

FLOOD RISK MANAGEMENT (SCOTLAND) ACT

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 3 – Flood Risk Assessment, Maps and Plans

Section 20 – SEPA to assess possible contribution of alteration etc. of natural features and characteristics

64. This section requires SEPA to assess whether alteration or restoration of natural features and characteristics of any river basin or coastal area could contribute to managing flood risks within a flood risk management district. Subsection (2) contains examples of “natural features and characteristics” for the purposes of the Act.
65. When carrying out this assessment, subsection (4) requires SEPA to consider the flood risk assessment prepared under section 9, any relevant flood hazard or flood risk maps prepared under section 21 and any relevant flood risk management plan prepared under section 27. Subsection (4)(b) requires that the assessments refer to maps which show where the alteration (including enhancement) or the restoration of natural features and characteristics could contribute to the management of flood risk in the district. Subsection (5) requires this map to be prepared at a scale which SEPA considers will assist in the identification of measures for inclusion in flood risk management plans (under section 27(4)(b)) and the inclusion of information in local flood risk management plans.
66. The first assessment must be carried out by 22nd December 2013, or by another date set by the Scottish Ministers. The assessment must be reviewed and, where appropriate, updated by a date set by the Scottish Ministers and then every six years after that. This assessment is not required by the Directive but the section allows the review dates to be set so as to coincide with the other work required under Part 3 to assess and manage flood risks. Current assessments and maps are to be made available for public inspection; sections 53 and 54 again apply in relation to the detail of doing that.