



Scottish Government Consultation – The Future of Flood Management in Scotland

Response on Flooding only

Homes for Scotland is the representative body for the private home building industry in Scotland. Homes for Scotland represents the interests of over one hundred and thirty member organisations who provide 95% of all new homes built for sale in Scotland and we have a rapidly expanding membership of professional and other service businesses engaged in our industry. We seek to champion the interests of one of the country's most important yet undervalued industries – an industry which is the largest source of private investment in the Scottish economy, contributing around £5 billion and employing 100,000 people. Homes for Scotland is pleased to have the opportunity to comment on the proposals for the Flooding Bill set out in the consultation paper.

As the consultation considers wider interests with regard to flood management, issues which will benefit greatly from local authority and specialist input, we do not intend to respond to the questions raised on the review of procedures for the implementation of local authority flood prevention schemes nor on reservoir safety. We would wish to make some general observations from the Scottish house building industry, particularly with regard to SEPA and the role of land-use management and the planning system.

As stated in the Homes for Scotland written evidence to the parliamentary Inquiry into Flooding in December 2007 the Scottish Government has committed to the increase in supply of housing in Scotland. Achievement of the production of at least 35,000 homes per annum by 2015 will require not only increased efficiency but new ways of thinking with regard to land supply and blockages to development.

A substantial national exercise will be necessary to assess areas free from flood risk. We support current planning policy which excludes development of Greenfield sites on the functional flood plain. However, unprotected brownfield land will have to be utilised for future housing development and suitable methods of safeguarding it from flood risk will have to be demonstrated and provided without detriment to existing communities. To do otherwise would write off substantial parts of our existing communities which have been constructed on functional flood plains.

Contd - Consultation Questions

Consultation Questions

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

Yes.

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.

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, there should be a single competent authority. In the absence of a new single flooding authority SEPA is the obvious choice. However, there is a caveat. Flood risk assessment is a key issue for new development. The private house building industry and its environmental consultants have already experienced more than a degree of frustration over SEPA's poor service in flood risk assessment and the planning process. This issue was referred to in the written evidence from Homes for Scotland presented in December 2007 to the Rural Affairs and Environment Committee Inquiry into Flooding. Should SEPA be granted wider powers in future, it will have to be adequately resourced in undergoing a culture change to embrace all three pillars of sustainable development, the social, **economic** and environmental factors.

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?

Yes, agree.

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?

Ministers should have the power.

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?

No comment.

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

Yes.

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

More detail needs to be developed to give clarity.

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.

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

Yes.

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 a regard to the FRMPs?

FRMPs should inform the way development plans are prepared. On the basis that a FRMP will not have the same status as a Statutory document or Government policy, a stronger requirement to conform with/have regard to it would be inappropriate. It will clearly be good practice for plans to consider what assistance a FRMP can offer in allocating land for development, but there are still judgments to be formed about the balance of risks/benefits in allocating land for particular uses, the interpretation of SPP7 in making those judgments, and the scope for development proposals to deal with/mitigate risks on particular sites.

Q15 – Q29.

We have no comment to make on the review of procedures for the implementation of local authority flood prevention schemes.

Q30 – Q34.

We have no comment to make on proposals to introduce a transfer of responsibility for enforcement of the Reservoirs Act 1975 in Scotland from local authorities to a single enforcement authority.

Edinburgh, 22 April 2008

SG Consultation – The Future of Flood Management in Scotland

Response on Flooding only

ADDENDUM to Main Response – response to Q29

Consultation Questions

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?

Local authorities must be bound by legislation to carry out necessary works as identified in the biennial report required under the 1961 and 1997 Acts within a stipulated timescale, certainly prior to zoning for development, and the financing of this obligation should be addressed through the legislation.

Edinburgh, 22 April 2008