
STATUTORY INSTRUMENTS

2009 No. 3042

The Flood Risk Regulations 2009

PART 2

PRELIMINARY FLOOD RISK ASSESSMENTS

Duty to identify flood risk areas: lead local flood authorities

14.—(1) A lead local flood authority must—

- (a) determine whether, in its opinion, there is a significant flood risk in its area, and
- (b) identify the part of the area affected by the risk (the “flood risk area”).

(2) In making a determination under paragraph (1)(a), a lead local authority is not required to take into account flooding from a source mentioned in regulation 13(1)(a) unless the authority thinks that it may affect flooding from another source.

(3) The authority may have regard to any guidance issued by the Minister about the criteria for assessing whether a risk of flooding is significant.

(4) The Environment Agency—

- (a) must review the determination and identification of flood risk areas under paragraph (1), and
- (b) may recommend that the lead local flood authority identifies—
 - (i) a different flood risk area,
 - (ii) an additional flood risk area, or
 - (iii) no flood risk area.

(5) If the lead local flood authority disagrees with a recommendation of the Agency, the matter must be referred to the Minister.

(6) On a referral the Minister must determine the flood risk area (if any) for which the lead local authority must prepare a flood hazard map and a flood risk map under regulation 19.

(7) In making a determination under paragraph (6) the Minister must have regard to the cumulative effect of the risk of flooding identified by the Agency and the lead local flood authority.

(8) The Agency’s power to require information under regulation 36 includes power to require a lead local authority to notify the Agency of its determination and identification of a flood risk area by a specified date.

(9) This regulation is subject to regulation 34.