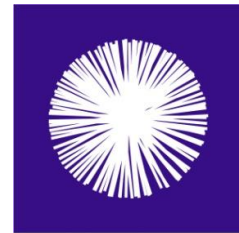


Flood Risk Management (Scotland) Act 2009: The Designation of New Responsible Authorities

Response by the Scottish Environment LINK Freshwater Taskforce

June 2012



Scottish
Environment

LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Summary

Scottish Environment LINK welcomes this consultation on the designation of additional responsible authorities for the purpose of delivering sustainable flood management in Scotland. It is critical that SEPA, Scottish Government, local authorities and others work together in an effective and co-ordinated way in order to implement the Act effectively. As such, we agree with the proposal to designate Forestry Commission Scotland and the National Parks as responsible authorities under the Act and we urge that Scottish Natural Heritage and the British Waterways Board are also designated. In addition, LINK would like to know what processes are in place to check that all those who are currently responsible under the Act (including all emanations of Scottish Ministers, such as Marine Scotland, Transport Scotland and all Government directorates) are fulfilling their duties.

Consultation Questions

1. Do you agree with the criteria used to identify new responsible authorities? If not, what alternative or additional criteria should we consider?

Yes, we agree that the criteria being used to identify new responsible authorities. However, we are concerned that these criteria have not been applied appropriately when making decisions as to who to designate (please refer to our responses to Questions 3 and 4).

2. Are there any other public bodies or office holders that you think should be designated as responsible authorities? If so, please give reasons and support your answer with reference to the duties that you consider to be relevant.

LINK would like to see sufficient scrutiny of all public bodies and office holders who are currently responsible under the Act to ensure that they are fully contributing to its implementation.

3. Do you agree with our proposal that SNH should not be designated as a responsible authority? If not, please give reasons and support

your answer with reference to the duties that you consider to be relevant.

LINK does not agree with this proposal. SNH is responsible for granting permissions for certain activities on designated sites and those activities have the potential to influence flood risk management. Therefore, it clearly meets the criterion set out in the consultation document and, as such, should be designated a responsible authority. In addition, SNH should be designated on the basis that delivery of sustainable flood management may be dependent on them providing useful or relevant information to SEPA (Section 43 of the Act) or the lead local authority (Section 44 of the Act). We disagree that designation would incur disproportionate responsibilities for SNH because if any such information proves essential for the effective implementation of the Act, then it should not be deemed disproportionate.

4. Do you agree with our proposal that the British Waterways Board should not be designated as a responsible authority? If not, please give reasons and support your answer with reference to the duties that you consider to be relevant.

LINK does not agree with this proposal. We believe that the British Waterways Board should be designated since it clearly meets the criterion relating to carrying out activities that could significantly impact on flood risk management and helping achieve the objectives of flood risk management plans. The British Waterways Board has a potentially significant role in providing useful information to SEPA or lead authorities (Sections 43 and 44 of the Act, respectively). Such information could make an important contribution to sustainable flood risk management and, therefore, the British Waterways Board should be under obligation to provide it as necessary.

5. Do you agree with our proposal that the National Park Authorities should be designated as responsible authorities? If not, please give your reasons.

Yes.

6. Do you agree with our proposal that the Forestry Commissioners should be designated as a responsible authority? If not, please give your reasons.

Yes.

This response was compiled on behalf of the Freshwater Taskforce and is supported by:

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