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From: [REDACTED]  
 Sent: 23 April 2008 18:13  
 To: Flooding, Erosion and Reservoir Safety  
 Subject: Consultation Response

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## The Future of Flood Risk Management in Scotland

### RESPONDENT INFORMATION DETAILS

Name: [REDACTED]  
 Organisation: River Restoration Centre  
 Address: Bulding 53 Cranfield University campus  
 Bedford  
 Postcode: MK43 0AL  
 Email: [REDACTED]  
 Telephone Number: [REDACTED]  
 Responding as: On behalf of a group or organisation  
 Individual Permission: Not Supplied  
 Confidentiality: Not Supplied  
 Group or Organisation: Yes  
 Share Response Permission: Yes

### Consultation Questions The Future of Flood Risk Management in Scotland

<b>Question 1: Do you believe the definition of SFM is helpful and of practical benefit to flood risk management?</b>	Yes.
<b>Question 2: Do you think the definition is clear and simple to understand?</b>	Yes, with the explanatory definitions this is a clear and useful definition. I am not sure it is necessarily "simple". In addition, the four sub-objectives in 2.8 are well defined, but the verall objective is rather poorly worded/structured.

	Perhaps a better overall objective wording would be that provided in Fig 1 within the text box, "Increasing resilience to flood risk".
<b>Question 3: Do you agree with the conclusion as set out in paragraph 3.17?</b>	Yes, this provides a national overview and consistent approach but with the focus still on Local issues and management.
<b>Question 4: Do you agree that there should be a single competent authority with a national remit for implementing the Floods Directive, and that it should be SEPA?</b>	Yes, this would seem to be the most sensible approach. Additional comment on 3.26 The final sentence states that "local authorities must "take account of" Area Flood Risk Management Plans. This wording appears in a number of places. Perhaps a better wording would be to "work within the strategic framework of". "Taking account of" does not provide the message that this process consists of cascading levels that MUST integrate with each other.
<b>Question 5: Do you agree that this is a sound basis for the development of Local Flood Risk Management Plans? If not what alternative do you propose?</b>	Yes, if adequate guidance for LFRMP's is provided to support this.
<b>Question 6: Should Ministers or SEPA have the power to designate a lead authority within a local area, or should it be left to the partners?</b>	The Partners should be tasked to come to a "participative" consensus on the lead, with intervention if necessary.
<b>Question 7: Do you agree that Local Authorities, Scottish Water, the Forestry Commission, and SNH should be identified as responsible authorities?</b>	Yes
<b>Question 8: Which other bodies should be identified as responsible authorities?</b>	
<b>Question 9: Do you agree that responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans?</b>	Yes
<b>Question 10: Do you agree the proposals are sufficient to support wider stakeholder and community engagement in the flood risk management planning process?</b>	This is not covered in enough detail here (re. communities) to say if it would be successful, but the process outlined says it allows for this.
<b>Question 11: Do you agree that the Bill should set out a process similar to that for River Basin Management Planning for the preparation by SEPA of area flood risk management plans?</b>	Yes. This would help streamline the processes and make them clearer.
<b>Question 12: Do you agree that Ministers have the power to approve, reject or modify Area Flood Risk Management Plans?</b>	Reject or modify would need to be on the basis of expert input/support similar to the work involved in reaching the AFRMP suggestions in the first place.
<b>Question 13: Do you think that integrated urban</b>	

<b><i>drainage plans should be included as part of a Local Flood Risk Management Plan?</i></b>	Yes
<b><i>Question 14: Should Flood Risk Management Plans inform the way that development plans are prepared, or should there be a stronger linkage such as a requirement on planning authorities to show that they have regard to the FRMPs?</i></b>	Again, the term "have regard to" is a little loose. It would be more appropriate to "lead" the authority to "integrate with" the FRMP"s. In this case both informing development plan preparation and integrating into the FRMP would be desirable.
<b><i>Question 15: Do you think that the granting of deemed planning permission at the end of the statutory process for flood risk management will deliver a more streamlined approach to the delivery of flood risk management?</i></b>	
<b><i>Question 16: Should Ministerial confirmation be made necessary even where features of a scheme do not require planning permission?</i></b>	
<b><i>Question 17: Is the present procedure for Ministerial confirmation satisfactory for this new purpose or are there revisions e.g. to timescales which should be considered?</i></b>	Whether the Ministers or the local authority process is adopted, the key element is technical expertise and the ability to call on a pool or panel of experts to assess the permissions. This then reduces the potential for inconsistency based on lack of expertise/capacity in some authorities.
<b><i>Question 18: Do you think that the option to rely on a local authority based process in a similar way as other local authority development activity should be taken forward?</i></b>	See above
<b><i>Question 19: What would be the appropriate timescales for notification and response?</i></b>	
<b><i>Question 20: Would it be appropriate for such a process to carry deemed planning consent?</i></b>	See above
<b><i>Question 21: How should the issue of technical expertise and capacity be addressed?</i></b>	See above
<b><i>Question 22: How could such a process ensure the necessary technical standards are observed?</i></b>	See above
<b><i>Question 23: Are there any additional alternatives to the options outlined above which would simplify procedures?</i></b>	Comment on 3.77. In addition to this statement, there needs to be recognition that once the emergency has been avoided/dealt with under these extensive powers, there should be a requirement for a more considered and sustainable "project" that mirrors the AFRMP and LFRMP.
<b><i>Question 24: Do you agree that streamlining the CAR and flooding/planning processes, can be managed through better guidance?</i></b>	Yes. The CAR process is relatively new and its further integration within plans and the planning process would be valuable. It provides a (relatively) simple and consistent approach that can stand scrutiny, so further explanation and

	integration would aid this.
<b>Question 25: Do you think there is anything further SEPA, the Scottish Government or others should be doing to promote joined-up regulation?</b>	Adaquate financial support needs to mirror the growth in demand placed on SEPA and the other responsible authorities to implement the regulation and provide guidance on how applicants might better fulfill the regulations. The increased technical capacity of the regulator and authorities must also "join up" with growth in the regulation.
<b>Question 26: Do you think that there is an alternative approach to simplifying the process of promoting flood measures to those discussed above which the Government should consider?</b>	
<b>Question 27: Do you agree that the form and content of the biennial reports should be more systematic, and subject to direction from Ministers?</b>	These should be layed out within the context of the AFRMP"s and the LFRMP"s.
<b>Question 28: Do consultees agree that the proposals as outlined will improve flood risk management and ensure Scotland is equipped to implement sustainable flood management?</b>	Yes
<b>Question 29: Do consultees feel that this is enough to ensure that flood risk is addressed or should local authorities have a new duty to promote measures to alleviate flooding?</b>	This will depend on how well the Bill is implemented, supported, guidance provided and co-ordinated. The latter half of this question is not clear. Presumably the question is whether LA"s should be able to "implement" measures to alleviate flooding? It is the role of expert scientists and practitioners to promote best practice in flood alleviation measures. This then raises the same issues of who would co-ordinate this implementation under a "new duty" and how it could be managed to prevent poorly conceived design and implementation.
<b>Question 30: Do you believe enforcement responsibilities under the Reservoirs Act 1975 should be transferred to a single national body?</b>	
<b>Question 31: If so, should it be SEPA or another as yet unidentified body?</b>	
<b>Question 32: Are you content with the proposals for dealing with reservoir flood maps under the provisions of the Floods Directive, or do you think that there should be a statutory duty on reservoir undertakers to prepare reservoir inundation maps and plans, similar to the duty in the 2003 Water Act for England and Wales?</b>	
<b>Question 33: Do agree that enforcement powers be extended and post incident reporting included</b>	

<i>as an additional requirement?</i>	
<i>Question 34: Views on crown application and any other comments?</i>	

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**From:** [REDACTED]  
**Sent:** 23 April 2008 18:22  
**To:** Flooding, Erosion and Reservoir Safety  
**Subject:** Consultation on the Future of Flood Risk Management in Scotland

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Dear Sirs

In response to the above I have pleasure in commenting as follows.

**Q30 Do you believe enforcement responsibilities under the Reservoirs Act 1975 should be transferred to a single national body?**

In SSE's view it would be beneficial to have a single point of contact for all reservoir enforcement matters and which should provide the following benefits.

- consistent level of enforcement which could enhance the protection provided by the Act.
- a consistent and appropriate level of information requests by the single enforcement authority.
- better quality information country wide to allow analysis of trends and focusing enforcement.
- an opportunity to allow the Scottish Government to influence all owners via a single point enforcement authority
- an opportunity for reservoir owners in Scotland to meet with the single enforcement authority, collectively or otherwise
- an opportunity for direct data entry by owners into a central database for Scottish reservoirs

**Q31 If so, should it be SEPA or another as yet unidentified body?**

The single body should ideally be one which does not own any reservoirs but can provide informed regulation. With SEPA having responsibility under the Water Framework Directive for licensing impoundment and abstraction they are the logical candidate. To make enforcement effective and not simply an administrative function consideration should be given to providing informed regulation with reservoir expertise as a key component within the single enforcement authority.

Provision of a stakeholder group would be beneficial to provide industry guidance to the single enforcement authority.

**Q32 Are you content with the proposals for dealing with reservoir flood maps under the provisions of the Floods Directive, or do you think there should be a statutory duty on reservoir undertakers to prepare reservoir inundation maps and plans, similar to the duty in the 2003 Water Act for England and Wales?**

The proposals for reservoir flood mapping are logical as a first pass but will not provide all the detail required to carry out full consequence assessment, incremental consequence assessment nor provide potential worst case inundation mapping which is required for the purposes of emergency planning. The preparation of inundation maps and plans does not necessarily require to be a statutory requirement, SSE have already completed this exercise across the entire reservoir portfolio but for other owners this step may be required. To carry out inundation to the level completed by SSE a significant cost will be incurred, perhaps approaching ?12-14k per reservoir at 2004 prices and involve significant specialist resources.

To date SSE have had no requests from Category 1 responders for emergency planning purposes under the terms

25/04/2008

of the Civil Contingencies Act, 2004 and remain unsure over the release of such data. Co-ordination of this area and the development of emergency plans to account for reservoir inundation maps would be welcomed.

Great care will be required over the choice and approach taken for such preliminary flood risk assessment under the Floods Directive due to the nature of and impact key assumptions have on breach formation and modelling inputs/outputs. Flow magnitudes several times higher than traditional fluvial flood mapping will require to be modelled. Only those with a proven track record in producing dam breach modelling and mapping should be considered for such work.

**Q33 Do you agree that enforcement powers should be extended and post incident reporting included as an additional requirement?**

The intention of any extension of current Enforcement Authority powers under section 8 of the Act is not clear but whoever is the EA has clear powers under section 8 in the event of non compliance with requirements as to construction or enlargement of reservoirs.

Equally the Enforcement Authority has adequate powers to ensure recommendations in the interests of safety are carried into effect within a specified timescale where this has been stated by an Inspecting Engineer. The adoption of maximum time periods before enforcement is considered appropriate, where no such time period has been stated by a Inspecting Engineer should be avoided and each case considered individually. The Act currently does not stipulate timescales.

Post incident reporting along the lines currently adopted by The Environment Agency would be welcomed but ideally should be a common UK system to create maximum benefit. The EA system appears to being utilised on a voluntary basis without the need for changes to the Act.

**Q34 Views on Crown application and any other comments ?**

No reason why the Act should not apply to Crown bodies on the basis the potential consequences of a failure are the same.

Other matters that could be considered are a review of the current capacity definition of a reservoir and a move towards a risk based approach to which reservoirs are fully covered by the Act.

I trust that you find the above responses useful look forward to further development of the proposals.

Yours faithfully

K J Dempster  
Civil Asset Manager  
SSE Generation Limited

Direct dial [REDACTED]  
Mobile [REDACTED]

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**From:** [REDACTED]  
**Sent:** 07 May 2008 12:46  
**To:** Galbraith LM (Linda)  
**Cc:** [REDACTED]  
**Subject:** FW: Response to the Consultation on 'The Future of Flood Risk Management in Scotland'  
**Attachments:** image001.gif; image002.gif; RESPONDENT INFORMATION FORM - Flooding.doc

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Dear Linda

Below is SSEF response to the Consultation on 'The Future of Flood Risk Management in Scotland'

I have also attached our completed RESPONDENT INFORMATION FORM – 120

If anything else is missing please let me know.

Kind regards

Catherine Hookes

**From:** Euan Robson [mailto:[REDACTED]]  
**Sent:** 23 April 2008 17:06  
**To:** 'engineering@scotland.gsi.gov.uk'  
**Cc:** [REDACTED]  
**Subject:** Response to the Consultation on 'The Future of Flood Risk Management in Scotland'

Dear Sirs

On behalf of the Scottish Sustainable Energy Foundation I should like to submit the following general points to the above consultation.

SSEF believes that there ought to be a requirement on those drawing up Local Flood Risk Management Plans to assess the potential for hydro power generation within the geographical area covered by the plan. Local authorities or other responsible bodies should be required to publish options for inclusion in the plan which should then be the subject of consultation before each plan's adoption.

The options would require to take into account in addition to potential generation capacity, any impact upon flood control and, or attenuation, the opportunity for pump storage of water at periods of low electricity demand for generation at times of high demand, the general impact upon both the immediate and more distant environment in the area covered by the plan including any opportunity to improve water quality for fisheries and other uses of water courses in times of low rainfall or drought.

Scottish Ministers should be granted powers to require designated statutory bodies to co-operate with local authorities or those charged with drawing up LFRMPs, the exact bodies to be set out in secondary legislation. Scottish Ministers should also be given discretionary powers to operate a scheme to reimburse the costs of appropriate consultancy work in the interests of stimulating meaningful work in this area. Scottish Ministers should be required to report at convenient intervals to Parliament on the general contents of LFRMPs including the assessment of renewable electricity generation and on how best practice is being promoted including the dissemination of innovation.

