

**Citizen Participation and Public Petitions Committee**  
**Wednesday 25 February 2026**  
**5th Meeting, 2026 (Session 6)**

## **PE2118: Review and restructure Scotland's flood risk management approach and operations**

### **Introduction**

<b>Petitioner</b>	Tobias Christie on behalf of Speymouth Environmental Partnership
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to review the Flood Risk Management (Scotland) Act 2009, and improve flood alleviation and management processes by appointing an independent panel of engineers, economists, and geomorphologists to support the design of flood risk management plans.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE2118">https://petitions.parliament.scot/petitions/PE2118</a>

1. [The Committee last considered this petition at its meeting on 24 September 2025.](#) At that meeting, the Committee agreed to write to the Cabinet Secretary for Climate Action and Energy and the Scottish Environment Protection Agency.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Cabinet Secretary for Climate Action and Energy, SEPA and the Petitioner, which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing for this petition.](#)
6. [The Scottish Government gave its initial response to the petition on 28 October 2024.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 177 signatures have been received on this petition.

### **Action**

8. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**February 2026**

## Annexe A: Summary of petition

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

#### Petitioner

Tobias Christie on behalf of Speymouth Environmental Partnership

#### Date Lodged

24 September 2024

#### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review the Flood Risk Management (Scotland) Act 2009, and improve flood alleviation and management processes by appointing an independent panel of engineers, economists, and geomorphologists to support the design of flood risk management plans.

#### Background information

Climate change is real. Rainfall is rising. Flooding causes loss of homes, income, utilities and infrastructure. There is also irreparable damage to the environment, hidden costs to public services and infrastructure. People are affected by stress, health related issues.

The Flood Risk Management (Scotland) Act, 2009 and all manuals, guidelines, theories and structures associated with it are archaic and no longer relevant against current and predicted flood threats.

The system of flood risk management and flood alleviation is to approach flooding as a theoretical rather than a live and current threat. Those designing the systems appear distant and unaffected. The system is designed around flood warnings, not flood prevention, management, or alleviation. Communities are excluded from discussions and plans for flood schemes. A complaint is that bureaucrats obfuscate when submitting reports.

Our view is the current system needs a total review and revamp including inclusion of communities.

## Annexe B: Extract from Official Report of last consideration of PE2118 on 24 September 2025

**The Convener:** Petition PE2118, lodged by Tobias Christie on behalf of Speymouth Environmental Partnership, calls on the Scottish Parliament to urge the Scottish Government to review the Flood Risk Management (Scotland) Act 2009 and to improve flood alleviation and management processes by appointing an independent panel of engineers, economists and geomorphologists to support the design of flood risk management plans.

We last considered the petition on 27 November 2024, when we agreed to write to the Scottish Environment Protection Agency and the Scottish Government. The Government's response confirms that its approach to flood risk management planning complies with the European Union floods directive and that its approach to river basin management planning complies with the EU water framework directive.

On our question regarding a single body being responsible for, and appointed to provide leadership on, river basin management, the Government reiterated that SEPA is responsible for the preparation of river basin management plans on behalf of Scottish ministers and that it is legally required to engage with stakeholders and consult with communities on flood risk management plans.

The response concludes that ministers are satisfied with the current strategic framework, and it highlights the publication of the Government's flood resilience strategy last December. The strategy will establish a flood advisory service that is designed to provide the framework and process for flood protection schemes, as well as support to communities.

On our question regarding membership of local advisory groups, SEPA showed that those include representatives from various disciplines and organisations but not engineers, economists or geomorphologists as stand-alone members. However, SEPA indicated various ways in which it collaborates with such technical experts throughout the flood risk management planning process.

In his latest submission, the petitioner suggests that SEPA's flood maps are inaccurate and have no community input and that locally commissioned reports are ignored despite containing more flood scheme options. The petitioner highlights that SEPA consults with organisations that have no legal responsibilities for flooding but does not engage major landowners in the process.

