L.N. 264 of 2010

MALTA RESOURCES AUTHORITY ACT (CAP. 423)

Assessment and Management of Flood Risks Regulations, 2010

IN exercise of the powers conferred by article 28 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, has made the following regulations:

Title and scope.

1. (1) The title of these regulations is the Assessment and Management of Flood Risks Regulations, 2010.

(2) The scope of these regulations is to tranpose Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (Text with EEA relevance) which establishes a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods.

Interpretation.

2. (1) Unless otherwise stated in these regulations, the definitions in the Act shall apply.

(2) In these regulations unless the context otherwise requires:

"the Act" means the Malta Resources Authority Act;

"the competent authority" means the Malta Resources Authority;

"flood" means the temporary covering by water of land not normally covered by water. This includes floods from rivers, mountain torrents, Mediterranean ephemeral water courses, and floods from the sea in coastal areas, and excludes floods from sewerage systems;

"flood risk" means the combination of the probability of a flood event and of the potential adverse consequences for human health, the environment, cultural heritage and economic activity associated with a flood event;

"river" means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course;

"sub-catchment" means the area of land from which all surface run-off flows through a series of streams, rivers and, possibly, lakes to a particular point in a water course (normally a lake or a river confluence);

"water catchment" means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta;

"water catchment district" means the area of land and sea, made up of one or more neighbouring water catchments together with their associated groundwaters and coastal waters.

(3) For the purposes of these regulations, any reference to Directives of the European Parliament and of the Council, shall be read and construed as if reference is made to the provisions of the regulations transposing the provisions of such directive into Maltese law.

Prelimiary flood risk assessment.

3. (1) The competent authority shall undertake a preliminary flood risk assessment for each water catchment district and unit of management by 22 December 2011. This preliminary flood risk assessment shall provide an assessment of potential risks and shall be based on available or readily derivable information, such as records and studies on long term developments, in particular the impact of climate change on the occurrence of floods, and shall include the information required in sub-regulation (2) of this regulation.

(2) The preliminary flood risk assessment shall include at least:

(a) maps of the water catchment district at the appropriate scale including the borders of the water catchments, sub-catchments, and where existing, coastal areas, showing topography and land use;

(b) a description of the floods which have occurred in the past and which have had significant adverse impacts

on human health, the environment, cultural heritage and economic activity and for which the likelihood of similar future events is still relevant, including the flood extent and conveyance routes and an assessment of the adverse impacts they have entailed;

(c) a description of the significant floods which have occurred in the past, where significant adverse consequences of similar future events might be envisaged;

(3) The competent authority shall, where considered necessary, in collaboration and with the contribution of the relevant competent authorities undertake an assessment of the potential adverse consequences of future floods for human health, the environment, cultural heritage and economic activity, taking into account as far as possible issues such as the topography, the position of watercourses and their general hydrological and geo-morphological characteristics, including floodplains as natural retention areas, the effectiveness of existing manmade flood defence infrastructures, the position of populated areas, areas of economic activity and long-term developments including impacts of climate change on the occurrence of floods.

Identification of areas of potential significant flood risk.

4. On the basis of the preliminary flood risk assessment, the competent authority shall identify those areas where a potential significant flood risk exists or might be considered likely to occur. Identification of areas of potential significant flood risk.

Flood hazard maps.

5. (1) The competent authority shall prepare flood hazard maps and flood risk maps for the areas identified in terms of regulation 4.

(2) Flood hazard maps shall cover the geographical areas which could be flooded according to the following scenarios:

(a) floods with a low probability, or extreme event scenarios;

(b) floods with a medium probability having a likely return period of more than one hundred years;

(c) floods with a high probability, where appropriate.

(3) For each scenario referred to in sub-regulation (2), the following shall be shown:

(a) the flood extent;

(b) water depths or water level, as appropriate;

(c) where appropriate, the flow velocity or the relevant water flow.

(4) Flood risk maps shall show the potential adverse consequences associated with flood scenarios referred to in sub-regulation (2) and shall be expressed in terms of:

(a) the indicative number of inhabitants potentially affected;

(b) type of economic activity of the area potentially affected;

(c) installations as referred to in Annex I of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control which may cause accidental pollution in case of flooding and potentially affected protected areas identified in Annex IV (1)(i), (iii) and (v) to Directive 200/60/EC;

(d) other information which the competent authority considers useful, such as the indication of areas where floods with a high content of transported sediments and debris floods can occur and information on other significant sources of pollution.