SSEF would be pleased to discuss these proposals in more detail if so desired.

07/05/2008



We would not wish to comment on the specific questions which are mainly beyond our remit other than to say that we do not believe that the operation of the Reservoir Act should be transferred to a national body. The implications of the Act should be considered within each LFRMP and be integrated into the mandatory assessment of hydro power schemes which we propose above and also into relevant planning approvals.

Yours faithfully

Euan Robson  
Chief Executive  
Scottish Sustainable Energy Foundation

  
Prospect House, 5 Thistle Street, Edinburgh, EH2 1DF  
[www.ssef.org.uk](http://www.ssef.org.uk)

Scottish Sustainable Energy Foundation  
Independent Energy Information for Scotland's Future

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 23 April 2008 16:47  
**To:** Flooding, Erosion and Reservoir Safety  
**Cc:** Paula Hargadon  
**Subject:** Hesco Bastion Ltd  
**Attachments:** HESCO Bastion Case Study Photographs.pdf; HESCO Bastion Respondent Information Form - Future of Flood Risk Management.pdf; HESCO Bastion Submission to the Scottish Government - Future of Flood Risk Management.pdf

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Dear Mr. Conlan,

Please find attached the submission for the Scottish Government's consultation on the Future of Flood Risk Management in Scotland. We also include the Respondent Information Form as well as accompanying photographic evidence.

The submission is from HESCO Bastion Ltd.

My full contact details are:

Kevin Hardy  
Sales Manager  
Hesco Bastion Ltd  
Unit 41 Knowsthorpe Way,  
Cross Green Industrial Estate,  
Leeds LS9 0SW  
Tel: [REDACTED]  
Fax: [REDACTED]  
Email: [REDACTED]

If you require any further information, please do not hesitate to contact me directly.

Yours sincerely

Kevin Hardy  
Sales Manager  
Hesco Bastion Ltd  
E Mail: [REDACTED]  
Tel: [REDACTED]  
Fax: [REDACTED]

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25/04/2008



**Images from recent HESCO Bastion projects**

- Walham Switching and Power Station, Gloucester

The Concertainers were easily incorporated behind Walham's perimeter fence



- The Mythe Water Treatment Plant, Tewkesbury

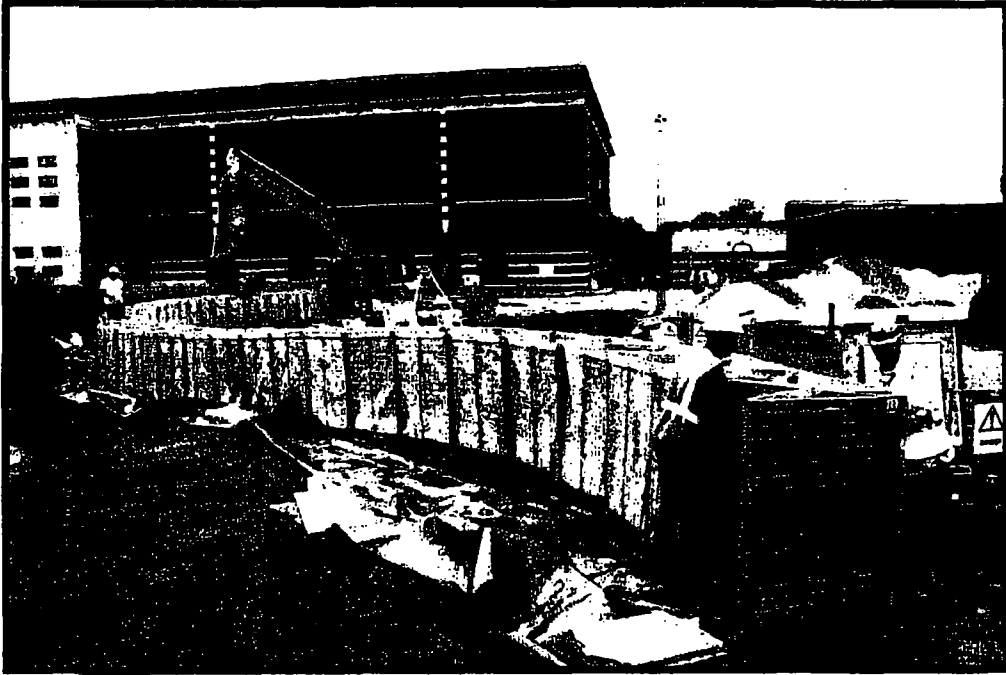
This photograph shows the scale of the flooding faced by the Mythe Plant in July 2007



HESCO Bastion Concertainers were erected around the perimeter of the plant, as can be seen below



The Concertainers were erected speedily and with great effect



- Castle Meads Sub Station, Gloucester



- A Section of the East Coast railway line near Doncaster



- Chapel Lodge Nursing Home, Sheffield



- Ogston Reservoir, Derby



- Kelham Island Industrial Museum, Sheffield



# RESPONDENT INFORMATION FORM

Annex A

## The Future of Flood Risk Management in Scotland

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: KEVIN HARDY

Postal Address: HESCO BASTION Ltd

UNIT 41, KNOWSTHORPE WAY, CROSS

GREEN INDUSTRIAL ESTATE, LEEDS LS9 0SW

1. Are you responding: (please tick one box)

- (a) as an individual  (go to Q2a/b and then Q4)
- (b) on behalf of a group/organisation  (go to Q3 and then Q4)

### Individuals

2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Government website)?

- Yes  (go to 2b below)
- No  (We will treat your response as confidential)

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis: ( please tick one of the following boxes )

- Yes, make my response, name and address all available
- Yes, make my response available, but not my name or address
- Yes, make my response and name available, but not my address





## On behalf of Groups or Organisations

3. The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government website).

Are you also content for your response to be made available?

Yes

No

( We will treat your response as confidential )

## Sharing Responses / Future Engagement

4. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so.

Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

Yes

No

Please indicate which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received:

Flooding

Reservoirs

Both



**HESCO Bastion**

**Submission to Scottish Government *Future of Flood Risk Management in Scotland Consultation***

***April 2008***

**The submission covers three areas:**

- 1. Information about HESCO Bastion.....p.2**
- 2. HESCO Bastion response to relevant consultation questions..... p.3-5**
- 3. Our role and involvement in the emergency response to the recent floods.....p.6-8**

**A selection of images from some of our recent projects is also provided as an addendum.**



## 1. About HESCO Bastion

HESCO Bastion Ltd is a Leeds-based company, founded and owned by Jimi Heselden OBE. The company, which has been in operation since 1990, has three manufacturing sites in Yorkshire and it employs approximately 250 people in the UK. It has been involved in civil, peacekeeping, military, humanitarian and engineering projects for over a decade.

HESCO Bastion manufactures a patented product known as the HESCO Concertainer<sup>®</sup>, developed to provide the optimum solution for a wide range of protective and structural requirements. The system was originally used in civil engineering and to combat coastal erosion but since then it has also been deployed in countries such as Iraq and Afghanistan to build blast mitigation walls; to upgrade levees in the aftermath of Hurricane Katrina; in the construction of humanitarian shelters; to protect vital utilities in Gloucestershire from further flood damage and to defend a stretch of the main East Coast railway line in the North East of England which had flooded in previous years.

The Concertainer system consists of linked welded mesh cells lined with geo-textile. The units, which are flat-packed and transported to site on pallets, can be pulled out very easily in a matter of minutes to form a robust barrier in nine different sizes up to 7 feet high. The units are then machine-filled with aggregate to form a robust defence wall. Once the initial layer is built, the wall can then be increased in height by the addition of further layers. This provides the ability to tailor the wall dimensions to what is required.

The principal effect of this innovation is the speed at which it can be installed. A typical wall of Concertainer units, equivalent to 1500 sandbags, can be erected and installed by two people using a standard front end loader in 20 minutes. A similar wall made with sandbags would take ten people around seven hours to build.

In an emergency situation, when there is a threat of flooding, it is essential to move swiftly to protect the key infrastructure that provide the community with critical support functions such as power, drinking water and health services.

## 2. HESCO Bastion Answers to Scottish Government Consultation Questions

1. Do you believe the definition of Sustainable Flood Management (SFM) is helpful and of practical benefit to flood risk management?

HESCO Bastion welcomes the Scottish Government's commitment to put sustainability at the heart of the Flooding Bill proposals and wholeheartedly agrees on the importance of *all* bodies involved in flood management having a shared understanding of what SFM means. In HESCO Bastion's experience to date, it has too often been the case that flood defence measures are called in as a last minute contingency, rather than being built in as an essential element of the Sustainable Flood Management mix. HESCO Bastion is of the view that were accurate Strategic Area Flood Risk Management Plans to be a guide to risk mitigation planning, it would become obvious to many local authorities that a flood defence strategy is necessary in certain weather scenarios, regardless of other measures implemented (see Question 5).

2. Do you think the definition is clear and simple to understand?

The definition provided in Box 4 meets with HESCO Bastion's understanding of SFM. Moreover, we feel it necessary to recognise that, although the Flooding Bill does not intend to cover the emergency response to a flood event, an effective flood defence strategy cannot and should not be viewed as merely a contingency arrangement. As the definition states: SFM is based on the four As: Awareness, Avoidance, Alleviation and Assistance. HESCO Bastion feels that point four is often neglected in flood risk mitigation strategies despite it being just as important as the other three. The Civil Contingencies Act is in place to protect the public in the event of an emergency, not to provide a framework for the long-term protection of assets; that is the remit of the Flooding Bill.

3. Do you agree with the conclusion set out in paragraph 3.17 (that a single competent authority be set up with a national remit to implement the EC Floods Directive)

HESCO Bastion agrees with the proposal in paragraph 3.9 and recognises that coordination across both Scottish River Basin Districts would be likely to facilitate knowledge transfer as well as value for money. From our perspective, the identification of a single agency with the competencies outlined in Box 6 would be a positive step. It would mean a concentration of expertise, more scope for the development of best practice, a streamlined approach and possible economies of scale in procurement. HESCO Bastion notes that the proposed competencies for the designated agency would include the recommendation to build new flood defences and would highlight that this is a recommendation we made to Sir Michael Pitt's recent *Lessons Learned Review* with reference to proposed new powers for the Environment Agency.

Although HESCO Bastion does not seek to challenge the Scottish Government's preference that *the important role of local authorities in implementing flood defence works and engaging at a local level should be maintained*, we would recommend that the single competent authority have overall responsibility for flood defences, delegating tasks to local authorities as it sees fit. Flood risk mitigation is not an exact science, and the bank of knowledge and experience that could be built up, should a single agency take ownership of flood defences, would, in our view, outweigh any local advantage possessed by authorities within a catchment, provided said authorities were appropriately

consulted. We would also expect similar benefits to accrue in other areas of the flood management mix, such as sustainable urban drainage although these are not our areas of expertise.

We understand the Environment Agency is currently undertaking a review of the BSI kitemark system which it currently uses to set standards for flood defences. We welcome this initiative, encourage its speedy completion and urge that the new kitemark system includes a standard for products that can be used on a scale much greater than household use.

- 4. Do you agree that there should be a single competent authority with a national remit for implementing the Floods Directive and that it should be SEPA?**

HESCO Bastion agrees, for reasons stated above, and believes that the Scottish Environmental Protection Agency would be best placed to perform the tasks outlined in Box 6.

- 5. Do you agree that this is a sound basis for the development of Local Flood Risk Management Plans?**

Given our answer to question 3, HESCO Bastion is inclined to believe that Local Flood Risk Management Plans need to be coordinated by a single competent authority for them to be effective across a catchment. In the case of flood defences, this may be less of a concern provided that local authorities/private firms and individuals are aware of the risks to critical infrastructure and act accordingly with the support of the single competent authority. However, it is well known that river widening methods, urban drainage solutions and land management techniques intended to curb flooding in one local area may inadvertently cause flooding in another and so it is imperative that the Area Flood Risk Management Plan is accurately informed of and responsive to the Local Flood Risk Plans. Should either of these plans become disconnected the results can be very problematic.

- 6. Should Ministers or SEPA have the power to designate a lead authority within a local area, or should it be left to partners?**

To ensure clarity of responsibilities, we believe it would be preferable for this power to lie with Minister or SEPA.

- 7. Do you agree that Local Authorities, Scottish Water, the Forestry Commission and Scottish National Heritage should be identified as responsible authorities?**

HESCO Bastion believes that the above bodies should be made responsible authorities

- 8. Which other bodies should be identified as responsible authorities?**

All bodies with responsibility for critical infrastructure.

**9. Do you agree that responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans?**

Yes. In our experience of dealing with flood situations and when considering the evidence made by similar English bodies to the House of Commons' Environment Select Committee as part of its enquiry into the summer floods, one element stands out. Our experience is that while almost all critical infrastructure facilities have emergency procedures in place for a fire or a terrorist incident, it seems that no such procedures exist for flooding. Similarly, while critical facilities are generally acutely aware of the risk posed to them by fire or terrorism, it is rare for a risk assessment to have been made on flooding. In 2007, in almost every case that HESCO Bastion was called in to provide support, severe and costly damage had already been inflicted. It is extremely important in our view that all responsible authorities feed into the Area Flood Risk Management Plan; this has the important by-product of making the bodies consider their exposure to risk.

**28. Do you think that there is an alternative approach to simplifying the process of promoting flood measures to those discussed above which the Government should consider?**

We welcome the Scottish Government's timely decision to introduce a Flooding Bill and to place sustainability at the heart of it. From our perspective and recent experience in dealing with flooding and the impact of flooding, the approach being taken seems a sensible one.



