

Flood Risk Management (Scotland) Bill

Briefing for Stage 1 debate

'Historically we have constructed dams, straightened rivers, built on floodplains, constructed artificial drainage systems and removed vegetation. Now we must assess how we can deal with those man-made problems in the most sustainable way in the decades ahead'

Richard Lochhead, Cabinet Secretary for Rural Affairs & Environment

Introduction

LINK's Freshwater Task Force welcomes the Rural Affairs and Environment Committee's Stage 1 Report and its recommendations to strengthen the provisions of the Bill in a number of key areas. The primary legislation must be strong and robust enough to underpin effective implementation of flood risk management plans. **The benefits of getting this right and reducing the risk of flooding in a sustainable way will not only help to improve and restore the status of the water environment, but will also reduce the economic and social costs of flooding.**

Key recommendations

Whilst LINK supports the general principles of the Bill, we believe that a number of provisions must be strengthened further, as recommended by the Committee in its Stage 1 report.

i) Sustainable flood risk management

The Bill should ensure **a truly sustainable approach to flood risk management**. Sustainable flood management is an approach to reducing flood risk which considers a long-term approach, takes into account social, environmental and economic issues and uses a toolkit of measures to address flood risk. For example; better flood warning, natural flood management, avoidance of development in flood prone areas, and flood protection schemes. A commitment to a sustainable approach must be on the face of the Bill. As recommended by the Committee this can be achieved by:

- Changing the wording of the long title to introduce the phrase 'sustainable flood risk management (SFRM)'.
- Strengthening the general provisions under section 1, such as to require Scottish Ministers, SEPA and responsible authorities to '*act to further SFRM*'.
- Introducing 'environmental' as part of the consideration when exercising flood risk related functions.

In addition, we believe that the delivery of SFRM is closely linked with the ability of responsible authorities to consider the principles of sustainable development as part of their remit. For example, Scottish Water's (SW) investment planning is currently driven by short-term solutions that offer economic value to its customers. Whilst such strict economic regulation is necessary, this needs to be carried out with sustainability in mind. **We therefore strongly support the Committee's recommendation to review the financial regulation of SW to ensure that objectives of a sustainable approach can be fully met.**

ii) Implementation of flood risk management plans

The Bill currently does not provide for the implementation of flood risk management plans. As recommended by the Committee a stronger link needs to be made between the general *duties* to reduce flood risk and duty on Scottish Ministers, SEPA and responsible authorities to *deliver* the objectives of flood risk management plans. We fully support this recommendation. The lack of such duty in combination with the current ad-hoc arrangement for funding of flood prevention schemes could potentially jeopardise the delivery of sustainable flood risk management. **A specific duty on Scottish Ministers, SEPA and responsible authorities would ensure that the objectives of flood risk management plans are met.**

In order to ensure implementation, the funding mechanism for flood prevention schemes should be reviewed to allow for a targeted funding of future flood schemes. We therefore fully support the Committee's recommendation urging the Scottish Government to review the suitability of the current mechanism for the allocation of funding to local authorities.

iii) The natural approach to flood management

A large part of the solution to the problem of flooding lies in the way we manage catchments. Natural flood management is an integral part of sustainable flood risk management, which aims to work with rivers and coastal features and processes to restore the functionality of natural systems. The aim is to slow down the flow of water and store water along catchments. Natural flood management techniques include for example, the restoration of wetlands, river meanders, riparian woodlands, and coastal realignment.

Natural flood management can directly contribute to reducing flood risk to people and property further downstream, and also provides additional benefits such as conservation of biodiversity, amenity and improved water quality. Because of its multi-functional benefits, natural flood management should be considered as a key part of sustainable flood management. **SEPA and responsible authorities should be required, where possible and appropriate, to consider the contribution of NFM to reducing flood risk.** Such assessment should be carried out at an appropriate scale to allow the implementation of measures at a more local scale by responsible authorities. The assessment should form part of flood risk management planning both at the district and the local scale. The current provisions for NFM in the Bill are not adequate to meet these requirements, and we therefore fully support the amendments suggested by the Committee.

Conclusions

The new Flood Risk Management (Scotland) Bill must ensure a sustainable approach to flood management, incorporating sustainable principles in the general provisions and indeed throughout the Bill. The provisions for natural flood management should be strengthened and a new duty introduced to ensure the implementation of flood risk management plans. Amendments to the Bill on these issues will bolster the Bill's purpose of securing flood management that is long-term, sustainable and fit to deal with climate change impacts.



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For further information about the Flooding Bill and background briefings go to www.scotlink.org. January 2009