**Fergus Ewing:** I should say that I have been in contact with Mr Jim Mackie, who, I believe, has been involved with the petition, or at least with issues surrounding the petition. As far as I can see, the petitioner responded on 15 January 2025, and I cannot see any further response to that. I mention that in case I am wrong, but the papers before me do not show any response to the petitioner. If I am wrong, maybe the clerks could let me know.

The reason why that seems significant is that the petitioner's submission of 15 January contains some serious criticisms of SEPA—that its maps are inaccurate, that it does not give out any flood prevention advice, that it stymies schemes, that it

makes it almost impossible to get sediment and gravel out of rivers, that it does not address the considerable barriers to doing any prevention work, that it does not involve communities at all—there is no community input whatsoever—and that it does not have a remit to assist communities in the design or building of flood defences. I mention only a few of the criticisms, as we do not have time to go through all of them. When a petitioner raises salient and serious criticisms, our job is to try to get answers. I know that there is pressure to close all petitions, but, in this case, I think that it would be very simple to ask SEPA to deliver a detailed response to each and every one of the petitioner's various serious allegations.

The last thing that I will say is that I recently had a constituency case in which a scheme for affordable housing—around 20 units—took about 10 years to get through SEPA. It was supposed to be in a flooding area, but the houses were going to be built higher up than existing houses that have never been flooded—the development was in Nethy Bridge, where there has been no flooding since 1837. SEPA was a constant stumbling block to any progress whatsoever.

In rural Scotland—I am sure that Mr Mountain has experience of this—when you try to do things that everyone wants to do, such as build affordable housing, the proposals are blocked behind the scenes by quangos that will not come out and meet people, will not explain their actions and will rely solely on desktop information. I add that local anecdote merely by way of spice to support the petitioner's criticism of SEPA.

I do not think that it would take up much more of the committee's time if we were to wait for SEPA to provide the petitioner with a detailed forensic reply to every single one of his criticisms, and that would take matters further.

**The Convener:** It is always a pleasure to shine a light on the events of 1837.

**Maurice Golden:** I agree with Mr Ewing and support the general idea of writing to SEPA, although perhaps not quite in the manner in which my colleague suggested. Nonetheless, the pertinent points have been made.

I think that the issue goes back to the question behind many petitions, which is about who is responsible. That question was raised earlier in relation to RAAC.

I have seen the issues that the petitioner raises in Angus. In 2023, Milton of Finavon was flooded and, a year later, no measures had been put in place to protect the community. Subsequently, in the past year, there has been some support from Angus Council as well as from Scottish and Southern Electricity Networks, for which I thank them. However, it was only by the grace of God that we did not have a bad storm season in 2024. The situation is unacceptable.

The Scottish Government has said that the governance structure for assisting communities with flood risk management is adequate, but that is not what I hear on the ground. I hear that it is slow, that there are limited opportunities for action and that no one is taking responsibility for what needs to be done. I think that, in addition to following Mr Ewing's suggestion, we should write to the Scottish Government, asking how it is monitoring the governance structure and the interaction between communities and SEPA, local authorities and landowners, where appropriate.

**The Convener:** I will add the observation that SEPA has not been responding to the petitioner's submissions or directly on the issues that have been raised, which is not atypical. The Scottish Government should understand that that is so.

**Fergus Ewing:** It is par for the course, convener.

**The Convener:** Yes, it appears to be typical.

Are we content to proceed on the basis that has been outlined?

**Members** *indicated agreement.*

## Annexe C: Written submissions

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

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

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	<p>Public consultation on the cycle 2 flood risk management plans.</p> <p>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 support should be provided by the authorities.</p>	Online and advertised by email directly to Innes Community Council.	Open to all, advertised as required.
August, September, October 2021	Community meeting set up by Moray Council, arranged for 26 <sup>th</sup> August, postponed to 16 <sup>th</sup> Sept and postponed again to 14 <sup>th</sup> 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	By letter/email	Moray Council. A community representative was

	representative to realign the Spey Channel.		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	By email	Speymouth Environmental Partnership and CES

	on mission statement in advance.		
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

## SEPA written submission, 3 November 2025

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

Thank you for your correspondence dated 2<sup>nd</sup> October 2025 regarding Petition PE2118.

