



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Flood risk management plans

28 Flood risk management plans: objectives and measures

- (1) In setting objectives and identifying measures under section 27(4), SEPA—
- (a) must take account of, so far as relevant—
 - (i) any impact of climate change on the occurrence of floods within the flood risk management district to which the plan relates (“the district”),
 - (ii) the flood risk assessment prepared under section 9 for the district,
 - (iii) any assessment done under section 20 in relation to the district,
 - (iv) the flood hazard maps and the flood risk maps prepared under section 21 for the district,
 - (v) the costs of implementing proposed measures including social, environmental and economic costs,
 - (vi) the benefits that are likely to be derived from implementing proposed measures, including—
 - (A) the benefits in terms of reducing the potential adverse consequences of flooding for human health, the environment, cultural heritage and economic activity, and
 - (B) any other environmental, social, and economic benefits,
 - (vii) land and water management including the management of surface run-off water and urban drainage,
 - (viii) any development plan relating to the district and anything else done under or in pursuance of the planning Acts which affects development or the use of land within the district,

Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 28. (See end of Document for details)

- (ix) any plan or assessment published under section 2(1)(f) of the Civil Contingencies Act 2004 (c. 36) relating to the district,
 - (x) the environmental objectives within the meaning of section 9 of the 2003 Act,
 - (xi) the conservation of nature in the district and elsewhere, and
 - (xii) navigation and port infrastructure,
 - (b) must consider, so far as is appropriate, both structural and non-structural measures as means of achieving objectives, and
 - (c) may take into account such other matters as it considers relevant.
- (2) For the purposes of subsection (1)(b)—
- (a) a measure is structural if it involves flood protection work, and
 - (b) non-structural measures include—
 - (i) flood warning,
 - (ii) awareness raising,
 - (iii) the preparation and review of development plans, and
 - (iv) the carrying out of research, monitoring and other methods of gathering information relevant to managing flood risk.
- (3) In considering structural measures under subsection (1)(b), SEPA must consider measures that seek to reduce, slow or otherwise manage flood water by altering (including enhancing) or restoring natural features and characteristics.
- (4) The measures considered in pursuance of subsection (3) must include measures that consist of carrying out any alteration or restoration of natural features and characteristics identified as being capable of contributing to the management of flood risk in an assessment done under section 20 in relation to the district.
- (5) In subsections (1)(a)(viii) and (2)(b)—
- “development plan” has the meaning given in section 24 of the Town and Country Planning (Scotland) Act 1997 (c. 8),
 - “the planning Acts” has the meaning given in section 277(1) of that Act.

Commencement Information

II S. 28 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 28.