

FLOOD RISK MANAGEMENT (SCOTLAND) ACT

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 3 – Flood Risk Assessment, Maps and Plans

Section 30 – Flood risk management plans: publicity of drafts etc. and consultation

97. Sections 30 to 32 set out the formalities for consultation, submission and approval of flood risk management plans. They all contain detailed requirements for publicising and making documents available for inspection, which should be read with sections 53 and 54.
98. Section 30 sets requirements for publishing and consulting on draft flood risk management plans before they are submitted to the Scottish Ministers for approval. The section is very similar to section 11 of the Water Environment and Water Services (Scotland) Act 2003, which deals with publication and consultation on draft river basin management plans. This similarity is relevant because section 48 requires SEPA to co-ordinate the preparation of flood risk plans with river basin management plans.
99. Subsection (1) requires SEPA to publish a statement about its preparation of a flood risk management plan a minimum of 3 years before the plan is to become effective. SEPA can determine the manner in which the statement is to be published (subsection (3)). Subsection (4) requires SEPA to consult on the statement. Subsection (6) allows anyone to make representations to SEPA about a statement under subsection (1) and subsection (7) requires SEPA to take those into account when preparing the draft flood risk management plan.
100. Subsection (2) requires SEPA to publish a draft of the flood risk management plan a minimum of 1 year before the plan is to become effective. SEPA can determine the manner in which the draft plan is to be published (subsection (3)).
101. Subsection (4) requires SEPA to consult specific persons on the statement and a draft plan and publicise the arrangements for making these documents publicly available, and the opportunities to make representations about them. SEPA must make copies of the statement or draft plan available, free of charge, for at least 3 months and must consult the persons set out in subsection (5). These include every responsible authority, including Scottish Water, together with persons and bodies which are category 1 responders under Part 2 of Schedule 1 to the Civil Contingencies Act 2004, Scottish Natural Heritage, National Park Authorities and any other persons SEPA considers appropriate. SEPA is also required to take any steps it considers appropriate to encourage the persons identified under subsection (5) to participate in the production of the plan.
102. Subsection (6) allows anyone to make representations to SEPA about a statement under subsection (1) or a draft plan. Subsection (8) requires SEPA, when preparing a flood risk management plan for submission to the Scottish Ministers, to take into account any views or representations received on the draft flood risk management plan.