We appreciate the opportunity to provide a written response to the matters raised by the petitioner in Petition PE2118, which was considered at the Citizen Participation and Public Petitions Committee on 24<sup>th</sup> September 2025.

The suggestions included but were not limited to:

1. Flood maps produced by SEPA being inaccurate.
2. SEPA not involving communities in assessments and decisions and being reluctant to meet with local communities.

3. The lack of instructions from SEPA on flood prevention schemes and the absence of SEPA's remit to design, build and assist communities in building flood defences.
4. SEPA hindering communities from doing flood prevention work.
5. SEPA's role in approving the removal of sediment and gravel out of rivers.
6. The accuracy of the cost of flooding.
7. Concerns over the experience of responsible authorities.

## **1. Accuracy of SEPA flood maps**

**Concerns raised: 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 and do not enable specific properties at risk of flooding to be identified. Calculations are done centrally using maps and past river-level records.**

We have set out information below around SEPA's role, flood maps, river maps, their purpose, and our evidence led approach to provide the best guidance we can on future flood risk in Scotland.

SEPA are required by Scottish Ministers to provide flood maps that set out future flood risk for Scotland and we have developed our maps to provide insights on the areas that are at the greatest risk of future flooding. SEPA's flood maps are a national strategic level tool that provide indications of current and longer-term future flood risk across Scotland and at the present time this does not report at specific property level. SEPA have a dedicated flood map website which also provides information on interpretation and terms of use.

The Scottish Government's update reports on adaptation to climate change highlight that for 2014-2023 the average annual rainfall was about 10% wetter than the 1961-1990 average and with winter rainfall approximately 29% higher. As a result, we are aware that more of our communities are experiencing flooding now, more communities will be likely to flood in the future, and this has the potential to worsen over time. As a result of this and based on our extensive evidence base, SEPA's flood maps will identify future flood risk for communities that have not yet experienced flooding.

We recognise that this can be concerning for communities who have not yet experienced flooding or who may not have experienced flooding for a long time. Our role in SEPA is to raise the awareness of future flood risk so that communities can be supported to prepare and become resilient to future flood risk because flooding, when it happens, can have a severe impact.

The river maps have been developed using a nationally consistent approach for Scotland, they use a combination of national and regional level assessments and are designed for strategic use to support local authorities and associated bodies with flood risk management and to inform local communities. A nationally consistent methodology has also been used to produce the surface water flood map for

Scotland. The map provides indicative flood hazard information and identifies communities at risk from surface water flooding and from small watercourses with a catchment area smaller than 10km<sup>2</sup>.

Our maps are underpinned by data collected from our national network of over 700 river, loch, tidal and rainfall gauging stations through which we monitor the water environment every fifteen minutes 24/7/365. Furthermore, SEPA are custodian of the Hydrometric Archive, holding records of our water environment for the last 80+ years at some stations.

The flood maps are based on our best understanding of long-term flood risk at the time of being made. We continue to enhance our evidence base and understanding as more data becomes available and as we monitor flooding events. Our maps are reviewed every six years, with the next version due in December 2031. We have made a number of important updates to the hazard maps in recent years, including:

- February 2025 – Publication of new national flood hazard maps for surface water and small watercourses.
- November 2023 – Publication of new coastal flood hazard maps for the northeast of Scotland (John o' Groats to Arbroath including Orkney Islands) and the Outer Hebrides.
- November 2020 – Publication of 18 local updates to our river (fluvial) flood hazard maps and five local updates to our coastal flood hazard maps. Publication of new national future flood maps to show the impacts of climate change for river and coastal flood sources.

Our main route to engage communities on the current maps was via our Local Authority consultations on the products as they were developed. We considered community and wider concerns shared with us. We also consider all concerns shared with us directly and on an ongoing basis to inform our map development and improvement work.

