

27 May 2025



**Scottish Property Federation**

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**Responding to Climate change duties - draft statutory guidance for public bodies: consultation**

Dear Sir/Madam,

Thank you for providing us the opportunity to respond to the climate change duties - draft statutory guidance for public bodies consultation and allowing an extension for us to submit our response. This is a pressing concern for the industry, and we have frequently relayed our member's concerns on the approach by statutory consultees on flood related issues. In the response below we have expanded on these concerns.

Overall, we welcome the draft guidance as we feel it is necessary for public bodies to have clear direction from national government in how they can best mitigate climate change risks. However, we are concerned that statutory consultees are already adopting - often diverging strategies - that risk being inconsistent with the final guidance issued by the Scottish Government and is already impacting on bringing forward development.

**Current Context**

Currently, many public bodies rely on the UK Climate Projections 2009 (UKCP09) which account for multiple risks, including worst-case scenarios associated with a 2°C or 4°C temperature increase. The draft guidance also requests public bodies to consider these scenarios while simultaneously referencing the 1.5°C target aligned with the Paris Agreement as the central goal for mitigation. A more modern and updated UKCP18 does allow for a range of climate outcomes based on various RCPs, with the middle ground being RCP4.5 or RCP6 which leads to temperature increases between 2°C and 4°C.

While we understand the importance of considering various risks associated with different global temperature increases, our concern is this guidance is being issued while the response by government to the ClimateXChange (CxC) research is still in the process of being developed. Once agreed, this should deliver a robust climate decision-making tool intended to support the Scottish Government. By providing statutory guidance before this tool is

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established however risks creating a situation where different public bodies adopt varying approaches to future climate change planning, and in the context of our industry, feel this could undermine the growth and resilience in our local communities.

Our members have raised concerns about SEPA's reliance on worst-case future scenarios for flood risk assessment, resulting in significant challenges for developers. For context, SEPA utilises a climate projection to 2104 referred to as RCP8.5. This anticipates almost no mitigation measures have worked, and sea levels have risen to a catastrophic level, affecting the existing built environment and devastating most coastal communities. SEPA have also based their flood mapping using RCP8.5 before fully considering the updated climate change guidance issued by CxC. We feel this has resulted in overly cautious flood risk assessments which blocks development in areas that are relatively low risk or manageable through mitigation. With this modelling, many communities have been identified at severe flood risk resulting in properties becoming uninsurable and, in some cases, blighted. If this extreme position is maintained, this will likely reduce the value of many existing properties and will actively discourage regeneration efforts, particularly for brownfield sites which is at odds with the objectives of NPF4.

### **Our key ask**

**Through this guidance, we hope that the industry's concerns will be addressed. We also urge the Scottish Government to take a lead and seek to anticipate a 2°C temperature increase but to also consider potential outcomes of a 4°C scenario. This will ensure the country is well prepared in the event of any increases in serious flooding incidents.**

### **The need for flexibility on flooding issues**

NPF4 Policy 22 (Flood Risk and Water Management) recognises the importance of balancing climate resilience with Scotland's economic and housing needs. However, SEPA's current flood risk advice often does not reflect the policy's flexibility, particularly where adaptation and mitigation measures are feasible. We are aware of the publication of revised guidance by SEPA to planning authorities on assessing planning application under Policy 22: Flood Risk and Water Management. SEPA, in their guidance, recommends 'avoiding development in a flood risk area is still the best approach to managing', which we believe is a very isolated approach to for consideration of applications. This is because we know sophisticated flood risk mitigation methods and technical solutions already exist and are frequently adopted by developers. We also believe that planners are discouraged from taking an informed decision as not all planning authorities have skills and expertise to address the issue of flooding fully.

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CxC's publication on 'improving access to geospatial climate risk data' published in January this year mentions that there is a "knowledge gap on how climate risk impacts planning".

There have also been examples highlighted to us that there is not enough guidance provided to statutory bodies in making their recommendations to planning authorities. This can, at times, create a situation in which statutory consultee advice might make no firm recommendation to an authority but could incur sufficient doubt in the mind of the authority that it feels compelled to take a negative approach to a development proposal. Our concern is that this may continue to encourage statutory bodies such as SEPA to continue to give holding objections as authority and agency alike are simply too risk averse to make a firm proposal or decision. **This Guidance will be an opportunity to empower statutory consultees to provide planning authorities with a clear direction.**

For each planning application, an informed and holistic approach should be taken where applications cannot be refused solely on the basis of an assessment of likely scenarios informed by an increasingly sophisticated models of mitigation and likely climate responses. We urge SEPA to take a more pragmatic approach when advising planning authorities, ensuring that flood risk assessments:

- Fully consider site-specific mitigation measures, rather than applying blanket risk classifications.
- Recognise the role of managed adaptation, including sustainable urban drainage systems (SUDS) and flood storage areas.
- Work within the intent of NPF4 Policy 22, balancing climate resilience with the need to unlock sustainable development opportunities.

By ensuring that flood risk advice is proportionate and reflects both risk and mitigation potential, SEPA can best support development while maintaining robust environmental protections.

Kind regards,

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