### 3. Recent Floods in England

In July 2007, HESCO Bastion Ltd was approached to provide immediate defence by the emergency planners and utility companies to protect:

- Walham Switching and Power Station, Gloucester
- Mythe Water Treatment Plant, Tewkesbury
- Castle Meads Sub Station, Gloucester

Since then, the company has provided Concertainer units to provide emergency defences at:

- A stretch of the main East Coast railway line near Doncaster
- Chapel Lodge Nursing Home, Sheffield
- Ogston Reservoir, Derby
- Kelham Island Industrial Museum, Sheffield

#### Walham Switching and Power Station, Gloucester

The National Grid facility, which provides up to half a million people with power, was flooded on Sunday 22<sup>nd</sup> July. A temporary installation was erected immediately but when a second flood warning was issued, HESCO Bastion was called in to assist the Royal Air Force and the Army with the installation of the Concertainer Unit. News footage showed flood waters just inches away from devastating the sub-station presenting a very real threat for National Grid.

The barrier - which was approximately 800 metres in length - was securely positioned in just 19 hours, averting a potential national disaster and ensuring that power remained on for local residents. Traditional defence walls made of sandbags could have taken around one week to complete.

#### Mythe Water Treatment Plant

The treatment plant, owned by Severn Trent Water, was flooded on Saturday 21<sup>st</sup> July.

The facility had been off-line for one week with the result that 300,000 local residents had lost their normal supply of clean water. Although the clean-up was progressing, the plant had a limited distribution of non-potable water and a second flood warning was issued. It was at this point that HESCO Bastion was contacted and asked to provide emergency flood protection.

The units were ordered at 18:00 on Friday 27<sup>th</sup> July and arrived on site at 21:30 on the same evening. Working with the Army and local companies, over a kilometre of flood defence barriers over a metre high were erected around the perimeter in just 27 hours. Traditional defence walls made of sandbags would have taken about two weeks longer to complete.



#### Castle Meads Sub Station, Gloucester

Owned by Central Networks (part of E.ON UK), the sub station supplies electricity to 48,000 homes. It was flooded on Sunday 22<sup>nd</sup> July and temporary flood barriers were erected. Once the water levels had subsided, HESCO Bastion was called in to conduct a site survey.

Although this facility was not under immediate threat of re-flooding, HESCO Bastion provided approximately 300 metres of Concertainer units to provide a longer term flood defence system against future flooding.

#### East Coast Railway, Doncaster

Following last year's disastrous flooding of railway line near Doncaster, the Environment Agency commissioned HESCO Bastion to supply and install 1500 meters of Concertainer units deployed as flood defence at the flood-prone site. The units were deemed a necessity following last year's flooding of the track which as a result saw massive disruption to commuters who use the popular Doncaster to Edinburgh via Leeds line.

Following the initial order of 200 meters of units to provide adequate defences along the steep embankment where the railway track is placed, the Environment Agency commissioned a further order of 1300 metres. Working closely with the team from HESCO, the Environment Agency worked around the clock to put the flood defence system down in a record time.

#### Chapel Lodge Nursing Home, Sheffield

During the devastating floods in Sheffield last summer, Chapel Lodge Nursing Home, which is built on reclaimed land, was severely affected, leading to the displacement of its elderly residents. To prevent a repeat of the situation which, potentially, could have had more dramatic consequences, 40 metres of HESCO Concertainer® Units were installed in November 2007. The flood defence system now provides a permanent barrier which has become part of the Nursing Home's landscape.

The contractor's proposal to introduce HESCO's permanent flood defence system on top of the gabion wall was approved by the Environment Agency in November 2007 and work started immediately.

In five days, experienced ground workers installed 40 metres of HESCO Concertainer Units (1m high x 2m wide) and filled them with 90 tonnes of mixed pea gravel and sharp sand. The units were then topped with soil so that the units can now be planted with foliage that will allow the defences to blend with their local environment.

#### Ogston Reservoir, Derby

Severn Trent contacted HESCO Bastion after their assistance at Mythe, to help them protect key facilities from rising waters in Derbyshire.

HESCO was contacted in December 2007 and was tasked with preventing overflow from the outflow river which could have contaminated a nearby water treatment plant in the event of flooding. The





outflow river, which comes directly from the reservoir, had risen in the past and Severn Trent wished to minimize the risk of flooding. A HESCO team visited the site to advise on the suitability and positioning of the units and work began the following week. In total over 75m of 600mm Concertainer units were deployed to protect the water treatment plant.

#### Kelham Island Industrial Museum, Sheffield

When Kelham Island Museum in Sheffield was flooded in the summer of 2007, damaging retaining walls and the museum's valuable industrial collection, the site was forced to close its doors to the public. Sheffield City Council called in HESCO Bastion to provide temporary defences and repair sections of wall in between existing buildings so that restoration works could continue and the site would be protected from the risk of further flooding. Work began to install the defences on 10 December 2007 and 200 metres of HESCO units were deployed by City Council Streetforce engineers using a sand fill. The project was completed ten days later. The HESCO Concertainer® system was considered the best solution because of its ease of construction and the fact that it provides a temporary, demountable defence wall until more permanent measures can be considered. The defences will remain in place for at least another 6 to 12 months.

[REDACTED]

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**From:** Shepherd E (Edward)  
**Sent:** 25 April 2008 12:19  
**To:** [REDACTED]  
**Subject:** The Future of Flood Risk Management

Dear Mr Hardy

**The Future of Flood Risk Management in Scotland – A Consultation Document**

Thank you for your response to our consultation paper on The Future of Flood Risk Management in Scotland which we issued on 13 February 2008. We received your response on 25<sup>th</sup> April 2008 and have allocated it the reference number 121 . Please quote this reference number on any future correspondence.

The closing date for responses is 23 April 2008 and we intend making all non-confidential responses available to the public in hard copy at the Scottish Government Library, K Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD by end May 2008. Copies of responses can be viewed by visiting the library or can also be provided by post. Charges for photocopies are made on a cost-recovery basis. To request copies by post and enquire about charges or make an appointment to view responses at the library, contact the Scottish Government Library on 0131-244 4552.

Thank you again for your contributions to this consultation.

Yours sincerely

**Fiona Quinn**  
Flooding Bill Team Manager

## **The Scottish Government**

### **Consultation on 'The Future of Flood Risk Management in Scotland'**

### **Response by Jacobs Engineering UK Ltd**

#### **Introduction**

Jacobs welcomes the opportunity to submit a written response to the specific questions set by the Consultation on 'The Future of Flood Risk Management in Scotland'. We have also taken into consideration the 'FBAG Flooding Bill update' forwarded to Ronnie Falconer as a member of FBAG on 3rd April 2008.

Jacobs strongly supports the preparation of a new Flooding Bill for Scotland.

As a global organisation providing a broad range of services, Jacobs has been involved in providing consultancy services and support in the management of flood risk and response to flooding in Scotland for over half a century. Jacobs also provides such services throughout the UK, and more widely in Europe and internationally. Specific recent experience relevant to informing the comments we have made includes:

- Jacobs has been involved in progressing 8 flood prevention schemes in Scotland under the existing legislation and associated procedures including the £25m Perth Flood Prevention Scheme.
- Jacobs has undertaken relevant projects for the Scottish Government and former Scottish Executive including: Sustainable Flood Management Pilot Study; Impact of Climate Change on Flood Prevention Schemes; and Guidance to Local Authorities taking forward Flood Prevention Schemes.
- Jacobs staff participated in the former Scottish Executive Flood Issues Advisory Committee and currently participate in the Flooding Bill Advisory Group.

Jacobs has also contributed to the response submitted by the Chartered Institution of Water and Environmental Management (CIWEM) and supports all the points made in that response. We have completed and attach the respondent information in Annex A.

#### **Responses to Specific Questions**

**Q1. Do you believe the definition of SFM is helpful and of practical benefit to flood risk management?**

Yes, we believe that the definition of SFM is helpful in broad terms as intended. However, to achieve implementation effectively and achieve (and be able to demonstrate) maximum benefit there is a clear need to apply and monitor appropriate indicators.

**Q2. Do you think the definition is clear and simple to understand?**

Yes.

**Q3. Do you agree with the conclusion as set out in paragraph 3.17?**

Yes. However we would suggest that the work of the single Competent Authority is overseen by a Scottish Flooding Advisory Committee (SFAC) to provide national policy guidance and direction.

We note the proposals set out in the 'FBAG Flooding Bill Update' issued by the Scottish Government on 3<sup>rd</sup> April 2008 to members of FBAG, hereafter referred to as the 'FBU'. We therefore support the proposal in section 3 (*Advisory groups*) for a national advisory group and propose that this be termed the Scottish Flooding Advisory Committee.

**Q4. Do you agree that there should be a single competent authority with a national remit for implementing the Floods Directive, and that it should be SEPA?**

Yes but see also response to Q3. SEPA must however be adequately funded and resourced with appropriate skills and competencies and to undertake strategic flood management duties effectively. We support the proposals set out in section 1 of the FBU (*Competent and responsible authorities*).

**Q5. Do you agree that this is a sound basis for the development of Local Flood Risk Management Plans? If not what alternative do you propose?**

In principle, yes, but with some significant reservations and suggestions as set out below.

With regard to paragraph 3.30, we agree that allocation of funding should be based on the level of significant flood risk within each local authority area. However this should be aggregated for all the local authority areas within a 'river basin flood management group' (RBFMG) of local authorities. It may therefore be more appropriate to allocate funding according to the level of significant flood risk within the RBFMG area which could be the same as the area covered by a Local Flood Risk Management Plan (LFRMP). It would be up to the RBFMG to allocate funding for flood management activities as appropriate. We strongly believe it is **essential** that that such funding is **ring fenced for flood management purposes only**. We are seriously concerned that the recent removal of ring fencing of funding for flood prevention schemes and the change to a block grant system is a retrograde step which could be a major obstacle to timely implementation of flood management measures and may even result in some much-needed flood management schemes not proceeding. Through our current flood-related work for local authorities we are closely in touch with local authority officers responsible for progressing such projects – serious concern has been expressed to us that the recent changes undermine confidence in being able to proceed with such projects given that there can now be no certainty of funding with the removal of ring fencing. We firmly believe that funding should be directed to the RBFMG responsible for an LFRMP area rather than to individual local authorities.

The Area Flood Risk Management Plans (AFRMP) should also determine the most appropriate flood management policies for each sub-basin within the LFRMP area. Measures should be set in broad terms and should not necessarily be prescriptive. The AFRMP should also determine prioritisation of funding to be directed to RBFMGs. The LFRMP would be the responsibility of the relevant RBFMG and would translate such policies into specific flood management objectives and measures at 'local' level and set

out how objectives will be achieved and how measures will be implemented. The list of contents of an LFRMP given in paragraph 3.27 should include this.

With regard to paragraph 3.29 and responsibility for preparation of LFRMPs, we support the proposal to place a duty on all local authorities within an LFRMP area to collaborate as a single RBFMG. This duty should however also extend to SEPA, Scottish Water and other relevant stakeholders (i.e. all the 'responsible bodies' identified). There should also be a duty to collaborate in the preparation of AFRMPs beyond the duty on SEPA to *secure the participation of responsible authorities* (paragraph 3.21)

Where a local authority boundary covers more than one LFRMP area there should be a mechanism to ensure 'cross boundary' collaboration as policies and measures may differ in different LFRMP areas.

We note the proposals set out in section 2 of the FBU (*Two tier approach to flood management planning*). We agree with the proposal that the AFRMP should be prepared as a national 'District' plan for Scotland but that it should also focus on determining appropriate flood management policies for each sub-basin i.e. each 'Local' plan or LFRMP area for which an RBFMG would have responsibility. We agree with the scale proposed for 'Local' LFRMPs as large river basins (or island groups) and that these could be synonymous with the sub-basins used for Area Advisory Groups under the WFD.

Both District AFRMPs and Local LFRMPs should cover all sources of flooding that are assessed as 'potentially significant'. There should also be scope for revision as sources of flooding and their 'significance' can change.

We agree that SEPA, in coordination with all responsible authorities, should be responsible for producing the District AFRMP but propose (as in our response to Q3) that this is overseen and by a Scottish Flood Advisory Committee to provide national guidance and direction and that sufficient funding is allocated to SEPA to undertake effectively their strategic flood management duties. We agree that the Local LFRMPs should be prepared and implemented by local authorities (but grouped) in collaboration with other responsible bodies and with each other. However for this arrangement to work, we believe it is essential that the organisational and funding mechanisms we have set out above are adopted.

We therefore support the proposal in section 3 (*Advisory groups*) of the FBU that the preparation of Local FRMPs should be the responsibility of local Advisory groups and that these groups should provide input to the District AFRMP. We propose however that these groups should have more than just an 'advisory' function. In order to implement their responsibilities effectively they must have an 'executive' function to:

- prepare the Local FRMP including appropriate consultation;
- direct implementation of the FRMP by each 'member' local authority, appropriate other responsible body or by the group itself; and
- direct flood management funding which has been allocated to it (see response in paragraph 2 Q5 above) to achieve the objectives set out in the agreed Local FRMP.

We propose that these 'advisory' groups should be termed River Basin Flood Management Groups (or Boards) in recognition of these functions. Each RBFMG could be named after the river basin district it serves, for example, the Clyde Flood Management Group.

**Q6. Should Ministers or SEPA have the power to designate a lead authority within a local area, or should it be left to the partners?**

We believe this should normally be left up to the partners within an RBFMG to decide, possibly in rotation. However there should be a mechanism for Scottish Ministers (not SEPA) to intervene if agreement cannot be reached or (at the discretion of Scottish Ministers on the advice of SEPA or the proposed SFAC (see Q3)) in the event that an RBFMG is seen to be failing to effectively undertake its duties.

