

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

Cabinet Secretary for Climate Action and Energy written submission, 30 October 2025

Thank you for your letter of 2 October regarding petition PE2118 and the Committee's request for information on how the Scottish Government monitors Scotland's flood risk management structure, and how we oversee interaction between communities, SEPA, local authorities and landowners.

Monitoring of flood risk management structure

Flood risk management in Scotland is underpinned by the **Flood Risk Management (Scotland) Act 2009**, which establishes a statutory framework for reducing overall flood risk. The Scottish Government monitors the effectiveness of this framework primarily through:

- **Flood Risk Management Strategies and Plans:** Developed by the **Scottish Environment Protection Agency (SEPA)** every six years and implemented by local authorities. These are reviewed, approved and monitored by Scottish Ministers.
- **Annual Progress Reporting:** Local authorities and SEPA submit regular updates on delivery of agreed actions, allowing Ministers to assess performance against national flood risk objectives.
- **Interim and Final Reports:** Lead Local Authorities are required to publish Interim and Final Reports setting out their progress on implementing measures in the local flood risk management plans.
- **Independent Audit and Oversight: Audit Scotland:** reviews the use of public funding for flood risk management, ensuring accountability for investment decisions and outcomes.
- **Ongoing Policy Review:** Officials in the Scottish Government's Flooding Policy Team engage regularly with SEPA, local authorities and other partners to ensure the legislative and operational arrangements remain fit for purpose and responsive to emerging challenges such as climate change.

Monitoring of interaction between communities, SEPA, local authorities and landowners

Collaboration is fundamental to successful flood risk management. The Scottish Government monitors and supports partnership working and community engagement through several mechanisms:

- **Local Plan District Partnerships:** Established under the 2009 Act, these bring together SEPA, local authorities and relevant stakeholders, to ensure coordinated and inclusive local delivery.

- **Community Engagement Requirements:** SEPA and local authorities are statutorily required to consult communities during preparation of flood risk management strategies and flood protection schemes. The Government tracks compliance with these duties through the plan approval process and regular reporting.
- **Funding Oversight:** A joint COSLA/ Scottish Government Funding Working Group is in place to provide recommendations to Ministers and COSLA leaders on funding for flood resilience measures.

SEPA's role in monitoring engagement and delivery

SEPA plays a central role in delivering and coordinating flood risk management across Scotland. My officials contacted SEPA recently and I have therefore included a summary of SEPA's approach below.

Engagement with communities

SEPA manages community engagement through a structured and multi-faceted approach that includes:

- **Stakeholder workshops and forums** on flood risk management, flood warning, and climate resilience;
- **Direct liaison** between regulatory and technical officers and community groups, often providing pre-application advice on proposals affecting the water environment;
- **Public consultations** on flood risk management plans, potentially vulnerable areas, and related regulatory frameworks—ensuring meaningful participation by communities and elected representatives;
- **Local Advisory Groups** established under the 2009 Act, which bring together SEPA, local authorities, Scottish Water, NatureScot, and river or fisheries trusts to support partnership working;
- **Digital engagement** through SEPA's Floodline service, online data portals, and social media alerts for flood warnings and water scarcity updates.

All public consultations are logged and tracked to ensure transparency and accountability, and SEPA is currently strengthening its Customer Experience Strategy and Community Engagement and Public Participation Framework to establish a clearer and more consistent national approach. This includes the introduction of new technology, such as a customer relationship management system, to enhance monitoring and communication.

Monitoring progress on flood risk management actions

SEPA leads national actions under the Flood Risk Management Plans, while lead local authorities develop and deliver Local Flood Risk Management Plans.

During the first planning cycle, SEPA maintained a central database to monitor action delivery for each Potentially Vulnerable Area. Responsibility for maintaining this dataset has since been transferred to the Lead Local Authority Forum, which

supports consistent progress reporting under Section 37 of the FRM (Scotland) Act 2009.

SEPA have assured us they continue to monitor its own actions internally through risk management and performance reporting processes. As part of its wider organisational transformation programme, SEPA is scoping a new integrated monitoring system for both flood risk management and river basin management planning - to improve transparency, accessibility, and coordination of environmental and flood risk data.

SEPA's engagement with the Speymouth Environmental Partnership

SEPA report that they have maintained consistent engagement with the Speymouth Environmental Partnership (the Partnership) and local community representatives since 2020, in collaboration with Moray Council. This engagement has focused on the management of the River Spey, particularly around Garmouth and Fochabers.

Key points include:

- Ongoing advice to consultants and community representatives on proposals for river management and engineering works, including guidance on the Controlled Activities Regulations (CAR) process;
- Confirmation that SEPA would likely grant an authorisation for certain works if a valid CAR application were submitted, although no such application has been received to date;
- Ongoing dialogue regarding local concerns on flooding, river morphology, and environmental pressures such as water scarcity; and
- Continued participation in relevant consultations and community forums relating to flood risk management in the River Spey catchment.

SEPA's engagement with the Partnership has involved multiple meetings, consultations and correspondence with Moray Council, elected members, and local representatives over the period 2018–2024. These contacts have focused on flood warning thresholds, potential engineering works, and participation in national consultations. **(Please see table in Annex A at the foot of this letter for further information on previous meetings held)**

Moray Council engagement around flood resilience for Garmouth

Moray council have investigated a range of measures to improve flood resilience for Garmouth. Flood studies have indicated that a flood protection scheme is not viable for this community due to excessive cost to protect a small number of properties. A Council committee has determined that these options should not be pursued further.

