
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 426

The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010

PART IV

FURTHER PROCEDURAL PROVISIONS

Objections

12.—(1) Any objection to a proposed flood protection scheme under paragraph 3 of schedule 2 to the Act must be accompanied by a statement of the reasons for the objection.

(2) Where an objector under paragraph 3 of schedule 2 to the Act has an interest in any land on which the proposed operations are to be carried out or which may be affected by any of the proposed operations, or by any alteration in the flow of water caused by any of the operations, that person's objection must include—

- (a) details of the land in which the objector has an interest;
- (b) disclosure of the nature of the objector's interest in the land; and
- (c) details of which aspects of the proposed operations affect the objector.

Withdrawal of objections

13.—(1) Where a local authority confirms a proposed scheme with modifications under paragraph 5(1)(b) of schedule 2 to the Act it must, when giving notice of that decision in accordance with paragraph 5(3) of that schedule, offer any person who made an objection the opportunity to withdraw that objection in writing.

(2) Where all relevant objectors (within the meaning of paragraph 5(4) of Schedule 2 to the Act) withdraw their objections following notification, in accordance with paragraph (1), of a local authority's decision, the duty of the local authority to give the Scottish Ministers notice of its decision under paragraph 5(5) of schedule 2 to the Act does not apply.

(3) A withdrawal of an objection which is made by electronic means is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.

Deemed planning permission

14.—(1) Where a local authority confirms a proposed scheme under paragraph 4(1) or 9(1) of schedule 2 to the Act, it must request that the Scottish Ministers direct that planning permission for any development described in the scheme is to be deemed to be granted.

(2) A request under paragraph (1) must be made to the Scottish Ministers in writing and must be accompanied by—

- (a) a brief description of the nature and purpose of the confirmed scheme;

- (b) a copy of the confirmed scheme;
- (c) a summary of the scheme documents; and
- (d) a summary of the environmental statement (if any).

(3) A request under paragraph (1) may be accompanied by any other material which the local authority considers relevant to the grant of deemed planning permission.

Service of notices

15.—(1) Any notice or other document to be sent, served or given under these Regulations or under schedule 2 to the Act may be sent, served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given;
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address;
- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at their usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address;
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office, or by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office; or
- (e) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address.

(2) The condition mentioned in paragraph (1)(e) is that the notice or other document must be—

- (a) capable of being accessed by the person mentioned in that provision;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference,

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.