

Flood Risk Management (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

Comments by Scottish Environment LINK (in red font)

Section 1

Elaine Murray

19 In section 1, page 1, line 26, leave out <co-operate> and insert <adopt an integrated approach by co-operating>

LINK comments:

In order to achieve a truly sustainable approach, effort must be focused on taking an integrated approach to flood risk management. The proposed amendment will ensure that Scottish Ministers, SEPA and responsible authorities must, where possible, adopt an integrated approach in exercising their relevant flood risk related functions. These functions include the management of all floods, the relevant policies that affect flooding, the provision of funds, and in the integrated working between all relevant authorities. **LINK believes that this amendment strengthens the general provisions of the Bill and LINK therefore supports this amendment.**

Section 2

Roseanna Cunningham

26 In section 2, page 2, line 39, at end insert—

- <(5) The Scottish Ministers must give guidance under subsection (1) to SEPA and all responsible authorities on their duties under—
 - (a) subsection (2)(a) of section 1, and
 - (b) subsection (2)(b)(zi) of that section.
- (6) The guidance given in pursuance of subsection (5) must be given not later than 18 months after the provision to which the guidance relates is commenced.
- (7) The Scottish Ministers must review and where appropriate update the guidance given in pursuance of subsection (5) not later than 6 years after it was first given or, as the case may be, last reviewed under this subsection.
- (8) Before giving guidance in pursuance of subsection (5) or updating the guidance under subsection (7), the Scottish Ministers must consult—
 - (a) SEPA,
 - (b) every responsible authority, and
 - (c) such other persons as they consider appropriate.>

LINK comments:

This amendment proposes that guidance is issued on the interpretation of general duties relating to:

- acting in the best way calculated to manage flood risk in a sustainable way, and
- having regard to the social, environmental and economic impact of exercise of flood risk related functions.

This amendment is welcome, as it will provides for a common understanding of what it means to ‘act in the best way calculated to manage flood risk in a sustainable way’. The guidance also provides for the interpretation of social, environmental and economic impacts in flood risk management. Such guidance will be important in assisting the implementation of sustainable flood management. **LINK welcomes and supports this amendment.**

After section 2

Robin Harper

8 After section 2, insert—

<Guidance on sustainable flood risk management

- (1) The Scottish Ministers must, no later than one year after the day appointed under section 86(1), give guidance to SEPA and responsible authorities as to the management of flood risk in a sustainable way.
- (2) SEPA and responsible authorities must have regard to such guidance in relation to the exercise of their flood risk related functions.
- (3) The Scottish Ministers may from time to time, but in any case no later than 6 years after guidance was last given under subsection (1), review that guidance and give updated guidance under that subsection.
- (4) Before giving guidance under this section, the Scottish Ministers must consult—
 - (a) SEPA,
 - (b) responsible authorities, and
 - (c) such other persons as they consider appropriate.>

LINK comments:

This amendment achieves a similar outcome to amendment 26 in that it provides for guidance to be issued on the subject of sustainable flood management. LINK supports the intention behind this amendment.

Section 9

Roseanna Cunningham

27 In section 9, page 5, line 34, leave out subsection (6)

LINK comments:

This is a technical amendment.

Section 16

Roseanna Cunningham

- 28 In section 16, page 11, line 16, leave out <subsection (1)> and insert <this Act>

LINK comments:

This is a technical amendment.

Roseanna Cunningham

- 29 In section 16, page 11, leave out line 35

LINK comments:

Line 35 is replaced with amendment 30 below.

