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STATUTORY INSTRUMENTS

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**2009 No. 3042**

**The Flood Risk Regulations 2009**

**PART 2**

**PRELIMINARY FLOOD RISK ASSESSMENTS**

**Preliminary assessment reports**

- 12.**—(1) A preliminary assessment report is a report about—
- (a) past floods, and
  - (b) the possible harmful consequences of future floods.
- (2) The report must be based on all of the following—
- (a) relevant information which is in the possession of the person preparing the report;
  - (b) relevant information which is in the possession of the Environment Agency;
  - (c) relevant information which is in the possession of an authority listed in regulation 36(3);
  - (d) relevant information which is available to the public.
- (3) The floods to be included under paragraph (1)(a) are those—
- (a) which had significant harmful consequences for—
    - (i) human health,
    - (ii) economic activity, or
    - (iii) the environment (including cultural heritage), or
  - (b) which would have significant harmful consequences for those matters if they were to occur now.
- (4) But the report may ignore past floods of a kind that are not likely to occur now.
- (5) The report must include—
- (a) any information that the person making the report has about the extent and the conveyance route of past floods, and
  - (b) an assessment of the harmful consequences of past floods.
- (6) The assessment of possible consequences of future floods for the purposes of paragraph (1) must take account of—
- (a) topography,
  - (b) the location of watercourses,
  - (c) the location of flood plains that retain flood water,
  - (d) the characteristics of watercourses,
  - (e) the effectiveness of any works constructed for the purpose of flood risk management,
  - (f) the location of populated areas,

- (g) the areas in which economic activity is concentrated, and
  - (h) the current and predicted impact of climate change and any other long term developments.
- (7) A lead local flood authority must have regard to any guidance issued by the Environment Agency about the form of a preliminary assessment report.