The council continue to provide support to the community to improve their resilience and have a good relationship with residents. This includes providing support to the community if they wish to pursue funding for their own solution.

For example, a Speymouth Working Group was set up to support the Speymouth Environmental Partnership to deliver options that may lead to the development of

measures aimed at reducing flooding severity and frequency, subject to planning, on the River Spey in the Speymouth area. Membership includes representatives from Crown Estate Scotland, Speymouth Environmental Partnership, Moray Council, Salmon Fisheries Board, NatureScot, SEPA and Utilities companies where appropriate.

Conclusion

The Scottish Government recognises that climate change is increasing the frequency and severity of flood events across Scotland. We remain committed to ensuring that our legislative and operational frameworks are robust, transparent and adaptive to future challenges.

Through the Flood Risk Management (Scotland) Act 2009, our partnership with SEPA, local authorities and communities, and our ongoing programme of reform and monitoring, we continue to strengthen our collective ability to protect people, property and the environment from flooding.

I trust this response is helpful to the Committee's consideration of Petition PE2118.

Yours sincerely,

GILLIAN MARTIN

When	What contact / discussions / consultations	Where	With whom
2018	Public consultation on the national flood risk assessment and potentially vulnerable areas	Online, with options to attend SEPA offices and view in person	Open to all, advertised as required.
June 2020	SEPA flood advisor discussed flooding issues with community representative. SEPA regulatory staff gave pre-application advice on draft proposals for works.	Phone call and follow-up emails (due to COVID). Offer to set up an online meeting to discuss further.	Representative of the community.
October 2020	Flooding on the lower Spey. Information provided by community and Moray Council on impacts. Flood warning thresholds reviewed.	By phone and email	Moray Council and member of community
November 2020	Response to enquiries, offer to attend meeting to discuss any engineering proposals.	By letter and email. Meeting not arranged due to no proposals coming forward.	Garmouth and Kingston Amenities Association and Douglas Ross MP.
April 2021	Report received from CBEC. SEPA advised consultant to submit CAR application to registry. CAR application expected in follow-up.	By email. CAR application not received.	CBEC Consultants on behalf of community representatives.
May 2021	Responded to enquiry following community meeting that had been held.	By email/letter	Richard Lochhead MSP on behalf of Garmouth community.
July 2021	Discussion with Moray Council and other stakeholder organisations to discuss Moray Council's flood investigation report, prior to holding a meeting with the community.	In person on the River Spey near Garmouth	Moray Council, Scottish Natural Heritage, Spey Fishery Board, Crown Estate Scotland
July to October 2021	Public consultation on the cycle 2 flood risk management plans. 2 responses received for Garmouth – one indicating CES should reinstate river management and one noting the community need to take the lead on action to meet their needs, but ongoing	Online and advertised by email directly to Innes Community Council.	Open to all, advertised as required.

	support should be provided by the authorities.		
August, September, October 2021	Community meeting set up by Moray Council, arranged for 26 th August, postponed to 16 th Sept and postponed again to 14 th October. SEPA confirmed we would attend both August and September dates but were not available for the final October date that went ahead.	In person	Moray Council and Garmouth community.
November 2022	Engagement with Moray Council about flood warning thresholds based on recent flood experiences in the community.	By phone and email	Moray Council – information on impacts from residents
January 2023	Engagement with Speymouth Environmental Partnership regarding flood risk management on the River Spey, including details on authorisations and costs	By email	Secretary Speymouth Environmental Partnership
February 2023	Engagement with Speymouth Environmental Partnership regarding flood risk management on the River Spey	By email	Secretary Speymouth Environmental Partnership
March 2023	Pre-application advice provided to Moray Council on proposal from community representative to realign the Spey Channel.	By letter/email	Moray Council. A community representative was the prospective applicant.
March 2023	Responded to an enquiry on flood risk management	By letter/email	Speymouth Environmental Partnership via Richard Lochhead MSP
April 2023	Responded to an enquiry on local flood risk advisory group in the Speymouth Area of the River Spey, Moray	By email	Access to Information Request
June 2023	In person meeting with Speymouth Environmental Partnership and stakeholders	In person	Speymouth Environmental Partnership
October 2023	Engagement with Moray Council on works undertaken by a local party at the railway embankment	Online meeting	Moray Council

October 2023	SEPA unable to attend follow-up meeting with Speymouth Environmental Partnership and stakeholders due to date. Information provided to CES in advance.	By email	Speymouth Environmental Partnership and CES
October 2023	Engagement about SEPA and Council support for the community, and concerns about river channel proposals being proposed by others.	By email	Members of the Garmouth community who experience property flooding directly.
November 2023	Meeting to discuss operational flood warning issues and check on thresholds following impacts of flooding in October.	Online meeting	Moray Council
December 2023	SEPA unable to attend meeting with Speymouth Environmental Partnership and stakeholders due to date. Information provided on mission statement in advance.	By email	Speymouth Environmental Partnership and CES
March to June 2024	Public consultation on the national flood risk assessment and potentially vulnerable areas. Ongoing. Garmouth continues to be identified as a potentially vulnerable area.	Online.	Open to all, advertised as required. Speymouth Environmental Partnership submitted 2 responses to 2 communities Fochabers and Lhanbryde
April 2024	SEPA response to query on annual damage calculations and concerns around flooding in Garmouth	By email	Company Secretary of Speymouth environmental Partnership and Innes Community Council
June 2024	SEPA provided a detailed technical response to questions on the flood risk assessment regarding Garmouth (a PVA) for flood risk management plans	In writing (response to information request)	Information request from local community member