

Flood Risk Management (Scotland) Bill

1st Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

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General duty: environmental, economic and social impact

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Flood risk related functions

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Flood risk assessments: deadline for preparation

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Local plan districts

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Scottish Water: duty to assess flood risk from sewerage systems

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Bodies of water and watercourses: local authority duties

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Notes on amendments in this group

Amendment 47 pre-empts amendment 76

SEPA: duty to prepare maps of artificial structures and natural features

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Flood hazard maps: definition of “medium probability”

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Strategic development plans and local development plans

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Water Industry Commission: Duty to have regard to sustainable flood risk management functions

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Amendments in debating order

General duty: objectives and measures

Rhoda Grant

- 79 In section 1, page 1, line 10, after <risk> insert <so as to achieve the objectives set out in any flood risk management plan approved under section 27>

Peter Peacock

- 66 In section 1, page 1, line 10, after <must> insert—
<() so far as is practicable, and in so far as responsibility for implementation lies with each of them, seek to secure the implementation of the current measures identified in each local flood risk management plan (as finalised under section 31) within the timetable specified in relation to each measure by virtue of section 29(4)(a)(i), and
()>

Roseanna Cunningham

- 1 In section 1, page 1, line 13, at end insert—
<() so far as such exercise affects a flood risk management district, act with a view to achieving the objectives set out in the flood risk management plan for that district as approved under section 27,>

General duty: environmental, economic and social impact

Roseanna Cunningham

- 2 In section 1, page 1, line 14, after <social> insert <, environmental>

John Scott

- 82 In section 2, page 2, line 23, at end insert <;
and must, before 22 December 2010, give guidance to SEPA and responsible authorities as to their duty under section 1(2)(a).>

Consistency between purposes of flood risk related functions and other duties

Liam McArthur

- 80 In section 1, page 1, leave out lines 15 and 16

General duty: managing flood risk sustainably

Roseanna Cunningham

- 3 In section 1, page 1, line 16, at end insert—

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<() act in the way best calculated to manage flood risk in a sustainable way,>

Peter Peacock

83* After section 2, insert—

<Guidance on sustainable flood risk management

- (1) The Scottish Ministers may give guidance to SEPA and responsible authorities as to the meaning and achievement of sustainable flood risk management.
- (2) SEPA and responsible authorities must have regard to such guidance in relation to the exercise of their flood risk related functions.
- (3) Before giving guidance under this section, the Scottish Ministers must consult SEPA.>

Roseanna Cunningham

65 In the long title, page 1, line 1, after <and> insert <sustainable>

General duty: co-operation

Elaine Murray

81 In section 1, page 1, line 21, after <co-ordinate> insert <and integrate>

Roseanna Cunningham

4 In section 1, page 1, line 22, at end insert—

<() For the purposes of co-operating with each other under subsection (2)(c), the Scottish Ministers, SEPA and responsible authorities may enter into agreements with each other.>

Flood risk related functions

Roseanna Cunningham

5 In section 1, page 1, line 25, after <under> insert <this Part (other than subsections (1) and (2) of this section),>

Directions: consultation

Roseanna Cunningham

6 In section 2, page 2, line 28, at end insert—

<() Before giving a direction under subsection (1), the Scottish Ministers must consult—

- (a) the person to whom the direction is to be given, and
- (b) such of the following persons as they consider appropriate—
 - (i) SEPA, and

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(ii) responsible authorities.>

Roseanna Cunningham

25 In section 18, page 9, line 34, at end insert—

<() Before giving a direction under subsection (4)(b), (5)(b) or (6)(b), the Scottish Ministers must consult SEPA.>

Responsible authorities: consultation

Roseanna Cunningham

7 In section 5, page 3, line 12, at end insert—

<() Before making an order under subsection (1)(c), the Scottish Ministers must consult—

(a) SEPA,

(b) every responsible authority,

(c) the public bodies and office-holders who will be responsible authorities by virtue of the order being made, and

(d) such other persons as they consider appropriate.>

Flood risk assessments: deadline for preparation

Roseanna Cunningham

8 In section 9, page 4, line 10, leave out from <or> to end of line 11

Natural features and natural characteristics

Roseanna Cunningham

9 In section 9, page 5, line 3, leave out <of> and insert <and characteristics of any river basin or coastal area in>

Roseanna Cunningham

10 In section 9, page 5, line 3, leave out from <(for> to end of line 5

Roseanna Cunningham

11 In section 9, page 5, leave out lines 13 to 16 and insert <，“natural features and characteristics” has the same meaning as it has for the purposes of section 16(1) (see section 16(1A))>