We are currently undertaking research to understand user needs ahead of planned work to update and improve the maps, and our survey can be completed at the following link: [Flood Hazard Maps – User Needs Research - Scottish Environment Protection Agency - Citizen Space.](#)

## **2. SEPA's engagement with local communities**

### **Concern raised: SEPA has not involved communities in assessments and is reluctant to engage with local communities**

SEPA are committed to embedding local knowledge and perspectives into flood risk management planning. SEPA's role is to work in partnership with the local authorities and other responsible authorities to identify areas at significant flood risk (Potentially Vulnerable Areas or PVAs) and to prepare the strategic flood risk management plans (FRMPs) for these areas. FRMPs set the national direction of future flood risk management helping to target investment and coordinate actions across catchments and public bodies. Local FRMPs are then produced by lead local authorities, in

collaboration with other responsible authorities. They provide further detail on how actions will be implemented, how they will be funded and coordinated across organisations and with other actions.

SEPA work closely with other organisations responsible for managing flood risk to ensure adoption of a nationally consistent approach. We invite communities to contribute through public consultations, issued in accordance with the Flood Risk Management (Scotland) Act 2009. All SEPA public consultations are published online on our [Consultation Hub](#) and supported by engagement activities to ensure that communities can meaningfully influence decision-making. These consultations are widely promoted, and feedback is reviewed to identify changes to the draft proposals. SEPA invite all community councils to not only consider participation in consultations but also asks them to consider these consultations at meetings and publicise them on their social media as well as with relevant local flood groups. For example, the majority of responses we received to our latest consultation on PVAs came from the public – over 75%, with additional input from community councils and other stakeholders.

The next set of plans will be published in December 2027. A two-stage consultation is planned for the third cycle of FRMPs to give communities greater chance to feed in their local knowledge about flooding issues and priorities. The first phase will begin early in 2026, targeting local communities, followed by a second phase in late December 2026.

**Concerns raised: SEPA FOI highlights Local Advisory Groups are not the best way to provide practical support to or engage equitably with communities. SEPA are reluctant to meet with local communities**

SEPA engage with local communities through several groups, including local climate resilience groups and events, post flood collaboration, awareness raising campaigns, pre-application discussions and widely promoted public consultations. These engagement activities are attended by appropriate specialists depending on the questions being asked by local communities.

Local Advisory Groups are required under the Flood Risk Management (Scotland) Act 2009, and include membership from a range of organisations with regional presence, including responsible authorities, (e.g. local authorities and Scottish Water), NatureScot, river and fisheries trusts/boards, regional partnership groups, other environmental non-government organisations, National Farmers Union Scotland, and National Park Authorities. These groups have a specific remit and are not designed for engagement with communities on specific issues or locations.

We regularly engage with local communities as part of delivery of our Flood Forecasting and Warning Service, a fundamental component of SEPA's work, which contributes to the programme of flood risk management actions by providing timely, accurate, and actionable information that supports preparedness, response, and recovery efforts, helping to reduce the impacts of flooding on communities.

This includes public-facing services such as Floodline (almost 42,000 customers), which offers real-time flood warnings and advice, and the Scottish Flood Forecast, which provides a daily national overview of flood risk up to three days in advance to

support early decision-making. The service operates across all of Scotland through 19 regional flood alert areas and provides more detailed monitoring and forecasting within 326 local flood warning areas that focus on the communities most vulnerable to flooding. SEPA continue to increase awareness of the Floodline service through community engagement, and we have increased the number of people that subscribe to the service by 16.5% since 2022. We would encourage people to sign up to our text and email alerts through our website and follow our social media channels and encourage others in their communities to do the same.

SEPA also respond to many enquiries from the public daily coming to us through our general enquiries line and our website. We have information and advice available on flooding pages of our website on topics such as flood warnings, flood insurance, what to do before, during or after flooding.

In addition, as part of our regulatory function, SEPA meet with local communities and individuals as part of pre-application discussions. With regard to the lower Spey, since 2021, SEPA specialists (regulatory officers, geomorphologists, hydrologists and community engagement officers) have met on site on at least three occasions to discuss in-stream works related to flooding concerns raised by the petitioners and have had frequent engagement with local community groups, the community council, Moray Council and landowners over this period. SEPA have regularly provided advice to members of the Speymouth Environmental Partnership over the last four years on a range of matters, including the proposals in the CBEC report (2021) and the process for applying for an authorisation to undertake works proposed in the report (a summary of key engagement has been provided to the Cabinet Secretary for Climate Action and Energy and it has been included in [her own response to the Committee](#)).

