

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 29 MAY 2018

FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009: A CONSULTATION ON POTENTIALLY VULNERABLE AREAS

REPORT BY HEAD OF INFRASTRUCTURE

ABSTRACT

This report seeks the committee's approval of the draft response to the consultation on the review and revision of identification of Potentially Vulnerable Areas as part of the Flood Risk Management (Scotland) Act 2009.

1. RECOMMENDATION

It is recommended that the Committee:

- (i) agrees to approve the draft response to the consultation 'Flood Risk Management Planning: 2018 Potentially Vulnerable Areas', as detailed in this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Our communities are prosperous and fair;
- Our communities are safe and strong;
- Our communities are sustainable; and
- Our natural and built environment is protected and enjoyed.

3. BACKGROUND

- 3.1 The Flood Risk Management (Scotland) Act 2009 (the "Act") places duties on the council as a responsible authority for the Tay local plan district, and lead authority and responsible authority for the Tay Estuary and Montrose Basin local plan district (reference Report No. 17/16).
- 3.2 As part of their central role as set out in the Act, Scottish Environment Protection Agency (SEPA) has launched a formal consultation seeking views on the new Potentially Vulnerable Areas (PVA). The consultation was published on 1 May 2018 with a response deadline of 31 July 2018. PVAs will be submitted to the Scottish Government for approval in September 2018, and the final version of the National Flood Risk Assessment (NFRA) and PVAs will be published in December 2018. SEPA has also notified all Scottish MPs, MSPs and MEPs about the consultation launch, encouraging them to take a look and to help raise awareness among their constituents.
- 3.3 Council officers have been actively involved in providing information and assisting SEPA in this review. The Flood Risk Management Member Officer Group has been briefed on these activities and on the details of this report, and has indicated their support for the results of the review.
- 3.4 SEPA has prepared and shared a briefing pack for responsible authorities. The pack provides valuable information and answers to questions on the designation of new PVAs. The contents of the pack are a Potentially Vulnerable Areas consultation briefing note and Frequently Asked Questions, which are attached to this report as **Appendices 1 and 2**.

3.5 The consultation documents can be found at <https://consultation.sepa.org.uk/evidence-and-flooding/pvas2018>. Responses are to be provided via this online portal.

4. CURRENT POSITION

4.1 Potentially Vulnerable Areas (PVAs) are where significant flood risk exists now or is likely to occur in the future. Identifying PVAs is a vital part of protecting people, properties, businesses, communities, infrastructure and the environment from flooding. PVAs help us to understand the potential impacts of flooding and prioritise where work could benefit the most.

4.2 Based on the National Flood Risk Assessment (NFRA), SEPA has identified areas where the potential impact of flooding is most significant. Identifying the PVAs will inform Scotland's Flood Risk Management (FRM) Strategies and Plans and become the focus of FRM actions, helping responsible authorities to work with communities to prioritise investment and reduce the impacts from flooding.

4.3 For each PVA identified:

- SEPA will produce flood hazard and flood risk maps for the area;
- SEPA, in consultation, will set objectives and identify actions to address flood risk;
- Local Flood Risk Management Plans will be produced by lead local authorities; and
- Scottish Water will undertake an assessment of the risk of flooding from the sewerage system.

4.4 New PVAs have been added since the 2011 NFRA due to an improved understanding of risk, or because of future risk due to climate change. Some have been proposed for de-designation where SEPA's more recent data shows less risk than the 2011 NFRA. There have been boundary adjustments to some PVAs to better represent the distribution of risk within them. Many PVAs remain unchanged, but our understanding of the risk within them will be improved.

4.5 The council's proposed detailed response to the consultation questions is attached in the **Appendix 3** to this report. However, the presentation of the responses for Part 2 Part 2: Proposed Potentially Vulnerable Areas 2018 is limited due the online consultation format.

4.6 Local interest groups and organisations, such as community flood action groups and community councils have been notified by council officers about the consultation launch, encouraging them to take a look and to help raise awareness. Details of the consultation will also be posted on the council's social media accounts.

5. PROPOSALS

It is proposed that the detailed responses to the consultation are sent to SEPA.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising directly as a result of the recommendations contained in this report.

