



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Local flood risk management plans

35 Local flood risk management plans: publicity and consultation

- (1) Not less than one year before the beginning of the period to which the relevant flood risk management plan is to relate or by such date as the Scottish Ministers may direct, the lead authority must publish a draft of the supplementary part of the local flood risk management plan (“the draft supplementary part”).
- (2) Publication of a draft under subsection (1) is to be in such manner as the lead authority considers appropriate.
- (3) On publishing the draft supplementary part, the lead authority must—
 - (a) publicise—
 - (i) that fact, and
 - (ii) the opportunity to make representations about the draft supplementary part under subsection (4), and
 - (b) make copies of the draft supplementary part available for public inspection for such period, which must be at least 3 months beginning with the date of its publication, as the lead authority may determine.
- (4) Any person who wishes to make representations to a lead authority about the draft supplementary part may do so before the expiry of the period determined under subsection (3)(b).
- (5) On publishing the draft supplementary part, the lead authority must also—
 - (a) consult the persons specified in subsection (6) on—
 - (i) the draft supplementary part, and
 - (ii) a draft of the implementation part of the plan, and

Status: Point in time view as at 26/11/2009.

Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 35. (See end of Document for details)

- (b) take such steps as it considers appropriate for the purpose of encouraging those persons to participate appropriately in the preparation of the plan.
- (6) The persons referred to in subsection (5)(a) are—
 - (a) any responsible authority which has flood risk related functions exercisable in or in relation to the local plan district to which the plan relates (“the district”),
 - (b) any category 1 responder (other than a responder which is a responsible authority) which has functions exercisable in or in relation to the district,
 - (c) SEPA,
 - (d) Scottish Natural Heritage,
 - (e) where any part of the district has been designated as a National Park, the National Park authority for the National Park, and
 - (f) such other persons as the lead authority considers appropriate.
- (7) The lead authority must co-ordinate the steps it takes under subsections (1) to (6) with those taken by SEPA in relation to the relevant flood risk management plan under section 30(2) to (4).
- (8) Before finalising the local flood risk management plan, the lead authority must take into account—
 - (a) any representations about the draft supplementary part made under subsection (4), and
 - (b) any views on the draft local flood risk management plan expressed by those consulted under subsection (5)(a),
 which are received by the lead authority before the expiry of the period determined under subsection (3)(b).
- (9) Not later than 2 months after receiving them, the lead authority must inform SEPA of any views expressed by those consulted under subsection (5)(a) which the lead authority considers relevant to the relevant flood risk management plan.
- (10) In subsections (7) and (9), “relevant flood risk management plan” means the flood risk management plan prepared under section 27 or updated under section 33 for the flood risk management district which includes the local plan district.

Commencement Information

II [S. 35](#) in force at 26.11.2009 by [S.S.I. 2009/393](#), [art. 2](#), [Sch.](#)

Status:

Point in time view as at 26/11/2009.

Changes to legislation:

There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 35.