**Q7. Do you agree that Local Authorities, Scottish Water, the Forestry Commission, and SNH should be identified as responsible authorities?**

Yes.

**Q8. Which other bodies should be identified as responsible authorities?**

In view of the importance of land use management in sustainable flood management, major landowners should be represented possibly through Scottish Rural Property and Business Association; also the agricultural community possibly through NFU Scotland. Social and personal resilience issues should also be represented, possibly by the National Flood Forum in Scotland. Other bodies that might be considered include British Waterways Scotland and the major utility providers given the potential flooding threat to critical infrastructure.

It may be that there is scope for considering two levels of Responsible Authority in the same way as there are Category 1 and 2 Responders under the Civil Contingencies Act – those with a direct role and those with a supporting role.

**Q9. Do you agree that responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans?**

Yes – see also response to Q5.

Regarding paragraph 3.34, we firmly believe that the RBFMGs should not be subgroups of the Advisory Groups established under the WEWS Act. Both groups must of course liaise closely and must work in a spirit of constructive and mutual cooperation, but flood management activities should not necessarily be determined by Water Framework Directive objectives. The two sets of activities have to work hand in hand and aim to achieve outcomes that are mutually beneficial and recognise the objectives of both FRMPs and RBMPs.

We are of the view that RBFMGs do not necessarily have to be based around existing Flood Liaison Advisory Groups although in areas where these are successful this may form a possible grouping from which to build.

We support the concept of Stakeholder Forums on Flooding Issues as a means of consultation.

**Q10. Do you agree the proposals are sufficient to support wider stakeholder and community engagement in the flood risk management planning process?**

Yes – see response to Q9.

**Q11. Do you agree that the Bill should set out a process similar to that for River Basin Management Planning for the preparation by SEPA of area flood risk management plans?**

Yes.

**Q12. Do you agree that Ministers have the power to approve, reject or modify Area Flood Risk Management Plans?**

Yes.

Jacobs would strongly support all the measures outlined in section 4 (*Approving flood risk management plans*) of the FBU.

**Q13. Do you think that integrated urban drainage plans should be included as part of a Local Flood Risk Management Plan?**

Yes – the format could take into account the model for undertaking Strategic Flood Risk Assessments under PPS25 in England and Wales and could incorporate Pluvial Extreme Event Plans to deal with surface water management issues, and consider sewer flooding issues and any other potentially significant sources of flooding in the urban environment. Every opportunity should be taken to promote the use of SuDS with multiple benefits for water quality, biodiversity and amenity as well as flood management.

Urban Drainage Plans could be undertaken by the RBFMG or by a local authority or other responsible authority member of the RBFMG. We would suggest that a preliminary high level screening exercise be undertaken at national level to identify locations where the preparation of integrated urban drainage plans is justified.

We agree that responses to flooding incidents should continue to be coordinated through the framework established under the Civil Contingencies Act but Flood Emergency Plans should be informed by and closely link with District AFRMPs and Local LFRMPs.

**Q14. Should Flood Risk Management Plans inform the way that development plans are prepared, or should there be a stronger linkage such as a requirement on planning authorities to show that they have regard to the FRMPs?**

Jacobs believes that there should be a formal requirement on planning authorities to show that they have taken into account FRMPs.

Jacobs acknowledges the importance of the spatial planning system in exercising control over development in floodplain areas as part of sustainable flood management but believe there is a need for greater flexibility where sustainability criteria are met, flood resilience requirements are satisfied, and there is a neutral or possibly beneficial net impact in terms of flood risk. In England PPS25 now includes provision for 'exception testing' and active consideration should be given to the relevance of this test in reviewing planning policy for Scotland under the Flooding Bill and in any future review of SPP7.

At present it is considered that Local Plan authorities' Local Plans are not innovative in tackling flooding issues. Reliance on negative policies which direct development away from floodplains does not fully protect areas at risk from flooding and the Local Plan should give full information (coordinated with the LFRMP) as to how significant flood risk areas should be protected or flood risk otherwise mitigated.

It is acknowledged that priority should be given to lower risk areas in a 'sequential testing' process as exists in SPP7, but if land raising can provide development opportunities in the "best", most sustainably located areas, and such land raising provides a buffer/barrier to existing "at risk development", or is neutral in impact elsewhere, then such land raising takes such land out of the functional floodplain and as such can and should be supported by policy and not rejected simply because it is development on the defined flood plain which is too often the current situation. It may even be appropriate to allow and encourage such development promoted land raising in areas where "at risk areas" will be protected, sequentially ahead of more remote development locations and it is suggested that such policy formulation requires to be enhanced. This echoes the principles already established in SPP7, but provisions in the Flooding Bill should ensure that such opportunities that address flooding impact in a constructive and sustainable way, and assist in the safeguarding of at risk development, receive due consideration in the planning process. The basis for acceptance of land raising proposals should be clear, constructive and sustainable.

**Q15. Do you think that the granting of deemed planning permission at the end of the statutory process for flood risk management will deliver a more streamlined approach to the delivery of flood risk management?**

Yes.

**Q16. Should Ministerial confirmation be made necessary even where features of a scheme do not require planning permission?**

Yes – if individuals can be directly affected by flood management measures (if the Ministerial Confirmation approach is adopted).

**Q17. Is the present procedure for Ministerial confirmation satisfactory for this new purpose or are there revisions e.g. to timescales which should be considered?**

The present system is not considered satisfactory. There should be streamlining and improvements to deal specifically with:

- small changes to a flood management scheme as submitted;
- means to avoid the need for a Public Local Inquiry if one objection remains;
- means to deal with objections that may not have a sound basis or that might be considered frivolous or unreasonable;
- means to reduce the amount of administrative effort (and paper) associated with advertising requirements;
- the need for greater flexibility in the specification of flood management measures such as the ability to include catchment wide land management measures which may be of wider benefit in addition to benefiting the area targeted by a specific flood management scheme;
- the need for a simple fast-track process for small flood management measures; and
- the need for rationalisation of the consultation process to avoid any duplication.



- a single set of documentation and drawings to satisfy requirements of scheme, planning and CAR.

**Q18. Do you think that the option to rely on a local authority based process in a similar way as other local authority development activity should be taken forward?**

With regard to paragraph 3.65 Jacobs does not agree that the transfer of funding for flood risk management to block grant is necessarily a positive step in simplifying the process. Indeed for the reasons set out under Q5 Jacobs believes that this is a backward step which could seriously undermine the potential benefits to be derived from new flooding legislation.

Notwithstanding this view, Jacobs believes that there is potential for a local authority based procedure to streamline the statutory process for approval of specific flood management measures, and that it should be taken forward, so long as:

- the procedure is coordinated by and funding is directed by the relevant RBFMG (to maintained funding streams);
- there is ultimate recourse to refer to Scottish Ministers;
- the Competent Authority is a key consultee (the provisions of paragraph 3.69 are strongly supported);
- the procedure enables cross boundary flood management measures to be dealt with; and
- the questions raised in paragraph 3.74 can be satisfactorily resolved.

A local authority based procedure would also be in line with our response to Q14.

**Q19. What would be the appropriate timescales for notification and response?**

On the basis that modern communications are now much faster we believe that current timescales can be significantly reduced for example through use of web-based facilities for dissemination and receipt of comments. By such means it may be possible to reduce the overall period for notification and response by around 50%.

**Q20. Would it be appropriate for such a process to carry deemed planning consent?**

Yes – with the provisions set out above in place and if all notification and publicity processes are carried out fully.

**Q21. How should the issue of technical expertise and capacity to ensure the necessary technical standards are observed, be addressed?**

As at present there would be no reason why RBFMGs or local authorities could not engage consultancy assistance. However we also believe there is a need to strengthen technical resources and capacity within local authorities, and provide funding for them to do so, such that they can effectively fulfill additional duties that are likely to be placed on them by the new Flooding Bill.

One of the roles of the Scottish Flooding Advisory Committee (see response to Q3) could be to provide necessary technical direction and set such standards as may be appropriate in consultation with the Competent Authority. The SFAC could also have a

role to review both AFRMPs and LFRMPs to ensure consistency and quality. The SFAC would report directly to Scottish Ministers.

In common with others we are concerned about the skills shortage in disciplines relevant to flood management in Scotland. We would support initiatives by academic bodies in Scotland to promote courses specifically directed to skills relevant to sustainable flood management.

**Q22. Are there any additional alternatives to the options outlined above which would simplify procedures?**

Whatever arrangements are adopted they should address those matters listed under Q17.

**Q23 Do you consider local authorities' powers are sufficient to take necessary action to avert danger to life and property?**

The limitations identified under paragraph 3.76 should not be major issue if funding is directed by the RBFMG and especially if their 'area' is at the scale of large river basins as described in section 2 of the FBU.

We agree that local authority powers should be examined to ensure that they are empowered (possibly with other Competent and Responsible authorities) to take appropriate action where a clear and present danger to life exists or is perceived to exist from any source of flooding. Such threats should be identified in the Flood Emergency Plan.

It is also important to ensure that, following a flood event, the lessons learnt are carried forward and appropriate action taken. Too often the initial enthusiasm to improve procedures following an event abates all too quickly. The continual improvement of flood incident management planning must remain high on the agenda.

**Q24. Do you agree that streamlining the CAR and flooding/planning processes can be managed through better guidance?**

Yes – through guidance, requirements, promotion of best practice and adequate resourcing.

At present the CAR process for example is far from streamlined and one of the principle reasons is that the Competent Authority do not in our view have sufficient and/or appropriately skilled staff to deal with applications for engineering works. This would appear to be a fundamental flaw in implementation of this process at present which is causing significant delay in some circumstances. It is incumbent upon the Competent Authority to have appropriately knowledgeable staff to understand applications, including engineering drawings, engineering terminology etc. and be able to make sensible decisions based on an appropriate level of detail provided. The Competent Authority must be adequately funded and resourced as existing CAR applications regularly exceed the 4 month period significantly.

In our experience, discussions with the Competent Authority must start at an early stage and progress in parallel with other elements of the statutory process in the development and promotion of flood management measures.

**Q25. Do you think there is anything further SEPA, the Scottish Government or others should be doing to promote joined-up regulation?**

The provision of appropriate guidance and direction should assist joined-up regulation. We would also encourage lateral thinking – too often protectionist policies are produced without considering how a more sustainable productive approach can be accommodated (see response to Q14).

We also believe that the strengthening of readily accessible facilities for information and knowledge management could assist in promoting joined-up regulation. Data sharing is vital and should not necessarily be constrained by commercial considerations – Scottish Government could play a lead role in this respect. Indeed legislation may be necessary to enable certain information to be provided.

Knowledge management and development could include targeted seminars and conferences. Such events can often act as a catalyst for innovative thinking initiated by the exchange of views and ideas.

**Q26. Do you think that there is an alternative approach to simplifying the process of promoting flood measures to those discussed above which the Government should consider?**

There may well be other approaches but the current proposals (qualified with the comments above) appear to suit current circumstances whilst retaining sufficient flexibility to adapt to future change..

**Q27. Do you agree that the form and content of the biennial reports should be more systematic, and subject to direction from Ministers?**

Yes. Consistency in reporting is essential.

**Q28. Do consultees agree that the proposals as outlined will improve flood risk management and ensure Scotland is equipped to implement sustainable flood management?**

Yes.

In relation to paragraph 3.86 the proposed Scottish Flooding Advisory Committee (see responses to Q3 and Q21) could issue relevant guidance. In addition Scottish Ministers will have ultimate sanction in approving the District AFRMPs prepared in consultation with the proposed RBFMGs and based on Local LFRMPs.

Raising resilience to flooding is a key aspect of sustainable flood management. With regard to building regulations, Jacobs would support the introduction of measures to encourage increased resilience and resistance of buildings to flooding. This could involve the provision of financial support to property owners to do so. Such measures could also be introduced as a part of building restoration following flooding and insurers could have a role to play in this regard. Such measures should be considered for inclusion in future legislation under the Flooding Bill.

**Q29. Do consultees feel that this is enough to ensure that flood risk is addressed or should local authorities have a new duty to promote measures to alleviate flooding?**

So long as there is a duty on Scottish Ministers, Competent Authorities and Responsible Authorities to promote and implement sustainable flood management, and that this is defined and appropriate guidance provided, this is considered adequate.

## **RESERVOIR SAFETY**

**Q30. Do you believe enforcement responsibilities under the Reservoirs Act 1975 should be transferred to a single national body?**

Yes.

**Q31. If so, should it be SEPA or another as yet unidentified body?**

We believe that SEPA is the appropriate body to undertake this role. However see comments in Q24 regarding competencies of the Competent Authority.

**Q32. Are you content with the proposals for dealing with reservoir flood maps under the provisions of the Floods Directive, or do you think that there should be a statutory duty on reservoir undertakers to prepare reservoir inundation maps and plans, similar to the duty in the 2003 Water Act for England and Wales?**

Yes. However the reservoir owner/undertaker, and its advisors (Inspecting & Supervising Panel Engineers), should be required to review and comment on the draft reservoir inundation maps and impact/consequence assessments, to ensure a fair representation of the potential consequences, and thus suitable for the purposes of identifying and managing the risk presented by their asset. There could be significant costs for the owner if the impact assessment indicates that upgrades are required to the dam.

The reservoir owner/undertaker and its advisors should have the right to hold a copy of such maps and any associated off-site emergency plan (details actions outside his land), subject to compliance with any national security requirements as to secure storage.

In regard to paragraph 4.14 there are two components to such emergency plans; an off site and an on site component. The off site component is referred to in paragraph 4.13 and it is appropriate that this be prepared by the agencies identified under Civil Contingencies legislation (as referred to in paragraph 4.13). The on-site component of flood plans, which details actions taken by the owner on his land, to prevent, or mitigate failure if unavoidable, is not referred to. We believe that these are best prepared by, or the very least in conjunction with, the reservoir owner/undertaker as the owner of the potential hazard.