7. RISK

The overall risk identified in this report is that of flooding to people, property and land in Angus. The Flood Risk Management (Scotland) Act 2009 presents the risk-based, plan-led approach to managing flood risk across Scotland and locally, and allows a focus on specific locations at the highest level of flood risk, which are designated as Potentially Vulnerable Areas. Delivering the actions identified in the current and future Local Flood Risk Management Plans will reduce flood risk.

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NOTE:

The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

Report No. 17/16 - Flood Risk Management (Scotland) Act 2009 – Update, Communities Committee, 19 January 2016

Report No. 485/11 - Flood Risk Management (Scotland) Act 2009 Flooding In Scotland: A Consultation on Potentially Vulnerable Areas and Local Plan Districts, Infrastructure Services Committee, 26 July 2011

List of Appendices –

- Appendix 1 - Flood Risk Management in Scotland - 2018 consultation on Potentially Vulnerable Areas Briefing (SEPA, April 2018)
- Appendix 2 - Flood Risk Management in Scotland 2018 Consultation on Potentially Vulnerable Areas FAQs (SEPA, April 2018)
- Appendix 3 - Angus Council Proposed Responses to the Flood Risk Management in Scotland 2018 Consultation on Potentially Vulnerable Areas

Appendix 1 – Flood Risk Management in Scotland - 2018 consultation on Potentially Vulnerable Areas Briefing (SEPA, April 2018)

In this briefing:

- Background
- Key messages
- Public consultation
- What happens next?

Background

Potentially Vulnerable Areas (PVAs) are where significant flood risk exists now or is likely to occur in the future. They are identified as part of the National Flood Risk Assessment (NFRA) process and help Scotland to understand and prioritise where work could be of most benefit. They are a vital part of protecting people, properties, businesses, communities, infrastructure and our environment.

Since 2011, when PVAs were first identified, SEPA and our partners have been working hard to improve data and methods of flood risk assessment. As a result we now have new information. This has resulted in changes to the PVAs which we are consulting on to make sure we have got it right.

PVAs are based on the NFRA which is updated and published every six years. This provides a clear picture of past, current and future flood risk. It considers flooding from rivers, the sea and from surface water. SEPA will publish the second NFRA in December 2018.

From 1 May a public consultation on PVAs will be available on SEPA's website. This will enable members of the public and responsible authorities to provide us with feedback on these changes.

Key messages

SEPA helps Scotland prepare more powerfully for future increased flooding

- Climate change is one of the biggest flooding threats to Scotland
- Reducing that threat requires knowledge and action
- Identifying Potentially Vulnerable Areas (PVAs) to flooding is a vital part of protecting people, properties, businesses, communities, infrastructure and the environment.
- PVAs help Scotland understand and prioritise where work could benefit the most.

Working together Scotland's understanding of flood risk is better than it's ever been

- Tackling flooding together is vital to reduce the impact of flooding on people's lives
- Working with our partners we use the best available scientific data
- Using the best available data informs our National Flood Risk Assessment (NFRA) to:
 - Identify areas at greatest risk from potential flooding, considering a wide range of impacts.
 - Inform Scotland's Flood Risk Management Strategies and Plans.
 - Help councils and other public bodies work with communities to focus activities on reducing the impact of flooding.

Your views count

- We'd like your opinion to help us check we've got it right.
- Although it's a science and evidence led process, feedback is important to give us a true understanding as there may be local impacts that we are unaware of.
- From 1 May 2018 the consultation will be open until 31 July 2018.
- We'll consider what you tell us and publish the results in December 2018.
- This will inform future Flood Risk Management Strategies and local Flood Risk Management Plans which will be published in 2021.

Public consultation

Effective partnership working between SEPA and the responsible authorities is central to the delivery of the Flood Risk Management (FRM) Act. The consultation on PVAs, and how this is delivered, is an example of how we can achieve successful partnership working while delivering an open, transparent and accessible consultation process:

- On 1 May 2018 the consultation will be published on the SEPA website: <https://consultation.sepa.org.uk/evidence-and-flooding/pvas2018>
- The preferred route for responses is through the online facility, or in writing to:

- SEPA, FRM Planning, Silvan House, 3rd Floor, 231 Corstorphine Road, Edinburgh, EH12 7AT.
- Printed copies will be available from the following SEPA offices: Edinburgh, Eurocentral and Aberdeen, please use the contact details below to make an appointment to view them.
- Enquiries relating to the consultation should be emailed to FloodActConsultation@sepa.org.uk or by calling 03000 99 66 99.
- The consultation closes on 31 July 2018.

