The new EU Flood Risks Directive

What does it mean for Scotland?

**Summary**

The European Union Directive on the Management of Flood Risks (the ‘Flood Risks Directive’) was agreed in April 2007. It is expected to come into effect later in 2007, and Member States will be given two years to transpose its requirements into national law. The Directive will require Member States to undertake i) a preliminary flood risk assessment, ii) develop flood hazard and flood risk maps and iii) produce flood risk management plans for zones at risk of flooding. The new Directive places more emphasis on non-structural measures (soft-engineering techniques) such as using natural flood plains and wetlands to store water during floods, and makes flood management a key part of river basin management process under the Water Framework Directive. The **Flood Risks Directive provides an opportunity to fully implement sustainable flood management in Scotland. This is an opportunity to introduce a primary piece of legislation, which could change the way we deal with flooding in Scotland and make our approach more sustainable.**

**Introduction**

In 2006, the European Commission (EC) proposed a Directive on the Assessment and Management of Floods, with the aim of reducing and managing the risks of floods to human health, the environment, infrastructure and property. The wording of the Directive was agreed in April 2007, which in essence means that the Directive has been agreed. The Council expects formal adoption later in 2007, and Member States (MS) will be given two years from the date of adoption to transpose the Directive into national law. The new Directive on the Assessment and Management of Flood Risks (the ‘Flood Risks Directive’) will require MS to identify the river basins and associated coastal areas which are subject to flood risk.

The Directive also considers the issues of climate change adaptation and places more emphasis on the role of floodplains and sustainable land use practices. This Directive makes flood management a key part of River Basin Management Planning (RBMP) under the Water Framework Directive (WFD). It places more emphasis on non-structural measures like using natural flood plains as retention areas for water during floods. Furthermore, the Directive builds on and is closely co-ordinated and synchronised with the WFD.

The Directive will require Member States to take a long-term planning approach to reducing flood risks in three stages:

1. Member States will by 2011 undertake a **preliminary flood risk assessment** of their river basins and associated coastal zones.
2. Where real risks of flood damage exist, they must by 2013 develop **flood hazard maps** and **flood risk maps**.
3. Finally, by 2015, **flood risk management plans** must be drawn up for these zones. These plans are to include measures to reduce the probability of flooding and its potential consequences.
It will require addressing all phases of the flood risk management cycle, but focus particularly on:

- **Prevention** of damage caused by floods by avoiding construction of houses and industries in present and future flood-prone areas or by adapting future developments to the risk of flooding.
- **Protection** by taking measures to reduce the likelihood of floods and/or the impact of floods in a specific location such as restoring flood plains, wetlands, and gullies, and
- **Preparedness** such as providing instructions to the public on what to do in the event of flooding.

What does it mean for Scotland?
The Water Environment and Water Services (Scotland) Act 2003 introduced a duty on Scottish Executive, SEPA and responsible authorities to ‘promote sustainable flood management’. However, four years on, nothing different has actually happened on the ground as a result of this duty. Flood management in Scotland is still largely piece-meal and very reactive – based on flood warning systems and hard engineering. Traditional approaches to defending against flooding have seen millions of pounds spent on reactive schemes – resulting in the construction of floodwalls, embankments and large concrete culverts to protect vulnerable homes. However, this approach only moves water downstream faster, thus creating flood problems elsewhere. Engineers commonly try to get rid of water fast, draining it off the land and into the sea in artificially engineered rivers – but no matter how much deeper and straighter rivers get, floods just keep on coming back, and are getting worse. Furthermore, climate change is predicted to result in more frequent and more intense flooding events. It has now been widely recognised that flooding policies in Scotland need to change to allow for a more sustainable approach.

**Sustainable flood management** embodies a shift from our predominantly piecemeal and reactive approach towards a strategic catchment based approach, which uses natural processes and natural systems to store and slow down the flow of water during heavy rain. Such an approach offers a long-term, cost-effective and sustainable solution to flooding in the face of climate change and changing weather patterns. There will, of course, still be a place for hard engineering – sometimes there may be no alternatives, but the need for expensive, structural defences will be greatly reduced.

**Transposing the new Flood Risks Directive**
Full implementation of sustainable flood management in Scotland will require a substantial amount of work and preparation. It will require revising existing flooding legislation, looking at the current responsibilities, strengthening planning policies, and ensuring full integration with the RBMP process and better links with existing plans and policies, such as the Scottish Rural Development Programme. The Flood Risks Directive provides the opportunity to fully implement sustainable flood management in Scotland. Such an approach can deliver cost-effective and sustainable solutions, protecting vulnerable homes and businesses from flooding, whilst also benefiting environment and biodiversity. We see this as an opportunity to introduce a primary piece of legislation, which could change the way we deal with flooding in Scotland, and make our approach more sustainable.

For further information please contact:

**Andrea Johnstonova**, Freshwater Policy Officer or **Julia Harrison**, Parliamentary Officer
RSPB Scotland, 25 Ravelston Terrace, Edinburgh EH4 3TP Tel: 0131 311 6500 Fax: 0131 311 6569
Email: andrea.johnstonova@rspb.org.uk or julia.harrison@rspb.org.uk

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