Roseanna Cunningham

17 In section 16, page 7, line 33, leave out <such> and insert <22 December 2013 or such other>

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Rhoda Grant

- 67 In section 16, page 7, line 34, after <of> insert <natural flooding processes and>

Roseanna Cunningham

- 18 In section 16, page 7, line 34, after <features> insert <and characteristics of any river basin or coastal area>

Roseanna Cunningham

- 19 In section 16, page 7, line 35, leave out <(for example flood plains, wetlands or woodlands)>

Roseanna Cunningham

- 20 In section 16, page 7, line 36, at end insert—

<(1A) For the purposes of subsection (1), natural features and characteristics include such features and characteristics which can assist in the retention of flood water, whether on a permanent or temporary basis, (such as flood plains, woodlands and wetlands) or in slowing the flow of such water (such as woodlands and other vegetation), those which contribute to the transporting and depositing of sediment, and the shape of rivers and coastal areas.>

Elaine Murray

- 68* In section 16, page 7, line 36, at end insert—

<() The Scottish Ministers may give guidance as to what constitutes a “natural flooding process” for the purposes of subsection (1).>

Rhoda Grant

- 69* In section 16, page 7, line 36, at end insert—

<() In making an assessment under subsection (1) SEPA must seek the views of—

- (a) any local authority within the area of the flood risk management district,
- (b) any national park authority within the area of the flood risk management district, and
- (c) Scottish Natural Heritage,

and take into account any such views.>

Roseanna Cunningham

- 21 In section 16, page 8, line 7, leave out second <the> and insert <any>

Roseanna Cunningham

- 22 In section 16, page 8, line 8, leave out first <the> and insert <any>

Roseanna Cunningham

- 23 In section 16, page 8, line 13, after <features> insert <and characteristics of any river basin or coastal area>

Roseanna Cunningham

- 24 In section 16, page 8, line 13, leave out <there> and insert <in the district>

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Peter Peacock

85 In section 23, page 11, line 33, at end insert—

<(4A) In setting objectives and identifying measures under subsection (4), SEPA must consider the assessment of the potential contribution of the alteration (including enhancement) and restoration of natural features and characteristics of a river basin or coastal area to the management of flood risk for the district.

(4B) In identifying measures under subsection (4)(b), SEPA must identify measures which it considers are the most sustainable.

(4C) Where measures identified under subsection (4B) are different to those considered under subsection (4A), SEPA must give reasons for selecting such alternative measures.>

Roseanna Cunningham

35 In section 37, page 20, line 31, after <10,> insert <16,>

Roseanna Cunningham

37 In section 42, page 23, line 27, after <features> insert <and characteristics>

Roseanna Cunningham

38 In section 43, page 24, line 26, after <features> insert <and characteristics>

Roseanna Cunningham

40 In section 48, page 26, line 20, leave out <“river basin” has the same meaning> and insert <“body of surface water”, “loch”, “river basin” and “watercourse” have the same meanings>

Roseanna Cunningham

41 In section 48, page 26, line 20, at end insert—

<“sub-basin” means an area of land from which all surface run-off water flows through a series of streams, rivers, other watercourses and, as the case may be, lochs to a particular point in a watercourse or loch,>

Roseanna Cunningham

42 In section 48, page 26, line 21, leave out from <has> to end of line and insert <means an area of ground the ecological, chemical and hydrological characteristics of which are attributable to frequent inundation or saturation by water.>

Roseanna Cunningham

53 In section 68, page 35, line 2, after <features> insert <and characteristics>

Roseanna Cunningham

57 In section 79, page 41, line 31, leave out <section 16 or Part 5> and insert <this Part>

Roseanna Cunningham

58 Move section 79 to after section 67

Rhoda Grant

88 In section 84, page 44, leave out line 3 and insert—

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- <(b) the alteration (including enhancement) or restoration of natural features and characteristics of any river basin or coastal area,>

Roseanna Cunningham

- 61 In schedule 4, page 54, line 17, at end insert—
<body of surface water Section 48(1)>