**Concern raised: SEPA nor Local authorities engage with major landowners over flood alleviation/management schemes or building flood defences.**

[The Flood Risk Management \(Scotland\) Act 2009](#) assigns responsibility for developing and building flood protection schemes in Scotland to local authorities. SEPA have no responsibility to develop or build schemes. Local authorities develop proposals for flood protection schemes for areas where the need for a scheme has been identified and where the initial investigations by the local authority show this is a feasible and sustainable option. The development of a Flood Defence scheme follows the national planning framework and procedures which requires community engagement and consultation.

When asked, SEPA have a duty to provide flood risk advice to Planning Authorities (this includes local authorities) under Section 72 of the Flood Risk Management (Scotland) Act 2009. SEPA's role is to provide technical review and advice regarding the hydrological design of the scheme, in terms of data and methods used to derive the design flows that the scheme will be based on.

As part of our regulatory role, SEPA will provide pre-application advice to landowners, communities and individuals, where appropriate, with regard to sediment management and in-stream works (see section on SEPA's role in sediment management below).

**Concern raised: Only the Scottish Flood Forum provides practical advice**

SEPA and the Scottish Flood Forum have separate remits for the provision of flood related advice.

The Scottish Flood Forum is an independent charitable organisation, funded in the most part by Scottish Government, whose main remit is to support individuals and communities in Scotland at risk of or with experience of flooding. Their aim is to reduce the impacts of flooding by providing immediate support and by establishing a network of community resilience groups in flood risk areas, to equip communities to cope with flooding. Unlike SEPA, they are not a regulatory authority, with their focus being on direct community level support and the promotion of resilience through the provision of practical advice.

The Scottish Flood Forum have the FloBus which can be taken to communities on request to demonstrate property level protection measures.

SEPA work closely with the Scottish Flood Forum to share knowledge and advice of community flooding issues. SEPA and the Scottish Flood Forum share information and guidance on topics like Flooding Insurance, Property Level Protection, Flood Resilience and Flood Warning to ensure a consistent voice. This includes quarterly meetings and supporting various community events that either organisation is attending or supporting.

**3 and 4. SEPA's role in Flood prevention schemes**

**Concerns raised: Lack of instructions from SEPA on flood prevention schemes. An absence of SEPA's remit to design, build and assist communities in building flood defences. No organisation/person has the responsibility to build flood defences.**

SEPA are Scotland's national flood forecasting, flood warning and strategic flood risk management authority and do not have the powers to provide instructions on flood protection schemes.

[The Flood Risk Management \(Scotland\) Act 2009](#) assigns responsibility for developing and building flood protection schemes in Scotland to local authorities. Local authorities develop proposals for flood protection schemes for areas where the need for a scheme has been identified and where the initial investigations by the local authority show this is a feasible and sustainable option.

**Concern raised: SEPA hinder communities from doing flood prevention works.**

Whilst SEPA are generally supportive of measures taken by communities to manage flood risk in their area, there is a need to fully understand the impacts which may be associated by such works to ensure there is no unintended increase in flood risk elsewhere as a result and to ensure such activities do not impact the water environment. All proposed activities are considered on a case-by-case basis.

River engineering, including instream works for flood management, is authorised by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations

2011 (otherwise known as CAR (which will become part of the Environmental Authorisations (Scotland) Regulations or EASR from November 2025)). In most cases this means the operator applies to us for either a registration or licence. SEPA have a regulatory duty under these regulations to protect the water environment from harm via proportionate regulation, based on the level of risk posed by an activity.

In the case of the Speymouth Environmental Partnership, pre-application advice has been provided on multiple occasions through site visits and emails, and SEPA have previously confirmed that proposals set out in the report by CBEC (Hamish Moir) were likely to be supported, if an application for these proposals were made. We have provided guidance on the application process and await a formal application for authorisation being submitted to our water permitting team.

