

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

Petitioner written submission, 13 November 2025

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.