely in developing FRM Strategies and Local FRM Plans.

The alignment of the flood risk management and land use planning systems within this collaborative approach is pivotal to achieving sustainable flood risk management. Decisions relating to flood risk management can have significant implications when making decisions about the location of future planned development. Likewise, decisions relating to the location of development can impact on flood risk. Land use planning has the potential to provide cost effective solutions to the delivery of sustainable flood risk management through the location, use and design of new development and the redevelopment of existing areas.

Actions relating to land use planning in the FRM Strategies form an important element of the suite of actions needed to achieve the plan objectives and help guide the management of flood risk within the development plan area. These include generic and land use planning actions which apply to all the areas within the Local Plan Districts and actions specific to Potentially Vulnerable Areas that may influence land use matters.

For the next FRM Strategies, the aim is to increase SEPA's level of understanding by:

- Using available datasets and information

- Setting site-specific objectives and actions following discussions and agreement with appropriate stakeholders.

Engagement is key for success. Early engagement is essential to inform stakeholders of the process and desired outcomes and how this can be achieved in partnership. This process will maximise the synergies between the two planning regimes with the aim of ensuring future development does not increase flood risk.

Coordination with River Basin Management Planning

River Basin Management Plans (RBMPs) provide a framework for the sustainable management of the water environment in Scotland. They balance the needs of the economy, society and wildlife to manage our rivers, wetlands, coastal waters and groundwater. The plans aim to prevent damage to the water environment and to restore it to at least good condition where damage has already occurred. Alternative or less stringent objectives are available where these aims would have a significant negative impact on important uses of the water environment, such as flood defence, hydropower, or public drinking water supply. The condition of the water environment in Scotland, and actions to protect and improve it are captured in our River Basin Management Plans (RBMPs). The Floods Directive was brought in to put a greater emphasis on understanding where flooding is an important consideration and what actions we should take to reduce future flood risk. Our FRM Strategies identify areas at risk of flooding and the most sustainable actions to reduce any future flood risk. Both plans identify specific actions that will be taken either to improve the ecological status or reduce flood risk.

It is important that we achieve appropriate consistency and coordination between the third RBMPs and second FRM Strategies. To aid the coordination between River Basin Management Planning and FRM Planning a set of key principles have been developed and will be considered in plan development. These principles will ensure sustainable catchment management is promoting actions with multiple benefits.

The principles are as follows:

1. A particular spatial area should have actions that complement each other in both plans.
2. Actions to reduce flood risk and protect and improve water bodies should be planned at the same time to ensure sustainable management.
3. Where there is space and opportunity to carry out River Basin Management Plan actions (such as river restoration) as part of a flood risk management scheme, these should be taken.
4. Engagement with stakeholders should be coordinated covering all the relevant issues and potential solutions.

FRM Local Advisory Groups will continue to have a specific role in providing advice on the coordination between FRM Planning and River Basin Management Planning.

Table 5, below, outlines the key consultation and publication dates for the preparation of the RBM Plans, FRM Strategies and Local FRM Plans.

Table 5: Key consultation and publication dates for the preparation of the RBMPs, FRM Strategies and Local FRM Plans.

Flood risk management planning consultative arrangements	Key dates	River basin management planning consultative arrangements
<ul style="list-style-type: none"> NFRA / PVA 2018 published 	By 22 Dec 2018	<ul style="list-style-type: none"> Statement of Consultation Steps published. Six month consultation. Update of Water Environment Hub to reflect measure progress.
<ul style="list-style-type: none"> Flood Risk and Hazard maps published. Reviewed Natural Flood Management potential maps published. 	22 Dec 2019	Significant Water Management Issues report published. Six month consultation.
<ul style="list-style-type: none"> SEPA launches a formal consultation on the draft FRM Strategies. Three month consultation. Lead Local Authorities launch formal consultations on the draft Local FRM Plans. Three month consultation. 	22 Dec 2020	SEPA launches formal consultations on the draft River Basin Management Plans. Six month consultation.
Opportunity closes to comment on the draft FRM Strategies and draft Local FRM Plans.	22 Mar 2021	
	22 June 2021	Opportunity closes to comment on the draft River Basin Management Plans.
Second FRM Strategies published.	22 Dec 2021	Third River Basin Management Plans published.
Second Local FRM Plans published.	22 June 2022	

Next steps

SEPA welcomes any comments or advice on the consultation arrangements proposed in this document. Please respond by answering the questions on the online consultation or in writing to: SEPA, FRM Planning, Silvan House, 3rd Floor, 231 Corstorphine Road, EH12 7AT.

Your response will be used to shape further improvements that can be made to the consultation arrangements for the flood risk management planning process.

The next key consultation dates are:

- 1 August 2018:** opportunity to comment on this statement and NFRA/PVAs closes.
- 22 December 2020:** opportunity to comment on the draft FRM strategies and draft Local FRM Plans for three months.