### **Concern raised: SEPA cannot fund any flood alleviation/management scheme**

Funding for flood protection schemes is the responsibility of the Scottish Government / CoSLA and local authorities.

**Concern raised: SEPA and local authorities 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 local authorities and SEPA don't.**

[The Flood Risk Management \(Scotland\) Act 2009](#) assigns responsibility for developing and building flood protection schemes in Scotland to local authorities. SEPA have no current powers to develop or build schemes. Local authorities develop proposals for flood protection schemes for areas where the need for a scheme has been identified and where the initial investigations by the local authority show this is a feasible and sustainable option.

When asked, SEPA have a duty to provide flood risk advice to Planning Authorities (this includes local authorities) under Section 72 of the Flood Risk Management (Scotland) Act 2009. SEPA's role is to provide technical review and advice regarding the hydrological design of the scheme, in terms of data and methods used to derive the design flows that the scheme will be based on.

Where community-led projects require SEPA authorisation, we would engage by providing pre-application advice on any locally commissioned reports from specialists, and approval for such works would be achieved through a formal application for an authorisation from SEPA.

### **5. SEPA's role in sediment management**

**Concerns raised: SEPA's role in approving the removal of sediment and gravel out of rivers**

SEPA have no powers to undertake work in watercourses or require others to undertake works, including dredging.

If engineering, like dredging, is not carried out appropriately it can cause serious environmental damage. In some cases, by changing the river, it can also have

unintended consequences, such as increased erosion or moving erosion and sediment deposition to new places, potentially making flooding worse.

As activities such as impoundments and engineering within the vicinity of a watercourse have the potential to impact on the water environment, they are authorised under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). This includes activities to mitigate flood risk.

Flood risk is not a regulatory function within the licensing of activities under the CAR. SEPA will not seek to control or regulate flood risk through CAR; our regulatory duties only extend to the protection of the water environment. SEPA recognise that dredging in some specific locations can help partially reduce flood risk, and we have authorised such works through CAR.

**Concern raised: 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.**

SEPA are responsible for producing strategic FRMPs, with the local FRMPs being the responsibility of lead local authorities. Within the FRMPs, SEPA consider whole river catchments when making flood risk management decisions. As part of this approach SEPA produced an assessment under Section 20 of the Flood Risk Management (Scotland) Act 2009 that considers whether techniques that restore, enhance or alter natural features and characteristics could contribute to managing flood risk. These techniques are referred to as natural flood management (NFM) and include sediment management. Based on Section 20 assessment, we recommend more detailed studies to be carried out by local authorities which further assess natural flood management potential.

**Concern raised: Despite the FRM(S) Act, 2009, LAs do not remove such sediment and obstructions.**

Local authorities have the power to carry out clearance and repair works. However, they only have a duty to do so where it would significantly reduce flood risk. A number of local authorities around Scotland have undertaken detailed analysis of dredging effectiveness and feasibility as a flood risk management action, with limited benefits identified.

Information on the management of watercourses for flood risk management purposes can be found in the local FRMPs published by local authorities. In Moray, specifically, there is a section on the local authority approach to assessing bodies of water and scheduling clearance and repair works.

**Concern raised: SEPA and NatureScot are reluctant to approve the removal of these [sediment and obstructions].**

As set out above, if engineering activities like dredging are not carried out appropriately, they can cause serious environmental damage. In some cases, by changing the river, dredging can also have unintended consequences, such as increased erosion or moving erosion and sediment deposition to new places, potentially making flooding worse.

However, we have authorised such works through CAR in some specific locations when appropriate.

To approve any sediment management or dredging an application must be made for an authorisation through the CAR.

## **6. The accuracy of the cost of flooding**

**Concerns raised: 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 costings are inaccurate. In FRM Local Plans, SEPA lists the cost of flooding and other statistics as being “estimates.”**

Under the Flood Risk Management (Scotland) Act, 2009, SEPA are required to undertake a Scotland wide approach to determine the potential economic impacts of flooding. This is done as part of the National Flood Risk Assessment, last published in 2018 and due to be updated in December 2025.

