



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 3

FLOOD RISK ASSESSMENT, MAPS AND PLANS

Identification of potentially vulnerable areas and local plan districts

13 SEPA to identify potentially vulnerable areas and local plan districts

- (1) SEPA must prepare and submit to the Scottish Ministers a document identifying for each flood risk management district any area in the district for which it considers that significant flood risk—
 - (a) exists, or
 - (b) is likely to occur.
- (2) The document must be submitted to the Scottish Ministers by such date as they may direct, and after carrying out such consultation as may be required by regulations under section 15.
- (3) The document must also identify areas (consisting of one or more river basins, sub-basins or coastal areas) around the areas in the flood risk management district identified under subsection (1) for the purpose of preparing local flood risk management plans (see section 34).
- (4) SEPA's identification—
 - (a) of any area under subsection (1) is to be based on the flood risk assessment prepared by it under section 9 for the district in which the area is situated,
 - (b) of any area under subsection (3) is to be based on—
 - (i) that assessment, and
 - (ii) such other information as SEPA considers appropriate, and
 - (c) of any area under subsection (1) or (3) is to identify the area by reference to a map at the appropriate scale prepared for the purposes of and included in the document.

Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 13. (See end of Document for details)

- (5) After considering the document, the Scottish Ministers may—
- (a) approve it (in whole or in part and with or without modifications), or
 - (b) reject it.
- (6) Before determining whether or not to approve the document, the Scottish Ministers may request such further information and carry out such further investigations and consultation as they consider appropriate.
- (7) The Scottish Ministers must advise SEPA in writing of the reasons for their determination under subsection (5).
- (8) Where the Scottish Ministers reject the document, they must return it to SEPA and direct SEPA to resubmit it by such date as the direction may specify with—
- (a) such modifications (if any) as the direction may specify, and
 - (b) any further modification which SEPA considers appropriate.
- (9) An area referred to in subsection (1) and identified in a document approved under this section or section 14 is referred to in this Part as a “potentially vulnerable area”.
- (10) An area referred to in subsection (3) and identified in such a document is referred to in this Part and Part 4 as a “local plan district”.
- [^{F1}(11) In relation to a Scottish cross border area, this section has effect as if each reference to the Scottish Ministers is a reference to the Scottish Ministers and the Secretary of State acting jointly.]

Textual Amendments

- F1** S. 13(11) inserted (30.4.2010) by [Flood Risk \(Cross Border Areas\) Regulations 2010 \(S.I. 2010/1102\)](#), regs. 1(2), **28**
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Commencement Information

- I1** S. 13 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 13.