
STATUTORY INSTRUMENTS

2009 No. 3042

The Flood Risk Regulations 2009

PART 5

EXCEPTIONS

Preliminary flood risk assessments: Environment Agency

31.—(1) Regulation 9(1)(b) does not apply to the Environment Agency in relation to a river basin district if before 22nd December 2010—

- (a) the Agency carries out an assessment (whether or not the assessment complies with the requirements of Part 2) of the flood risk in the district from—
 - (i) the sea,
 - (ii) main rivers, and
 - (iii) reservoirs, and
- (b) having regard to that assessment, the Agency considers that there is a significant flood risk in the district.

(2) Where paragraph (1) applies—

- (a) the Agency must prepare a preliminary assessment report for the river basin district before 22nd December 2017,
- (b) the first review of the preliminary assessment report must be carried out no more than 6 years after the date on which the documents are published, and
- (c) regulations 15(2) and 16(3) do not apply in relation to the first preliminary assessment report to be prepared by the Agency for the relevant river basin district.

(3) This regulation ceases to apply in relation to a river basin district on completion of the first review of the preliminary assessment map prepared by the Agency for the area.

Part 2: Environment Agency

32.—(1) Regulations 9(1)(b), 13 and 16 do not apply to the Environment Agency in relation to a river basin district if the Environment Agency determines before 22nd December 2010 that it will prepare a flood hazard map, a flood risk map and a flood risk management plan for the whole of the river basin district.

(2) Where paragraph (1) applies, these regulations have effect with the following modifications—

- (a) the reference in regulation 18 to each flood risk area identified by the Agency is a reference to the river basin district,
- (b) the reference in regulation 20(1) to flood risk areas is a reference to the river basin district,
- (c) regulation 20(2) is omitted, and
- (d) the reference in regulation 25 to each flood risk area identified by the Agency is a reference to the river basin district.

- (3) Where paragraph (1) applies, the Environment Agency must review the decision whether—
 - (a) to prepare a new flood hazard map, flood risk map and flood risk management plan for the river basin district, or
 - (b) to prepare a preliminary assessment report for the district in accordance with Part 2 of these regulations.
- (4) The first review must be completed before 22nd December 2017.
- (5) Subsequent reviews must be carried out at intervals of no more than 6 years.
- (6) Where the Agency prepares a preliminary assessment map and report following a review under this regulation—
 - (a) Part 2 (apart from regulations 15(2) and 16(3) insofar as they relate to the report to be prepared by the Agency) shall apply to the Agency in relation to the district (and this regulation shall cease to apply), and
 - (b) the first review of the preliminary assessment map and report under regulation 15 must be carried out no more than 6 years after the date on which the documents are published.

Preliminary flood risk assessment: lead local flood authorities

- 33.**—(1) Regulation 10 does not apply to a lead local flood authority if before 22nd December 2010—
- (a) the authority carries out an assessment (whether or not the assessment complies with the requirements of Part 2) of the flood risk in its area, and
 - (b) having regard to that assessment, the authority considers that there is a significant flood risk in the area.
- (2) Where paragraph (1) applies—
- (a) the authority must prepare a preliminary assessment report for its area before 22nd June 2017,
 - (b) the first review of the preliminary assessment report must be carried out no more than 6 years after the date on which the report is published, and
 - (c) regulations 15(2) and 17(3) do not apply in relation to the first report prepared by the authority.
- (3) This regulation ceases to apply in relation to a lead local flood authority on completion of the first review of the preliminary assessment report prepared by the authority.

Part 2: lead local flood authorities

- 34.**—(1) Part 2 does not apply to a lead local flood authority if the authority determines before 22nd December 2010 that it will prepare a flood hazard map, a flood risk map and a flood risk management plan for the whole of its area.
- (2) Where paragraph (1) applies, these regulations have effect with the following modifications—
- (a) the reference in regulation 19(1) to a relevant flood risk area is a reference to the authority’s area,
 - (b) the reference in regulation 20(1) to flood risk areas is a reference to the authority’s area,
 - (c) regulation 20(2) is omitted, and
 - (d) the reference in regulation 26(1) to a relevant flood risk area is a reference to the authority’s area.
- (3) Where paragraph (1) applies, the authority must review the decision whether—

- (a) to prepare a new flood hazard map, flood risk map and flood risk management plan for the whole of its area, or
- (b) to prepare a preliminary assessment report in accordance with Part 2 of these regulations.
- (4) The first review must be completed before 22nd June 2017.
- (5) Subsequent reviews must be carried out at intervals of no more than 6 years.
- (6) If the authority prepares a preliminary assessment report following a review under this regulation—
 - (a) Part 2, apart from regulations 15(2) and 17(3), shall apply in relation to the lead local flood authority (and this regulation shall cease to apply),
 - (b) the first review of the preliminary assessment report under regulation 17 must be carried out no more than 6 years after the date on which the report is published.