POLICY NOTE

The Flood Risk Management (Designated Responsible Authorities) (Scotland) Order 2013

SSI 2013/314

The above instrument was made in exercise of the powers conferred by section 5(1)(c) of the Flood Risk Management (Scotland) Act 2009. The instrument is subject to negative procedure.

Policy Objectives

The Flood Risk Management (Scotland) Act 2009 ("the Act") implements Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks ("the Directive"), and sets out a new approach to managing flood risk in Scotland. The Act introduces a more sustainable approach to managing flooding through the production and implementation of strategic flood risk management plans. The Act requires "responsible authorities" to exercise their flood risk related functions with a view to reducing overall flood risk and securing compliance with the Directive, and also with a view to achieving the objectives set out in relevant flood risk management plans.

The Order designates as responsible authorities: the Cairngorms National Park Authority, the Loch Lomond and The Trossachs National Park Authority, and The Forestry Commissioners. This ensures that these authorities are fully involved in the flood risk management planning process and exercise their flood risk related functions with a view to reducing overall flood risk and achieving the objectives set out in relevant flood risk management plans.

Consultation

A public consultation took place from March to June 2012. In accordance with section 5(2) of the Act, SEPA, all other responsible authorities, and those public bodies identified as potential responsible authorities (including those designated by the order) were consulted. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

Impact Assessments

An equality impact assessment has been completed on the designation of the Cairngorms National Park Authority; the Loch Lomond and The Trossachs National Park Authority and The Forestry Commissioners.

This policy directly impacts both on those potentially affected by any flood event, and on the staff of each body designated as a responsible authority. The overall delivery of the Flood Risk Management (Scotland) Act 2009 will consistently benefit the former by reducing risk to people and property. The designation order will also consistently benefit staff by affording the opportunity for a wider range of partnership working, with the resultant advantage of increased knowledge sharing. It is considered that these benefits will apply evenly and fairly.

Financial Effects

A partial Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The order is not expected to have any impact on the Scottish Firms and businesses. It only affects those public bodies identified as designated authorities and their office holders. We have therefore not completed any face-to-face discussions with business but are committed to engaging with business if it becomes clear they may be affected in due course.

Scottish Government
Environment and Forestry Directorate

4 November 2013