Roseanna Cunningham

- 63 In schedule 4, page 55, line 14, at end insert—
<sub-basin Section 48(1)>

Roseanna Cunningham

- 64 In schedule 4, page 55, line 15, leave out <61> and insert <48(1)>

Local plan districts

Roseanna Cunningham

- 12 In section 13, page 6, line 6, leave out <geographical>

Roseanna Cunningham

- 13 In section 13, page 6, line 6, after first <areas> insert <(consisting of one or more river basins, sub-basins or coastal areas)>

Scottish Water: duty to assess flood risk from sewerage systems

Roseanna Cunningham

- 14 After section 15, insert—
<Assessment of flood risk from sewerage systems

Scottish Water to assess flood risk from sewerage systems

- (1) Scottish Water must, for each potentially vulnerable area and any other area identified by SEPA, prepare an assessment—
 - (a) identifying where in the area it considers that a flood is likely to originate from a sewerage system,
 - (b) estimating the volume of sewage which is likely to be released in the event of such a flood, and
 - (c) containing such other information as the Scottish Ministers may specify in regulations.
- (2) An assessment under subsection (1) must be prepared by such date as the Scottish Ministers may direct.
- (3) Before identifying an area for the purposes of subsection (1), SEPA must consult—
 - (a) Scottish Water, and

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- (b) any other responsible authority which has functions exercisable in or in relation to the area.
- (4) An assessment prepared under subsection (1) must be in such form as SEPA may determine.
- (5) In determining the form of an assessment under subsection (4), SEPA must seek to ensure that the assessment will integrate with information relating to flood risk held by—
 - (a) itself, and
 - (b) any responsible authority which has functions exercisable in or in relation to the area for which the assessment is prepared.
- (6) Before determining the form of an assessment in accordance with subsections (4) and (5), SEPA must consult the persons mentioned in subsection (5)(b).
- (7) Scottish Water must, if requested, provide a copy of an assessment to SEPA or a responsible authority.
- (8) Scottish Water must, for each potentially vulnerable area and each area for the time being identified by SEPA—
 - (a) by such date as the Scottish Ministers may direct, review and where appropriate update the assessment prepared under subsection (1) for that area,
 - (b) by the end of the period of 6 years beginning with that date, and of each subsequent period of 6 years (or, in each case, such lesser period as the Scottish Ministers may direct) review and where appropriate update the latest assessment reviewed under this subsection for that area.
- (9) Subsections (4) to (7) apply to the updating of assessments as they apply to their preparation.
- (10) Before making regulations under subsection (1)(c), the Scottish Ministers must consult—
 - (a) SEPA,
 - (b) Scottish Water, and
 - (c) such other responsible authorities as they consider appropriate.>

Bodies of water and watercourses: local authority duties

Roseanna Cunningham

15 After section 15, insert—

<Bodies of water etc.: mapping and assessment

Local authorities to prepare maps of bodies of water etc.

- (1) Every local authority must prepare a map which shows (or more than one map which, taken together, show) relevant bodies of water and sustainable urban drainage systems in its area.
- (2) Each map must—
 - (a) be prepared by such date as the Scottish Ministers may direct,

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- (b) be prepared at a scale that the authority considers most appropriate, and
 - (c) contain such information and be in such form as the Scottish Ministers may specify in regulations.
- (3) A local authority must, from time to time, review and where appropriate update the map (or maps) prepared for its area under subsection (1).
- (4) A local authority must make available for public inspection the map (or maps) prepared under this section for the time being applicable to its area.
- (5) In this section and section 56—
- “relevant body of water”—
 - (a) means—
 - (i) a body of surface water other than a stretch of coastal water, or
 - (ii) a body of underground water forming part of a watercourse (but not including a watercourse which is wholly underground), but
 - (b) does not include sewers and drains which drain into sewers,
- “sustainable urban drainage system” has the meaning given in section 59(1) of the Sewerage (Scotland) Act 1968 (c.47).>

Roseanna Cunningham

36 After section 38, insert—

<Power of local authorities to obtain information

- (1) A person mentioned in subsection (2) must, on being requested by a local authority, provide the authority with such information in its possession or under its control as the authority may reasonably seek in connection with its functions under sections (*Local authorities to prepare maps of bodies of water etc.*) and 56.
- (2) Those persons are—
 - (a) SEPA, and
 - (b) any other responsible authority which has flood risk related functions exercisable in or in relation to the local authority’s area.
- (3) Where SEPA or, as the case may be, a responsible authority cannot agree with the local authority on whether information is being sought reasonably under this section, either of them may refer the matter to the Scottish Ministers, whose decision is final.>

