

PE1459/A

PUBLIC PETITIONS COMMITTEE

Requested written response from Scottish Environment Protection Agency to Petition PE1459

What are your views on the petition and the discussions that took place at the committee meeting?

1 Comments on the petition

Coastal Flooding and Coastal Erosion

- 1.1 SEPA recognises that coastal flooding and erosion are significant issues for many communities around the Scottish coastline. While erosion and flooding are separate processes, they are interrelated and can not be managed in isolation. Coastal erosion is often most pronounced during storms that can also cause flooding. Erosion can also affect the natural features and manmade structures that protect areas of land from coastal flooding. In turn, structures that are built for either coastal erosion or flood protection purposes can have an impact on the erosion of adjacent areas.

Role of SEPA and Local Authorities

- 1.2 Under the Flood Risk Management (Scotland) Act 2009 SEPA and local authorities have a duty to exercise flood risk functions with a view to reducing overall flood risk in a sustainable way, and to coordinate respective functions to adopt an integrated approach.
- 1.3 SEPA has a duty to prepare a series of national flood risk maps and assessments that underpin the development of Flood Risk Management Strategies. The Flood Risk Management Strategies will identify a series of short- and longer-term objectives and measures for tackling significant flood risks identified across Scotland. The assessments, maps and strategies cover all sources of flood risk, including coastal flooding. SEPA is working collaboratively with local authorities and other stakeholders to develop these strategies through 14 Local Flood Risk Management Partnerships set up across Scotland.
- 1.4 A lead local authority for each of the 14 Local Flood Risk Management Partnerships will then translate the FRM Strategy into an agreed action plan, setting out arrangements for the delivery and funding of measures during each 6-year planning cycle. The first set of Strategies and Local plans are due to be published in December 2015 and June 2016 respectively. Kingston falls within the Findhorn, Nairn and Speyside Local Plan District, being led by Moray Council.

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- 1.5 The Flood Risk Management Strategies and Local Flood Risk Management Plans are not required to assess and mitigate coastal erosion risk. However, as discussed above, it is not practical to assess coastal flood risk in isolation from coastal erosion. As such, SEPA has commissioned a study through the Centre of Expertise for Waters to identify areas of the coastline that are susceptible to erosion. The outputs from this study will be incorporated into the strategic appraisal of flood risk management measures for areas that have been identified as having a significant risk of coastal flooding.
- 1.6 Under the FRM Act, Local Authorities have powers to undertake flood protection works. This includes works to protect areas from coastal flooding. Similar powers exist for local authorities to carry out works to protect areas from coastal erosion under the Coast Protection Act 1949.
- 1.7 SEPA would normally be consulted on any coastal protection works by the local authority or Marine Scotland. SEPA have no regulatory powers to stop or prevent coastal protection works, which are regulated and controlled under the Coast Protection Act 1949 and Marine (Scotland) Act 2010. We would be consulted with respect to flood risk management advice, and advice on any impacts to the overall quality of the water environment, for which we have a planning and reporting role under the Water Environment and Water Services (Scotland) Act 2003. When providing such advice, we would give due consideration to the economic, social and environmental impacts of that advice.

2 Comments on the discussion that took place at the committee meeting

- 2.1 SEPA can confirm we attended a meeting in October 2010 chaired by Angus Robertson (MP) to discuss the flooding and erosion issues in Garmouth and Kingston. The meeting was attended by approximately 70 members of the public, in addition to local councillors, council officials, SNH and Richard Lochhead (MSP).
- 2.2 SEPA understands the frustrations felt by many local people about the perceived lack of action and concrete solutions to deal with flooding and erosion problems. These are highly complex issues that cut across many areas of responsibility, policy and legalisation, including; coastal protection, flood risk management, land use planning, nature conservation and protection of the water environment. SEPA will continue to work with partners in the area to develop sustainable approaches to these difficult issues.
- 2.3 In the committee discussion, it was suggested that SEPA has a position that no work should be done to prevent river or coastal erosion, that Mother Nature should be allowed to take her course, and that any man-made structures in the way should be allowed to

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go. This does not represent SEPA's policy or position with respect to river or coastal erosion. In our various roles as regulator of river engineering works, consultee on coastal protection works, or in flood risk management planning, SEPA takes the view that engineering works are clearly required in many cases to protect property, land and infrastructure from erosion. However, where engineering is used, we have a duty to ensure the most sustainable approach is taken, and that impacts are mitigated as far as is reasonable and practical to do so.

- 2.4 In the area in question, SEPA has authorised Moray Council to undertake sediment removal and bank protection work on the River Spey. To date, we have not refused any applications for bank protection works in this area.
- 2.5 With respect to coastal erosion and flooding, SEPA are in the final stages of producing new coastal flood hazard maps for all of Scotland. These are due for publication in December 2013. We are also beginning the process of preparing a Flood risk Management Strategy and Local Flood Risk Management Plan with Moray Council, which will take into account coastal erosion processes.