(5) For coastal areas and areas where flooding is from groundwater sources the preparation of flood hazard maps shall be limited to floods with a low probability or extreme event scenarios.

(6) The flood hazard maps and flood risk maps shall be completed by 22 December 2013.

Flood risk management plans.

6. (1) The competent authority shall draw up Flood Risk Management Plans on the basis of the flood risk maps for each of the areas identified in terms of regulation 4.

(2) The Flood Risk Management Plan shall incorporate objectives for each of those areas identified in terms of regulation 4, focusing on the reduction of potential adverse consequences of flooding for human health, the environment, cultural heritage

and economic activity and where appropriate on non-structural initiatives or on the reduction of the likelihood of flooding.

(3) The Flood Risk Management Plan shall include the elements listed in the First Schedule to these regulations and shall take into account relevant aspects such as costs and benefits, flood extent and flood conveyance routes and areas which have the potential to retain flood water, such as natural floodplains, the environmental objectives of Article 4 of Directive 2000/60/EC, soil and water management, spatial planning, land use, nature conservation, navigation and port infrastructure.

(4) Flood risk management plans shall address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and taking into account the characteristics of the particular water catchment or sub-catchment as well as the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event.

(5) Flood risk management plans shall be completed and published by 22 December 2015.

Implementation.

L.N. 194 of 2004.

7. (1) The implementation of these regulations shall be effected in consistency with the Water Framework Policy Regulations, 2004 and shall focus on opportunities for improving efficiency, information exchange and for achieving common synergies and benefits having regard to the environmental objectives laid down in such regulations, in particular:

(a) the development of the first flood hazard maps and flood risk maps and their subsequent reviews shall be carried out in such a way that the information they contain is consistent with relevant information pertaining to the Water Framework Policy Regulations, 2004;

(b) the development of the first flood risk management plans and their subsequent reviews shall be carried out in coordination with, and may be integrated into, the reviews of the water catchment management plans provided for in the Water Framework Policy Regulations, 2004;

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(c) the active involvement of all interested parties as required by regulation 8 of these regulations shall be coordinated with the active involvement of parties under the Water Framework Regulations, 2004.

Public participation.

8. (1) The competent authority shall make available to the public the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and the Flood risk management plans.

(2) Interested parties shall be encouraged to participate actively in the production, review and updating of the Flood risk management plans.

Review.

9. (1) The preliminary flood risk assessment shall be reviewed and if necessary updated by 22 December 2018 and every six years thereafter, taking into account the likely impact of climate change on the occurrence of floods.

(2) The flood hazard maps and the flood risk maps shall be reviewed and if necessary updated, by 22 December 2019, and every six years thereafter.

(3) The Flood risk management plans shall be reviewed and, if necessary, updated, including the elements set out in the Second Schedule to these regulations by the 22nd December 2021, and every six years thereafter, taking into account the likely impact of climate change on the occurrence of floods.

FIRST SCHEDULE

Regulation 6 (3) - Flood Risk Management Plans

I. Components of the first Flood Risk Management Plan:

1. the conclusions of the preliminary flood risk assessment as required in terms of these regulations in the form of a summary map of the water catchment district, or the unit of management delineating the areas identified under regulation 4 which are the subject of this Flood Risk Management Plan;

2. flood hazard maps and flood risk maps and the conclusions that can be drawn from those maps;

3. a description of the appropriate objectives of flood risk management;

4. a summary of the measures and their prioritisation aiming to achieve the appropriate objectives of flood risk management, including the measures taken in accordance with regulation 6, and flood related measures taken under other Community acts, including Council Directives 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment and Directive 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances, Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment and Directive 2000/60/EC;

5. when available, for shared water catchments or sub-catchments, a description of the methodology, of cost-benefit analysis used to assess measures with transnational effects.

II. Description of the implementation of the plan:

1. a description of the prioritisation and the way in which progress in implementing the plan will be monitored;

2. a summary of the public information and consultation measures taken;

3. a list of competent authorities and, as appropriate, a description of the coordination process with Directive 2000/60/EC.

SECOND SCHEDULE

Regulation 9 (3) - Components of the subsequent update of Flood Risk Management Plans:

1. any changes or updates since the publication of the previous version of the Flood Risk Management Plan, including a summary of the reviews carried out in compliance with regulation 9;

2. an assessment of the progress made towards the achievement of the objectives referred to in regulation 6 (2);

3. a description of, and an explanation for, any measures foreseen in the earlier version of the flood risk management plan which were planned to be undertaken and have not been taken forward;

4. a description of any additional measures since the publication of the previous version of the Flood Risk Management Plan.

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