

# **FLOOD RISK MANAGEMENT (SCOTLAND) ACT**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 3 – Flood Risk Assessment, Maps and Plans**

##### ***Section 34 – Local authorities to prepare local flood risk management plans***

114. This section requires local authorities to prepare local flood risk management plans that will supplement the flood risk management plans produced by SEPA for the flood risk management district. The local plans are to cover the local plan districts identified by SEPA under section 13.
115. Subsection (1) requires the lead authority for each local plan district to prepare a local flood risk management plan for the purposes of supplementing the relevant flood risk management plan prepared by SEPA under section 27. “Lead authorities” are local authorities identified in accordance with subsection (9).
116. Subsection (2) sets out that a local flood risk management plan must comprise two parts: a supplementary part and an implementation part.
117. Subsection (3) sets out what the supplementary part must include. It must include a summary of the objectives, measures and other information included in the flood risk management plan that is relevant to the local plan district, and such maps, information about how implementing the measures may alter or restore natural features and characteristics and further information about measures as the lead authority considers relevant to flood risk management with the local plan district. The plan must also include information on the publicity and consultation steps undertaken in relation to the plan, and any changes made to the plan in light of views and representations received.
118. Subsection (4) states that the implementation part must include a description of how the current measures are to be implemented, and then goes on to set out further details of what must be included. “Current measures” are measures that are identified in the flood risk management plan for implementation in the 6 year planning cycle to which the local plan relates. Subsection (4)(a) requires the implementation part to include a detailed timetable setting out when measures currently being implemented will be completed and a timetable for the implementation of measures that are yet to be commenced. Subsection (4)(b) requires it to include a description of who is, or is to be responsible for implementing each measure and the arrangements for funding the measure. Subsection (4)(c) also requires it to include a description of how the bodies responsible for implementing measures will co-ordinate their functions. This must pay particular attention to how those functions will be coordinated to implement measures which relate to the alteration or restoration of natural features and characteristics and to surface water run-off or urban drainage. Subsection (4)(d) allows the lead authority to include any other information they consider relevant to the implementation of the measures.
119. Subsection (5) also allows the implementation part to include information about how other measures identified in the district plan, which are not current measures, are to be

*These notes relate to the Flood Risk Management (Scotland)  
Act (asp 6) which received Royal Assent on 16 June 2009*

implemented. This allows for inclusion of measures that would be implemented outside of the current plan, for instance in a subsequent 6 year plan.

120. Subsection (6) allows the Scottish Ministers to specify, in regulations, further matters to be included in local flood risk management plans. Subsection (7) requires the Scottish Ministers to consult SEPA, responsible authorities and such other persons as they consider appropriate before making such regulations.
121. Subsection (8) requires that a local flood risk management plan which is prepared by a lead local authority must not be inconsistent with anything in the relevant flood risk management plan prepared by SEPA.
122. Subsection (9) makes provision for identification of a lead authority for each local plan. Where a local plan district falls entirely within a local authority's area, subsection (9)(a)(i) provides for that local authority to be the lead authority for that local plan. Where a local plan district falls within two or more local authority areas, subsection (9)(a)(ii) provides for one of the authorities whose area is within the local plan district to be identified as the lead authority. This lead authority should be agreed between the local authorities whose areas lie partly within the local plan district but where agreement cannot be reached, the Scottish Ministers may determine the lead authority.