
Changes to legislation: There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Paragraph 5. (See end of Document for details)

SCHEDULE 2 FLOOD PROTECTION SCHEMES: PROCEDURE ETC.

Preliminary decision following objections

- 5 (1) Where, in relation to a proposed flood protection scheme, the local authority receives a valid objection, it must make a preliminary decision to—
- (a) confirm the proposed scheme without modification,
 - (b) confirm the proposed scheme with modifications, or
 - (c) reject the proposed scheme.
- (2) Before making the decision under sub-paragraph (1), the local authority—
- (a) must consider—
 - (i) any valid objections (unless withdrawn), and
 - (ii) any late objection if the authority is satisfied that it was reasonable for the objector to make the objection after the deadline for doing so, and
 - (b) may also consider any other matters it considers appropriate.
- (3) The local authority must give notice of its decision under sub-paragraph (1) to every person who made an objection which it considered.
- (4) A person who made such an objection is referred to in this schedule as a “relevant objector”.
- (5) Where any relevant objector is a person to whom sub-paragraph (6) applies, the local authority must also give to the Scottish Ministers notice of its decision together with—
- (a) the scheme documents,
 - (b) a summary of the objections received by the local authority,
 - (c) copies of those objections, and
 - (d) copies of any other material considered by the local authority.
- (6) This sub-paragraph applies to any person—
- (a) having any interest in any land on which the proposed operations are to be carried out,
 - (b) whose interest in any other land may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations, or
 - (c) referred to in paragraph 1(1)(e) or (f).

Commencement Information

II Sch. 2 para. 5 in force at 24.12.2010 by S.S.I. 2010/401, art. 3(g)

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