

PE2118/B: Review and restructure Scotland's flood risk management approach and operations

Petitioner written submission, 10 November 2024

Communities are not aware of any public consultations on flooding in Scotland by Government Departments recently, particularly the Findhorn, Nairn and Speyside catchments. In 2024, SEPA circulated a questionnaire asking individuals to list in order of importance a list of questions drawn up by SEPA officials. Each question had a list of quotes/ideas. The quotes/ideas were similar under each question and designed to reinforce the SEPA perspective, therefore, was not a consultation. Many communities were not aware of increased funding for flood management from the government. Local Authorities take the lead on such matters and as the majority exclude/ignore communities, the information has not filtered down.

Landowners have no legal responsibility to maintain riverbanks. Should they do so, and problems arise, they are legally responsible for compensation. Many properties and utilities cannot be protected by owners as they were built before flooding occurred in those areas. There is no scope to protect individuals and groups of properties other than by bigger schemes.

Councils have no legal responsibility to put flood alleviation/management defences in place. Local Authorities can opt out of the provision of the Flood Risk Management (Scotland) Act 2009 (FRM(S)A, 2009). Rivers and streams carry sediments, trees, and bushes downstream. More so in floods. These catch in the riverbed and/or banks. Sediments build up and raise riverbeds and banks. These obstructions force flood water to places it didn't reach before. Local Authorities do not use their powers to remove sediment and trees to prevent flooding. NatureScot restricts flood schemes if in SSSI areas. Riverbank erosion is seen as a "natural process" even if caused by human intervention. They will not allow the importation of material for riverbank protection other than from the SSSI area. Material previously washed down but outside the SSSI area is deemed "foreign material" and cannot be used. Similarly, any materials from within the river catchment area but outside the SSSI boundaries are also classed as "foreign material".

Recent FOI's of SEPA revealed the following: -

Cost of flood damage in Potentially Vulnerable Areas (PVAs) is calculated centrally using the Multicoloured Manual, a book first published in 2003 and contains flood statistics from three river basins in England. The figures produced are fictional. No research is done at a community level.

SEPA are unable to state how they calculated how many houses and people would be affected by future flooding.

SEPA, are unable to identify properties they indicated would be affected by future flooding.

SEPA staff refuse to meet with community groups to discuss flooding and possible flood alleviation/management schemes.

The FRM(S)A, 2009, states that each area should have a local flood advisory group to discuss plans for flood alleviation/management. Local advisory groups covered large areas of Scotland along the lines of former Regional Councils rather than river catchment areas. SEPA stated that no community groups were invited to take part, and members of such groups were comprised of local authorities and Government organisations. Many of these participants worked and lived in areas outside the river basins being discussed.

SEPA sees its main role as flood forecasting and flood warnings. When asked for advice on possible schemes drawn up by communities, refuse to discuss until plans are submitted to Local Authorities and applications for CAR (Controlled Activities Regulations) licenses, when they only decide the fee.

Local Authorities in general ignore Community Councils when problems with flooding arise. Ignore plans commissioned by communities on grounds "not commissioned by the Authority".

Communities are very rarely involved in discussions/development of flood plans by local authorities.

Communities have no opportunity to address matters at Council meetings and only the views and opinions of Council officers are submitted.

Community Councils and constituted community groups do not have access to funding to engage planners/fluvial geomorphologists/hydrologists and to commission their own schemes.

Under the Act, Local Authorities can apply to the central government for money to complete flood schemes. Authorities say it is too expensive to produce such reports and that they only get 80% funding. Schemes could be more cost-effective if community groups/community councils could do the projects under the Community Engagement Act and have direct access to government money. The downside of that is Councils would have to accept applications under the Community Empowerment Act.

All flood schemes, legislation, and guidelines are drawn up by public sector employees with no input or consultations with communities affected by flooding. Most of those employees are centrally and office-based.

Few, if any, Local Authorities employ fluvial geomorphologists and/or hydrologists. Local Authorities lack fully qualified employees to understand and develop flood alleviation/management plans.

Local Flood Risk Plans cross over different council boundaries. Where one Council is the lead authority, it has responsibilities in other Council areas which can cause confusion within communities at risk.