
STATUTORY INSTRUMENTS

2009 No. 3042

The Flood Risk Regulations 2009

PART 4

FLOOD RISK MANAGEMENT PLANS

Duty to prepare flood risk management plans: Environment Agency

25. The Environment Agency must prepare a flood risk management plan in relation to each flood risk area identified by it under regulation 13.

Duty to prepare flood risk management plans: lead local flood authorities

26.—(1) A lead local flood authority must prepare a flood risk management plan in relation to each relevant flood risk area.

(2) “Relevant flood risk area” means—

- (a) the flood risk area identified by the lead local flood authority under regulation 14(1), or
- (b) if a referral is made to the Minister, the flood risk area determined by the Minister under regulation 14(6).

(3) The Environment Agency—

- (a) must review a flood risk management plan prepared under this regulation, and
- (b) may recommend modifications.

(4) Following a review, a lead local flood authority may revise its flood risk management plan.

(5) The Agency’s power to require information under regulation 36 includes power to require a lead local flood authority to provide a flood risk management plan by a specified date.

Flood risk management plans

27.—(1) A flood risk management plan is a plan for the management of a significant flood risk.

(2) The plan must include details of—

- (a) objectives set by the person preparing the plan for the purpose of managing the flood risk, and
- (b) the proposed measures for achieving those objectives (including measures required by any provision of an Act or subordinate legislation).

(3) In setting the objectives, the person preparing the plan must have regard to the desirability of—

- (a) reducing the adverse consequences of flooding for—
 - (i) human health,
 - (ii) economic activity, or
 - (iii) the environment (including cultural heritage), and

- (b) reducing the likelihood of flooding, whether by exercising powers to carry out structural work or otherwise.
- (4) The measures must, in particular, include measures relating to—
 - (a) the prevention of flooding,
 - (b) the protection of individuals, communities and the environment against the consequences of flooding, and
 - (c) arrangements for forecasting and warning.
- (5) In determining the proposed measures for achieving the objectives, the person preparing the plan must have regard to—
 - (a) the costs and benefits of different methods of managing the flood risk,
 - (b) the information included in the flood hazard map and the flood risk map,
 - (c) the river basin management plan for the area,
 - (d) the effect of floodplains that retain flood water,
 - (e) the environmental objectives, within the meaning of regulation 2 of the Water Environment Regulations, and
 - (f) the likely effect of a flood, and of different methods of managing a flood, on the local area and the environment.
- (6) A flood risk management plan must include—
 - (a) a map showing the boundaries of the flood risk area,
 - (b) a summary of the conclusions drawn from the flood hazard maps and flood risk maps for the area,
 - (c) a description of the proposed timing and manner of implementing the measures mentioned in paragraph (2)(b), including details of the bodies responsible for implementation,
 - (d) a description of the way in which implementation of those measures will be monitored,
 - (e) a report of the consultation under paragraph (7), and
 - (f) where the person preparing the report thinks it appropriate, information about how the implementation of measures under the flood risk management plan and the river basin management plan for the area will be co-ordinated.
- (7) The Environment Agency and each lead local flood authority must consult the following about the proposed content of a flood risk management plan—
 - (a) authorities listed in regulation 36(3) that may be affected by the plan, and
 - (b) the public.
- (8) A lead local flood authority must have regard to any guidance issued by the Environment Agency about the form of flood risk management plans.
- (9) In this regulation “river basin management plan” means a river basin management plan prepared under regulation 11 of the Water Environment Regulations.

Publication

- 28.**—(1) The Environment Agency must publish the flood risk management plans prepared by the Agency and by the lead local flood authorities for each river basin district.
- (2) The first flood risk management plans for each river basin district must be published before 22nd December 2015.

Review: Environment Agency

29.—(1) The Environment Agency must review each flood risk management plan prepared by it under regulation 25.

- (2) The first review must be completed before 22nd December 2021.
- (3) Subsequent reviews must be carried out at intervals of no more than 6 years.
- (4) Following a review, the Agency must prepare a revised flood risk management plan.
- (5) The revised flood risk management plan must—
 - (a) take account of the likely impact of climate change on the occurrence of floods,
 - (b) include an assessment of the progress made towards implementing the measures under regulation 27(2)(b), and
 - (c) if any measures proposed in the previous flood risk management plan have not been implemented, include a statement of the reasons why those measures have not been implemented.

Review: lead local flood authorities

30.—(1) A lead local flood authority must review a flood risk management plan prepared by it under regulation 26.

- (2) The first review must be completed before 22nd June 2021.
- (3) Subsequent reviews must be carried out at intervals of no more than 6 years.
- (4) Following a review, the lead local flood authority must prepare a revised flood risk management plan.
- (5) The revised flood risk management plan must—
 - (a) take account of the likely impact of climate change on the occurrence of floods,
 - (b) include an assessment of the progress made towards implementing the measures under regulation 27(2)(b), and
 - (c) if any measures proposed in the previous flood risk management plan have not been implemented, include a statement of the reasons why those measures have not been implemented.
- (6) Regulation 26 applies in relation to a review of a flood risk management plan as it applies to the first such plan.