What happens next?

- We will be engaging proactively with our stakeholders to communicate the responses from the consultation and the actions we will take next.
- PVAs will be submitted to ministers for approval in September 2018.
- The final version of the NFRA and PVAs will be published in December 2018.
- The NFRA will then go on to inform future Flood Risk Management Plans which will be published in 2021.

Appendix 2 – Flood Risk Management in Scotland 2018 Consultation on Potentially Vulnerable Areas FAQs (SEPA, April 2018)

What is a Potentially Vulnerable Area (PVA)?

Potentially Vulnerable Areas (PVAs) are where significant flood risk exists now or is likely to occur in the future. Identifying PVAs is a vital part of protecting people, properties, businesses, communities, infrastructure and the environment from flooding. PVAs help us and our partners understand the potential impacts of flooding and prioritise where work could benefit the most.

Based on the National Flood Risk Assessment (NFRA), SEPA has identified areas where the potential impact of flooding is most significant. Identifying the PVAs will inform Scotland's Flood Risk Management (FRM) Strategies and Plans and become the focus of FRM actions, helping responsible authorities to work with communities to prioritise investment and reduce the impacts from flooding.

For each PVA identified:

- We will produce flood hazard and flood risk maps for the area;
- We, in consultation, will set objectives and identify actions to address flood risk;
- Local Flood Risk Management Plans will be produced by lead local authorities; and
- Scottish Water will undertake an assessment of the risk of flooding from the sewerage system.

Why have changes been made to the PVAs since the 2011 NFRA?

New PVAs have been added due to an improved understanding of risk, or because of future risk due to climate change. Some have been proposed for de-designation where our more recent data shows less risk than the 2011 NFRA. There have been boundary adjustments to some PVAs to better represent the distribution of risk within them. Many PVAs remain unchanged, but our understanding of the risk within them will be improved.

Why is my property in a PVA when I don't flood?

Not all properties within a PVA will be affected by flooding. Similarly, there will be homes and businesses outside PVAs which are at risk of flooding. We use a catchment approach to setting the boundaries of the PVAs. This means that we look across whole river systems and coastal areas and use these natural boundaries, rather than using local authority or other borders that have no connection to flood waters.

My property floods but I am not in a PVA? What happens to me?

There will be some people and places outside of proposed PVAs at risk of flooding. Not being included in a PVA does not mean that the risk of flooding is insignificant to the individual or that support will not be provided by flood risk authorities. Flood risk management actions will still be applicable to those people at risk of flooding outside of the PVAs. PVAs are used to identify locations where a partnership approach may be required to resolve widespread and often complex flooding issues. The management of flood risk to address local issues can still be taken forward by local authorities and others in locations outside of PVAs.

Why is my area, which has flooded in the past, not been designated within a PVA?

Not all properties at risk of flooding are captured within PVAs. Information on previous floods has been used to inform the NFRA where they have been reported to local authorities or SEPA and collated from published sources. The presence of a past flood on its own is not sufficient to classify the area as a PVA.

Why are you consulting?

We'd like you and your local communities to be involved in how we're shaping flood risk management. Your views are very important to us and will help us make sure we have accurately identified all PVAs. Feedback from you and your community is essential to ensure we have taken as much relevant information into account as possible.

Who can respond to the consultation?

Everyone is invited to respond to the consultation. Input from all interested organisations, groups and individuals will be sought and welcomed. As well as hearing the views from individuals and local communities, we're particularly keen for Responsible Authorities and informed professionals to take part in the consultation and provide feedback on the data sets.

What action will you take on my response to the consultation?

Following the consultation SEPA will take account of the views received. We will be engaging proactively with our stakeholders to communicate the responses from the consultation and the actions we will take next. A final version of the NFRA and PVAs will be published in December 2018.

