



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 3

### FLOOD RISK ASSESSMENT, MAPS AND PLANS

#### *Flood hazard maps and flood risk maps*

#### **23 Flood risk maps**

- (1) The potential adverse consequences associated with each type of flood for which any information referred to in section 22(1) is shown in a flood hazard map must be shown in a flood risk map (or more than one flood risk map taken together) by reference to the matters mentioned in subsection (2).
- (2) The matters are—
  - (a) the indicative number of inhabitants who potentially could be affected,
  - (b) the type of economic activity in the area which could be flooded,
  - (c) installations <sup>F1</sup>in which there is carried out any activity mentioned in] in Annex 1 to <sup>F2</sup>Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)], which might cause accidental pollution if any type of flood referred to in subsection (1) occurred,
  - (d) any of the following protected areas or bodies of water which potentially could be affected, if any type of flood referred to in subsection (1) occurred—
    - (i) areas for the abstraction of water intended for human consumption identified by order under section 6(1) of the 2003 Act,
    - (ii) areas referred to in section 7(4)(a) of that Act (areas designated for the protection of economically significant aquatic species),
    - (iii) bodies of water referred to in section 7(4)(b) of that Act (bodies of water designated as recreational waters),
    - (iv) areas referred to in section 7(4)(c) of that Act (nutrient-sensitive areas),

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*Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Section 23. (See end of Document for details)*

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- (v) areas referred to in section 7(4)(d) of that Act (areas designated for the protection of habitats or species where the maintenance or improvement of the status of the water is an important factor in such protection),
  - (vi) areas classified pursuant to [<sup>F3</sup>any [<sup>F4</sup>assimilated] law which implemented] Article 4 of [<sup>F5</sup>Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds, as last amended by Council Directive 2013/17/EU],
  - (vii) special areas of conservation designated under regulation 8(1) of the Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994/2716), and
  - (viii) sites of special scientific interest which have been notified in terms of section 3 of the Nature Conservation (Scotland) Act 2004 (asp 6),
  - (e) any area which is within a protected area or body of water referred to in paragraph (d)(i) to (viii) and could be affected by pollution from any installation referred to in paragraph (c), and
  - (f) such other information as the Scottish Ministers may specify by regulations.
- (3) Where SEPA considers it appropriate, a flood risk map may also show the potential adverse consequences associated with any type of flood referred to in subsection (1) by reference to any of the following—
- (a) information indicating any areas where floods with a high content of transported sediments or debris floods (or a combination of such floods) can occur,
  - (b) such other sources of pollution as SEPA consider may be significant,
  - (c) such other available and readily derivable information as SEPA considers appropriate.

#### Textual Amendments

- F1** Words in s. 23(2)(c) substituted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **6(4)(a)**
- F2** Words in s. 23(2)(c) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **4(2)(a)**
- F3** Words in s. 23(2)(d)(vi) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **6(4)(b)**
- F4** Word in s. 23(2)(d)(vi) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 7(4)**
- F5** Words in s. 23(2)(d)(vi) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **4(2)(b)**

#### Commencement Information

- I1** S. 23 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 23.