



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 3 **S**

### FLOOD RISK ASSESSMENT, MAPS AND PLANS

#### *Flood hazard maps and flood risk maps*

#### **21 SEPA to prepare flood hazard maps and flood risk maps **S****

- (1) SEPA must prepare flood hazard maps and flood risk maps in accordance with this section and sections 22 and 23.
- (2) Flood hazard maps and flood risk maps must be prepared—
  - (a) by 22nd December 2013,
  - (b) for the potentially vulnerable areas in each flood risk management district,
  - (c) at the appropriate scale, and
  - (d) so as to secure that the maps for the district (taken together) cover all such areas.

#### **Commencement Information**

- II** S. 21 in force at 26.11.2009 by [S.S.I. 2009/393](#), [art. 2](#), [Sch.](#)

#### **22 Flood hazard maps **S****

- (1) A flood hazard map (or more than one such map taken together) must (except to the extent subsections (2) to (6) provide otherwise), show—
  - (a) the geographical areas which could be flooded by each of the following types of flood—
    - (i) floods with a low probability (or which would be an extreme event),
    - (ii) floods with a medium probability, and
    - (iii) floods with a high probability, and

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- (b) the following elements for each of those types of flood—
  - (i) the flood extent,
  - (ii) water depths or water level, whichever is appropriate,
  - (iii) where appropriate, the flow velocity or the relevant water flow, and
  - (iv) such other elements as the Scottish Ministers may specify by regulations.
- (2) But a flood hazard map need not show information referred to in subsection (1) as respects a flood with a high probability where SEPA considers such a flood would be unlikely to have significant adverse consequences for the area which could be flooded by it.
- (3) And—
  - (a) where a geographical area shown in a flood hazard map is or includes a coastal area which SEPA considers is adequately protected from coastal floods, subsection (4) applies instead of subsection (1) as respects any coastal flood (of the coastal area) with a medium or high probability,
  - (b) where a geographical area shown in a flood hazard map is or includes an area at risk of flooding from groundwater, subsection (5) applies instead of subsection (1) as respects any flood (of the area at such risk) with a medium or high probability and which would be from groundwater, and
  - (c) subsection (6) applies instead of subsection (1) as respects any flood from a sewerage system which is not a flood solely from a sewerage system.
- (4) Where subsection (3)(a) applies, the map—
  - (a) may, where SEPA considers it appropriate, and
  - (b) must, to the extent that the Scottish Ministers direct,
 show for any such coastal area information referred to in subsection (1) as respects any such flood of that area.
- (5) Where subsection (3)(b) applies, the map—
  - (a) may where SEPA considers it appropriate, and
  - (b) must, to the extent that the Scottish Ministers direct,
 show for the area at such risk information referred to in subsection (1) as respects any such flood of that area.
- (6) Where subsection (3)(c) applies, the map—
  - (a) may where SEPA considers it practicable, and
  - (b) must to the extent that the Scottish Ministers direct,
 show information referred to in subsection (1) as respects any flood in the area from a sewerage system which is not a flood solely from a sewerage system.
- (7) To the extent (if any) that, in pursuance of subsections (2) to (6), a flood hazard map does not show information referred to in those subsections, the map must include a statement explaining that the information is not shown in it.
- (8) Before giving a direction under subsection (4)(b), (5)(b) or (6)(b), the Scottish Ministers must consult SEPA.
- (9) In this section—
  - (a) as respects a flood—

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“low probability” (or “extreme event”) means such probability as may be specified as such by the Scottish Ministers by order,

“medium probability” means such probability involving a return period of 100 years or more (or an annual probability of occurrence of not more than 1%) as may be specified as such by the Scottish Ministers by order,

“high probability” means such probability as may be specified as such by the Scottish Ministers by order,

- (b) “groundwater” has the same meaning as in section 3(4) of the 2003 Act.

#### Commencement Information

**I2** S. 22 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

## 23 Flood risk maps **S**

- (1) The potential adverse consequences associated with each type of flood for which any information referred to in section 22(1) is shown in a flood hazard map must be shown in a flood risk map (or more than one flood risk map taken together) by reference to the matters mentioned in subsection (2).