What is the National Flood Risk Assessment (NFRA)?

First published in December 2011, the NFRA has provided Scotland with the knowledge and tools to assess the causes and consequences of river, coastal and surface water flooding, taking into account the effects of climate change. It considers the potential impact of flooding on human health, economic activity, the environment and cultural heritage and is based on the most up to date data available.

Why are you reviewing the NFRA?

A key requirement of the FRM (Scotland) Act 2009 is that SEPA must review and update the NFRA every 6 years. Now that we have reached the end of the first Flood Risk Management planning cycle, we are working with key stakeholders to review and update the NFRA as part of preparations for the second planning cycle.

Our understanding of flood risk is constantly developing and improving. It is not a static field of work and therefore periodic review and update is essential to ensure we effectively support flood risk management in Scotland.

How does the NFRA take account of climate change?

Climate change predictions indicate that parts of Scotland may experience wetter winters and more extreme weather events including intense rainfall in summer months. This may lead to an increase in the number of damaging floods. Climate change is also expected to increase sea levels.

The next major update to UK climate change understanding will be UK Climate Projections 2018 (UKCP18), which is expected to be published in November 2018. This publication will require significant analysis and interpretation and it will not be possible to include it in the 2018 NFRA. As soon as the updated climate change projections become available, SEPA will immediately begin work to take them into account in future flood risk management activities. Understanding the impacts of climate change on flood risk will help us to establish sustainable local Flood Risk Management Plans which will be able to manage current and future flood risk.

The NFRA uses the same climate change scenarios (2080, high emissions) described in the Flood Risk Management Strategies. This is based on the UK Climate Projections 2009 (UKCP09) analysis, which remains the most appropriate data until UKCP18 is published.

The predicted rise in rainfall increases the potential for river and surface water flooding. The NFRA considers both the flooding impact associated with future climate change and how sensitive river catchments are to the effects of climate change. Climate change is not expected to affect catchments in all regions of Scotland in the same way and this has been taken into account with varying climate change factors.

The expected sea level rise also varies around the coastline. Like river flooding, this has been taken into account through a future coastal scenario and a consideration of expected change in coastal locations.

The future flood risk assessment within the NFRA is solely based on the impact of a changing climate on the magnitude of flooding; it does not take into account any potential increase due to population change, development pressures or urban creep. SEPA, Scottish Government and Responsible Authorities are undertaking ongoing research and development to better understand the impacts of climate change on all sources of flood risk to ensure that it can be robustly embedded in decision making.

What is a Flood Risk Management Strategy?

A Flood Risk Management Strategy sets out a long-term vision for the overall reduction of flood risk. It will contain a summary of flood risk in each Local Plan District together with information on catchment characteristics and a summary of objectives and measures for PVAs.

What is a Local Flood Risk Management Plan?

Local Flood Risk Management Plans will be developed by lead local authorities. SEPA will prepare Flood Risk Management Strategies which will identify the main flood hazards and impacts and set objectives for reducing risk, establishing the best combination of actions to achieve this. Local Flood Risk Management Plans will take these objectives and set out what actions will be taken and how they will be funded.

What is a Local Plan District (LPD)?

LPDs are the geographical areas for which Flood Risk Management Plans will be produced. There are 14 Local Plan Districts together covering the whole of Scotland.

Does every local authority have an input to the FRM planning process?

All local authorities have additional responsibilities for flood risk management and are involved in partnership working with other local authorities, SEPA and Scottish Water.

All local authorities will contribute to:

- Producing local FRM plans
- Reducing overall flood risk when exercising their flood risk related functions;
- Achieving objectives set out in Flood Risk Management Strategies;
- Mapping, assessing and maintaining watercourses; and
- Co-ordinating flood-related work with other local authorities.

Who is responsible for flood risk management?

We all have a responsibility to manage the risk of flooding and to protect ourselves, our families, property and business. There are many actions we can take to minimise the flood damage to our land and property. SEPA, Scottish Water and local authorities also have a responsibility to do what they can to reduce the overall impacts of floods and ensure that, where possible, the risks are minimised. The Flood Risk Management Act creates a framework for a co-ordinated and sustainable approach to flood risk management which has at its centre, a series of assessments and plans designed to improve our understanding of flooding and target investment in actions where they are most needed.

