

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).