

FLOOD RISK MANAGEMENT (SCOTLAND) ACT

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 3 – Flood Risk Assessment, Maps and Plans

Section 28 – Flood risk management plans: objectives and measures

91. All flood risk management plans must contain objectives and measures to manage flood risk. This section sets out matters which must be taken into account by SEPA when setting those objectives and identifying those measures.
92. Subsection (1)(a) lists matters which SEPA must take into account so far as is relevant when identifying objectives and measures. Most of these are closely based on matters listed in Article 7.2 and 7.3 of the Directive. Some matters mentioned in those Articles are not mentioned separately in this section because information about them will already be included in the flood risk assessment and maps prepared under sections 9 and 21. Also, some matters are dealt with elsewhere in the Act, for example, in section 1 (general duty).
93. Subsection (1)(b) requires SEPA, when considering the best means of achieving a particular objective, to consider both structural and non-structural flood risk management measures. Subsection (2) defines structural measures as measures that involve flood protection work (as defined in section 95). It also gives a non-exhaustive list of non-structural measures, including flood warning, awareness raising, the preparation and review of development plans and the carrying out of research, monitoring and other methods of gathering information relevant to managing flood risk.
94. Subsection (3) requires SEPA, when considering structural measures, to consider measures that seek to manage flood water by altering natural features and characteristics. Subsection (4) requires SEPA, when considering measures under subsection (3), to consider measures which consist of carrying out any alteration or restoration of natural features and characteristics identified as being capable of contributing to the management of flood risk in an assessment done under section 20.