

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

Petitioner written submission, 15 January 2025

The Scottish Government's written submission dated 20 December 2024, to Petition PE2118, highlights why current flood management schemes in Scotland are a failure. Everything is based on resilience planning. SEPA is the main authority. Its role is very clear from the legislation. It gathers information on river and historic flood levels; calculates digitally the areas it perceives as being at risk of flooding. There is no community input. Calculations are done centrally using maps and past river-level records. There is no community input to these projections that are based on speculation/supposition. SEPA's response to an FOI on Local Advisory Groups, was:

"There are a very large number of communities who suffer as a result of flooding within each local advisory group area. The local advisory groups are not the best way to provide practical support to those communities and we cannot engage communities equitably across the district through that forum."

SEPA's role is to issue flood warnings when there is a threat. Flood maps produced by SEPA are very inaccurate and have no community input. Some maps show areas at risk of flooding when they have not flooded for 200 years. Under FOI's, SEPA cannot identify specific property or persons at threat from flooding now or in future! Communities have flood systems in place based on local knowledge. Neither SEPA nor other bodies involved in Flood Risk Management Local Plans engage with communities concerning building flood defences.

Flood Risk Management Local Plans are records of past events and give flood maps for Potentially Vulnerable Areas (PVAs) which are inaccurate. They give advice on what steps are needed to improve flood resilience and warning systems. They do not give instructions on flood prevention schemes. The cost of flooding for each PVA is fictitious; they are calculated centrally using data from English river basins. SEPA and Local Authorities (LA) refuse to discuss flood costs calculated by communities. SEPA and LA ignore social, economic, and environmental costs/losses including utilities. In one community, experts have warned of a threat to sewage treatment works, houses, and community assets because of the movement of a river. The estimated probable cost of damage is £10 million. A SEPA representative asked if the community had considered using sandbags to prevent the projected damage.

SEPA has no remit to design, build or assist communities in building flood defences. SEPA cannot fund any flood alleviation/management scheme. SEPA are reluctant to meet with local communities. No organisation/person has the responsibility to build flood defences. Landowners are not legally obliged to maintain riverbanks. If they do bank maintenance and it fails, they are legally exposed to claims. Neither SEPA nor LAs engage with major landowners over flood alleviation/management schemes.

Communities cannot understand why SEPA consults with organisations that have no legal responsibilities for flooding, have no expertise in flood management and/or construction of flood alleviation schemes. These organisations do not employ staff with the qualifications and expertise to construct flood alleviation schemes nor the

finances to pay for such schemes. SEPA can give restricted grants to assist communities recover from flooding after the event.

LAs can draw up schemes and apply for government finance but they don't. One LA has a policy that has a presumption against flood schemes. LAs do not consult with communities about flooding or designing schemes. LAs argue it is financially unsustainable and the paperwork/preparation too expensive. In costing proposals, social, economic, and environmental costs are excluded. SEPA costings are inaccurate. In FRM Local Plans, SEPA lists the cost of flooding and other statistics as being "estimates".

SEPA and LAs ignore locally commissioned reports from experts in flooding saying that they did not commission them. These local reports are far more detailed and give flood scheme options that LAs and SEPA don't. Communities have extreme difficulty raising finances to prepare their own local plans. Some LAs are known to squabble over who is responsible for drawing up a flood scheme where one is the lead authority, but the problem is in another LA's jurisdiction.

In drawing up FRM Local Plans, no consideration is given to land use and its effects on water flow. One major problem ignored by SEPA and LAs is sediment transportation by rivers. This raises riverbeds, creates water obstructions, traps debris and forces rivers to change course causing new flood risks. Despite the FRM(S) Act, 2009, LAs do not remove such sediment and obstructions. SEPA and NatureScot are reluctant to approve the removal of these. Those wishing to carry out small flood alleviation schemes are hindered by areas designated SAC (Special Areas of Conservation) and SSSI (Sites of Special Scientific Interest). NatureScot will not allow the use of any material even from within the same river basin if it is outside the boundary of the designated area. It is classed as "foreign material".

Communities believe that only the Scottish Flood Forum provides practical advice.

We would be pleased to address the Committee if requested.