What can members of the public do to reduce flood risk?

You are the first line of defence against flooding and responsible for protecting yourself, your family, property and/or business. It is important to know what actions you can take to reduce the impact of flooding on yourself and your property. SEPA's Floodline service can help you be prepared for flooding. Floodline can provide free advanced warnings of floods in your area. Please visit the Floodline website or call Floodline on 0345 988 1188 for more information. You can also:

- Get involved in community organisations and events by joining a local flood group;
- Share your views and opinions by responding to consultations on flood risk management;
- Keep up to date with developments on flood risk management by regularly visiting SEPA and your local authority websites'

Where can I get advice on flooding?

SEPA's website hosts a comprehensive flooding section which gives you advice and information on how to be prepared and take action to manage your own flood risk. There is also information on how Scotland is tackling flooding more powerfully by developing our knowledge of the impacts and sources of flooding and preparing plans to manage it. Your local authority website may also have more local information to help you deal with flooding.

Part 1: Overview

Our future Flood Risk Management strategies must take account of climate change. Do you think that flooding is one of the major climate change challenges Scotland will face in the future?

Yes No Don't know

Further Comments

We have seen the impacts of more frequent, higher impact and less predictable rainfall events in recent years in Angus. The county was particularly affected by Storm Frank in relation to flooding of homes and businesses, and continues to suffer from coastal erosion that is exacerbated by changes to the climate such as higher sea levels. Climate change predications show that the effects will be greater as time goes by. Our ability to deal with climate change in relation to flooding will see an increased need for adaptation plans and actions that will need to augment more traditional means of protection, such as flood defences.

Do you support or have any comments on the 2018 National Flood Risk Assessment method?

Support Don't Support No Opinion

Further Comments

The 2018 National Flood Risk Assessment method has supported the evidence and risk-based approach to Flood Risk Management in Scotland since the enactment of the Flood Risk Management (Scotland) Act 2009. It is considered that the level of refinement of the method and resulting assessment gives an increasingly high level of confidence in the accuracy of the 2018 National Flood Risk Assessment. The collection of data from Local Plan Districts, such as Tay and Tay Estuary and Montrose Basin, and the involvement of council officers in the developing methodology and review of outputs from the assessment has been further evidence of collaboration between SEPA and responsible authorities. It is this collaboration that

ensures the national perspective from the National Flood Risk Assessment translates to a local and community level. Details of this consultation have been sent to community councils and community flood action groups in Angus as awareness raising and to seek the broadest consultation responses.

Part 2: Proposed Potentially Vulnerable Areas 2018

Please select the PVA of interest from the map below using postcode or placename search, or by using zoom function to navigate to your area of interest.

Are there areas that have been identified as Potentially Vulnerable Areas (PVAs) that shouldn't be?