- (2) The matters are—

- (a) the indicative number of inhabitants who potentially could be affected,
- (b) the type of economic activity in the area which could be flooded,
- (c) installations <sup>[F1]</sup>in which there is carried out any activity mentioned in] in Annex 1 to <sup>[F2]</sup>[Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)], which might cause accidental pollution if any type of flood referred to in subsection (1) occurred,
- (d) any of the following protected areas or bodies of water which potentially could be affected, if any type of flood referred to in subsection (1) occurred—
  - (i) areas for the abstraction of water intended for human consumption identified by order under section 6(1) of the 2003 Act,
  - (ii) areas referred to in section 7(4)(a) of that Act (areas designated for the protection of economically significant aquatic species),
  - (iii) bodies of water referred to in section 7(4)(b) of that Act (bodies of water designated as recreational waters),
  - (iv) areas referred to in section 7(4)(c) of that Act (nutrient-sensitive areas),
  - (v) areas referred to in section 7(4)(d) of that Act (areas designated for the protection of habitats or species where the maintenance or improvement of the status of the water is an important factor in such protection),
  - (vi) areas classified pursuant to <sup>[F3]</sup>any <sup>[F4]</sup>assimilated] law which implemented] Article 4 of <sup>[F5]</sup>[Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds, as last amended by Council [Directive 2013/17/EU](#)],
  - (vii) special areas of conservation designated under regulation 8(1) of the Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994/2716), and

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- (viii) sites of special scientific interest which have been notified in terms of section 3 of the Nature Conservation (Scotland) Act 2004 (asp 6),
  - (e) any area which is within a protected area or body of water referred to in paragraph (d)(i) to (viii) and could be affected by pollution from any installation referred to in paragraph (c), and
  - (f) such other information as the Scottish Ministers may specify by regulations.
- (3) Where SEPA considers it appropriate, a flood risk map may also show the potential adverse consequences associated with any type of flood referred to in subsection (1) by reference to any of the following—
- (a) information indicating any areas where floods with a high content of transported sediments or debris floods (or a combination of such floods) can occur,
  - (b) such other sources of pollution as SEPA consider may be significant,
  - (c) such other available and readily derivable information as SEPA considers appropriate.

#### Textual Amendments

- F1** Words in s. 23(2)(c) substituted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **6(4)(a)**
- F2** Words in s. 23(2)(c) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **4(2)(a)**
- F3** Words in s. 23(2)(d)(vi) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **6(4)(b)**
- F4** Word in s. 23(2)(d)(vi) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 7(4)**
- F5** Words in s. 23(2)(d)(vi) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **4(2)(b)**

#### Commencement Information

- I3** S. 23 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, **Sch.**

## 24 Flood hazard maps and flood risk maps: review **S**

- (1) SEPA must—
- (a) by 22nd December 2019, review and where appropriate update each flood hazard map and each flood risk map prepared under section 21, and
  - (b) by the end of each subsequent period of 6 years, review and where appropriate update the latest flood hazard map and flood risk map updated after review under this section.
- (2) SEPA must take into account in any review under this section the likely impact of climate change on the occurrence of floods.

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

- (3) Sections 21(2)(b) to (d), 22 and 23 apply in relation to the review and updating of a flood hazard map and a flood risk map.

#### Commencement Information

**I4** S. 24 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

## 25 Flood hazard maps and flood risk maps: availability for public inspection **S**

[<sup>F6</sup>(1)] SEPA must make available for public inspection copies of each flood hazard map and each flood risk map for the time being applicable to each flood risk management district.

[<sup>F7</sup>(2) In relation to a Scottish cross border area subsection (1) applies as if the reference to the flood hazard map and flood risk map includes the maps prepared by the Environment Agency and the lead local flood authority under regulation 18 and 19 of the Flood Risk Regulations for an adjacent English cross border area.]

#### Textual Amendments

**F6** S. 25 renumbered as s. 25(1) (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), **30**

**F7** S. 25(2) inserted (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), **30**

#### Commencement Information

**I5** S. 25 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

## 26 Flood hazard maps and flood risk maps: regulations **S**

The Scottish Ministers may by regulations make further provision as to the preparation of flood hazard maps and flood risk maps under section 21, or the review or updating of such maps under section 24, including provision as to criteria to be applied and the methods and procedures to be followed in those matters.

#### Commencement Information

**I6** S. 26 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, Cross Heading: Flood hazard maps and flood risk maps.