Roseanna Cunningham

- 30 In section 16, page 11, line 38, at end insert—

- <() The map referred to in subsection (3)(b) must be prepared at a scale which SEPA considers will assist in—
- (a) the identification of measures under section 23(4)(b), and
 - (b) the inclusion of information in local flood risk management plans under section 29(3)(b)(ia) and (4)(ba)(i).>

LINK comments:

This amendment deals with an issue that was raised at stage 2 regarding the scale of section 16 assessment on natural flood management. The assessment needs to be carried out at the appropriate scale to assist in the identification of measures at national and local scales. **Amendment 30 deals with this issue and its provisions are greatly welcomed.**

Peter Peacock

- 5 In section 16, page 11, line 38, at end insert—

- <(3A) In subsection (3)(b)(i), the reference to a map at the appropriate scale for the purposes of the assessment is a reference to a map at a sufficient scale to enable—
- (a) SEPA, in setting objectives and identifying measures in a flood risk management plan under section 23(4), or
 - (b) a lead authority, in preparing the supplementary part of a local flood risk management plan under section 29(3),
- to have regard in the plan to the possible contribution of the alteration (including enhancement) or restoration of any natural features and characteristics identified in an assessment under section 16(1) to managing flood risk in the district for which the plan is to be prepared.>

LINK comments:

This amendment achieves a similar outcome to amendment 30 and also deals with the issue of scale of section 16 assessment. **LINK supports the principle behind this amendment.**

Section 19

Roseanna Cunningham

31 In section 19, page 14, line 16, at end insert—

- <(vi) areas classified pursuant to Article 4 of Council Directive 79/409/EEC on the conservation of wild birds,
- (vii) special areas of conservation designated under regulation 8(1) of the Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994/2716), and
- (viii) sites of special scientific interest which have been notified in terms of section 3 of the Nature Conservation (Scotland) Act 2004 (asp 6).>

LINK comments:

This amendment expands the scope of flood risk mapping to include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs). It addresses issues raised at stage 2 and meets the Government commitment to introduce an amendment to this effect at stage 3. This amendment will ensure the protection of important wildlife areas. **LINK fully supports this amendment.**

Roseanna Cunningham

32 In section 19, page 14, line 18, leave out <(v)> and insert <(viii)>

LINK comments:

This is a consequential amendment to amendment 31.

Section 23

Roseanna Cunningham

33 In section 23, page 15, line 24, leave out subsections (4A) to (4C)

LINK comments:

This amendment deletes the duplication of provisions from stage 2. These provisions are being replaced with provisions in section 24 and schedule 1.

Section 24

Roseanna Cunningham

34 In section 24, page 16, line 10, leave out <cost> and insert <costs>

Roseanna Cunningham

35 In section 24, page 16, line 34, leave out from <flood> to end of line 35 and insert—

- <() flood warning,
- () awareness raising,

- () the preparation and review of development plans, and
- () the carrying out of research, monitoring and other methods of gathering information relevant to managing flood risk.>

LINK comments:

This amendment adds examples of non-structural measures such as flood warning, awareness raising and others. **This is a useful amendment, which LINK supports.**

Peter Peacock

65 In section 24, page 16, line 35, at end insert—

<(2AA) In considering structural measures under subsection (1)(b), SEPA must consider measures that seek to reduce, slow or otherwise manage flood water by altering (including enhancing) or restoring natural features and characteristics.

(2AB) The measures considered in pursuance of subsection (2AA) must include measures that consist of carrying out any alteration or restoration of natural features and characteristics identified as being capable of contributing to the management of flood risk in an assessment done under section 16 in relation to the district.>

LINK comments:

Amendment 65 seeks to address the issue raised by the Rural Affairs and Environment Committee in its stage 1 report on the ‘presumption for natural flood management’ that was also debated at stage 2. This amendment requires SEPA to consider measures that seek to reduce, slow or otherwise manage flood water by altering (including enhancing) or restoring natural features and characteristics. This amendment is needed to ensure a shift from hard engineering approach that currently dominates flood management towards more natural solutions to flooding. It is clear that natural flood management will often be used in combination with hard engineering, but its consideration should always be ensured. **The amendment greatly strengthens the Bill. LINK strongly supports this amendment.**

There are number of other stage 3 amendments that further strengthen the provisions relating to natural flood management. These include amendments 60 to schedule 1 on reporting, amendment 29 that deals with an issue of scale for natural flood management assessment under section 16, and amendment 36 that introduces a requirement on Scottish Ministers to issue guidance on the setting of objectives and identification of measures, including provisions for natural flood management. **We believe that all these amendments strengthen and further clarify the role of natural flood management – and should be supported.**

After section 24

Roseanna Cunningham

36 After section 24, insert—

<Flood risk management plans: guidance

- (1) The Scottish Ministers must give guidance to SEPA on the setting of objectives and identification of measures under sections 23 and 24.

