

Flooding in Scotland: A Consultation on Potentially Vulnerable Areas and Local Plan Districts

Response by the Scottish Environment LINK Freshwater Taskforce

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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

LINK members welcome this opportunity to comment on the proposed Potentially Vulnerable Areas and Local Plan Districts. We are pleased that SEPA has amended the proposed boundaries of Local Plan Districts and reduced the number of local groups following concerns from stakeholders such as LINK. We welcome the proposal that Water Framework Directive Area Advisory Group (AAG) boundaries will be used as the basis of local flood advisory groups.

We appreciate the considerable effort that SEPA has invested in developing the National Flood Risk Assessment and the proposals set out in this consultation. However, we have concerns about some of the proposals and there are a number of points on which we seek clarification. These are summarised below and are detailed further in our responses to each of the consultation questions. We would welcome the opportunity to discuss these points further with SEPA.

- We seek clarification that implementation of flood risk management measures will not be restricted to PVAs. As PVAs only make up a part of a catchment, we urge that flood management measures in the whole catchment are fully considered in order to deliver sustainable flood management.
- We have concerns with the way that the impacts on the environment and cultural heritage have been considered in the National Flood Risk Assessment methodology and we seek clarification on a number of points. We have set out these queries and concerns in our response to Question 1 below.
- While we welcome the proposal to use AAG boundaries when establishing local flood advisory groups, we seek clarification on arrangements for the Highland and Argyll Local Plan District given that this encompasses three different AAGs.

- We urge SEPA to maximise stakeholder engagement of the local advisory groups and ensure alignment with the WFD AAGs.
- We seek confirmation of a Scottish Environment LINK place on the local advisory groups.

Consultation questions:

Question 1 - Do you support the setting of a significance threshold that will capture the majority of flood impacts and subsequent action in a comprehensive planning system (i.e. based around the 'Medium' risk level)?

In general, we are supportive of the medium threshold for inclusion in a PVA. Furthermore, it seems sensible that any area with a flood protection scheme or with a record of a significant past flood will automatically be given a medium rating so that they are subsequently included in a PVA. However, we have a number of concerns and queries with the assessment methodology that we wish to see addressed. These are outlined below:

- We seek confirmation that implementation of flood risk management measures will not be restricted to PVAs themselves and urge SEPA to ensure that flood management techniques are properly considered for the whole of the catchment in which a PVA lies. This is a crucial point and one that is key to delivery of *sustainable* flood management. The consultation document states that the setting of objectives and measures process will be focused within PVAs. While we agree that objectives (e.g. reduced risk to communities from coastal flooding) need to be relevant to PVAs, it is critical that the process of identifying measures looks wider than an individual PVA.
- The statutory guidance "*Delivering Sustainable Flood Management*" states that the impacts of flooding on the environment should be assessed for **water body status, protected areas, pollution sources** and the wider environment such as **biodiversity**. The current NFRA only takes account of protected areas. Therefore, we seek clarification as to what steps SEPA is taking to include the other parameters in the assessment.
- We would like to know how SEPA will consider the potential impacts of flood risk on meeting River Basin Management Plan objectives. For example, how flood risk might affect achieving the objectives for the water-dependent protected areas in Chapter 5 of the River Basin Management Plans. We also seek further clarification as to how SEPA has assessed how Heavily Modified Water Bodies contribute to flood risk (for example, agricultural land drainage and modifications in urban developments). Such information will be important for helping SEPA and other responsible authorities assess how implementation of RBMP measures for HMWBs will contribute to flood risk management.

- Section 9(4) of the FRM Act states that maps should show the borders of any river basin district and topography and land use. Land use such as agriculture, urban and forestry cannot be ascertained from the maps shown in the consultation appendices. Furthermore, the land cover data within the 'PVA characteristics' on the datasheets is incorrect with the forestry values overinflated on many of the datasheets. We urge SEPA to clarify and improve the datasheets and maps in relation to land use and cover.
- The consultation document states that the NFRA will develop and improve in accuracy over time. It would be extremely helpful if SEPA could attach some level of confidence to the current assessment in order to give an indication of its reliability. Ground-truthing the areas designated as PVAs is also essential as some PVAs are counterintuitive e.g. the isle of Rum. In addition, we urge SEPA to document the gaps in data in the current NFRA and what it is doing to address these and timescales. For example, there is 'insufficient information' on catchment hydrology and morphology on many of the datasheets and, thus, it would be helpful to have an indication of what proportion of data is available and what steps SEPA is taking to ensure that this data is captured for all PVAs.
- The methodology states that information on future strategic developments was obtained from the National Planning Framework 2. We urge SEPA to also take into account the information within Local Development Plans as this will be essential for the flood risk management planning process.
- The NFRA methodology explains that the vulnerability of designated sites was assessed as a function of susceptibility and resilience. We seek further clarification as to how these parameters were defined as it seems the methodology has resulted in some PVAs being designated incorrectly. For example, we understand that saltmarsh and coastal habitats within protected areas have been assigned a low or very low vulnerability score. Given the recent evidence that sea level rise will outpace land uplift in Scotland¹ and the recognised importance of saltmarsh for biodiversity and for carbon storage², we think that the risk from flooding on these areas should be escalated.
- We recognise that, within any one PVA, there will be areas not at significant risk of flooding, for example mountainous areas. We seek clarification as to

¹ Rennie, A.F. & Hansom, J.D. (2011) Sea level trend reversal: Land uplift outpaced by sea level rise on Scotland's coast. *Geomorphology* 125: 193–202

² Blue Carbon report: <http://www.grida.no/publications/rr/blue-carbon/>

how flood risk will be mapped at a scale that enables users of the NFRA to identify which particular areas are most at risk.

