

Briefing for the Citizen Participation and Public Petitions Committee on PE2118: Review and restructure Scotland's flood risk management approach and operations

Brief overview of issues raised by the petition.

The [Flood Risk Management \(Scotland\) Act 2009](#) ('the Act') allocates roles and responsibilities for managing flood risk in Scotland.

Part 3 of the Act sets out the responsibilities for 'Flood risk assessment, maps and plans'. The Scottish Environment Protection Agency (SEPA) have a variety of responsibilities. Section 9 of the Act requires SEPA to prepare flood risk assessments for each flood risk management district. This Section also includes various conditions which must be met as part of these assessments. [The last National Flood Risk Assessment was published in 2018.](#)

Part 4 relates to the local authority functions in flood risk management. Sections 18 and 59 of the Act place various duties on local authorities, one of which is the need to assess bodies of water (watercourses such as rivers, ponds, farm drainage) for flood risk to properties or other public or private assets. [Guidance on the duties of a local authority with respect to the Act was published in 2017.](#)

[Flood Risk Management \(FRM\) Strategies are produced by SEPA for each of the 14 Local Plan Districts \(LPD\) in Scotland.](#) They are intended to coordinate efforts to tackle flooding in Scotland, and they –

'describe current flood risk, set out the ambition for flood risk management in Scotland and identify specific actions that will reduce risk'.

While SEPA is Scotland's flood risk management authority, the Strategies are developed with support from the relevant local authorities and from Scottish Water. They are approved by the Scottish Government.

The 14 Districts are based on river catchments, and they cross administrative and institutional boundaries. In the FRM Strategies, Potentially Vulnerable Areas (PVAs) are identified, for which a detailed analysis of the flooding risk is produced including the number of residential and non-residential properties at risk and the estimated cost of Annual Average Damages (AAD). [SEPA will review the PVAs by December 2024.](#)

Within each District there is a lead local authority that is responsible for the co-ordination and publication of their [Local Flood Risk Management Plan](#) (LFRM Plan). Local Flood Risk Management Plans –

‘...take each FRM Strategy and turn it into a local delivery plan. They provide more detail on how and when the actions from the strategy will be delivered locally, providing additional details on the costs, benefits and delivery timetable for actions.’

The current period for LFRM Plans is 2022-28 and [both the Plans and the FRM Strategies are updated every 6 years](#). [LFRM Plans will be reviewed, with re-published flood risk management plans in December 2027](#).

[42 flood protection schemes were identified for priority delivery between 2016 and 2021](#), subject to the provision of funding by the Scottish Government and local authorities. In addition to these 42, the Strategies also identify some additional works which local authorities and other partners could progress.

The latest [Flood Warning Development Framework](#), covers the period 2022 - 2028. and sets out how SEPA intend to maintain and improve flood warning services over the next six years.

The latest [Scottish National Climate Adaptation Plan 2024-2029](#), was published on 25th September 2024. The Scottish Government also produce an annual progress report (published in May) on the implementation of the [existing climate change adaptation programme / plan](#).

Existing groups connected to flood risk management.

SEPA is Scotland’s national flood forecasting, flood warning and strategic flood risk management authority. In the production of FRM Strategies, SEPA take advice from a number of groups, including a [local advisory group “established to draw upon the knowledge of the wider stakeholder community”](#).

In the production of the Strategies, [SEPA also take advice from a National Flood Management Advisory Group](#). This entails “over 50 member organisations, reflecting the national importance and impact of flooding on our communities, economy, environment and cultural heritage, have been invited at key stages to provide comment and input.”

In order to determine the priority flood protection schemes a [National Prioritisation Advisory Group](#), with representatives from the Scottish Government, COSLA, Scottish Water and local authorities was established. This group provide guidance to SEPA on the priority of flood risk management actions, having considered both the technical ranking prepared by SEPA and issues of local priority.

Local Authorities are responsible for the implementation of the flood protection actions agreed within the FRM Strategy, including new schemes or engineering works and their statutory requirements to monitor, clear and maintain watercourses.

Scottish Water is a responsible authority for flood risk management, working with SEPA and local authorities. It also has a public drainage duty and is responsible for foul drainage and the drainage of rainwater run-off from roofs and any paved ground surface from the boundary of properties.

The Flood Risk Management (Scotland) Act 2009 implementation: report to the Scottish Parliament – 2020 includes [Annex B: Partnership Groups in flood risk management](#):

- The Scottish Advisory and Information Forum for Flooding
- Policy Management Group
- Lead Local Authority Forum
- Society of Chief Officers of Transportation in Scotland Flood Risk Group
- National Flood Management Advisory Group

Scottish Parliament Activity

[Parliamentary Question \(S6W-30030 Sarah Boyack\) \(Lodged 19th October 2024\)](#): To ask the Scottish Government whether it has identified any new sites for flood protection schemes outwith those that were identified for work between 2016 and 2021, and, if so, at what locations.

Response from The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin)

“The responsibility for development and delivery of flood protection schemes rests with individual local authorities, who are best placed to respond to local resilience needs.

Proposals to improve flood resilience in potentially vulnerable areas, including flood protection schemes, are set out in Flood Risk Management Plans published on SEPA’s website, and Local Flood Risk Management Plans, published by local authorities.

These plans are renewed every 6 years. The current plans are valid until 2028.”

[Parliamentary Question \(S6W-22487 Willie Rennie\) \(Lodged 26th October 2023\)](#): To ask the Scottish Government, further to the answer to question S6W-12674 by Mairi McAllan on 14 December 2022, whether it will provide an update on which of the 42 formal flood protection schemes or engineering works are (a) under construction and (b) at the planning or other stage of development, broken down by (i) the expected completion date, including the reason for any date being beyond the 2021 timeframe, (ii) the number of properties that will be protected and (iii) the (A) initial forecast and (B) final expected cost of each.

Response from The Cabinet Secretary for Transport, Net Zero and Just Transition
(Mairi McAllan)

“Local authorities are responsible for the development and delivery of flood protection schemes. The 2015-2021 Flood Risk Management Strategies included 42 formal flood protection schemes. Local authorities were expected to start work on development of these schemes by 2021.

Flood protection schemes can have significant impacts on individuals, communities and the environment, and so require careful and detailed planning and consultation, it was recognised that construction work may not be completed within the 2015-2021 timeframe.

15 of the flood schemes have now been completed.”

[The full response includes details of each scheme, it's estimate completion date and associated costs.](#)

[PQ \(S6W-16337 Stephen Kerr\) \(Lodged 28th March 2023\)](#): To ask the Scottish Government how much it has spent on flood defences in each year since 2016.

“Local authorities are statutorily responsible for taking forward flood protection schemes and other actions to reduce flood risk. In 2016, agreement was reached between Scottish Ministers and COSLA on a new strategic funding plan for flood protection. The agreement guarantees that until 2026 the level of flooding capital grant in the local government settlement is set at a minimum of £42 million per annum. 80% of the available £42 million is allocated to prioritised flood schemes and the other 20% is allocated between all 32 councils to take forward other flood risk management actions.

The Programme for Government published in 2020 included a commitment to invest an extra £150 million in flood risk management over 5 years in addition to the £42 million per annum. This funding will also be distributed to local authorities through the general capital grant. We are working with partners on the best way of allocating this additional funding.”

Niall Kerr
Senior Researcher, SPICe
29 October 2024

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