

Flooding issues at Airth: Frequently Asked Questions

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Agencies and Authorities Roles and Responsibilities

1. Where can I get advice on flooding?

The Scottish Flood Forum (www.scottishfloodforum.org, tel: 07825 010 436) provides support and advice for people affected by, or at risk of, flooding. They aim to establish a network of community flood resilient groups to share information, experience and best practice.

2. Do repairs to embankments require planning permission?

Flood defences and related excavations or engineering works may require planning permission. Anyone proposing to carry out any such works should contact the planning authority (Falkirk Council; tel: 01324 504978) and seek guidance before proceeding.

Some engineering operations may also require a CAR authorisation from SEPA if they affect watercourses or a waste management licence exemption if importing materials from off-site to create sea defences (see section 6 below).

3. Does salt marsh have any use in flood prevention?

Salt marsh is much more resistant to erosion than bare mud or sandy beaches. It therefore protects inland areas, such as sea walls, from erosion. If the salt marsh is destroyed the sea walls become more vulnerable to being undermined by erosion and therefore are more likely to be breached in future storm and flood events.

4. What is the status of the existing “sea defences” around Airth?

The earth bunds which run beside the river Forth adjacent to South Alloa, Powfoulis and Airth are not officially designated flood defences (see below). The shoreline of the River Forth from Airth to South Alloa lies in private ownership, and as such, **the legal responsibility for the maintenance of the earth bunds lies with the landowners**. These bunds have been constructed on an ad hoc basis over a long time period. They have been created by farmers to protect their agricultural land but have not been specially designed to withstand storm events. Therefore their effectiveness as flood defences is limited.

There is a legal obligation on property owners to protect themselves and their property from flooding by taking actions to minimise flood risk and to make their land and property more resilient to flood damage.

The recent flooding affected mainly agricultural land, and other than Scottish Water's Waste Water Treatment Works at Airth, no other properties were affected.

5. What are Falkirk Council's flooding duties and responsibilities?

Under the Flood Risk Management (Scotland) Act 2009, Falkirk Council has the following duties and responsibilities:

- Maintenance of designated flood defences. Falkirk Council only has two such schemes – Bo'ness Flood Alleviation scheme and the Grange Burn Flood Relief Channel in Grangemouth.
- General powers to reduce flood risk through planning and implementation of flood defence schemes (**but the Council is NOT responsible for constructing flood defences on private land**).
- Maintenance of rivers and burns in the Council's ownership.
- Pursuing the maintenance of rivers and burns in non-Council ownership where there is an imminent serious flood risk.
- As the Roads Authority, the maintenance of the local road drainage infrastructure.
- Working with the emergency services in response to severe flooding.
- Co-ordinating shelter for people who have been evacuated due to severe flooding.

6. What are SEPA's responsibilities?

The Scottish Environment Protection Agency (SEPA) has a strategic role in flood risk management and is currently producing Scotland's Flood Risk Strategy (due 2015). Local Flood Risk Management Plans will follow on from the Strategy (due 2016). SEPA co-ordinates flood risk management with Local Councils, Scottish Water, other agencies, land owners and the general public.

SEPA also provide flood forecast and warning services – **Airth residents can register with SEPA to receive their Grangemouth Flood Warnings** (these are the nearest relevant warnings to Airth).

- Further information on SEPA's roles and responsibilities can be found via the following webpages:
http://www.sepa.org.uk/flooding/flooding_publications.aspx
- Flood risk and hazard maps: http://www.sepa.org.uk/flooding/flood_maps.aspx
- Flood forecasting and warning service: <http://floodline.sepa.org.uk/floodupdates/>
- Advice on planning applications:
http://www.sepa.org.uk/planning/flood_risk.aspx
- Controlled Activity Regulations (CAR) authorisations:
http://www.sepa.org.uk/water/water_regulation/regimes/engineering.aspx
- Waste Management exemptions:

http://www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities

7. What are Scottish Water's responsibilities?

Sewerage networks have a limited capacity, so in heavy rainfall the capacity of the sewer system is sometimes exceeded – resulting in flooding. Scottish Water are responsible for assessing the risk of flooding from surface water and combined (surface water and foul) sewers that results from high rainfall events. Scottish Water work with local councils and SEPA to reduce these risks by improving drainage and sewerage infrastructure. Please see www.scottishwater.co.uk for further information.

8. What are Scottish Natural Heritage's responsibilities?

Scottish Natural Heritage (SNH) does not have any specific responsibilities with respect to flooding but contributes to the national and local Flood Risk Management Advisory Groups. SNH provides advice on the impact of Flood Protection Schemes on designated sites and species of national and international importance.

Much of the coastline and intertidal habitats around the Firth of Forth, including at Airth, are designated as part of the Firth of Forth Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). These designations aim to protect important natural features such as saltmarsh, coastal grasslands and sand dunes and also the bird populations for which the Firth of Forth is internationally important.

Land owners and occupiers whose land is part of the SSSI must get consent from SNH if they wish to carry out operations which could potentially damage the site, e.g. excavations or construction. All land owners and occupiers in the SSSI have been provided with a list of these Operations Requiring Consent. It is an offence for any person to intentionally or recklessly damage a SSSI.

