

SEPA Briefing Note

Flood Risk Management (Scotland) Act 2009

Flood risk advice to planning authorities

1. Purpose

The purpose of this briefing note is to provide an update to planning authorities on changes to the consideration of flood risk within the planning system instigated by the [Flood Risk Management \(Scotland\) Act 2009](#). The briefing note was last updated to take account of the publication of the National Flood Risk Assessment (NFRA) in 22 December 2011. The latest update provides additional information and advice in connection with the publication of the new flood maps for Scotland.

2. Introduction

- The Flood Risk Management Act received royal assent on 16 June 2009 and sets out new duties with respect to flood risk management for SEPA, local authorities, Scottish Water and other responsible authorities.
- The Act has been commenced with the exception Section 42 (the amendment to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008).
- The purpose of the Act is to improve the assessment and sustainable management of flood risk across Scotland. This is supported by a shared duty on SEPA, local authorities, Scottish Water, Scottish Ministers and other responsible bodies to exercise their flood risk related functions with a view to reducing overall flood risk.
- Flood risk is defined in the Act as the combination of the probability of flooding and the potential adverse consequences for human health, the environment, cultural heritage and economic activity.

3. National Flood Risk Assessment and Land Use Planning

- SEPA completed the preliminary stage of the new flood risk management process with the publication of the National Flood Risk Assessment (NFRA) in December 2011.
- The NFRA is based on an assessment of the adverse consequences of historic and future floods, based on available and readily derivable information. It informs the Flood Risk Management Planning (FRMP) process and targets efforts to plan and invest in reducing impacts in areas most vulnerable to flooding.
- The NFRA identifies areas where the potential impact is sufficient to justify further assessment and appraisal of Flood Risk Management actions. These areas are based on catchment units and referred to as Potentially Vulnerable Areas (PVAs).
- PVA information is presented at a catchment level and does not represent the envelope of flood risk. The maps do not therefore imply that all areas within a PVA are subject to flood risk. Likewise, where an area is outside a PVA it does not mean there is no flood risk.
- The NFRA has not been designed specifically for land use planning purposes.
- SEPA makes use of strategic level NFRA information, where appropriate, in its responses to planning consultations in connection with development plans and significant, large scale planning applications.

4. New Flood Maps for Scotland

- SEPA published new flood maps for Scotland on 15 January 2014. The new maps are the most comprehensive national source of data on flood hazard and risk. Publication of the maps is a key milestone in the implementation of the Flood Risk Management Act and will support the development of Flood Risk Management Strategies and Plans.
- [SEPA's web map viewer](#) indicates flood extents, depths and velocities for individual sources of flooding (fluvial, coastal and surface water) for high, medium and low probabilities. Information is also provided on groundwater, flood defences, the impacts of flooding and natural flood management measures.
- The flood maps provide an important strategic source of input to development planning and development management, replacing the Indicative River and Coastal Flood Map (Scotland) (IRCFM(S)) provided to planning authorities in 2006.
- The information contained in the SEPA web map viewer has been provided in an appropriate GIS format to all responsible authorities in January 2014.
- A *planning sub-folder* within this data delivery has been provided to all planning authorities to replace the IRCFM(S) for the purposes of screening new development for flood risk.
- The *planning sub-folder* contains information on river, coastal and surface water flood extents focused on flood extents of most relevance to land use planning (i.e. 1:200 years and 1:1,000 years) and contains additional information on historical flood extents.
- The *planning sub-folder* is the preferred means for planning authorities to give initial consideration of flood risk in any new development proposal and assessing the need for consultation with SEPA.
- The flood maps will be subject to review and change as SEPA develops input data, methodologies and techniques. SEPA will work with responsible authorities and partner organisations to improve confidence in representing flood hazards.

5. Implications for Planning Authorities

- Reference should be made to [SEPA's position statement](#) on flood risk which provides a statement of SEPA's role and policy position on flooding relative to land use planning.
- As with the IRCFM(S), planning authorities should screen planning applications against the information in the *planning sub-folder* and against any other flood risk information from their internal Flood Prevention Officer, prior to SEPA consultation.
- Planning authorities should determine if the type of development is one for which advice is provided by SEPA in its "Standing advice for planning authorities and developers on development management consultations" ([LUPS-GU8](#)).
- If the proposal could lead to an increase in the number of persons or buildings at risk of being damaged by flooding then the application should be supported by a flood risk assessment and consultation with SEPA should be undertaken.
- For development planning purposes, SEPA's advice in [LUPS-GU11](#) in relation to the use of SEPA's mapped flood risk information remains of relevance.
- Operational use of the new mapping by planning authorities should be fully effective by the end of March 2014 and any new flood risk considerations initiated after this

time for development management and development plan purposes should make use of the new information.

6. SEPA's Role

- Section 72 of the FRM Act reaffirms SEPA's role in the provision of advice to a planning authority when requested and based on such information that it holds.
- From January 2014, SEPA responses to development management and development plan consultations will make use of the information in the *planning sub-folder*, together with the detailed flood risk management information data and other information held by SEPA.
- The next stage of the flood risk management planning process will involve consultation on FRM Strategies in December 2014, followed by their publication in December 2015.
- On completion of the first round of Flood Risk Management Plans, SEPA's advice will be based on the following information:
 - NFRA data, considered suitable for use in land use planning;
 - the new flood maps for Scotland;
 - relevant objectives and measures within the Flood Risk Management Strategies;
 - any Local Flood Risk Management Plan applicable to the authority's area;
 - information provided by the planning authority; and,
 - any other information held by SEPA.

The following table outlines SEPA's transitional approach to the incorporation of flood risk information in our planning responses:

Step	Date	SEPA Information Basis for Flood Risk Advice
1	Post 22 December 2011	<p>The main basis for flood risk advice comprises:</p> <ul style="list-style-type: none"> • The Indicative River and Coastal Flood Map (Scotland) (IRCFM(S)), • Information supplied by the planning authority (including flood risk assessments supplied by applicants), • Any other information SEPA holds. <p>SEPA guidance for use of the National Flood Risk Assessment (NFRA) in land use planning.</p> <p>Strategic level information from the NFRA where appropriate.</p>
2	Post 22 December 2013	<p>IRCFM(S) superseded.</p> <p>The new flood maps for Scotland replace use of IRCFM(S). SEPA responses will make use of information in the <i>planning sub-folder</i> together with the flood risk management data supporting the new flood maps and other flood risk information held.</p>
3	Post December 2014	<p>As step 2, plus reference to any relevant objectives and measures in the draft FRM Strategies.</p>
4	Post-December 2015	<p>As step 3, plus reference to published FRM Strategies and relevant Local Flood Risk Management Plans (LFRMPs).</p>

SEPA will continue to provide proportionate, concise and timely advice on flood risk, centred on robust scientific data and best methodological practice. Advice will be based on the information SEPA holds which, as that information develops, will be extended to include

information in relation to the overall impacts of flooding for an area which considers economic activity, the environment, human health and cultural heritage receptors.