

PERTH AND KINROSS COUNCIL
FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009
and
THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES, POTENTIALLY
VULNERABLE AREAS AND LOCAL PLAN DISTRICTS) (SCOTLAND) REGULATIONS 2010 (AS
AMENDED)
SOUTH KINROSS FLOOD PROTECTION SCHEME 2024

In accordance with Section 60 and Schedule 2 of the above Act and Parts II, III & IV of the Regulations, Perth and Kinross Council proposes the above flood protection scheme. This constitutes a notice under Paragraph 1 of Schedule 2 of the Act and under Paragraph 7 of the Regulations.

The proposed flood protection scheme for South Kinross (hereby referred to as the 'scheme') comprises a combination of flood defence walls, embankments, culverts and individual property works. The flood walls and embankments will incorporate appropriate seepage cut-off, back of wall drainage, road works, accommodation works, and erosion protection measures where required. The culvert works will involve upsizing and rerouting existing culverts which will include replacement of inlet and outlet headwalls. An upstream storage area is also proposed which will include an embankment and culvert.

The defences are located on the right bank of the Gelly Burn and along both banks of the South Queich in the south of Kinross. The total extent of the proposed defences is approximately 1.4km.

The culvert upgrades will be carried out on the Clash Burn. Works are in either roadways or greenspace such as Hopefield Place, The Myre, Smith Street, Sandport and Nan Walker Wynd. The total extent of the proposed culvert laying is approximately 0.7km.

The proposed upstream storage area will manage flows from the South Queich and is located in farmland west of Kinross Services. The total extent of the proposed defence is approximately 0.6km.

Four properties along the frontage of Loch Leven have been identified for installation of property level resilience measures.

The scheme involves the following operations:

- Flood defence walls
- Flood defence embankments
- Upstream Flood Storage Area
- Culvert Upsizing
- Utility and service diversions
- Hard and soft landscaping features
- Property Level Flood Resilience to 4 properties

Summary of the benefits which the Council considers are likely to be delivered from carrying out the scheme:

The scheme will reduce the risk of flooding to 177 properties across Kinross up to the predicted 1 in 200 year flood on the above noted bodies of water.

The above scheme is subject to Environmental Impact Assessment (EIA) and an EIA Report has been submitted to Perth & Kinross Council by consulting engineers, RPS. The results of the environmental impact assessment have been incorporated into an EIA report which is included with the other scheme documents.

Availability of EIA report

The EIA report can be inspected or viewed without payment of fee at:

- Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD,

during the hours of 8.45 am to 5.00 pm Monday to Friday inclusive, except 8.45 am to 11 am on the first Thursday of every month, during the period from 26 March 2024 to 24 April 2024 inclusive.

In addition, the EIA report can be inspected or viewed without payment of fee at:

- Loch Leven Community Library, Leven Community Campus, Muirs, Kinross KY13 8FQ

during the hours of 10.00 am to 1.00 pm Monday, 10.00 am to 6.00 pm Tuesday – Friday and 10.00 am to 3.00 pm on a Saturday, during the period from 26 March 2024 to 24 April 2024, inclusive.

Furthermore, a copy of the EIA Report may be viewed online at

<https://www.pkc.gov.uk/southkinrossfloodschemedocs>

Copies of the EIA Report may be purchased at a cost of £1,000 for a printed set or a CD at a cost of £50 (including VAT) from Flooding Team, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD, or you can email your request to SKinrossfloodscheme@pkc.gov.uk

Copies of the Non-Technical Summary of the EIA Report are available free of charge on request by writing to the same postal or email address.

Representations in respect of the EIA Report

Any person wishing to make any representations about the EIA report may do so in writing to the local authority on or before 24 April 2024.

Any such representations about the EIA report which are received by Perth and Kinross council on or before 24 April 2024 will be considered before any decision is made on whether to confirm the scheme.

Such representation can be made in writing to: Flooding Team, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

Availability of Scheme Documents

The scheme documents can be inspected or viewed without payment of fee at:

- Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD,

during the hours of 8.45 am to 5.00 pm Monday to Friday inclusive, except 8.45 am to 11 am on the first Thursday of every month, during the period from 26 March 2024, being the publication date of this notice, to 22 April 2024 inclusive.

In addition, the scheme documents can be inspected or viewed without payment of fee in at:

- Loch Leven Community Library, Leven Community Campus, Muirs, Kinross KY13 8FQ

during the hours of 10.00 am to 1.00 pm Monday, 10.00am to 6.00 pm Tuesday – Friday and 10.00 am to 3.00 pm on a Saturday, during the period from 26 March 2024, being the publication date of this notice, to 22 April 2024 inclusive.

Furthermore, a copy of the scheme documents may be viewed online at <https://www.pkc.gov.uk/southkinrossfloodschemedocs>

Objections to the Scheme

Any person may object to the scheme. The Act and Regulations provide that an objection must:

- a) be made in writing,
- b) set out the name and address of the objector, and
- c) be accompanied by a statement of reasons for the objection.

Where an objector under paragraph 3 of schedule 2 to the Act has an interest in any land on which the proposed scheme operations are to be carried out or which may be affected by any of the proposed scheme operations, or by any alteration in the flow of water caused by any of the proposed scheme operations, that person's objection must include:

- a) details of the land in which the objector has an interest,
- b) disclosure of the nature of the objector's interest in the land, and
- c) details of which aspects of the proposed operations affect the objector.

Objections on the scheme can be made in writing to the Council to Lisa Simpson, Head of Legal & Governance Services, 2 High Street, Perth, PH1 5PH or via email at SKinrossfloodscheme@pkc.gov.uk during the period from 26 March 2024 to 22 April 2024 inclusive.

Process and Possible Decisions

Perth and Kinross Council are responsible for taking any decision to confirm the scheme in accordance with paragraph 4(1) or 9(1) of schedule 2 of the Act, whereas the Scottish Ministers are responsible for taking any decision to confirm the scheme in accordance with paragraph 7(4) of that schedule.

If no valid objections are made to the scheme, then the Council must make the final decision to confirm or reject the proposed scheme.

Where valid objections are made to the scheme, the Council will consider the objections and make a preliminary decision to either:

- a) confirm the proposed scheme without modification, or
- b) confirm the proposed scheme with modifications, or
- c) reject the proposed scheme.

Where an objection is received from a relevant objector, who is a person to whom Paragraph 5(6) of Schedule 2 of the Act applies, the Council must notify the Scottish Ministers of the preliminary decision. The Scottish Ministers must then decide whether to consider the scheme or not. If the Scottish Ministers decide to consider the scheme and valid objections remain, then the Scottish Ministers must cause a Public Local Inquiry to be held.

After considering the outcome of the Public Local Inquiry, the Scottish Ministers must make the final decision to:

- a) confirm the proposed scheme without modification, or
- b) confirm the proposed scheme with modification, or
- c) reject the proposed scheme.

Where the Scottish Ministers decide not to consider the scheme; the Council must hold a hearing to consider the proposed scheme. Following the outcome of the hearing, the Council must make the final decision to:

- a) confirm the proposed scheme without modification, or
- b) confirm the proposed scheme with modifications, or
- c) reject the proposed scheme. Notification of the final decision, whether made by the Council or the Scottish Ministers will be given to every person given notice.

If the scheme is confirmed, the Scottish Ministers must direct that planning permission for the development be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

The estimated cost of the operations is fifteen million seventy five thousand two hundred and fifteen pounds (£15,075,215).

Lisa Simpson

Head of Legal & Governance Services

Perth and Kinross Council

2 High Street , Perth

26 March 2024