

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

Scottish Government written submission, 20 December 2024

Thank you for your email of 3rd December 2024 regarding the above petition, and for sharing the correspondence from the Citizen Participation and Public Petitions Committee.

We have interpreted your interest as the management of watercourses and their catchments in the broadest sense and have responded on this basis. Please find our response to Committee's further questions below;

Compliance with the EU Floods Directive and EU Water Framework Directive

There are two linked coordination processes in our catchments which have been derived from EU Directives; **Flood Risk Management Planning** and **River Basin Management Planning**.

We confirm that the approach to **Flood Risk Management Planning (FRMP)** complies with the EU Floods Directive and the approach to **River Basin Management Planning** complies with the EU Water Framework Directive.

The Scottish Government remains committed to the principles and objectives of the EU Floods Directive and the EU Water Framework Directive. While Scotland is no longer legally bound by EU legislation post-Brexit, our domestic framework, including the **Flood Risk Management (Scotland) Act 2009**, upholds equivalent standards. The Act mandates a risk-based, sustainable, and integrated approach to flood risk management, aligning with the key goals of these directives.

Our approach focuses on:

- The comprehensive assessment and mapping of flood risks and hazards.
- The development of evidence-based flood risk management plans (FRMPs).
- Sustainable solutions that safeguard communities, economic assets, and the environment.

By maintaining these standards, Scotland ensures that our flood risk management practices remain robust and internationally aligned.

View on a Singular Body for River Basin Management

You also asked for the Scottish Government's view on a singular body being responsible and appointed to provide leadership on river basin management across Scotland.

Scotland's river basin management plan (RBMP) sets out a framework for protecting and improving the water environment across Scotland. River Basin Management

Planning is primarily focused on improvements to the water environment, but these improvements will lead to wider benefits particularly for the communities. This includes access to green space and reduction of flood risk.

SEPA is the body responsible for the preparation of river basin management plans on behalf of Scottish Ministers. The legal requirements on SEPA with regards to river basin management planning are set out in the Water Environment and Water Services (Scotland) Act 2003. This includes requirements to engage with stakeholders on the development of the plan.

This engagement is vital to the delivery of the River Basin Management Plan. The third and current RBMP cycle sets out over 600 actions to protect and improve the water environment and requires action from a range of stakeholders including local authorities and Scottish Water.

Response to Petitioner's Concerns on Community Engagement

The Scottish Government acknowledges the vital role of community involvement in developing flood risk management plans (FRMPs) and that their views are reflected in decision-making.

As set out in our previous response, SEPA and local authorities are already legally required to consult extensively with local communities during the development and implementation of Flood Risk Management Plans and Local Flood Risk Management Plans. SEPA have full responsibility for consulting on FRMPs and Local Authorities on Local Flood Risk Management Plans (LFRMPs).

The consultation process under the Flood Risk Management (Scotland) Act 2009 ensures that:

- SEPA consults on high-level plans (FRMPs), and local authorities consult on actionable plans (LFRMPs).
- Responsible authorities, stakeholders, and the public have opportunities to provide input.
- Final plans reflect the feedback received, demonstrating a collaborative and transparent approach to flood risk management.

Continuous Improvement

We published Scotland's first Flood Resilience Strategy on 18 December 2024.

This Strategy, part of *The Scottish National Adaptation Plan 2024-2029, Actions today, for a climate resilient future (SNAP3)*, is in direct response to the climate emergency and the imperative to address the increasing challenges that we face.

Focusing on building community flood resilience and resilient placemaking, it puts people at the heart of the process and supports an increase in the range and rate of delivery of actions both to manage our flood exposure, and to reduce the impacts of flooding when it does occur.

The Strategy supports a flood resilient places approach, recognising that reducing the impacts of flooding is as much about the design of our places as it is about the design of specific flood actions.

The Strategy is structured around the themes of People, Places and Processes and sets out our Outcomes, the Guiding Principles we will work to and our Priority Actions. The People outcome 'Creating flood resilient places involves our people and communities,' recognises the desire of communities to contribute to their own flood resilience by being involved in flood resilience decision making.

Conclusion

The Scottish Government remains committed to maintaining internationally aligned flood risk management standards through compliance with the principles of the EU Floods and Water Framework Directives. Our integrated, risk-based approach ensures robust strategic planning through the Flood Risk Management (Scotland) Act 2009.

The relevant legislation places obligations on SEPA and local authorities in engaging communities and stakeholders during the development of Flood Risk Management Plans and Local Flood Risk Management Plans respectively.

Ministers are satisfied with the current strategic framework set out by the Flood Risk Management (Scotland) Act 2009. The Scottish Government acknowledges the challenges of climate change and increasing flood risks and have published a Flood Resilience Strategy to ensure that the scale of the transformation required to deliver flood resilience across Scotland is clear. It complements the Act and reinforces the need for sustainable, collaborative, and proactive approaches, integrating natural solutions and community engagement.

The Scottish Government thanks the Citizen Participation and Public Petitions Committee for raising these important points.

I hope this information is helpful to the Committee.

Yours sincerely

Flood Risk Management Team