- (2) The guidance must, in particular, address the consideration of measures that consist of carrying out any alteration (including enhancement) or restoration of a natural feature or characteristic.
- (3) The guidance must be given no later than 22 December 2012.
- (4) The Scottish Ministers must review and where appropriate update the guidance not later than—
 - (a) 6 years after it was given, or
 - (b) where the guidance has been reviewed under this subsection, 6 years after the last such review.
- (5) Before giving the guidance or updating it under subsection (4), the Scottish Ministers must consult—
 - (a) SEPA,
 - (b) every responsible authority, and
 - (c) such other persons as they consider appropriate.
- (6) SEPA must have regard to any guidance given under this section.>

LINK comments:

This amendment introduces a new requirement on Scottish Ministers to issue guidance to SEPA on the setting of objectives and identification of measures in flood risk management plans. The amendment includes a provision that the guidance must address the consideration of natural flood management. This amendment is greatly welcomed. **LINK welcomes and supports this amendment.**

Section 25

Roseanna Cunningham

37 In section 25, page 17, line 24, at end insert—

<() every category 1 responder (other than a responder which is a responsible authority) which has functions exercisable in or in relation to the district,>

Section 26

Roseanna Cunningham

38 In section 26, page 18, line 16, leave out <action should be> and insert <consultation should be undertaken or other action>

Roseanna Cunningham

39 In section 26, page 18, line 18, after <to> insert <undertake such further consultation and>

Section 29

Roseanna Cunningham

- 40 In section 29, page 20, line 1, after <maps,> insert—
- <(ia) information about how implementing the measures summarised under paragraph (a) may alter (including enhance) or restore natural features and characteristics,>

LINK comments:

This amendment introduces a requirement on local authorities to include, in the supplementary part of local flood risk management plans, further information about natural flood management measures. This issue was raised at stage 2 of the Bill, and a commitment was made to introduce an amendment to this effect. It deals with the issue of scale at local level and ensures that local authorities are required to provide further information on measures. **LINK welcomes and supports this amendment.**

Roseanna Cunningham

- 41 In section 29, page 20, line 2, leave out <the measures summarised under paragraph (a)> and insert <those measures>

LINK comments:

This is a technical amendment.

Peter Peacock

- 9 In section 29, page 20, line 11, at end insert—
- <() Where a summary under subsection (3)(a) includes reference to the contribution that natural features and characteristics could make to flood risk management within the local plan district, the supplementary part must also include—
 - (a) a map which shows, or
 - (b) more than one map which, taken together, show,those natural features and characteristics at such level of detail as the lead authority considers appropriate for the purposes of the implementation part.>

LINK comments:

This amendment is an alternative to amendment 40 and deals with the issue of assessment of natural flood management measures at local scale. As per comments to amendment 40, LINK supports the principle behind this amendment.

