



Written Statement in response to other statements

RSPB Scotland

Grangemouth Flood Protection Scheme

12 January 2026

1. Introduction

- 1.1. This Written Statement is submitted on behalf of Royal Society for the Protection of Birds Scotland ("RSPB Scotland"). It relates to the proposed development of the Grangemouth Flood Protection Scheme ("the Proposed Scheme"), in Falkirk.
- 1.2. This statement contains our response to the written statement submitted by Falkirk Council and sent to us on 16 December 2025 and the Forth Ports statement received on 18 December 2025.

2. Response to Falkirk Council's Written Statement

- 2.1. We acknowledge Falkirk Council's written statement. There is limited discussion of the issues pertaining to impacts on Firth of Forth SPA and Ramsar Site, which is the key focus of RSPB Scotland's concerns. Nothing in Falkirk Council's written statement alters the positions we have presented in our own written statement.
- 2.2. Paragraph 6.4 on the Council's statement notes that there is no requirement to make available or consult on the Habitat Regulations Appraisal before determination, as the "Habitats Regulations are not engaged until the final determination". Although we acknowledge that there is no requirement to consult publicly on a Habitat Regulations Appraisal/appropriate assessment, we note the Forth Ports comments on procedure, including when the final appropriate assessment should have been carried out and consulted on by NatureScot (7.4.2-7.5.12). As noted below, we do not agree with the Council's position (Paragraph 6.6) that there was formal public consultation on the Habitats Regulations Appraisal (HRA).

3. Response to Forth Ports Written Statement

- 3.1. We note the Forth Ports comments on difficulties with engagement with the Council regarding the Proposed Scheme, which we have also experienced.
- 3.2. We note the point raised by Forth Ports that once a flood protection scheme is confirmed the Scottish Ministers must direct that planning permission for the development is deemed to be granted subject to any conditions, as may be specified in that direction. Given our expertise, RSPB Scotland would welcome involvement in the development of the conditions surrounding the impacts on the Special Protection Area.
- 3.3. We agree with Forth Port's point that the August 2025 HRA was published after the formal public consultation and so could not be considered fully in responses. This limited the ability of stakeholders to comment on and input into the findings of the HRA.
- 3.4. Paragraphs 7.4.1 – 7.4.5 address the procedural point in relation to the Habitats Regulations. We agree it does not seem that the appropriate assessment was completed when the preliminary decision to confirm the Scheme was made in January 2025. NatureScot's response was not sent to the Council until November 2025 (RSPB 25 and RSPB 26). We are not aware that Scottish Ministers have been notified in terms of IRPOI (as required by Regulation 49 (1A) of the Habitat Regulations).
- 3.5. We note that [Flood Risk Management \(Scotland\) Act 2009: Local Authority Functions Under Part 4 Guidance: First Edition](#) section 1.13 states that "where there is a potential impact on sites designated for the protection of habitats or species, an appropriate assessment, under the

Conservation (Natural Habitats &c.) Regulations 1994 (as amended in 12 Version Control – 1.9 A112642461264246 Scotland) must be carried out by the ‘competent authority’ before taking forward any flood protection works or giving its consent to confirm a scheme and in both circumstances must take into account the advice of SNH.”

- 3.6. We agree that if the Proposed Scheme is amended, a new appropriate assessment will be required.
- 3.7. Paragraph 7.8.4 of the statement, states, “The scale of compensation proposed by the Council well exceed the anticipated scale of compensation required for the Scheme...there is suggested additional capacity in the compensation measures for 18,663 displaced birds”.
- 3.8. We do not agree that the currently proposed compensation can be assumed to be sufficient for any altered scheme. As out Written Statement notes, the compensation is not sufficient for the Proposed Scheme in its current state.