Roseanna Cunningham

39 In section 46, page 26, line 2, at end insert <unless the document is—

- (a) a map prepared under section (*Local authorities to prepare maps of bodies of water etc.*), or
- (b) a schedule prepared under section 56(1)(ba)>

Roseanna Cunningham

43 After section 51, insert—

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<Clearance and repair works

Duty to carry out clearance and repair works

A local authority must carry out the works described in a schedule prepared by it under section 56 if it considers carrying out the works—

- (a) will contribute to the implementation of current measures described in any relevant local flood risk management plan, or
- (b) will not affect the implementation of the measures mentioned in paragraph (a).>

Roseanna Cunningham

- 44 In section 56, page 29, line 28, at end insert <(or when directed to do so by the Scottish Ministers)>

Roseanna Cunningham

- 45 In section 56, page 29, line 29, leave out <watercourses> and insert <relevant bodies of water (other than canals)>

Roseanna Cunningham

- 46 In section 56, page 29, line 30, leave out <watercourse> and insert <body of water>

Roseanna Cunningham

- 47 In section 56, page 29, leave out lines 32 to 35 and insert—

<(ba) where—

- (i) a body of water gives rise to such a risk, and
- (ii) the authority considers that clearance and repair works would substantially reduce that risk,

prepare a schedule of those clearance and repair works.

- (1A) In subsection (1)(ba), clearance and repair works are works that consist of any or all of the following—

- (a) removing obstructions from a body of water,
- (b) removing things that are at significant risk of becoming such obstructions,
- (c) repairing artificial structures which form part of the bed or banks of a body of water.

- (1B) A schedule prepared under subsection (1)(ba) must—

- (a) indicate when the local authority next intends to carry out an assessment under subsection (1)(a) of the body of water in question,
- (b) contain such other information and be in such form as the Scottish Ministers may specify in regulations.

- (1C) A local authority must make available for public inspection the schedule of clearance and repair works prepared under subsection (1)(ba) for the time being applicable to its area.>

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Elaine Murray

- 76 In section 56, page 29, line 32, leave out from <consider> to end of line 35 and insert <cleanse, repair and otherwise maintain the watercourse and any apparatus ancillary to it in a due state of efficiency.>

Roseanna Cunningham

- 48 In section 56, page 29, line 37, leave out <watercourse> and insert <relevant body of water>

Roseanna Cunningham

- 49 Move section 56 to after section 15

Elaine Murray

- 77 In section 61, page 31, line 10, at end insert—
<“cleanse” means the removal of mud, silt, debris or other obstructive matter in the ordinary course of good maintenance.>

Roseanna Cunningham

- 51 In section 61, page 31, leave out lines 24 to 31

Roseanna Cunningham

- 54 In section 68, page 35, line 9, at end insert—
<() any land for the purposes of preparing, reviewing or updating a map under section (*Local authorities to prepare maps of bodies of water etc.*),
() any land for the purposes of assessing a body of water under section 56,>

Roseanna Cunningham

- 55 In section 68, page 35, line 16, at end insert—
<() any land for the purposes of carrying out works under section (*Duty to carry out clearance and repair works*), and>

Roseanna Cunningham

- 56 In section 71, page 37, line 15, at end insert—
<() the carrying out of works under section (*Duty to carry out clearance and repair works*), or>

Roseanna Cunningham

- 62 In schedule 4, page 55, line 6, at end insert—
<relevant body of water
Section (*Local authorities to prepare maps of bodies of water etc.*)(5)>

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SEPA: duty to prepare maps of artificial structures and natural features