Roseanna Cunningham

- 42 In section 29, page 20, line 22, after <to> insert—
- <(i) the alteration (including enhancement) or restoration of natural features and characteristics, and
 - (ii)>

LINK comments:

During stage 2 it became apparent that the implementation of certain measures requires co-ordination between authorities. These include measures to address surface water run-off, and also natural flood management. This amendment inserts a new provision that will require responsible authorities to co-ordinate the implementation of natural flood management measures. **LINK welcomes and supports this amendment.**

Peter Peacock

10 In section 29, page 20, line 23, after <drainage,> insert—

<() where the lead authority considers that implementation of a measure requires a co-ordinated approach across two or more local plan districts, a description of how the lead authority proposes to secure such an approach,>

LINK comments:

This amendment is alternative to amendment 42 in that it requires local authorities to co-ordinate measures across local authorities boundaries where the implementation of measures requires it to do so. **LINK supports the principle behind this amendment.**

Section 30

Roseanna Cunningham

43 In section 30, page 21, line 41, at end insert—

<() any category 1 responder (other than a responder which is a responsible authority) which has functions exercisable in or in relation to the district,>

Section 36

Peter Peacock

4 In section 36, page 24, line 37, at end insert—

<() The Scottish Ministers must, in determining any funding to be allocated to SEPA or any responsible authority for the purpose of flood risk management for any period, have regard to flood risk management plans (as approved under section 27) and local flood risk management plans (as finalised under section 31).>

LINK comments:

The issue of funding was subject to much debate at stage 2. A number of amendments were proposed at stage 2, but lost on the casting vote. It is clear that the benefits of the new Bill will only be realised if SEPA and responsible authorities are provided with adequate funds to implement measures in flood risk management plans. This includes the preparatory works for the production of flood risk management plans, and the implementation of measures by local authorities. LINK believes that this amendment introduces a useful provision and safeguard that Ministers must have regard to flood risk management planning when deciding on funding for SEPA and responsible authorities. **LINK welcomes and supports this amendment.**

After section 36

Karen Gillon

13 After section 36, insert—

<Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

In regulation 24 (further information) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (SSI 2008/432)—

(a) the words from “may” to the end become paragraph (a), and

(b) at the end there is inserted—

“(b) must, where the application relates to a development that is likely to result in a material increase in the number of buildings at risk of being damaged by flooding, require from the applicant an assessment of flood risk in respect of the development.”.>

Karen Gillon

14 After section 36, insert—

<Town and Country Planning (Scotland) Act 1997

After section 37(2) of the Town and Country Planning (Scotland) Act 1997 (c.8) insert—

“(2A) Where a flood risk assessment has been provided by virtue of regulation 24(b) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (SSI 2008/432), that assessment is, for the purposes of subsection (2), a material consideration.”.>

LINK comments:

Amendments 13 and 14 strengthen the requirement for flood risk assessments to be a consideration in planning applications. This amendment would ensure that a flood risk assessment is carried out in all cases where a flood risk has been identified. **LINK fully supports this amendment.**

Section 37

Roseanna Cunningham

44 In section 37, page 25, line 19, leave out <of,> and insert <relating to—

() the contribution that altering (including enhancing) or restoring natural features and characteristics could make to managing flood risk, and

()>

LINK comments:

This amendment expands SEPA’s powers to obtain information, documents and assistance to include information on natural flood management. **This is a useful amendment, which LINK supports.**

Section 43

Roseanna Cunningham

45 In section 43, page 30, line 2, at end insert—

<() any category 1 responder (other than a responder which is a responsible authority) which has functions exercisable in or in relation to the sub-district,>

Section 45

Roseanna Cunningham

46 In section 45, page 30, line 21, leave out from <action> to <Part> in line 22 and insert <the action referred to in subsection (2) taken during the year>

Roseanna Cunningham

47 In section 45, page 30, line 27, at end insert—

<(2) The action is—

- (a) action taken in accordance with this Part (including, in particular, action taken for securing compliance with the requirements of the Directive), and
- (b) action taken to implement measures identified in a flood risk management plan approved under section 27.>

LINK comments:

This amendment clarifies the meaning of ‘action’ for the purpose of reporting to Parliament. This amendment is welcome.

Section 48

Peter Peacock

7 In section 48, page 31, line 19, after <means> insert <(subject, in the case of the map mentioned in subsection (3)(b) of section 16, to subsection (3A) of that section)>

LINK comments:

This is a consequential amendment to amendment 5.

