



# Flood Risk Management (Scotland) Act 2009 2009 asp 6

## PART 3 **S**

### FLOOD RISK ASSESSMENT, MAPS AND PLANS

#### *Flood risk assessment*

#### **9** SEPA to prepare flood risk assessments **S**

- (1) SEPA must prepare a flood risk assessment for each flood risk management district providing an assessment of any flood risk for the district.
- (2) A flood risk assessment must be prepared by 22nd December 2011.
- (3) A flood risk assessment is to be based on available and readily derivable information (including in particular information on any impact of climate change on the occurrence of floods).
- (4) A flood risk assessment must include—
  - (a) maps at the appropriate scale of the flood risk management district which show—
    - (i) borders of any river basin, sub-basin and coastal area in the district,
    - (ii) topography and land use, and
    - (iii) such other information as the Scottish Ministers may specify by regulations,
  - (b) where—
    - (i) SEPA considers there is reliable information that any flood has occurred in the flood risk management district which had significant adverse consequences for human health, the environment, cultural heritage or economic activity there, and
    - (ii) a similar future flood in the district with significant adverse consequences for such matters there is still probable,

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

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a description of the flood which has occurred (including its extent and conveyance routes and an assessment of the adverse consequences mentioned in sub-paragraph (i) that the flood entailed),

- (c) where—
- (i) SEPA considers there is reliable information that a significant flood has occurred in the flood risk management district, and
  - (ii) significant adverse consequences for the district of any similar future flood there might be envisaged,
- a description of the flood which has occurred, and
- (d) an assessment of the potential adverse consequences of any future flood for human health, the environment, cultural heritage and economic activity in the flood risk management district taking into account as far as possible issues such as—
- (i) the topography,
  - (ii) the position, and the general hydrological and geomorphological characteristics, of any body of surface water,
  - (iii) natural features and characteristics of any river basin or coastal area in the district,
  - (iv) the effectiveness of any existing artificial flood protection structure,
  - (v) the position of any populated area and area of economic activity, and
  - (vi) long-term developments, including any impact of climate change on the occurrence of floods.

(5) A flood risk assessment, and any map included in it by virtue of subsection (4)(a), may also include such other information as SEPA considers appropriate.

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**Commencement Information**

**I1** S. 9 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

**10 Flood risk assessments: review** **S**

- (1) SEPA must—
- (a) by 22nd December 2018 or such earlier date as the Scottish Ministers may direct (“the operative date”), review and where appropriate update each flood risk assessment prepared under section 9, and
  - (b) by the end of the period of 6 years beginning with the operative date, and of each subsequent period of 6 years, review and where appropriate update the latest flood risk assessment updated after review under this section.
- (2) Section 9(3) to (5) applies in relation to the review and updating of a flood risk assessment.

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**Commencement Information**

**I2** S. 10 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

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## 11 Flood risk assessments: regulations **S**

The Scottish Ministers may by regulations make further provision as to the preparation of a flood risk assessment under section 9, or the review or updating of such an assessment under section 10, including provision as to criteria to be applied and the methods and procedures to be followed in those matters.

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### Commencement Information

**I3** S. 11 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

## 12 Flood risk assessments: availability for public inspection **S**

[<sup>F1</sup>(1)] SEPA must make available for public inspection copies of the flood risk assessment for the time being applicable to each flood risk management district.

[<sup>F2</sup>(2) In relation to a Scottish cross border area subsection (1) applies as if the reference to the flood risk assessment includes the preliminary assessment map and preliminary assessment reports prepared by the Environment Agency and the lead local flood authority under regulations 9 and 10 of the Flood Risk Regulations for an adjacent English cross border area.]

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### Textual Amendments

**F1** S. 12renumbered as s. 12(1) (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), [27](#)

**F2** S. 12(2) inserted (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), [27](#)

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### Commencement Information

**I4** S. 12 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

**Changes to legislation:**

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