We wish to comment on paragraph 4.14 and the statement that many small clubs do not have the resources or the ability to produce inundation maps or plans. The technical ability to produce these can be sourced, just as other services have to be obtained to

discharge their obligations under the Reservoirs Act, e.g. appointment of Supervising Engineer. The perceived lack of resources has wider implications for ownership of reservoirs of significant potential hazard, including ability to maintain and operate.

**Q33. Do agree that enforcement powers be extended and post incident reporting included as an additional requirement?**

Yes, but the post incident reporting should complement and add to the one which is already being developed by the Environment Agency for England & Wales. It would also be preferable for the incident reporting data to be held by a separate part of SEPA (or government) from that enforcing the Reservoirs Act, to encourage reporting and avoid conflict of interest between open disclosure of incidents and potential prosecution under reservoir safety or other environmental legislation.

**Q34. Views on crown application and any other comments?**

We believe that Crown bodies should not be exempt from provisions under the proposed legislation.

23 April 2008

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**RESPONDENT INFORMATION FORM**

**Annexe A**

**Consultation on "The Future of Flood Risk Management in Scotland"**

**Name:**



124

**Postal Address:**

Somerville  
Southview gardens  
Eaglesfield  
DG11 3NN

**1.**  
**(b) Responding on behalf of an organisation** **X (yes)**

**3.**  
**Name & address of organisation to be made available to the public (in the Scottish Government library and / or on the Scottish Government website).**

Eaglesfield Flood Defence Committee  
The Swallows  
4, Holmlea  
Eaglesfield  
DG11 3PP

**Also content for response to be made available** **X (yes)**

**Sharing Responses / Future Engagement**

**4.**  
**Content for Scottish Government to contact me again in the future in relationship to this consultation response.** **X(yes)**

**Responding to questions on Flooding** **X(yes)**

## Consultation on "The Future of Flood Risk Management in Scotland"

### **MISCELLANEOUS COMMENTS ON INDIVIDUAL PARAGRAPHS**

1.9 This consultation document does not support the implied premise that, the Flooding Bill will prove more efficient than is currently evident in legislation to ensure the necessary results are achieved.

1.26 What does "complemented by a streamlined decision-making process" mean? This does not seem to be in draught anywhere within the consultation document.

2.8 These definitions are too vague and subjective with three of the four using "fair" as criteria. These have got to be untenable as robust and consistent measures of assessment.

#### **2.9 Box 5, Principles of Sustainable Flood Management**

1. Rhetoric only

2. How can responsibilities be defined by terms such as, "They are expected to collaborate...." This is typical of the terminology that detracts from the Bill's ability to achieve any minimum goals.

3. Where is the proposed benchmark definitions defined?

4. The structure proposed for evaluation already contains excessive factors to create uncertainty. Discrepancy in the levels of data must negate the credibility of nationwide standards for funding purposes and therefore project models and data must be maintained at a known and consistent level.

5.

6. This information is very thin on the ground with significant areas of data yet to be researched & generated. The type of data involved would preclude this being comprehended by a large section of the general public and could not be "transparent" without additional costs.

7. Methodology not consistent with this principle

8. The industry groups could all contribute to the same central webpage for ease of communication each month?

#### **The Competent Authority**

3.8

##### **Box 6, Duties for Competent Authority**

Flood Risk & Hazard Maps - are to be used for (ii) inform decisions on the investment into measures to address flood risk. I believe this is part of a preliminary budget assessment by SEPA and supported by the Responsible Authority which should be presented for approval by Minister. This relationship is not currently identified.

Flood Risk Management Plans – are to include pluvial flooding which has been excluded from the Flooding Bill along with sewer flooding in its current configuration?

3.15 It would be good for Local authorities to fully undertake their current role and responsibilities, a "new role" without some accountability may just prove a role too far?

3.22

**Box 7, Flood Risk Management Planning**

Under this proposal, SEPA having established priorities at a national level have no ability to ENSURE Local Authorities implement these priorities either within their own area of control or when faced with cross boundary requirements from more than one Responsible Authority.

Excludes pluvial and sewer flooding!

3.23 Biennial reporting would need to be redefined to capture the correct data, and cease to be solely an historical reporting tool achieved at present, and become a mechanism of control. Currently there does not exist any database that contains pluvial or sewer flooding information.

3.24 This is critical and requires clear and quantitative values to establish national parameters that can be understood by all parties, including the general public if it is to receive the necessary support.

3.26 To have the “power” to prepare LFRMP does not ensure obligation to carry out that activity, only the right to do so if Local Authority so wish! Approval of LFRMP’s funding requirement scope must be approved by SEPA to ensure no conflict later with Local Authorities at time of implementation who may wish to cancel / delay a project.

3.29 This ignores the real world situation where if things can go wrong they will! Whilst it may be generally un-necessary to appoint a lead authority, SEPA must have the authority to direct Local Authorities in the event of conflict that could distract from them achieving the objectives as the Competent Authority.

3.30 Funding assumption that “future allocation of money will be based on the level of significant flood risk in each Local Authority” is mis-placed unless there is direction and control in the allocation of such funding by the Scottish Government, such as ring fencing. Since this is exactly the opposite of the essence of the agreement between the Scottish Government and COSLA this statement is at best misleading.

3.31 The role of Local Authorities is of central importance, but nowhere are there any checks and balances to improve the failure rate of these organisations than currently exist and that is zero.

3.33 Community Council involvement should be sought as Stakeholders and their participation be formally integrated at the earliest stage

**Ensuring Compliance with the FRMP**

3.41 This is at best a “motherhood” statement and has nothing to do with “ensuring Compliance”.



3.42 This paragraph can be interpreted to mean that either SEPA WILL be given a control of the funding mechanism or alternatively the Scottish Government WILL NOT give SEPA any such mechanism? The funding relationship between Competent Authority and Local Authorities is possibly the greatest single threat to the failure of the Flooding Bill actually improving Scotland's future flood measures being successful.

**Box 8, Proposed Roles & Responsibilities for Flood Management in Scotland**

**General** – No definition of “significant flood risk” is currently provided or any other level of flooding graduation.

**Implementation** – There would need to be additional stringent guidance provided to ensure protection for new developments from future flooding. Currently SPP7 does not achieve this goal. All Local Plans must comply with the approved LFRMP's and should be automatically required review and update to meet this obligation.

**Scope** – SEPA currently has the right to undertake Flood Risk Assessments (FRA) but choose not to as they consider it a strain on their limited resources. SEPA should have the responsibility to implement such safety investigations as a mandatory obligation especially in the case of pluvial flooding which is not flood plain based, and not an option to be ignored.

**Managing Surface Water and Urban Drainage**

3.43 “Wishing to ensure” an inclusion within a LFRMP is not supported by any proposals and in fact is excluded.

3.44 The “gray area” relating to managing storm water that enters Scottish Water's drains is both equally convenient to the Roads Authority and Scottish Water alike. Both fail dismally to protect residents from the implications of their neglect. The Responsible Authority's ignore the initial landowner failing and Scottish Water merely complains when questioned that it is not their responsibility. Never the less Scottish Water categorically refuse to undertake action against Responsible Authority to insist they meet their statutory obligations relating to illegal storm water entering Scottish Water drains where no signed agreement exists for such action.

There should be a simplified method for all residents to sue any Responsible Authority, Local Authority and / or Landowner for damages arising from this neglect!!!!

3.45 Sometimes the most cost effective way is to enhance / renew the infrastructure and not to fight a wasteful battle against costs and service. Have guidance ever been suggested on the level of disruption Scottish Water should allow their customers to suffer as a factor in their calculations?

3.46 SEPA's responsibility should be clearly extended to cover the performance of any combined element of SW's storm water & foul sewer that is part of new development planning applications. SEPA must as the existing Statutory Consultee approve the operation of this infrastructure system as well as any associated SUDS facilities. SEPA are the only truly impartial party with the technical capabilities as SW have a natural conflict of interest. Whist presently a public body this distancing is a prudent consideration.

### **The Planning System**

3.47 This is an essential link to planning authority.

3.48 Why has the 1997 Act been omitted from these references on Local Authority obligations as it is an important and fundamental element of their activities?

#### **Simplifying Procedures – Option 1**

Possibly the preferred option but would need to enhance scope of potential objectors to any inquiry to facilitate democratic representation inline with accepted standards of openness & transparency.

Outline CAR activities could be scoped within pre-determined parameters and scheduled for approval at an earlier stage.

#### **Simplifying Procedures – Option 2.**

Assumes a single Local Authority (Responsible Authority) for this to happen. These questions asking about no ministerial involvement appear to fly in the face of the opposite assumption elsewhere?

3.67 Local Authority based procedures that *“give them the authority etc as it may appear to them”* is not the language needed to ensure the proper and required action but unfortunately is a basic facility to chose not to do anything with impunity!.

There needs to be ensured compliance with pre-approved plans determined by SEPA and funded by the Scottish Government.

**Consultation on “The Future of Flood Risk Management in Scotland”**

**SUMMARY OF QUESTIONS**

***Q1. Do you believe the definition of SFM is helpful and of practical benefit to flood risk management?***

No, it is only partially pertinent. Either it needs to be simply defined to cover fluvial and coastal flooding or the scope of this Bill needs radical reform to encompass pluvial and sewer flooding. Resilience is not Protection and Resilience does not always readily translate into Awareness + Avoidance + Alleviation + Assistance.

***Q2. Do you think the definition is clear and simple to understand?***

No, it alleges to cover all aspects of flooding whilst specifically excluding pluvial and sewer flooding. The structure should be amended to cover this fact. The more explanation that is given, the less clear it becomes. Explanation on this opinion is given throughout this correspondence.

***Q3. Do you agree with the conclusion as set out in paragraph 3.17?***

No, as this an incomplete conclusion and quite misleading in its presentation. This potential structure and relationships whilst able to ensure consistency of approach nationally, it offers no capability to ensure performance compliance to resolve flooding problems. There is further an implied acceptance in paragraph 3.17, of paragraphs 3.7 to 3.16 inclusive which is not warranted.

***Q4. Do you agree that there should be a single competent authority with a national remit for implementing the Floods Directive, and that it should be SEPA?***

Yes, but only if the correct structures and procedures are in evidence for the authority to achieve objectives are correctly defined. This is not evident in the current case presented by the consultation document due to predominately funding questions (a) for additional SEPA required resources and (b) direct funding to allow their ability to control project budgets? The current 21 office structure of SEPA combined with its unique position, offers a significant advantage in their choice as the Competent Authority. However, the question of SEPA’s accountability (as defined in 3.18 above) is also an area where additional skill sets would potentially be required to enhance their current team capabilities.

***Q5. Do you agree that this is a sound basis for the development of Local Flood Risk Management Plans? If not what alternative do you propose?***

I would propose fluvial flooding to be funded via the Competent Authority, not Local Authority Block Grant and therefore this fails the tests for balancing authority and responsibilities. It is obviously aimed at minimal political discomfort and not maximum

ability to perform. If this type of funding is left unprotected and un-marshalled, then there will be possibly no major flooding projects undertaken throughout most of Scotland as Local Authorities redistribute the funding elsewhere. The Flooding Bill will become an academic lost cause.

***Q6. Should Ministers or SEPA have the power to designate a lead authority within a local area, or should it be left to the partners?***

SEPA should have the power to designate a lead authority and under no circumstances should it be left to the partners. Given SEPA's overall co-ordination function within these groups, they should be providing any direction to a Local Authority's that is not readily evident – but this should be rare if talked effectively.

***Q7. Do you agree that Local Authorities, Scottish Water, the Forestry Commission, and SNH should be identified as responsible authorities?***

Yes. Is there a case where the Competent Authority (SEPA) would wish / need to undertake projects on its own behalf and if so how would this affect its mandate?

***Q8. Which other bodies should be identified as responsible authorities?***

Should be limited to minimum number of organisations

***Q9. Do you agree that responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans?***

Where are "Flood Advisory Groups" defined? Duty? This requirement of itself is inadequate. How does duty define under the statutes for Local Authorities, and is this an area that requires to be considered? The obligation to work together must be mandatory but dissention will be resolved under the direction of SEPA.

***Q10. Do you agree the proposals are sufficient to support wider stakeholder and community engagement in the flood risk management planning process?***

No. Only notional concept noted within document with much greater thought and structural proposal needed. There are no "21" documents directing Community Councils at this time. The inclusive aspect of this procedure will need careful consideration to ensure that whilst it is truly inclusive it is not by its nature unwieldy.

***Q11. Do you agree that the Bill should set out a process similar to that for River Basin Management Planning for the preparation by SEPA of area flood risk management plans?***

Potentially, but this philosophy does not currently have anything other than intent for Stakeholders and Communities. The review and approval by public need to be given great attention especially where planning approval will be deemed to have been granted.

***Q12. Do you agree that Ministers have the power to approve, reject or modify Area Flood Risk Management Plans?***

It should not be a simple matter to reject or modify the recommendations of SEPA (Competent Authority) for political cause! Either this is an activity based responsibility at the lowest possible level commensurate with authority or it is not. It cannot be in the gift of Ministers and still hold others responsible? The allocation of the proposed funding via SEPA, COSLA Block Grant & Scottish Water will provide Ministers with the necessary levers of power and still retain responsibility at the lowest possible level commensurate with authority. The interface of Ministers is confused throughout this consultation document where it is assumed in one part to be essential and in another to be open to debate.

***Q13. Do you think that integrated urban drainage plans should be included as part of a Local Flood Risk Management Plan?***

Yes, as with rural drainage. The current proposals however fail to provide accountability in this area with the questionable impact of sewer drains ignored when SUDS proposals are considered.