Section 49

Elaine Murray

11 In section 49, page 32, line 10, at end insert—

<() carry out any operation that would assist in the retention of flood water, whether on a permanent or temporary basis (such as the restoration of floodplains, woodland or wetland), or in slowing the flow of such water (such as through the management of woodlands or other vegetation),>

LINK comments:

This amendment seeks to ensure that local authorities have powers to carry out land management with the aim of slowing down or storing water. This amendment is an alternative to amendment 21 that deals with a similar issue.

John Scott

- 20 In section 49, page 32, line 13, after <person> insert—
<(i)>

John Scott

- 21 In section 49, page 32, line 15, at end insert <or,
(ii) relating to the management by that person of land in a way which can assist in the retention of flood water or slowing the flow of such water,>

LINK comments:

This amendment introduces a new provision for local authorities that allows them to enter into agreements with land managers for the purpose of flood management. This is a useful provision that LINK welcomes and supports.

Roseanna Cunningham

- 48 In section 49, page 32, leave out line 16

Elaine Murray

- 12 In section 49, page 32, line 17, after <incurred> insert <or income foregone>

LINK comments:

This amendment seeks to ensure that compensation can be paid to farmers for the loss of income caused by changes in land management or as a result of implementation of flood management measures. LINK welcomes and supports this amendment.

John Scott

- 22 In section 49, page 32, line 18, after <Part,> insert—
<() make payments to any other person in compensation for income lost as a result of entering into agreements or arrangements of the type mentioned in paragraph (d)(ii),>

LINK comments:

This amendment ensures that compensation can be paid to farmers and land managers for the loss of income when entering into agreements or arrangement with local authorities for the purpose of flood management. This is a useful provision, which LINK supports.

Section 57

Elaine Murray

- 23 In section 57, page 36, line 36, after <out> insert—
<()>

Elaine Murray

- 24 In section 57, page 37, line 2, at end insert <or
() any work required under section 51A,>

After section 61

Robin Harper

- 15 After section 61, insert—

<PART

FLOOD RISK MANAGEMENT: SCOTTISH WATER

Powers of Scottish Ministers to set objectives for Scottish Water

In section 56A(3) of the Water Industry (Scotland) Act 2002 (asp 3)—

- (a) the words “section 51(1)” become paragraph (a), and
- (b) at the end, insert “, and
(b) section 1(2)(b)(zi) of the Flood Risk Management (Scotland) Act 2009 (asp 00)”.>

LINK comments:

Scottish Water’s functions are driven through the provisions of the Water Industry (Scotland) Act 2002. Concerns were raised at stage 1 of the Bill that Scottish Water does not consider sustainability issues when deciding on its investment programmes. The current governance of Scottish Water, which includes Scottish Ministers and the WIC does not encourage sustainable approaches. Amendments 15 and 16 seek to address some of these issues by amending the relevant sections of the Water Industry (Scotland) Act 2002.

Amendment 15 requires that Scottish Ministers consider Scottish Water’s duty on sustainable flood management when issuing directions to Scottish Water on objectives.

This duty would sit alongside the requirement on Ministers to also consider Scottish Water’s duty to act in the best way calculated to contribute to sustainable development, when issuing directions to Scottish Water on objectives. We believe that this amendment will go some way towards ensuring that Scottish Water start to consider a range of investment options that would allow them to take a more sustainable approach to investment programmes. **LINK welcomes and fully supports this amendment.**

Peter Peacock

- 16 After section 61, insert—

<PART

FLOOD RISK MANAGEMENT: SCOTTISH WATER

Scottish Water: exercise of functions regarding charges

In section 29C(2)(c) of the Water Industry (Scotland) Act 2002 (asp 3)—

- (a) the word “and” which immediately follows sub-paragraph (i) is repealed, and
- (b) after sub-paragraph (ii) insert “and
 - (iii) Scottish Water’s duty under section 1(2)(b)(zi) of the Flood Risk Management (Scotland) Act 2009 (asp 00),”.>