Roseanna Cunningham

16 After section 15, insert—

<Artificial structures and natural features: mapping and assessment

SEPA to prepare maps of artificial structures and natural features

- (1) SEPA must, for each flood risk management district, prepare a map—
 - (a) showing artificial structures and natural features in the flood risk management district the removal of which SEPA considers would significantly increase the risk of flooding from a body of surface water,
 - (b) indicating, in relation to each structure or feature, whether it was constructed or altered under section 49 of this Act or section 2 of the 1961 Act, and
 - (c) containing such other information as the Scottish Ministers may specify in regulations.
- (2) Each map must be prepared—
 - (a) by such date as the Scottish Ministers may direct,
 - (b) at the appropriate scale, and
 - (c) in such form as the Scottish Ministers may specify in regulations.
- (3) SEPA must, from time to time, review and where appropriate update the map prepared under this section for each flood risk management district.
- (4) Before preparing or updating a map under this section, SEPA must consult every local authority whose area (or part of whose area) is in the flood risk management district to which the map relates.
- (5) SEPA must make available for public inspection the map prepared or updated under this section for the time being applicable to each flood risk management district.>

Roseanna Cunningham

34 In section 37, page 20, line 31, after <10,> insert <(SEPA to prepare maps of artificial structures and natural features),>

Roseanna Cunningham

50 In section 60, page 31, line 8, leave out <Flood Prevention (Scotland) Act 1961 (c.41)> and insert <1961 Act>

Roseanna Cunningham

52 In section 68, page 34, line 37, at end insert—

<() section (SEPA to prepare maps of artificial structures and natural features) (preparation of maps of artificial structures and natural features),>

Roseanna Cunningham

59 In section 84, page 43, line 34, at end insert—

<“the 1961 Act” means the Flood Prevention (Scotland) Act 1961 (c.41),>

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Roseanna Cunningham

- 60 In schedule 4, page 54, line 12, at end insert—
<the 1961 Act Section 84(1)>

Flood hazard maps: definition of “medium probability”

Roseanna Cunningham

- 26 In section 18, page 9, line 40, after <more> insert <(or an annual probability of occurrence of not more than 1%)>

Flood risk maps: protected areas, conservation and SSSIs

Liam McArthur

- 84 In section 19, page 10, line 25, leave out from <referred> to end of line 27 and insert <that are protected areas under the Birds Directive (Council Directive 79/409/EEC), are special areas of conservation under the Habitats Directive (Council Directive 92/43/EEC), or are SSSIs under Part 2, Chapter 1 of the Nature Conservation (Scotland) Act 2004 (asp 6),>

Objectives and measures: sustainability etc.

Roseanna Cunningham

- 27 In section 23, page 11, line 33, at end insert <in a way which it considers is most sustainable>

Roseanna Cunningham

- 28 In section 24, page 12, line 13, leave out from <(in> to end of line 16 and insert <that are likely to be derived from implementing proposed measures, including—
- () the benefits in terms of reducing the potential adverse consequences of flooding for human health, the environment, cultural heritage and economic activity, and
 - () any other environmental, social, and economic benefits,>

Strategic assessment (including use in funding decisions)

Peter Peacock

- 70 In schedule 1, page 45, line 11, leave out from <before> to end of line 12 and insert—
- <(i) before the plan is next reviewed under section 28,
 - (ii) in the 6 years following that review,
 - (iii) in the 18 years following that review, or
 - (iv) in some other period.>

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Peter Peacock

71 In section 27, page 14, line 26, at end insert—

<(1A) In considering whether to approve a particular flood risk management plan, the Scottish Ministers must have regard to the other flood risk management plans to be approved within the same timescale and in particular to whether—

- (a) the measures identified in the plans (taken together) as being for implementation before each plan is next reviewed under section 28, and
- (b) the priority to be given to each such measure within that period,

constitute an appropriate national implementation programme.

(1B) If the Scottish Ministers conclude that, taken together, those measures do not constitute an appropriate national implementation programme they must—

- (a) under subsection (1)(a), approve the plan with any modifications necessary, or
- (b) under subsection (1)(b), reject the plan and direct SEPA under subsection (4) to make such modifications of the plan as are necessary,

to ensure that the relevant measures in the set of flood risk management plans due to be approved within the same timescale as the plan in question do constitute such a programme.