Our method for calculating economic figures is consistent with a national assessment using industry standards and uses data from these sources:

- SEPA's flood hazard maps (where flooding occurs within Scotland),
- Ordnance Survey data to identify each residential and non-residential property within Scotland, and
- The Flood Hazard Research Centre's Multicoloured Manual (MCM) and Multicoloured Handbook (MCH).

SEPA report economic impacts in terms of annual average damages (AADs). AAD represents the average annual loss, calculated over a long-term period based on the current industry standard method using data from the MCH. This dataset is used across the UK and Ireland and represents the best available data on flood damages. These values represent national economic damages, rather than the financial loss to individual properties, residential or commercial.

**Concern raised: SEPA and LA ignore social, economic, and environmental costs/losses including utilities.**

Through flood risk management planning process, SEPA assess flood risk to agriculture, buildings, cultural heritage, environmental designations, transport and utilities, as examples. Flooding impacts are then determined using the Flood Hazard Research Centre's Multi-Coloured Manual and Multi-Coloured Handbook which provides industry standard techniques for assessing economic flood impacts to different receptors as well as indirect impacts to health, indirect economic losses and environmental costs. This work is done as part of SEPA's National Flood Risk Assessment which was last published in 2018.

During partnership working with local authorities and utility companies, a suite of additional local information is used to assess the impact of flooding. This includes

information from asset owners, including utility companies, roads and rail infrastructure and Nature Scot on designated sites.

**Concern raised: 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.**

Without the context of this example, we have unfortunately not been able to respond in detail to the concern. Flooding issues that affect sewage treatment works are discussed with Scottish Water through the flood risk management planning process. As set out above, considerations regarding the funding, development and operation of local flood defences is a matter for Local Authorities.

**Concern raised: SEPA can give restricted grants to assist communities recover from flooding after the event.**

SEPA do not have the powers or funding to provide grants to communities to recover from flooding after an event. Scottish Government have in the past provided financial support to individuals post flooding. As addition, the Scottish Flood Forum can provide independent advice to communities in the event of a flood.

## 7. Concerns over the experience of responsible authorities

**Concerns raised: 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. Organisations do not have the finances to pay for such schemes.**

We conduct public consultation throughout the flood risk management planning process to gain understanding of public / community views. In addition, SEPA work in collaboration with several organisations that have responsibility for flood risk management, and which have an interest in flooding nationally or locally. We also work with our partners in the response and resilience community to ensure strong coordination across our respective services. Together we are working towards reducing the overall impacts of flooding in Scotland.

The Scottish Government oversees the implementation of the Flood Risk Management (Scotland) Act 2009, which requires the production of FRMPs and local FRMPs. Scottish Ministers are responsible for setting the policy framework for how organisations collectively manage flooding in Scotland.

The distribution of Scottish Government grant funding for actions in the local FRMPs is considered by Scottish Ministers and COSLA, through the Settlement and Distribution Group.

I trust the above information is helpful, but should you wish to discuss the above matter further, please do not hesitate to contact [ask@sepa.org.uk](mailto:ask@sepa.org.uk).

## Data, Environment and Innovation

## Petitioner written submission, 13 November 2025

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

We have studied both submissions and make the following observations. It should be noted that our observations are echoed by many community groups across Scotland. Both responses share similar information, which is based on current legislation and practices. As suggested by Maurice Golden MSP at the previous meeting of the Committee, there is a question over who has responsibility for protecting and assisting communities with flood risk management. Landowners are deterred from doing any riverbank maintenance in fear of legal action because of unpredictable consequential damage that may occur as a result of such works.