LINK comment:

This amendment will, in combination with amendment 15, strengthen the provisions for the consideration of sustainable flood management in the exercise of Scottish Water’s functions. Amendment 16 requires the WIC to consider Scottish Water’s duty on sustainable flood management when exercising its functions regarding charges. Amendment 16 seeks to ensure that the Water Industry Commission is required to consider Scottish Water’s duty under the Flood Risk Management Bill to ‘act in the best way calculated to contribute to sustainable flood management’ when exercising its functions regarding charges. This duty would sit alongside the existing requirements for the Commission to consider any guidance issued to Scottish Water by Scottish Ministers, which includes guidance on sustainable development. **LINK welcomes and fully supports this amendment.**

Section 67

Roseanna Cunningham

- 49 In section 67, page 41, leave out lines 20 and 21 and insert—
- <() every category 1 responder (other than a local authority) which has functions exercisable in or in relation to the area which is the subject of the assessment.>

Roseanna Cunningham

- 50 In section 67, page 41, leave out lines 24 and 25 and insert—
- <() any category 1 responder (other than a local authority) which has functions exercisable in or in relation to the area in which the power is to be exercised.>

Roseanna Cunningham

- 51 In section 67, page 41, line 26, leave out subsections (3) and (4)

After section 67

John Scott

Supported by: Peter Peacock, Liam McArthur

- 25 After section 67, insert—

<PART

FIRE AND RESCUE AUTHORITIES: FLOOD RISK MANAGEMENT FUNCTIONS

Duty to prepare a strategy

- (1) Each relevant authority must prepare a strategy for its area that—
 - (a) identifies (so far as is relevant in relation to reducing overall flood risk)—
 - (i) the property held by, and
 - (ii) the human resources available to, category 1 and 2 responders,
 - (b) sets out how it proposes to—
 - (i) deploy that property and those human resources, and
 - (ii) co-operate with category 1 and 2 responders and any other person the authority considers appropriate,

in a way that would, in its opinion, best contribute to reducing overall flood risk.
- (2) The strategy must also contain proposals for the promotion of flood prevention measures in the authority’s area (including in particular measures which members of the public can take in order to protect property and individuals from the effects of flooding).
- (3) In preparing a strategy, the relevant authority must have regard to—
 - (a) any current flood risk management plan for any flood risk management district in the area,
 - (b) any current local flood risk management plan for any local plan district in the area,
 - (c) such other matters as the Scottish Ministers may specify in regulations.
- (4) Before finalising a strategy, a relevant authority must submit a draft of it for approval to the Scottish Ministers; and the Scottish Ministers may specify a date by which a relevant authority must submit a draft to them.
- (5) A relevant authority—
 - (a) may from time to time, and
 - (b) must, when directed to do so by Scottish Ministers,

prepare a revised strategy; and subsections (1) to (4) apply to the revised strategy as they do to the strategy.
- (6) In this section—

“relevant authority” has the same meaning as in section 6 of the Fire (Scotland) Act 2005 (asp 5); and

the references to category 1 and 2 responders are to be construed by reference to Schedule 1 to the Civil Contingencies Act 2004 (c. 36).>

Section 68

Roseanna Cunningham

52 In section 68, page 42, line 23, at end insert—

- <(zb) any land for the purposes of preparing a local flood risk management plan under section 29,
- (zc) any land for the purposes of preparing a report under section 32 or 33,>

Roseanna Cunningham

- 53 In section 68, page 42, line 35, at end insert—
<() In subsection (2), paragraphs (zb) and (zc) apply only where the local authority is a lead authority within the meaning of section 29.>

Section 72

Roseanna Cunningham

- 54 In section 72, page 45, line 18, leave out <or, as the case may be>

Roseanna Cunningham

- 55 In section 72, page 45, line 19, at end insert <or, as the case may be, exercise of another function mentioned in section 71>