***Q14. Should Flood Risk Management Plans inform the way that development plans are prepared, or should there be a stronger linkage such as a requirement on planning authorities to show that they have regard to the FRMPs?***

Yes, but the scope and structure of the Flooding Bill consultation excludes critical aspect s of flooding (pluvial, sewers etc). All must form part of integrated Development & Control aspect of planning procedures starting with the Structural Plan and cemented in the Local Plan. The impact of the Flooding Bill upon all aspects of Environmental Planning, Development Control interface etc should be profound.

***Q15. Do you think that the granting of deemed planning permission at the end of the statutory process for flood risk management will deliver a more streamlined approach to the delivery of flood risk management?***

Yes, provided that the planning relates only to flood prevention schemes and not include general planning development approval which must be part of a separate development control process. There is an implication of this fact in as much as it can lead to schemes with "guaranteed" approval overlapping general developments with potentially future discrepancies to be corrected. This could put the onus on the planning authority to ensure they have this under control, or a blanket waiver will be necessary? The other facet of this will be to ensure that the public and all involved parties are provided with adequate notification of all schemes. The notification system must be enhanced to attain this goal.

***Q16. Should Ministerial confirmation be made necessary even where features of a scheme do not require planning permission?***

No. The proposed funding procedure will ensure oversight and agreement.

***Q17. Is the present procedure for Ministerial confirmation satisfactory for this new purpose or are there revisions e.g. to timescales which should be considered?***

See Q16 answer above

***Q18. Do you think that the option to rely on a local authority based process in a similar way as other local authority development activity should be taken forward?***

No, especially as there are relatively less checks, balances or accountability than with the existing operations.

***Q19. What would be the appropriate timescales for notification and response?***

The duration for notification and responses could be minimized but the scope of notifications should be maximized.

***Q20. Would it be appropriate for such a process to carry deemed planning consent?***

Yes, provided adequate advertising / notifications were provided at initiation of scheme review.

***Q21. How should the issue of technical expertise and capacity to ensure the necessary technical standards are observed be addressed?***

The technical resource base does not currently exist to implement such work as is deemed essential by the current proposals. The extent of the resources initially needed by SEPA alone will be influenced by the standard used for AFRMP's i.e. the 200 year standard is already completed by SEPA but is probably insufficient on which to base accurate funding requirements. A 50 year standard will necessitate substantially more work and therefore resources needed at this stage. This standard may be more pertinent upon which to base future high capital expenditure budgets given the erosion of the predicted weather base.

***Q22. Are there any additional alternatives to the options outlined above which would simplify procedures?***

Use of insurance industry maps may be beneficial (where / if applicable) or the contracting of new over-flight surveys. Contracting via universities may produce economic advantage and academic convergence to mutual short-term and even long-term gain.

***Q23. Do you consider local authorities' powers are sufficient to take necessary action to avert danger to life and property?***

Yes if they were actually motivated to implement them and not have their current ability to ignore the needs of residents by choosing not to assign budgets for essential work.

***Q24. Do you agree that streamlining the CAR and flooding/planning processes can be managed through better guidance?***

Yes without doubt, but the partial answer must be derived from the conclusion to Question 21.

***Q25. Do you think there is anything further SEPA, the Scottish Government or others should be doing to promote joined-up regulation?***

YES. Before establishing any fundamental structural relationships produce for review a simplified overview of the system elements and procedure. Test this for basic failure compliance relating to errors & omissions, duplication, authority & responsibility and ensured completion (integrity). This should be undertaken for each aspect of flooding as there will be variations. These are standard industry tests and legislation should not be deprived of them. Produce the simplification to existing language to ensure pluvial and sewer flooding is managed.

***Q26. Do you think that there is an alternative approach to simplifying the process of promoting flood measures to those discussed above which the Government should consider?***

Yes I have included general reference to them within my comments

***Q27. Do you agree that the form and content of the biennial reports should be more systematic, and subject to direction from Ministers?***

Yes, it needs to forecast performance and monitor the level of compliance achieved and not used as a vehicle to record historical events without ever producing advance to the future.

***Q28. Do consultees agree that the proposals as outlined will improve flood risk management and ensure Scotland is equipped to implement sustainable flood management?***

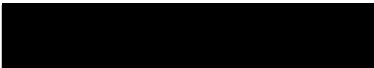
No as it stands it lacks teeth and is a very incomplete process. Adoption of the flaws within this consultation document without change would produce enormous costs without the requisite benefits. It contains all of the potential for future failing whilst dressed in a fashionable veneer of politics.

***Q29. Do consultees feel that this is enough to ensure that flood risk is addressed or should local authorities have a new duty to promote measures to alleviate flooding?***

No it is not enough and Local Authorities must have a duty to promote all measures to alleviate flooding however generated. This will never be achieved without well defined accountability operating via external checks and balances. It doesn't exist at present and is not proposed within this outline under review. Further, by ignoring the baggage of the current statutes, policies and guidance it will ensure that the Flooding Bill when produced will at best only treat a fraction of the nation's flooding problems with excuses (like now) and not the outstanding performance will be too much the norm! It does not need to be like this!



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**From:** [Redacted]  
**Sent:** 24 April 2008 09:34  
**To:** Flooding, Erosion and Reservoir Safety  
**Subject:** Consultation Response

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.....

**The Future of Flood Risk Management in Scotland**

**RESPONDENT INFORMATION DETAILS**

**Name:** [Redacted]  
**Organisation:** Carronvale Tenants and Residents Association  
**Address:** c/o 14 Jubille Road Dunipace Stirlingshire  
**Postcode:** FK6 6NH  
**Email:** [Redacted]  
**Telephone Number:** [Redacted]  
**Responding as:** On behalf of a group or organisation  
**Individual Permission:** Not Supplied  
**Confidentiality:** Not Supplied  
**Group or Organisation:** Yes  
**Share Response Permission:** Yes

**Consultation Questions**  
**The Future of Flood Risk Management in Scotland**

<p><i>Question 1: Do you believe the definition of SFM is helpful and of practical benefit to flood risk management?</i></p>	<p>The word resilience by your own definition implies "ability to recover from", which doesn't convey strongly enough the need to be proactive in addressing flood risk. The old reactive approach is still conveyed. In addition, "by protecting .. the environment" doesn't read across as protecting people/property first and foremost, which should be the paramount objective.</p>
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<b>Question 2: Do you think the definition is clear and simple to understand?</b>	Definition is unclear and seeks to be all-encompassing in too few words.
<b>Question 3: Do you agree with the conclusion as set out in paragraph 3.17?</b>	Confirm the importance of local authorities implementing flood defence work.
<b>Question 4: Do you agree that there should be a single competent authority with a national remit for implementing the Floods Directive, and that it should be SEPA?</b>	Confirm a single competent authority, but question SEPA's weighting of environmental protection versus protecting people/property from flooding in rural communities.
<b>Question 5: Do you agree that this is a sound basis for the development of Local Flood Risk Management Plans? If not what alternative do you propose?</b>	Agree
<b>Question 6: Should Ministers or SEPA have the power to designate a lead authority within a local area, or should it be left to the partners?</b>	Local authorities should retain responsibility
<b>Question 7: Do you agree that Local Authorities, Scottish Water, the Forestry Commission, and SNH should be identified as responsible authorities?</b>	Confirm
<b>Question 8: Which other bodies should be identified as responsible authorities?</b>	-
<b>Question 9: Do you agree that responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans?</b>	Agree
<b>Question 10: Do you agree the proposals are sufficient to support wider stakeholder and community engagement in the flood risk management planning process?</b>	Agree
<b>Question 11: Do you agree that the Bill should set out a process similar to that for River Basin Management Planning for the preparation by SEPA of area flood risk management plans?</b>	-
<b>Question 12: Do you agree that Ministers have the power to approve, reject or modify Area Flood Risk Management Plans?</b>	-
<b>Question 13: Do you think that integrated urban drainage plans should be included as part of a Local Flood Risk Management Plan?</b>	Without a doubt, urban drainage should be included in a Local Flood Risk Management Plan, which should be an integral part of Planning Approval for new developments.
<b>Question 14: Should Flood Risk Management Plans inform the way that development plans are prepared, or should there be a stronger</b>	A requirement should be placed on planning

<b>linkage such as a requirement on planning authorities to show that they have regard to the FRMPs?</b>	authorities.
<b>Question 15: Do you think that the granting of deemed planning permission at the end of the statutory process for flood risk management will deliver a more streamlined approach to the delivery of flood risk management?</b>	Confirm
<b>Question 16: Should Ministerial confirmation be made necessary even where features of a scheme do not require planning permission?</b>	-
<b>Question 17: Is the present procedure for Ministerial confirmation satisfactory for this new purpose or are there revisions e.g. to timescales which should be considered?</b>	-
<b>Question 18: Do you think that the option to rely on a local authority based process in a similar way as other local authority development activity should be taken forward?</b>	Yes, providing stakeholders have the right to escalate any issue to a governing body.
<b>Question 19: What would be the appropriate timescales for notification and response?</b>	-
<b>Question 20: Would it be appropriate for such a process to carry deemed planning consent?</b>	Yes
<b>Question 21: How should the issue of technical expertise and capacity be addressed?</b>	As suggested, via a pool of experienced engineers common to all local authorities.
<b>Question 22: How could such a process ensure the necessary technical standards are observed?</b>	-
<b>Question 23: Are there any additional alternatives to the options outlined above which would simplify procedures?</b>	Unable to comment re lack of knowledge on the extent of local authorities powers.
<b>Question 24: Do you agree that streamlining the CAR and flooding/planning processes, can be managed through better guidance?</b>	Yes
<b>Question 25: Do you think there is anything further SEPA, the Scottish Government or others should be doing to promote joined-up regulation?</b>	-
<b>Question 26: Do you think that there is an alternative approach to simplifying the process of promoting flood measures to those discussed above which the Government should consider?</b>	-

<b>Question 27: Do you agree that the form and content of the biennial reports should be more systematic, and subject to direction from Ministers?</b>	Most definitely.
<b>Question 28: Do consultees agree that the proposals as outlined will improve flood risk management and ensure Scotland is equipped to implement sustainable flood management?</b>	A new framework, free of statutory process, should achieve the objective.
<b>Question 29: Do consultees feel that this is enough to ensure that flood risk is addressed or should local authorities have a new duty to promote measures to alleviate flooding?</b>	Local authorities should be duty bound to promote measures to alleviate flooding. If central funding for flood risk management is now part of the block grant to local authorities, this spend should be clearly targeted for flood alleviation and authorities accountable for such.
<b>Question 30: Do you believe enforcement responsibilities under the Reservoirs Act 1975 should be transferred to a single national body?</b>	
<b>Question 31: If so, should it be SEPA or another as yet unidentified body?</b>	
<b>Question 32: Are you content with the proposals for dealing with reservoir flood maps under the provisions of the Floods Directive, or do you think that there should be a statutory duty on reservoir undertakers to prepare reservoir inundation maps and plans, similar to the duty in the 2003 Water Act for England and Wales?</b>	
<b>Question 33: Do agree that enforcement powers be extended and post incident reporting included as an additional requirement?</b>	
<b>Question 34: Views on crown application and any other comments?</b>	

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## **Consultation on “The Future of Flood Risk Management in Scotland”**

### **GENERAL OVERVIEW**

The Flooding Bill as proposed does not address the problems that exist with the current legislation but carries most of them into these proposals and adds a few new problems. Basic functionality evident from an overview of the interface process, for errors & omissions, completion capability and the detraction from inappropriate language has yet appeared to have been considered. A situation that is so painfully obvious with the existing structures.

The so-called gray existing areas defined in statutes, policies and guidance have not been replaced by a clear ability to implement explicit actions within a framework of definitive responsibilities & consequences. These tend to protect parties from implementing the current philosophies. Clear accountability for ensuring flooding goals are achieved have not been established and therefore the absence of same will eventually result in the current type of “blame game” that exists under the present legislation.

The Flooding Bill only treats FLUVIAL flooding but contentiously includes all flooding within its scope without any benefit from specific action or protection. References to PLUVIAL flooding are disingenuous since there exists no practical mechanism to treat such events which are the cause of 25% of D&G flooding events. Pluvial flooding should be covered as a separate requirement as the current text only serves to hide and confuse the needs of this aspect of flooding.

There are no strategic tools for Risk Management for pluvial flooding, this is due to the fact that it is essentially caused by a combination of neglect and incompetence – and there will never be any strategic tool due to the basic nature of this problem.

Historically protection from pluvial flooding is not being achieved by Local Authorities. It is too easy for these organisations to deliberately refuse to budget for their obligations of either assessing watercourses and / or maintenance of necessary watercourses and culverts etc to save limited financial resources. The consequence is that residents are forced to pay out of their pockets directly or via insurance claims (with consequential increase in premiums or loss of insurance cover!).

Repeatedly noting only the 1961 Act and not the 1997 Act in the consultation document does nothing to enhance resident’s protection. Even with the advent of SUDS programmes, development control or any of the flooding statutes do not identify how a landowner downstream of new development with planning approval, but now discharges their storm water into his watercourse is suppose to understand the implications of this action. A well maintained watercourse could now be overwhelmed under normally safe conditions.

Sewer flooding is also excluded from the obligations of the proposed act!

The structures and procedural needs for the control and management of fluvial flooding are not significantly improved by these consultative document parameters but this fact is partially lost under the blanket of related activities.