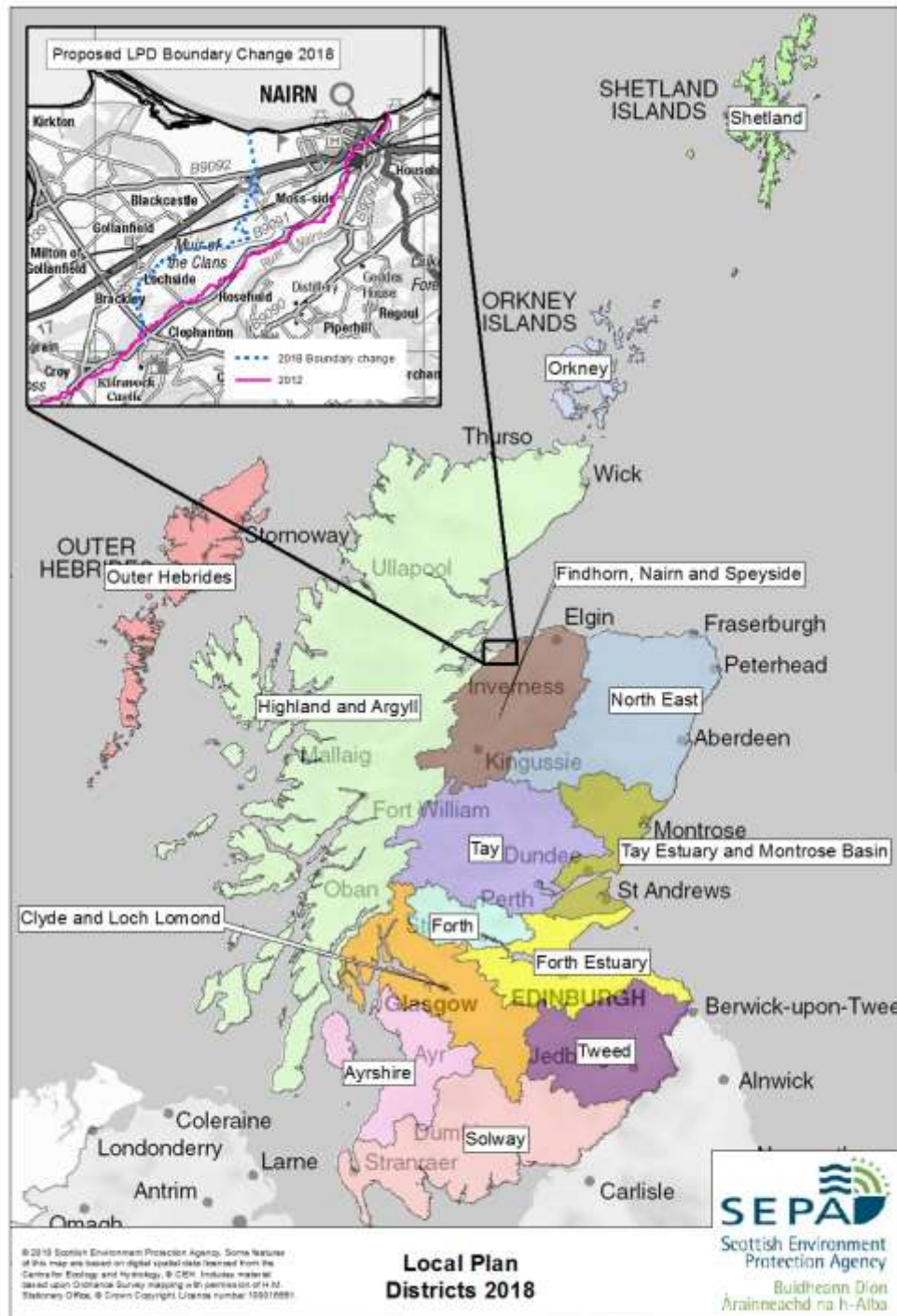
Yes (Please provide details below) No No opinion

Are there areas that have not been identified as Potentially Vulnerable Areas (PVAs) that should be?

Yes (Please provide details below) No No opinion

Part 3: Local Plan Districts and Future Flood Risk Management Arrangements

LPDs and changes for 2018 can be seen in this map:



Local Plan Districts were consulted upon and agreed in 2011. With a very minor adjustment, we intend to retain the 14 Local Plan Districts. Do you support the retention of the 14 Local Plan Districts?

Support Don't Support No Opinion

Comments

Angus Council is a lead authority for the Tay Estuary and Montrose Basin Local Plan District and a member of the Tay Local Plan District for which Perth & Kinross Council are the lead authority. Collaborative working has been engendered within each Local Plan District and between Local Plan Districts regionally and nationally. 14 Local Plan Districts provides a balance between local accountability and decision-making and regional consistency and efficiency. It is therefore considered that the 14 Local Plan Districts should be retained at this time, with opportunities for even closer collaboration and sharing of resources and services explored as is appropriate.

Do you agree with the consultation arrangements outlined to support the delivery of flood risk management planning in Scotland? Please provide suggestions of alternative or additional arrangements that you would like to see undertaken.

Support Don't Support No Opinion

Comments

The statement of consultation arrangements is consistent with the coordinated and collaborative efforts and actions of SEPA and responsible authorities. The statement explains and endorses the real benefits of partnership working, which is engendered within the delivery of actions and Local Flood Risk Management Plans.