For further information on SSSIs and SPAs please see:

- Sitelink: <http://gateway.snh.gov.uk/sitelink/index.jsp>
- <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/sssiss/>
- <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/natura-site-protection/>

9. What are Marine Scotland's responsibilities?

A 'marine licence' from Marine Scotland is required for most activities involving the deposit or removal of materials below Mean High Water Springs (roughly the high tide line). This includes excavations, dredging and construction.

- Marine Scotland's licencing team (MS-LOT) can be contacted on 01224 295579 or at: ms.marinelicensing@scotland.gsi.gov.uk
- Applications can be made using forms found at: <http://www.scotland.gov.uk/Topics/marine/Licensing/marine>

AIRTH PARISH COMMUNITY COUNCIL

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Mr Angus Macdonald M.S.P.

11^h February 2014

The Scottish Parliament,

Holyrood,

Edinburgh.

Dear Sir,

I write to you as Secretary of Airth Parish Community Council seeking your assistance in dealing with an extremely important issue which is affecting our Parish.

As you know, Airth Parish is a rural area in the north of Falkirk District and comprises four main villages, Airth, Letham, Dunmore and South Alloa with around 50 other properties comprising small groups of houses and individual homes scattered throughout the area.

Several of these are in the Powfoulis area in the south of the Parish.

A great deal of the remaining land in the Parish comprises good quality agricultural land used in the production of food. Much of this land has been reclaimed from the River Forth and is protected by earthwork embankments most of which are around two hundred years old. These embankments have served us well over the past two centuries, but due to age, erosion, rising water levels due to climate change and increasingly more frequent stormy weather, these embankments are, in our opinion, in need of substantial maintenance and improvements.

Indeed, in early December last year, serious breaches of the sea wall east of Airth occurred, resulting in severe flooding of fields and the public park at The Wilderness in Airth, as well as severe damage to the Waste Water Treatment Works at Airth and the power supply to it. There was also a danger that the floodwater would encroach on some of the houses in the low lying part of Airth.

When alerted to the problem, the owner of the flooded fields, Mr Leslie Dick of Linkfield Farm, Letham, took immediate steps to close the breaches before the return of the next tide to prevent further erosion of the banks and more severe flooding of the area. Over the next 18 days, he and his men worked tirelessly to execute a more permanent repair to the banks using what material he could obtain in such a short space of time. Because Mr Dick is a drainage contractor as well as a farmer, he was one of the few people in the Parish with the manpower, machinery, plant and expertise in dealing with such situations and we were extremely lucky that he was able to do what was required as a matter of urgency. Although he was using his own facilities, the cost of the exercise to him was around £50,000.

The fields he owns in this area comprise around 50 acres, and if continual repairs of this magnitude were required, it is conceivable that he may be unable to carry these out and could abandon the land as uneconomic to farm. This could leave parts of Airth and the Waste Water Treatment Works at risk of severe flooding.

In executing the emergency repairs, Mr Dick had damaged the salt marsh and following a complaint to S.N.H., the Police became involved, as this area of foreshore is classed as a S.S.S.I. and is therefore a protected habitat. The result of an inspection of the area by S.N.H. was that Mr Dick was told that he would be charged with a criminal offence for damaging a protected environment.

However, common sense has since prevailed and it has been acknowledged by S.N.H. that in an emergency situation like this one, such actions as were taken are permissible to protect property, and I understand from Mr Neville Makan of S.N.H. that no criminal charges will be brought against Mr Dick.

The Community Council are relieved to hear this as, although we appreciate the need to preserve and protect sensitive environments and wildlife, sometimes the needs of our residents are of greater importance.

As a result of this recent incident, the subject of flooding and sea defences was discussed at length at our Community Council meeting in January and we are currently investigating the whole issue of flood defences for Airth Parish.

On looking at the S.E.P.A. maps which show the areas of our parish which are dependent on the embankments of the Forth to prevent flooding, it is clear that as well as many areas of valuable farmland used in the production of food, there are areas of South Alloa, Dunmore, the low part of Airth, the W.W.T.W. at Airth and many properties in the Powfoulis area in the south of the Parish which are at risk.

Most of the embankments are of a similar age and condition and it is our fear that the breaches which occurred at Airth in December could be repeated at other sections of the embankments in the near future.

We understand that currently, there is a legal obligation on adjacent landowners to maintain these embankments to protect their land, however, it is our opinion that the whole concept of flood defences should be the joint responsibility of all parties with an interest in the subject and we believe that this should include The Scottish Government, the local authority, S.E.P.A., S.N.H., Scottish Water, Marine Scotland, The Crown Estate as well as the affected landowners and communities who depend on sea defences.

With this in mind we are seeking your help to progress this initiative, and to achieve our ultimate aim which is to ensure proper long term protection from flooding for everyone in our Parish and other communities in similar situations throughout Scotland.

Following a recent discussion with Neville Makan of S.N.H., we are told that he is currently arranging a meeting with some of the parties we have referred to above and we have indicated our willingness to take part in any discussions. He has promised to keep us informed of developments.

As you will realise, this subject has attracted a great deal of interest within our communities and it is our intention hold a public meeting locally, with all relevant parties to make our residents aware of the current situation and reassure them that the government and other

agencies are listening to our concerns and investigating ways to improve the flood defences for our Parish.

We will appreciate any help and advice you can give us on this matter, particularly with points of contact with the various organisations we hope to involve and have discussions with.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'R. B. Smith', with a stylized flourish at the end.

Robert B. Smith

Secretary Airth Parish Community Council.