

Response to SEPA's Flood Risk Management (Scotland) Act 2009 consultation: 'Planning for floods – planning for the future'

by the Scottish Environment LINK
Freshwater Taskforce

Date: 15th October 2010



Summary

We welcome SEPA's 'Planning for floods – planning for the future' consultation and appreciate the considerable effort that SEPA has invested in considering the best options for flood risk management planning. However, we feel that some of SEPA's proposals, particularly those in relation to the set up of local plan areas, will fall short of achieving sustainable flood management that is integrated with wider catchment issues, such as those relating to water quality, land use, biodiversity and climate change adaptation. In addition, we are concerned that the proposals will impede stakeholder engagement which could in turn result in poor implementation of the Flood Risk Management (Scotland) Act 2009.

We urge that SEPA gives further consideration to the alternatives that would reduce the number of local plan areas and that would better align the areas with existing structures, such as the River Basin Management Planning Area Advisory Groups. This will be essential to achieve not only sustainable flood management but other objectives that will deliver multiple benefits at a catchment scale.

Introduction

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.

LINK members welcome the opportunity to comment on this consultation regarding implementation of the Flood Risk Management (Scotland) Act 2009. We set out our response to each of the consultation questions below:

Question 1 – Do you agree with the principles for defining local plan areas? If not, what other suggestions do you have?

Although we agree that the principles set out in the consultation document will help to facilitate implementation of the local flood risk management plans, we think that SEPA have missed an important principle relating to stakeholder

engagement. Local advisory groups will have a central role in guiding the development of the local flood risk management plans, therefore ensuring co-operation and collaboration from a wide range of stakeholders will be essential for this process. Therefore, we ask that a principle is added to capture the importance of local plan areas being set up at a level that facilitates stakeholder engagement.

Question 2 - Do you agree with the proposed number of local plan areas? If not, do you feel that there are too many or too few? Please provide reasons for your response.

No, we do not agree with the proposed number as we think that 20 Local Plan Areas is too many. We think that this level of groups will bring an unnecessary burden to many stakeholders who simply will not have capacity to resource that structure.

We suggest that SEPA bases the flood risk management groups on boundaries that align with the current Area Advisory Group structure set up to deliver Water Framework Directive objectives. We think that this will be crucial to ensure alignment with River Basin Management Planning priorities, and thus help to meet the Section 48 requirement of the Act to have co-ordination and consistency with the RBMPs. In turn, by ensuring that flood risk and river basin management planning are integrated, it would then be easier to make connections with other benefits such as carbon sequestration, sustainable land use and biodiversity. Such an integrated, holistic approach is more likely to achieve delivery of multiple benefits.

Question 3 – Do you agree that we should aim to reduce the number of local plan areas where there are existing arrangements for sharing resources between local authorities that have not yet been considered?

Yes, we agree. Please also see our response to Question 2.

If you are a local authority representative, what are your views on reducing the number of local plans in your area?

Not applicable.

Question 4 - Is this the appropriate approach to dealing with coastal flood risk management? If not, what alternative proposals would you put forward?

We agree that it is appropriate for SEPA to retain the overview of large coastal and estuarine areas through the national flood risk management plans. However, Local Plan Area groups must ensure that they integrate coastal management into their local flood risk management plans. We agree that additional partnerships

should be established as necessary. Where such partnerships are established, SEPA and other responsible authorities must ensure that there is adequate stakeholder engagement.

We agree that it is important for consideration to be given to existing groups and partnerships. As the new system of marine planning delivered by the Marine (Scotland) Act 2010 extends to mean high water, we also agree that there will need to be close consideration of structures created by the Act, including National and Regional Marine Plans and any groups to which power for regional marine planning is delegated.

Question 5 – Will these principles support a balanced flood risk management planning process? If not, do you have suggestions on how to improve these principles?

These principles will help to support the process but we suggest that 'Effective stakeholder engagement throughout the planning process' should be added as a principle. Early and effective engagement of all stakeholders is crucial. In particular, we would like to highlight the importance of ensuring that communities and land managers who will be relied upon to deliver flood risk management measures are fully engaged in the process.

We are keen to learn about your experience in partnership working. If you were or are involved in partnerships, please share with us some of your experiences, including why the partnership worked well and what lessons were learned.

Across the various LINK member organisations, there is considerable experience of partnership working and we would be willing to share this experience during further discussions with SEPA.

It is worth highlighting that the success of partnerships is dependent on the outcomes being beneficial to all involved. Thus, in a flood risk management context, it could be challenging to get management underway upstream if the benefits of that are only realised further downstream. Hence, this is why adequate incentives and mechanisms need to be in place that would enable measures to be undertaken in those upstream areas. LINK members have experience of other issues that are relevant to this catchment context and so could be drawn on, e.g. those pertaining to deer management in Scotland, and we would be willing to share these if SEPA would find that useful.

Question 6 – Have we correctly identified the purpose, role and membership for the Advisory Group for Scotland? If not, do you have suggestions on how we could improve these proposals?

- We agree that the **purpose** of this group should be to have an advisory role.
- We think that the **role** of the group should be to support local authorities and others who are involved in developing local flood risk management plans, as well as SEPA. Local authorities are likely to find this new flood risk

planning process a great challenge and therefore, they must receive adequate support and guidance to enable them to undertake their duties successfully. SEPA may want to consider the best ways of providing support. For example, it may be best to have the national advisory groups to discuss and agree strategic and higher level issues, and then to have a technical working group that would be able to convey more specific guidance to local authorities and answer any queries that arise from them.

- Regarding **membership** of the Advisory Group for Scotland, we welcome the place for Scottish Environment Link.

We urge that SEPA ensures adequate liaison between the Scotland and Solway Tweed Advisory Groups, particularly when decisions are being taken relating to principles and guidance that support SEPA, responsible authorities and local plan area groups in implementing the Act.

Question 7 – Do you support the proposal for the temporary use of Area Advisory Groups as a means of engaging local stakeholders? If not, what alternative proposals might you suggest?

We think it is sensible to have some means of engaging stakeholders as soon as possible and thus support the use of AAGs to do this. Furthermore, if SEPA were to adopt our suggestion of using the existing AAG structure as boundaries for flood risk management groups then there would be greater consistency throughout the implementation process.

Question 8 – Do you support the proposal for a programme of thematic workshops for SEPA, local authorities and other responsible authorities? If not, do you have any alternative proposals that would achieve the same aim?

In principle, we agree that workshops will be a useful way to communicate out to responsible authorities. However, the success will depend on how well they are structured and delivered and we feel that we would need more detail on this programme before we can comment or advise further. Also, we would like to point out that the concept of sustainable flood management and use of natural techniques will be extremely unfamiliar for many local authorities. Therefore, training must be available to bring them up to speed on this.

Question 9 – Do you support the proposal for a joint communications strategy? Do you have any suggestions for methods of communication that, in your experience, may be effective?

Yes, an effective communications strategy is key to enable messages and information to be conveyed to the public, land managers and others who will have a role in delivering sustainable flood management.

We would like to be able to input into this strategy and feel that we have much to contribute from the experience of our various members. Identifying the messages, audiences and the best means of communication out to these audiences will be central to successfully implementing the Act.

Question 10 – Do you support the consultation activities highlighted in Table 7? Are there any alternative or additional consultation activities that you would like to see included in the statement?

Yes, we support these consultation activities.

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

- RSPB Scotland
- The Scottish Wildlife Trust
- Rivers and Fisheries Trusts of Scotland (RAFTS)
- Buglife
- Wildfowl & Wetlands Trust
- Ramblers Scotland

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