A common theme of most current flooding statutes, policies & guidelines is the absence of viable accountability and redress options. A simple example of the un-necessary obstructions placed in the path of any passage to achieve timely solutions for flooding matters is the following:

Having required that all watercourses be assessed, legislation requires that this is repeated, *“from time to time”* and further that watercourses are maintained by DGC as necessary. I would suggest that, *“from time to time”* is not an open ended assumption to visit one day, as would seem to be the implication and tone of various responsible parties. Rather it must be gauged by the natural sequence that is inherent in the type of commitment undertaken. i.e. satisfactory maintenance, the rate at which nature takes control of abandoned land. It would be reasonable therefore to assume it does not demand a “daily” assessment, but “annual” visits would also be considered infrequent and inappropriately spaced.

As a redress for obstruction to “ensuring residents are free from the fear of flooding” there should be a simplified mechanism for residents to sue any Responsible Authority (or Competent Authority) for damages (potential or actual) due to their failure to meet specifically agreed flood protection programmes or levels of basic protection.

The whole of the consultation document is full of phrases that indicate an unwillingness to structure a cohesive operation that guarantees performance and a patently obvious lack of any level for checks and balances. To have the “power” to prepare LFRMP does not ensure obligation to carry out that activity, only the right to do so if Local Authority so wish!

**Funding** - Only Local Authority funding noted. There is no reference to how these other functions are to be funded. Without this basic condition being defined, all subsequent comments and considerations could prove less than worthwhile. The following amended funding structure is proposed:

Funding for catchments & coastal flooding should be made directly to SEPA who would allocate budgets to Responsible Authority’s based upon a national priority listing for projects. Funding for pluvial flooding should be included within the COSLA agreement for block grant funding.

Funding for sewer flooding should be included within the Scottish Water agreement for funding

Since there appears it is intended that ALL Responsible Authority’s will be empowered to undertake “projects” then these must form part of SEPA’s budget consideration.

Where is mechanism to obtain emergency or additional funding to meet specific flood protection projects and is a factor to be considered? Would there be funding available via EU grants either directly to Scotland or from UK Government? Could this something separate from Flooding Bill comments?

Advertising of LFRMP’s to be via local media and throughout the physical area of the scheme for ease of notifying residents. This should also be the requirement for all planning applications and HGV developments within an area. What is the mechanism and timetable for review and approval / objections for AFRMP’s & LFRMP’s by the general public etc?

There could be some merit in the endowment of a Hydrology Scholarship etc by SEPA and more permanent relations with a specific (or multiple) universities. This could be extended to encompass long-term "contracts" with universities to provide support for Responsible Authorities to undertake annual watercourse evaluation as part of their seminar studies.

The basic failure of residents having redress of Landowners (or their insurance) who are delinquent in their responsibilities to maintain watercourses and culverts etc is ongoing and wrong. Local Authorities that ignore these matters only serve to frustrate the situation even more and both matters need to be amended by the Flooding Bill.

**Annex B: Indicators** - There is too much academic study evident in the assessment criteria; more PC than the practical with no mechanism to validate the necessary results can be ensured! Indicators are there as a tool to aid decisions some of the more prosaic of those present will take longer to establish from data that will become more and more subjective and detract from clarity and should be avoided. Whilst proving that it can be done, it should now be reconsidered for those factors that are essential and truly valid not made to fit. Establishing a national standard that does not readily provide a sound decision basis is not the aid that is needed. I would respectfully rethink your objective and re-evaluate better options the subjective bias of the current proposals is quite worrisome.

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Francis Conlan  
Water, Air, Soils and Flooding Division  
The Scottish Government  
1H North  
Victoria Quay  
Edinburgh  
EH6 6QQ

21 April 2008

Dear Francis

**Re: The Future of Flood Risk Management in Scotland**

Please find enclosed the British Red Cross submission to this consultation document.

We are pleased that the Scottish Government has given us the opportunity to respond to the issue of flood risk management. We particularly welcome the comments that the Government wishes to take a more proactive approach to reduce the risk of the significant human impact of flooding through sustainable flood management.

The Red Cross helps people in crisis, whoever and wherever they are. Much of our response to this document relates to the building of resilience and risk reduction amongst the community and how this would fit into flood risk management plans.

We would welcome the opportunity to address the Committee about the issues raised in our response. Please contact me through our Public Affairs Officer, Alison Bunting the details below.

Best wishes,

Gerald McLaughlin  
UK Director  
Scotland

Alison Bunting  
Public Affairs Officer  
Phone: [REDACTED]  
Email: [abunting@redcross.org.uk](mailto:abunting@redcross.org.uk)





April 2008

## The Future of Flood Risk Management in Scotland Response

### Summary

- i. The British Red Cross welcomes the opportunity to contribute to this consultation document. We have responded to questions on which we have experience or expertise.
- ii. Overall, we believe that the proposals will improve flood risk management, but we are concerned that there are some gaps in the proposals pertaining mainly to building resilience of communities before and in the aftermath of a flood.
- iii. As a humanitarian organisation, we wish to ensure that resilience is built into flood risk management plans.
- iv. We believe that the Flooding Issues Advisory Committee's definition is too narrow in its frame of reference to resilience, particularly with regards to the overall objectives of sustainable flood management as outlined in the consultation document (2.8.) and in particular the "social" objective.
- v. The Red Cross would like to see humanitarian hazard mapping (the risks to people) included in the role the various authorities would undertake to deliver on the "Flood Risk and Hazard Mapping" directive.
- vi. Currently, there is not enough community engagement in the planning process and we would like to see greater measures to ensure all stakeholders are involved in the consultation process for the Area Flood Risk Management Plan and the Local Flood Risk Management Plans.
- vii. In the current consultation document, both levels of planning as described above, do not give enough consideration to resilience and adaptation of people at risk of flooding.

# Background on the British Red Cross

1. The British Red Cross helps people in crisis, whoever and wherever they are. We are part of a global network that responds to conflicts, natural disasters and individual emergencies. We enable vulnerable people in the UK and abroad to prepare for and withstand emergencies in their own communities, and when the crisis is over we help them to recover and move on with their lives.
2. The British Red Cross is part of the International Red Cross and Red Crescent Movement, which comprises:
  - >The International Committee of the Red Cross
  - >The International Federation of Red Cross and Red Crescent Societies, and
  - >186 National Red Cross and Red Crescent Societies worldwide.
3. As a member of the Red Cross and Red Crescent Movement, the British Red Cross is committed to, and bound by, its Fundamental Principles. These are: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.
4. The British Red Cross is an auxiliary to the public authorities. Our emergency response teams support the statutory services (Category 1 responders under the terms of the Civil Contingencies Act 2004) in a wide range of incidents throughout the UK.

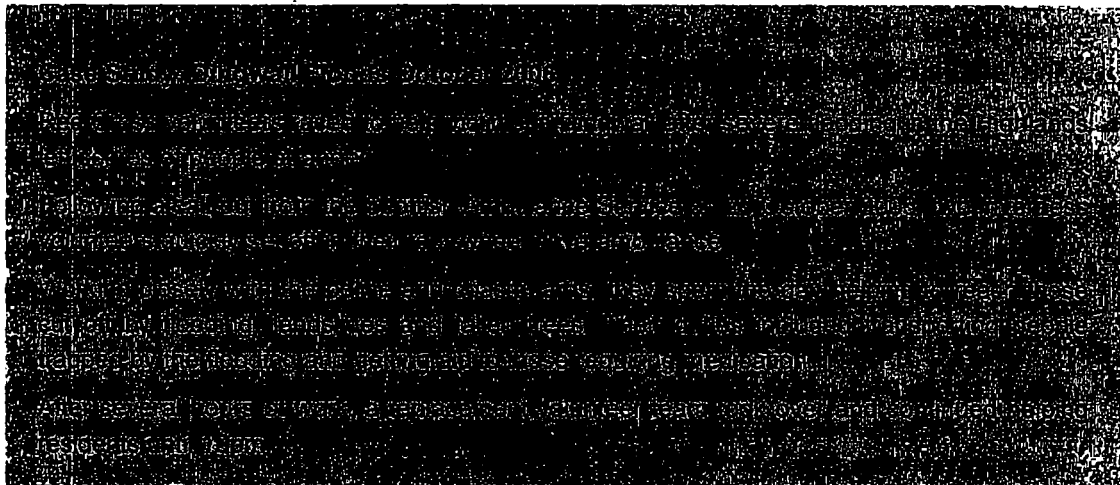
## Response of the British Red Cross to the Consultation

The British Red Cross welcomes the opportunity to contribute to this consultation document. We have responded to questions on which we have experience or expertise.

1. Do you believe the definition of SFM is helpful and of practical benefit to flood risk management?
  - > The British Red Cross welcomes an overall definition of Sustainable Flood Management and believes this to be helpful and of practical benefit to flood risk management.
  
2. Do you think the definition is clear and simple to understand?
  - > We believe there is confusion over the definition of resilience. In the definition of resilience as referred to in the statement, it clearly states a "social" aspect but then only pertains to "*protecting and working with the environment*" and not working with the "community" in order to deliver the social and humanitarian aspect of resilience.
  - > To meet the objective of "*maximum possible social and economic resilience*", we would welcome the inclusion of the words " and community" after "*protecting and working with the environment*".
  - > We believe that in order to meet the needs for flood resilience, there should be a social objective with reference to building the capacity for *people* to be resilient before and in the aftermath of a flood.
  - > As it reads, we are not clear whether the social objective "*enhance community benefit with fair access for everyone*" pertains to access to funds, services or consultation processes.
  
3. Do you agree with the conclusion as set out in paragraph 3.17?
  - > We agree with the Executive Summary as outlined on page 8 of the consultation document - that there is a lack of co-ordination between the different powers and key players dealing with flooding, and that as a result, flood risk management is largely reactive. Reducing the risks of the significant impacts of flooding through sustainable flood management should include the humanitarian aspects of flooding. We would be keen to ensure that a single competent authority would have a remit that included humanitarian resilience, not just resilience that referred to the built environment or the economy.
  - > Our experience of the 2007 floods in England showed us that despite having a number of written agreements in place with local authorities, the Red Cross had to approach some authorities to raise their awareness of what services the Red Cross had available to assist, in what was evidently a dire emergency in some places. We acknowledge that, whilst Category 1 responders have the right to determine which

organisations they wish to use for support in an emergency, once agreements have been put in place and are reflected in emergency or resilience plans, they should be followed when emergencies occur.

- > Further, with reference to Box 6 *Duties for competent authority as specified by the Floods Directive: "Undertake Flood Risk and Hazard Mapping"*, there is no reference to humanitarian hazard mapping. One of the fundamental principles of the Red Cross is Humanity – being committed to helping prevent and alleviate human suffering wherever it may be found. Humanitarian mapping, (the potential risks to people, such as being isolated and not being able to receive basic survival provisions unless reachable by a helicopter or boat) should be included in the Preliminary Flood Risk Assessments in order to maintain the objectives as outlined in the definition of Sustainable Flood Risk Management.



4. Do you agree that there should be a single competent authority with a national remit for implementing the Floods Directive, and that it should be SEPA?

The Red Cross does not have an opinion about the merits of the single competent authority being SEPA, however we feel it is important to take the following into consideration:

- > We question whether SEPA is the correct authority to respond to or implement the humanitarian aspects of flooding. The Red Cross is keen to be part of the debate about which authority is best placed to respond to the humanitarian aspects of flooding. For example, during the Gloucester Floods of 2007, our Flood Response Team, a team of specially trained flood relief volunteers based in Northern Scotland, was deployed to distribute relief. There was no other authority or organisation dealing with this aspect of the floods.

- > While we recognise that the Bill will not cover emergency response to a flooding incident, resilience is specifically referred to in the objectives and definition. The Civil Contingencies Act does not specifically refer to flooding, resilience or the humanitarian aspects associated with flooding.
  - > We believe that as a humanitarian aid organisation, we are best placed to respond to the humanitarian aspects of flooding and do not have a direct line into SEPA.
5. Do you agree that this is a sound basis for the development of Local Flood risk Management Plans?
- > We refer to the above comment that we do not have a direct line into SEPA, however as a dot point in *Example Tasks* in Box 7, it refers to "improved flood warning and/or flood alleviation". We would like to make the point that there is a humanitarian aspect to this as outlined in our response to Question 3 and Box 6 and that this has been omitted in both the planning stages and the authority that would ultimately ensure this is included.
9. Do you agree that the responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans?
- > The Red Cross believes that responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans and involve stakeholders at every level. Local Flood Risk Management Plans should include references to adaptation and recovery in an emergency.
10. Do you agree the proposals are sufficient to support wider stakeholder and community engagement in the flood risk management planning?
- > The Red Cross believes that the community is not currently engaged at any level of planning within the Flood Advisory Groups. We believe that we have an important role to play in the local planning of educating people to adapt, withstand and recover from floods. The proposal for stakeholder forums as a way of achieving this is a welcome idea, however, assurance must be given for ideas to turn into written agreements and as described in response to Question 3, once agreements are made, they should be adhered to.
14. Should Flood Risk Management Plans inform the way that development plans are prepared, or should there be a stronger linkage such as a requirement on planning authorities to show that they have regard to the FRMPs?
- > The Red Cross holds a strong view that planning authorities should show they have regard to the FRMPs in the planning process of flood risk management and that

these FRMPs have regard for the engagement of the community to withstand and recover from floods through risk management and adaptation.

**28. Do consultees agree that the proposals as outlined will improve flood risk management and ensure Scotland is equipped to implement sustainable flood management?**

> Overall, the Red Cross believes that the proposals will lead to improved sustainable flood management, however, we believe that there is not enough emphasis in the planning process for the resilience of communities to adapt and withstand emergencies caused by flooding.

**29. Do consultees feel that this is enough to ensure that flood risk is addressed or should local authorities have a new duty to promote measures to alleviate flooding?**

> The theme of our response relates very much to ensuring that building community resilience is included in the plans. We believe that local authorities do have a duty to promote measures to alleviate flooding, but also to alleviate the *risks to people* associated with flooding.