- The consultation document states that the interactions of different flooding sources (river, sea, surface water and groundwater) have not been taken into account in the current flood risk assessment but that they will be considered in subsequent modelling and mapping exercises. We seek confirmation from SEPA on its plans and timescales for including these data in future assessments.
- We seek further details as to how SEPA has considered the current state of coastal flood defences in the NFRA.
- The consultation document states that information on the vulnerability of the coastline to climate change will be used to inform subsequent stages of more detailed assessments and plans. Therefore, we are concerned that this information will only be taken into account for the PVAs that are currently designated. We ask for clarification as to how SEPA will identify areas outside the current PVAs that might be susceptible to climate-induced coastal change.
- The Cultural Heritage receptor should include 'battlefields and sites of archaeological interest' as recorded on local authority Sites & Monuments Records (SMRs) and Historic Environment Records (HERs). It is remiss to exclude them from the NFRA because the majority of these sites are not designated but, nevertheless, are of extremely high cultural importance.
- We recommend that the Association of Local Government Archaeological Officers (ALGAO) are consulted on the development of the vulnerability indicator for cultural sites.
- We are concerned that damage to two World Heritage Sites could be deemed low risk and suggest that damage to any World Heritage Site should warrant a Medium risk and thus automatic inclusion as a PVA.
- The datasheets are formulaic to the extent that the summary information becomes meaningless and misleading. For example, datasheets refer to World Heritage Sites where there are none.

Question 2 - Are there areas identified as Potentially Vulnerable Areas following this assessment that you believe should not be designated as at significant risk of flooding?

As stated in our response to Question 1, we think the way in which features of designated sites have been scored has resulted in some areas being incorrectly designated as a PVA.

Question 3 - Are there areas NOT identified as Potentially Vulnerable Areas following this assessment that you believe should be designated as at significant risk of flooding?

We do not provide an exhaustive list but instead provide examples which we hope will help SEPA to determine the aspects of the methodology that could be improved:

- Coastal areas – we are concerned that risk of current coastal flooding and predicted sea level rise has not been properly taken into account in this assessment. For example, we might expect areas of internationally important machair habitat with SAC designations, such as Oronsay, to be within a PVA. There are also some oddities, for example, the area around NS904898 in the Inner Forth is excluded from a PVA when most of the surrounding land is designated a PVA. In addition, we urge SEPA to take account of important populations of rare species such as the Natterjack toad. This European protected species is rare and localised in Scotland, with a geographical distribution that is limited to the Solway coast. Loss of coastal and saltmarsh habitat poses a serious threat to this species and we urge SEPA to take such impacts into account when designating PVAs.
- As some archaeological sites (SMRs and HERs) have not been included in the assessment process, there are likely to be areas that should be identified as PVAs but that have not been detected in the current assessment.

Question 4 - Do you agree that the amendments made to the boundaries of the Local Plan Districts are an appropriate response to the consultation exercise held in 2010? If not, what changes would you suggest and why?

We warmly welcome the reduction in the number of Local Plan Districts in response to the previous consultation exercise and we agree that the boundaries seem sensible. However, the Highland and Argyll LPD is particularly large and we ask SEPA what steps it will take to ensure efficient planning and stakeholder engagement across the area.

Question 5 - Do you agree with the broad remit, membership and procedure of the local advisory groups?

We agree with the broad remit and procedure of the group. We ask that the groups are set up in a way that encourages ownership and enables the group to contribute and to have its views properly considered. Regarding the proposed membership of the group, we seek confirmation from SEPA that Scottish Environment LINK will have a place as one of the 'other stakeholders'.

We also urge that environment and cultural heritage interests are adequately represented at the local advisory groups from a local authority perspective. This would be best achieved by ensuring that local authority biodiversity officers and heritage services either attend meetings or that they are linked into the process through the local authority representative.

Question 6 - Do you support the use of the Area Advisory Group boundaries established under the Water Framework Directive as the basis for establishing local advisory groups as required in section 50 of the Flood Act?

We welcome the proposal to use the WFD AAG boundaries when establishing local flood advisory groups. However, we seek clarification as to how the meetings might be arranged for the Highland and Argyll Local Plan District given that this encompasses three different AAGs.

We urge SEPA to take every step to maximise stakeholder engagement of these groups and to consider the logistics of meetings in order to facilitate attendance. Many stakeholder organisations will have the same representative attending both flood and RBMP meetings, therefore holding both meetings on the same day would reduce time and travel expenditure for attendees. We also ask that the meetings are dynamic and with clear objectives so that stakeholders are able to make a worthwhile contribution to the process. SEPA should take on board the lessons learned from the RBMP process. For example, following the review³ of the efficacy of AAGs, it was recommended that AAG meetings had to be more locally relevant and had to focus on 'doing' and working in partnership rather than discussing procedure or 'ticking boxes' to comply with the legislation.

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

- RSPB Scotland
- National Trust for Scotland
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³ http://www.programme3.net/water/Feedback_on_River_Basin_Planning_Research.pdf