



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 5

SEPA: OTHER FLOOD RISK MANAGEMENT FUNCTIONS

Advice to planning authorities and others as to flood risk

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- (1) SEPA must, when requested by a planning authority, give the authority advice as to flood risk in the authority's district.
- (2) SEPA must, when requested by a National Park authority which, though not a planning authority, is (by virtue of the order designating the National Park for which the authority is established) to be treated as the planning authority for the Park for any purpose, give the authority advice in relation to flood risk in the Park.
- (3) Advice under subsection (1) or (2) is to be based on such information as respects such flood risk as SEPA possesses, taking into account—
 - (a) the flood risk assessment, any flood hazard map and flood risk map, the flood risk management plan and any local flood risk management plan for the time being applicable to the authority's district, and
 - (b) information provided to it by any planning authority or National Park authority which is not a planning authority.
- (4) In this section—
 - (a) “planning authority” and a planning authority's “district” (except where paragraph (b) provides otherwise) have the meanings given in section 1(1) of the Town and Country Planning (Scotland) Act 1997 (c. 8),
 - (b) where—
 - (i) all or part of a planning authority's district is designated as a National Park, and

Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Cross Heading: Advice to planning authorities and others as to flood risk. (See end of Document for details)

(ii) the designation order makes provision for the National Park authority to be the planning authority for the Park for the purposes of the planning Acts,

“planning authority” in relation to the National Park means the National Park authority and a planning authority's “district” means the National Park for which the National Park authority is established, and

(c) “the planning Acts” has the meaning given in section 277(1) of that Act.

Commencement Information

II S. 72 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

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