The current legislation and procedures focus solely on digital data collection of rainfall, river levels, weather patterns, the dissemination of such data to all Government agencies and the public through flood warnings issued by SEPA. Maps of areas of potential flood risk now and into the future are digitally produced using those figures and adapted for future planning by calculations based on current, some historic data and estimates as to what future climate change may bring in the way of perceived increased rainfall. Such predictions could be made by adding 5% or 10% or some other perceived rise in rainfall. Predictions do not take into account changes in the dynamics of rivers and their environs. Coastal flooding maps are based on the same information but do not appear to take into consideration current coastal erosion rates in susceptible areas. The current rate of increasing sea levels is 1.4 mm per year. If that is correct, then it will take 500 years for the sea levels to rise 1 metre.

Data from English river basins is used to calculate the perceived cost of flooding in each area. In drawing up costings, agencies exclude many facts and costs. Locally they exclude Scottish Water estimated costs of £5 million for past flood damage and a £5 million if the local sewage treatment works were damaged by flooding. SSEN advised that the resitting of overhead power lines due to flooding would be £250,000. Costs of replacing damaged utilities, community and public assets are never included in the costings ratio of flooding against the cost of engineering works.

No Government department or agency or local authority will meet with communities face to face to discuss local flooding issues. SEPA gives grants for communities *after* flood damage has been caused. Local authorities can apply to the Scottish Government for grant funding for flood alleviation schemes. Experience of communities is that local authorities are very reluctant to apply for such grants because of the cost involved in preparing such plans and that the project, if approved, is not covered 100% by any grant funding. In preparing Local Flood Risk Management plans, local communities at risk of flooding are not consulted in the early stages of plan development. A number of Government agencies and statutory bodies are involved and share information based on digital data provided by SEPA. All flood management procedures are about SEPA and other statutory bodies predicting when and where flooding may occur and informing the public. Flood maps are digitally produced and, in many cases, do not reflect the reality in areas marked as at risk of flooding.

Examples of experiences of flood management requests are:

Our last public local flood management meeting with officials was arranged by the then MP and MSP in October 2010. There was no follow-up action.

On 15 September 2021, Moray Council discussed a commissioned professional report on local flooding submitted by Innes Community Council. Officers failed to consult with the Community Council and would not discuss the report because they had not commissioned it. At a subsequent meeting of the Council, officers submitted their own proposals, which had not been discussed with the community. They advised the Council that it had a presumption against flood management and that it was the responsibility of the community to raise any money required for flood defences. Council officers continue to refuse to meet and discuss the situation.

SEPA have been regularly asked to attend locally to discuss the River Spey flooding issues. Those requests have all been refused. When asked for advice, SEPA replied by email that we would need to apply for CAR licences as and when we got planning permission. No advice was offered on the completion of such an application. SEPA attended meetings organised and facilitated by Crown Estate Scotland, which were aimed specifically at asking statutory bodies if they supported the aims of the Speymouth Environmental Partnership. SEPA have never engaged in any meetings about flood management on the Lower Spey.

A planning appeal was not upheld at an appeal hearing because of information from SEPA. SEPA argued the site was liable to flooding or could cause flooding elsewhere. SEPA had no gauges on the local river. Local historical records showed that the proposed site had never flooded since it was developed as a railway yard in 1860, and some of the buildings were still in use. At the time of the appeal, the site had a live planning consent for a hostel and housing.

A community group applying for planning consent to restore flood management defences, because the local authority refused to renew them, had to commission a report costing £1500 to identify any disruption it may cause to a local native wild animal in the vicinity.

Communities are never involved in the early stages of the drafting of Local Flood Risk Management Plans by any agency/statutory body. All the discussions are by Statutory bodies, many of whom have no remit in flooding matters. The first opportunity communities have to comment is when the draft document is produced. These documents consist of SEPA's digitally produced maps of potentially vulnerable areas of flooding. They include SEPA computer-generated estimated cost of flooding in the given Potentially Vulnerable Areas (PVAs). They give a brief description of each PVA and a proposed management and advice plan for the following 6-year period. There is no accountability within these documents and no details of any flood defences that will or could be built to protect communities. These documents are written such that it is extremely difficult for communities to counter them. Very often, they do not relate to the reality of locations prone to or under threat of flooding.

Nobody is responsible for flood prevention measures in Scotland.