Peter Peacock

- 66 In section 72, page 45, line 21, at end insert—
<(2AA)SEPA or, as the case may be, a local authority must pay any compensation due under section 71 within a reasonable period of notice being given in accordance with subsection (2).
(2AB)The Scottish Ministers must, no later than one year after section 71 comes into force, give guidance to SEPA and local authorities as to what constitutes a “reasonable period” for the purposes of subsection (2AA).>

Section 80

Roseanna Cunningham

- 56 In section 80, page 51, line 14, after <68> insert <(whether those specified in that section or the ancillary powers mentioned in section 70(1) and (2))>

Section 84

Roseanna Cunningham

- 57 In section 84, page 53, line 12, at end insert—
<“category 1 responder” means a person or body listed in Part 2 of Schedule 1 to the Civil Contingencies Act 2004 (c.36),>

Rhoda Grant

- 17 In section 84, page 53, line 16, at end insert—
<() any work that involves the alteration (including enhancement) or restoration of natural features and characteristics of any river basin or coastal area,>

LINK comments:

This amendment proposes a change to the definition of flood protection works to include an additional paragraph *‘any works that involve the alteration (including enhancement) or restoration of natural features and characteristics of any river basin or coastal area’*. The change in the definition would provide another step towards the consideration of more natural solutions in the consideration of structural measures. **This amendment is therefore an important addition to the Bill, which LINK welcomes and supports.**

Rhoda Grant

- 18 In section 84, page 53, line 18, leave out <paragraph (a) or> and insert <paragraphs (a) to>

LINK comments:

This is a consequential amendment to amendment 17.

Roseanna Cunningham

- 58 In section 84, page 53, line 23, at end insert—
<(1A) In this Act, any reference to a Directive of the European Parliament and of the Council or, as the case may be, a Council Directive includes a reference to the Directive as amended from time to time.>

Schedule 1

Roseanna Cunningham

- 59 In schedule 1, page 54, line 11, leave out from <before> to end of line 12 and insert—
<(i) before the plan is next reviewed under section 28,
(ii) in the 6 years following that review, or
(iii) after the end of the period mentioned in sub-paragraph (ii).>

LINK comments:

This is a useful addition to Schedule 1 that will set out how measures will be prioritised in future planning cycles. **LINK supports this amendment.**

Roseanna Cunningham

- 60 In schedule 1, page 54, line 27, at end insert—
<A description of—
(a) in relation to each measure included in the plan under paragraph 1(b), the reasons for identifying the measure, and

- (b) in relation to any alteration (including enhancement) or restoration of a natural feature or characteristic in the flood risk management district which—
 - (i) is identified in an assessment under section 16,
 - (ii) could contribute to the management of flood risk, and
 - (iii) is not to be carried out by a measure included in the plan under paragraph 1(b),
 the reasons why no such measure has been identified.>

LINK comments:

This amendment provides for reporting of measures that have been identified in section 16, but which have not been selected by SEPA for flood risk management planning. This amendment meets the second part of the Committee’s recommendation of the ‘presumption for natural flood management’. **LINK welcomes and supports this amendment.**

Roseanna Cunningham

- 61 In schedule 1, page 54, line 31, at end insert—
 - <In relation to measures to be implemented before the plan is next reviewed under section 28, an estimate of the cost of implementing the measures.>

LINK comments:

This is a useful provision that will provide for the reporting of costs for implementing measures. **LINK welcomes and supports this amendment.**

Schedule 4

Roseanna Cunningham

- 62 In schedule 4, page 63, line 30, column 2, after <6> insert <(see also section 84(1A))>

Roseanna Cunningham

- 63 In schedule 4, page 64, line 3, at end insert—
 - <category 1 responder Section 84(1)>

Roseanna Cunningham

- 64 In schedule 4, page 64, line 18, at end insert—
 - <natural features and characteristics Section 16(1A)>