



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 3

### FLOOD RISK ASSESSMENT, MAPS AND PLANS

#### *Flood risk management plans*

#### **30 Flood risk management plans: publicity of drafts etc. and consultation**

- (1) Not less than 3 years before the beginning of the period to which a flood risk management plan is to relate, SEPA must publish a statement setting out—
  - (a) the steps under this section, and any other consultation measures, which it is to take in connection with the preparation of the plan, and
  - (b) the dates on or by which those steps and measures are to be taken.
- (2) Not less than one year before the beginning of the period to which a flood risk management plan is to relate, SEPA must publish a draft of the plan.
- (3) Publication of a statement under subsection (1) and a draft under subsection (2) is to be in such manner as SEPA considers appropriate.
- (4) On publishing a statement or draft plan SEPA must—
  - (a) publicise—
    - (i) that fact, and
    - (ii) the opportunity to make representations about the statement or draft plan under subsection (6),
  - (b) make copies of the statement or draft plan available for public inspection for such period, which must be at least 3 months beginning with the date of its publication, as SEPA may determine,
  - (c) consult the persons specified in subsection (5), and
  - (d) take such steps as it considers appropriate for the purpose of encouraging those persons to participate appropriately in the preparation of the plan.
- (5) The persons referred to in subsection (4)(c) are—

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*Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 30. (See end of Document for details)*

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- (a) every responsible authority which has functions exercisable in or in relation to the flood risk management district to which the plan relates (“the district”),
  - (b) every category 1 responder (other than a responder which is a responsible authority) which has functions exercisable in or in relation to the district,
  - (c) Scottish Natural Heritage,
  - (d) where any part of the district has been designated as a National Park, the National Park authority for the National Park, and
  - (e) such other persons as SEPA considers appropriate.
- (6) Any person who wishes to make representations to SEPA about a statement or draft plan may do so before the expiry of the period determined under subsection (4)(b).
- (7) In preparing the draft flood risk management plan SEPA must take into account—
- (a) any views on the statement relating to the plan expressed by those consulted under subsection (4)(c), and
  - (b) any representations about the statement,
- which are received by SEPA before the expiry of the period determined under subsection (4)(b).
- (8) In preparing the flood risk management plan for submission to the Scottish Ministers SEPA must take into account—
- (a) any views on the draft plan expressed by those consulted under subsection (4)(c), and
  - (b) any representations about the draft plan,
- which are received by SEPA before the expiry of the period determined under subsection (4)(b).
- [<sup>F1</sup>(9) In relation to a Scottish cross border area, a statement under subsection (1) and a draft under subsection (2) is to be published by SEPA and the Environment Agency acting jointly.]

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#### Textual Amendments

- F1** S. 30(9) inserted (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), **31**

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#### Commencement Information

- I1** S. 30 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

**Changes to legislation:**

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