Flood Risk Management (Scotland) Act 2009 asp 6   1
SCHEDULE 2 – Flood protection schemes: procedure etc.
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SCHEDULE 2
FLOOD PROTECTION SCHEMES: PROCEDURE ETC.

Ministerial call-in

6   (1) Where the Scottish Ministers receive a notice under paragraph 5(5) and any relevant objector is a local authority or a National Park authority, the Scottish Ministers must consider the proposed flood protection scheme.

(2) Otherwise, the Scottish Ministers must, within 28 days of receipt, advise the local authority proposing the scheme either—

    (a)   that they will not consider the proposed scheme, or

    (b)   that they will consider the proposed scheme.

(3) In making their decision under sub-paragraph (2), the Scottish Ministers must have regard to—

    (a)   the extent of the proposed operations,

    (b)   the likely reduction in flood risk that will result from the completion of those operations,

    (c)   the nature of the objections made,

    (d)   the likely effect on the objectors of the scheme being confirmed, and

    (e)   the extent to which the objections appear to raise issues of disputed fact.

(4) The Scottish Ministers may extend the period mentioned in sub-paragraph (2) by up to 28 days if—

    (a)   they require more time to consider their decision under that sub-paragraph, and

    (b)   the period has not expired.

(5) The Scottish Ministers must notify the local authority proposing the scheme of any decision under sub-paragraph (4) to extend the period as soon as reasonably practicable after making that decision.

(6) The local authority proposing the scheme must provide such further information as the Scottish Ministers request for the purpose of making their decision under sub-paragraph (2).

Commencement Information
I1   Sch. 2 para. 6 in force at 24.12.2010 by S.S.I. 2010/401, **art. 3(g)**