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

SCHEDULE 2 FLOOD PROTECTION SCHEMES: PROCEDURE ETC.

Notification

- 1 (1) The local authority must give notice of a proposed flood protection scheme—
 - (a) in at least one newspaper circulating in the local authority's area (which must, if practicable, be a local newspaper),
 - (b) where any of the proposed operations are to take place in another local authority's area, in at least one newspaper circulating in that area (which must, if practicable, be a local newspaper),
 - (c) in the Edinburgh Gazette,
 - (d) to every person known to the local authority—
 - (i) to have an interest in any land on which the proposed operations are to be carried out, or
 - (ii) whose interest in any other land may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the proposed operations,
 - (e) where any of the proposed operations are to be carried out on land affected by an improvement order, to each of the authorised persons,
 - (f) to the following persons—
 - (i) SEPA,
 - (ii) Scottish Natural Heritage,
 - (iii) any local authority in whose area any of the proposed operations are to be carried out,
 - (iv) where any of the proposed operations are to be carried out in a National Park, the National Park authority for that National Park,
 - (v) any responsible authority whose flood risk related functions may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations (insofar as the authority has not been notified under another provision of this sub-paragraph),
 - (vi) any statutory undertaker whose statutory undertaking may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations,
 - (vii) any other person specified by order by the Scottish Ministers, and
 - (g) in such other manner as the authority considers appropriate.
- (2) The local authority must also display a notice of the proposed flood protection scheme in a prominent position in the locality in which the operations are to be carried out.
- (3) A notice given under sub-paragraph (1) or (2) must—
 - (a) contain a general description of the effect of the proposed scheme including—
 - (i) a summary of the operations to be carried out, and
 - (ii) a summary of the benefits which the local authority considers are likely to be derived from carrying out the operations,
 - (b) state where and at what times the scheme documents can be inspected in pursuance of paragraph 2, and

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- (c) state that objections can be made about the proposed scheme to the local authority before the expiry of the period of 28 days beginning with the date notice is first published under sub-paragraph (1)(a).
- (4) Notices under sub-paragraph (1)(d) and (f) and sub-paragraph (2) must be given or, as the case may be, displayed no later than the date that notice is first published under sub-paragraph (1)(a).
- (5) In sub-paragraph 1(1)(e), “improvement order” and “authorised persons” have the meanings given in the Land Drainage (Scotland) Act 1958.

Commencement Information

II Sch. 2 para. 1 in force at 24.12.2010 by S.S.I. 2010/401, art. 3(g)

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