(1C) Subsection (1B) does not affect the Scottish Ministers' other powers to approve, reject or make, or direct SEPA to make, modifications of a flood risk management plan under this section.>

Peter Peacock

72 After section 28, insert—

<Strategic assessment and interim strategic assessment

- (1) SEPA must, as soon as practicable after a set of flood risk management plans for any period are approved under section 27, prepare and submit to the Scottish Ministers a report under this subsection (“a strategic assessment”).
- (2) A strategic assessment must include a national implementation programme setting out—
 - (a) the measures identified in each flood risk management plan (as approved under section 27) as being for implementation before the plan is next reviewed under section 28, and
 - (b) the proposed priority to be given to implementing each such measure.
- (3) A strategic assessment must also include an estimated—
 - (a) cost of, and
 - (b) timescale for,implementing each such measure.
- (4) A strategic assessment must also set out the measures identified in each flood risk management plan as being for implementation in each of the periods mentioned in paragraph 1(c)(ii) to (iv) of schedule 1.
- (5) A strategic assessment to which subsection (6)(b) or (c) applies must also include an assessment of the progress made in implementing the national implementation programme set out in the previous strategic assessment.

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- (6) A strategic assessment relating to the set of flood risk management plans to which—
- (a) section 23(3) applies must be laid before the Scottish Parliament by the Scottish Ministers no later than 3 months after the last plan in the set is approved,
 - (b) section 28(2) applies must be laid before the Scottish Parliament by the Scottish Ministers no later than 3 months after the last plan in the set is approved,
 - (c) paragraph (b) of section 28(1) applies must be laid before the Scottish Parliament by the Scottish Ministers no later than 3 months after the last plan in the set to be approved by the end of each period of 6 years mentioned in that paragraph is approved.
- (7) Where by virtue of subsection (6)(c) no strategic assessment is due to be laid before the Scottish Parliament within any period between two ordinary general elections (as scheduled to take place under or by virtue of section 2 of the Scotland Act 1998), SEPA is to prepare and submit to the Scottish Ministers (by such date as the Scottish Ministers specify) a report under this subsection (“an interim strategic assessment”).
- (8) An interim strategic assessment must contain—
- (a) such of the information contained in the previous strategic assessment as remains relevant at the time the interim strategic assessment is prepared, and
 - (b) an assessment of the progress made in implementing the national implementation programme set out in the previous strategic assessment.
- (9) An interim strategic assessment must be laid before the Scottish Parliament by the Scottish Ministers on such date within the period mentioned in subsection (7) as the Scottish Ministers consider appropriate.>

Peter Peacock

73 In section 36, page 20, line 22, at end insert—

- <() The Scottish Ministers must, in determining any funding to be allocated to SEPA or any responsible authority for any period, have regard to the national implementation programme covering that period.>

Peter Peacock

74 In section 36, page 20, line 22, at end insert—

- <() The Scottish Ministers must, in determining any funding to be allocated to SEPA or any responsible authority for any period, have regard to flood risk management plans and local flood risk management plans as they relate to that period.>

Objectives and measures: assessment of costs

Bill Wilson

86 In section 24, page 12, line 12, at end insert <including social, environmental and economic costs,>

THIS IS NOT THE MARSHALLED LIST

Objectives and measures: surface run-off water and urban drainage

Roseanna Cunningham

- 29 In section 24, page 12, line 17, at end insert <including the management of surface run-off water and urban drainage>

Roseanna Cunningham

- 33 In section 29, page 16, line 10, at end insert—
<() a description of how the functions of the persons identified under paragraph (b)(i) will be coordinated to implement the measures and, in particular, a description of how those functions will be coordinated insofar as the measures relate to surface run-off water or urban drainage, and>

Objectives and measures: civil contingencies

Roseanna Cunningham

- 30 In section 24, page 12, line 20, at end insert—
<() any plan or assessment published under section 2(1)(f) of the Civil Contingencies Act 2004 (c.36) relating to the district,>

Objectives and measures: structural and non-structural measures

Roseanna Cunningham

- 31 In section 24, page 12, line 28, leave out subsections (2) and (3) and insert—
<(2A) For the purposes of subsection (1)(b)—
(a) a measure is structural if it involves flood protection work, and
(b) non-structural measures include flood warning, awareness raising and the preparation and review of development plans.
(2B) In subsections (1)(a)(viii) and (2A)(b)—
“development plan” has the meaning given in section 24 of the Town and Country Planning (Scotland) Act 1997 (c.8),
“the planning Acts” has the meaning given in section 277(1) of that Act.>

Flood risk management plans: consultation

John Scott

- 87 In section 25, page 13, line 22, leave out <considers> and insert <or the Scottish Ministers consider>