> We consider that whilst there are obvious benefits in improving the means of predicting and managing future flooding incidents, the key issues are:

- What happens to the information
- Who is told, and how, and by whom
- What advice is given, and how, and to what audiences
- Where statutory (and HM Government) responsibilities lie

> Preventing and/or mitigating the scale and impact of flooding incidents will depend on a number of inter-dependent factors, such as the location, structure and use of buildings, the efficacy of flood defence systems and the capability of individuals and organisations to take action. We believe there is substantial and significant opportunity to improve community resilience by engaging individuals at the very local level to 'help them help themselves'. Education, training and information provision will underpin a successful strategy to get individuals engaged at the local level.

> The scale of recent flooding incidents in Scotland (Elgin Floods of 2002, Dingwall floods of 2006) and indeed the UK was such that the emergency services could not possibly have provided timely assistance and support to all individuals in difficulty. This will inevitably be a feature of any large-scale future flooding incident. We believe that better use of appropriately trained and managed volunteers will significantly enhance an emergency response, and we would be pleased to be part of both the debate and solution.

- > In conclusion, in order to deliver Sustainable Flood Management as outlined in paragraph 3.87 (*The aim of the flood risk Management Plans will be to manage the consequences of flooding on people, economic activity and the environment where these are significant*), the Red Cross believes that there is a humanitarian aspect to resilience that should be included in management plans and we would welcome the opportunity to address the Committee to discuss this further.

## Met Office

### Consultation on *The Future of Flood Risk Management in Scotland*

#### Introduction

1. The Met Office is a Trading Fund owned by the MoD. It is a world leading organisation, both in the field of weather forecasting and climate prediction<sup>1</sup> which supports the UK's high profile policy role on Climate Change issues. Scientists from the Met Office's Hadley Centre made a significant contribution to the Intergovernmental Panel on Climate Change (IPCC) 4<sup>th</sup> assessment report and to the internationally recognised UK Stern Review on the economics of climate change.
2. Responsible for providing forecasts on all timescales (from an hour ahead to 100+ yrs), the Met Office is uniquely positioned to support the Scottish Government's response to changing incidence of severe weather events due to climate change. It is responsible - through its Public Weather Service - for providing the National Severe Weather Warning Service (NSWWS) for the whole of the UK.
3. Unlike many other nations in Europe where weather and flood forecasting and warning are integrated into a single meteorological and hydrological agency, the Met Office has no direct responsibility for river or coastal flood forecasting. In Scotland, river (fluvial) flood forecasting is provided by the Scottish Environment Protection Agency (SEPA), with whom the Met Office works closely, providing daily rainfall and general weather forecast inputs, together with rainfall radar data for the Flooding Early Warning System (FEWS).
4. The Met Office also provides storm tide and surge warnings for the coastal flood watch service introduced by SEPA in 2007. Currently no agency provides warnings of localised flash flooding (also known as pluvial or surface water flooding), although the Met Office will give an indication of such risks alongside its weather forecasts and on the Met Office web site.
5. The concordat between the Scottish Ministers and the Secretary of State for Defence contains provisions to ensure that arrangements can be made for services and assistance to be provided by MOD, its agencies and trading funds.
6. The Met Office is identified as the preferred supplier of meteorological information and services under the Civil Contingencies Act.

#### Understanding the impact of climate change on risk

7. Risks are increasing: climate change will have an impact on the frequency and intensity of environmental hazards. There is more work to be done to fully understand the impacts of climate change on a regional, decadal basis, but we do know that making effective planning and policy decisions based on sound science is a vital element of flood risk management.

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<sup>1</sup> A recent independent review of the Met Office Hadley Centre, commissioned by Defra and MoD, concluded that the Hadley Centre was at the pinnacle of world climate science. The review is available at: <http://www.defra.gov.uk/environment/climatechange/research>



## **Met Office**

8. Although there is now a clear global consensus on the reality of anthropogenic climate change there remains a degree of uncertainty about local impacts particularly in relation to extreme weather events such as heavy rainfall and flooding.
9. There is significant uncertainty over the impact of climate change on flooding events and the probability of them occurring over any given period. As climate research develops, and higher resolution models can be run, there will be increased certainty about regional scale impacts and its effect on flooding. This is important because, under a changing climate, the use of return periods<sup>2</sup> (based on previous climatology) in decision making on national infrastructure and policy may not be the most appropriate mechanism; decisions should draw heavily on the best available climate predictions for Scotland.
10. Legislation should therefore remain as flexible as possible to accommodate increased understanding. Correct interpretation of climate science is vital to any future mitigation and adaptation strategies; the Met Office is well placed to support the Scottish Government's understanding of this work and how it can best be applied in directing future policy and planning.

### **Improving capabilities will support planning and risk management**

11. The Met Office is committed to supporting the Scottish Executive's "4 As" of flood management - Awareness, Avoidance, Alleviation & Assistance at all levels from the day to day operations of SEER to the long term planning of flood risk management.
12. Capabilities are changing: improvements and advances in science and technology will deliver more accurate and innovative services, which can be better communicated to customers.
13. Met Office Hadley Centre climate scientists have been the first in the world to develop ten year climate forecasts, offering predictions of direct relevance to organisations for which climate change adaptation is a key concern. Decadal forecasts have already been shown to improve the prediction of changes in global climate and temperature. Their ability to accurately predict changes in rainfall – and with it the risk of floods, drought and forest fires for particular regions - is currently being assessed. Ten year forecasts could prove strategically important for local authorities, emergency services and operators of key infrastructure as they plan for more extreme weather in regions right across the UK.
14. Not only will the resolution and lead-time of forecasts improve over the coming years, but there will be an ongoing trend to integrate more and more information with our operational models. In this way, there will be less separation between weather models, hydrological models and air quality models, which will deliver more consistent outputs, greater levels of detail and greater lead times.

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<sup>2</sup> A return period denotes a recurrence interval. It is a statistical measure of how often an event of a certain size is likely to happen. For many of the recent rainfall events return periods were greater than 200 years.

## **Met Office**

15. The Met Office believes that the developments outlined above can play a role in improving the way environmental hazard risks are managed in Scotland and it is important to understand what will be possible in the future.
16. Given that capability will continue to grow, and our understanding of uncertainties in climate change prediction will develop and change, it follows that policy and strategy formed now should have the flexibility to accommodate the changing risk scenarios of the future.
17. The Met Office is uniquely placed to contribute to the development of the Scottish Government's science-based policies in response to changing incidence of severe weather events due to climate change.
18. There is clearly a need for better information about the severity of present day weather-related events, the extent to which such events are linked to anthropogenic climate change and how these events might change in frequency, distribution and intensity in the future.
19. In order to deliver this information, there are 3 main strands of work that are relevant to the management of flood risk and which the Met Office are actively pursuing:
  - Developing observational datasets: work needs to be done to integrate historic rainfall records to form a consistent series from 1766.
  - Determining the cause of extreme rainfall: it is important to be able to understand the role that anthropogenic climate change plays in severe weather-related events.
  - Increasing confidence in future predictions: there is still significant uncertainty around understanding the regional impacts of climate change on decadal timescales. In order to reduce uncertainty, higher spatial and temporal resolution models are required, which have a strong and direct requirement for supercomputing power.

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**From:** Steve Dickie [REDACTED]  
**Sent:** 23 April 2008 16:49  
**To:** Flooding, Erosion and Reservoir Safety  
**Subject:** The Future of Flood Risk Management in Scotland Consultation - FAO Frances Conlan  
**Attachments:** The Future of Flood Risk Management in Scotland Consultation.doc

.....  
This email has been received from an external party and  
has been swept for the presence of computer viruses.  
.....

Frances,

Please find attached MWH's response on the Future of Flood Risk Management in Scotland.

As we were unable to submit our consultation document via the link on your website I have appended the Respondent Information Form from Annex A to the end of our consultation.

Regards,

Steve

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless in partnership with MessageLabs. (CCTM Certificate Number 2007/11/0032.) In case of problems, please call your organisation's IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

# The Future of Flood Risk Management in Scotland

## **SUMMARY OF QUESTIONS**

**Q1. Do you believe the definition of SFM is helpful and of practical benefit to flood risk management?**

Definition is helpful as it aims to address all sources of flooding. Key word of 'resilience', important as it is not just about flood 'defence'. This helps to provide a starting point for strategic flood management and to define what is expected from flood management. However given the current framework in which flood risk is managed in Scotland, without changes to this the SFM definition will not be practical.

**Q2. Do you think the definition is clear and simple to understand?**

The definition is overly complicated, especially as two of the terms must be defined in the document. It should be understood by professionals although, non technical stakeholders, such as landowners and the public may not have a clear understanding of what SFM is trying to achieve.

**Q3. Do you agree with the conclusion as set out in paragraph 3.17?**

Yes a single competent authority should be tasked with implementing the Floods Directive to ensure consistency of approach nationally and to have an understanding of cross boundary/catchment-wide issues. However, it is not clear whether SEPA or a new national body are the preferred choice. SEPA would seem to be the most appropriate body to carry out this role due to their current national remit regarding the water environment. The definition of roles and interaction between the 'competent' authority and the 'responsible' authority needs to be carefully thought through.

**Q4. Do you agree that there should be a single competent authority with a national remit for implementing the Floods Directive, and that it should be SEPA?**

Yes, but to highlight the points made above how the competent authority interacts and collaborates with the responsible authorities requires clear definition, needs to be two way communication, having worked at a national level in FRM this is vitally important, top down communication works well but it is the communication from the responsible authority back to the competent authority that needs consideration. Also decisions made by the competent authority must be clear and transparent to ensure open and honest communications. Given the current framework for flood risk in Scotland and the amount of resource it would take to set up a new single competent authority, practically and economically SEPA are the only organisation placed to undertake this role.

**Q5. Do you agree that this is a sound basis for the development of Local Flood Risk Management Plans? If not what alternative do you propose?**

Need to include area of risk different to area of solution. Perhaps consideration should be given to utilising the system approach within catchments. This works on the basis that within a catchment you define systems and their associated assets and then categorise them according to low, medium and high consequence systems. This enables areas of high risk to be prioritised within a catchment boundary, similar to working on a sub-catchment basis. This system approach works well when there are areas within a catchment that are either high risk or the mechanism of flooding involves more than one source. This also ensures that a risk based approach is maintained. Has consideration been given to the production of Local Flood Risk management plans in the Tweed & Solway catchments where there are cross border issues with England? There is a draft Catchment Flood Management Plan for the R.Tweed (from the confluence with the R.Till to the Estuary), though this part of the river is in England anything that occurs upstream will be affected by a Local FRM Plan.

**Q6. Should Ministers or SEPA have the power to designate a lead authority within a local area, or should it be left to the partners?**

It should be left to the partners. The authority with the most vulnerability to, or risk from, flooding and/or the authority with the potential to mitigate against flooding, designated as the lead. However, Ministers/SEPA should have the ability to designate a lead authority in the event of a dispute.

**Q7. Do you agree that Local Authorities, Scottish Water, the Forestry Commission, and SNH should be identified as responsible authorities?**

Yes, it is essential for a balance view on the potential impacts, and the likely solutions to, flooding are involved in the process from the outset

**Q8. Which other bodies should be identified as responsible authorities?**

Ports Authorities and National Trust Scotland.

**Q9. Do you agree that responsible authorities should have a duty to work together within Flood Advisory Groups to produce plans?**

It is essential that the process is not overly cumbersome and the areas are clearly defined. Would this be on a catchment wide level or sub catchment scale? If at a sub catchment scale then this would need to be clearly defined to ensure that flood mitigation measures would not adversely affect other areas within the wider catchment. Also some mitigation measures may be situated in areas in the wider catchment, not included in the Flood Advisory Group sub area.

**Q10. Do you agree the proposals are sufficient to support wider stakeholder and community engagement in the flood risk management planning process?**

Although community engagement is vital there must be a process to ensure that the individual needs are recognised, but not detrimental to the overall scheme.

**Q11. Do you agree that the Bill should set out a process similar to that for River Basin Management Planning for the preparation by SEPA of area flood risk management plans?**

Yes

**Q12. Do you agree that Ministers have the power to approve, reject or modify Area**

### **Flood Risk Management Plans?**

Yes, providing that there is a sound non-political basis for doing so.

#### **Q13. Do you think that integrated urban drainage plans should be included as part of a Local Flood Risk Management Plan?**

Yes, the whole theory behind SFM is to take into account all forms of flooding. Urban drainage plans are integral to this sustainable approach.

#### **Q14. Should Flood Risk Management Plans inform the way that development plans are prepared, or should there be a stronger linkage such as a requirement on planning authorities to show that they have regard to the FRMPs?**

There should be a duty on planning authorities to demonstrate that they have regard to FRMPs when preparing development plans. There should also be a link between development plans, water usage and water quality issues within a catchment to ensure that all aspects of the water cycle are accounted for.

#### **Q15. Do you think that the granting of deemed planning permission at the end of the statutory process for flood risk management will deliver a more streamlined approach to the delivery of flood risk management?**

Yes, but there should be call-in powers should there be a dispute.

#### **Q16. Should Ministerial confirmation be made necessary even where features of a scheme do not require planning permission?**

No. Are there likely to be schemes not requiring planning.

#### **Q17. Is the present procedure for Ministerial confirmation satisfactory for this new purpose or are there revisions e.g. to timescales which should be considered?**

Yes

#### **Q18. Do you think that the option to rely on a local authority based process in a similar way as other local authority development activity should be taken forward?**

Yes as this is in keeping with the planning process generally.

#### **Q19. What would be the appropriate timescales for notification and response?**

As current planning process

#### **Q20. Would it be appropriate for such a process to carry deemed planning consent?**

Yes, but there should be the ability to call-in where there is a dispute