Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Identification of potentially vulnerable areas and local plan districts

13 SEPA to identify potentially vulnerable areas and local plan districts

(1) SEPA must prepare and submit to the Scottish Ministers a document identifying for each flood risk management district any area in the district for which it considers that significant flood risk—
  (a) exists, or
  (b) is likely to occur.

(2) The document must be submitted to the Scottish Ministers by such date as they may direct, and after carrying out such consultation as may be required by regulations under section 15.

(3) The document must also identify areas (consisting of one or more river basins, sub-basins or coastal areas) around the areas in the flood risk management district identified under subsection (1) for the purpose of preparing local flood risk management plans (see section 34).

(4) SEPA's identification—
  (a) of any area under subsection (1) is to be based on the flood risk assessment prepared by it under section 9 for the district in which the area is situated,
  (b) of any area under subsection (3) is to be based on—
    (i) that assessment, and
    (ii) such other information as SEPA considers appropriate, and
  (c) of any area under subsection (1) or (3) is to identify the area by reference to a map at the appropriate scale prepared for the purposes of and included in the document.

(5) After considering the document, the Scottish Ministers may—
  (a) approve it (in whole or in part and with or without modifications), or
  (b) reject it.

(6) Before determining whether or not to approve the document, the Scottish Ministers may request such further information and carry out such further investigations and consultation as they consider appropriate.

(7) The Scottish Ministers must advise SEPA in writing of the reasons for their determination under subsection (5).

(8) Where the Scottish Ministers reject the document, they must return it to SEPA and direct SEPA to resubmit it by such date as the direction may specify with—
  (a) such modifications (if any) as the direction may specify, and
  (b) any further modification which SEPA considers appropriate.

(9) An area referred to in subsection (1) and identified in a document approved under this section or section 14 is referred to in this Part as a "potentially vulnerable area".

(10) An area referred to in subsection (3) and identified in such a document is referred to in this Part and Part 4 as a "local plan district".

[[F1](11) In relation to a Scottish cross border area, this section has effect as if each reference to the Scottish Ministers is a reference to the Scottish Ministers and the Secretary of State acting jointly.**]**

Textual Amendments

F1 S. 13(11) inserted (30.4.2010) by Flood Risk (Cross Border Areas) Regulations 2010 (S.I. 2010/1102), regs. 1(2), **28**

Commencement Information

I1 S. 13 in force at 26.11.2009 by S.S.I. 2009/393, art. 2, **Sch.**

14 Potentially vulnerable areas and local plan districts: review

(1) SEPA must, after carrying out such consultation as may be required by regulations under section 15—
  (a) by such date as the Scottish Ministers may direct, review and where appropriate update the document approved under section 13, and
  (b) by the end of the period of 6 years beginning with that date, and of each subsequent period of 6 years (or, in each case, such lesser period as the Scottish Ministers may direct) review and where appropriate update the latest document approved under this section.

(2) SEPA must submit to the Scottish Ministers each updated document.

(3) Any review by SEPA under subsection (1) is to be based—
  (a) on the flood risk assessment for the time being applicable to the flood risk management district concerned, and
  (b) insofar as the review is of the identification of any local plan district, on such other information as SEPA considers appropriate.

(4) Section 13(4)(c) and (5) to (8) applies in relation to an updated document submitted to the Scottish Ministers under this section.

[[F2](5) In relation to a Scottish cross border area, this section has effect as if each reference to the Scottish Ministers is a reference to the Scottish Ministers and the Secretary of State acting jointly.**]**

Textual Amendments

F2 S. 14(5) inserted (30.4.2010) by Flood Risk (Cross Border Areas) Regulations 2010 (S.I. 2010/1102), regs. 1(2), **29**

Commencement Information

I2 S. 14 in force at 26.11.2009 by S.S.I. 2009/393, art. 2, **Sch.**

15 Potentially vulnerable areas and local plan districts: regulations

The Scottish Ministers may by regulations make provision as to—

(a) the form and content of a document submitted to them under section 13 or 14,

(b) consultation by SEPA in relation to its preparation of any such document,

(c) SEPA making available to the public—

(i) any such document,

(ii) information relating to matters included in it,

(iii) a summary of any consultation carried out by SEPA in relation to the document, and

(iv) a document as approved by the Scottish Ministers under section 13 or 14,

(d) SEPA publicising its making available to the public any of the things referred to in paragraph (c)(i) to (iv),

(e) the process to be followed in connection with preparation, submission, approval or modification of a document under section 13 or 14 or review or updating of a document approved under either of those sections, and

(f) such other matters in relation to any such document (including submission, approval, modification, review or updating) as the Scottish Ministers may consider appropriate.

Commencement Information

I3 S. 15 in force at 26.11.2009 by S.S.I. 2009/393, art. 2, **Sch.**

Status:
Point in time view as at 30/04/2010.

Changes to legislation:
There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Cross Heading: Identification of potentially vulnerable areas and local plan districts.