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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 426**

**The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010**

**PART V**

**POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS**

**Publicity and consultation for documents identifying potentially vulnerable areas and local plan districts**

**16.—(1)** SEPA must comply with paragraphs (2) to (6) before submitting to the Scottish Ministers—

- (a) a document identifying, in accordance with section 13 of the Act—
  - (i) areas in a flood risk management district for which it considers that significant flood risk exists or is likely to occur; and
  - (ii) areas around such an area for the purpose of preparing local flood risk management plans; or
- (b) an updated document in accordance with section 14 of the Act.

(2) When preparing a document referred to in paragraph (1), SEPA must consult—

- (a) every responsible authority which has functions exercisable in or in relation to the areas identified by the draft document;
- (b) every category 1 responder (other than a responder which is a responsible authority) which has functions in relation to the areas identified by the draft document;
- (c) Scottish Natural Heritage;
- (d) where any part of the areas identified by the draft document has been designated as a National Park, the National Park authority for the National Park; and
- (e) such other persons as SEPA considers appropriate.

(3) SEPA must prepare a draft of the document referred to in paragraph (1) and publish details of the draft document—

- (a) in at least one newspaper circulating within the areas identified by the draft document; and
- (b) in such other media as SEPA considers appropriate for the purpose of bringing the draft document to the attention of individuals or bodies likely to be affected or to have an interest.

(4) The details published under paragraph (3) must include—

- (a) a summary of the nature and purpose of the draft document;
- (b) the areas identified by the draft document;
- (c) the location where a copy of the draft document may be inspected by the public;

- (d) the period, being a period of not less than 2 months from the date on which the details are first published in accordance with paragraph (3)(a), within which representations about the draft document can be made to SEPA; and
  - (e) information about how representations may be made to SEPA.
- (5) SEPA must make a copy of the draft document referred to in paragraph (3) available to the public at all reasonable times during the period specified by SEPA in accordance with paragraph (4)(d).
- (6) In finalising the document referred to in paragraph (1) for submission to the Scottish Ministers, SEPA must take into account—
- (a) any views on the draft of the document expressed by those consulted under paragraph (2); and
  - (b) any representations made about the draft document which are received by SEPA before the expiry of the period specified under paragraph (4)(d).
- (7) Where documents referred to in this regulation relate to a Scottish cross border area, this regulation has effect as if each reference to the Scottish Ministers is a reference to the Scottish Ministers and the Secretary of State.