

Grangemouth Flood Protection Scheme



GFPS Statutory Process

This fact sheet outlines the statutory process for the Grangemouth Flood Protection Scheme (the Scheme), detailing the key steps involved, how objections are handled, and what to expect as the Scheme progresses towards a final decision. If you have further questions or require further information please email grangemouthfps@falkirk.gov.uk

Consultation Period and Objections



When did the consultation period close?

The consultation period for the Scheme closed on **16 June 2024** following publication of the Scheme notice on **9 May 2024**.



How has Falkirk Council addressed the objections raised during the consultation?

Falkirk Council has reviewed all objections to the Scheme and issued responses to the objectors. The project team will continue working with objectors to try and resolve their concerns, up until the council makes a decision on the Scheme.

Decision-Making Process



When will the Council make a decision on the Scheme?

The Council is aiming to make a decision on the Scheme in **early 2025**. This decision will be to either confirm the Scheme without modification, confirm it with modifications or reject it.



What happens after objections are reviewed?

Upon reviewing the objections to the Scheme, Falkirk Council will make a preliminary decision on the Scheme, which could be to confirm, modify, or reject the Scheme.

Before making this preliminary decision, the Council must consider all valid objections and any late objections where the Council is satisfied that there was a reasonable cause for the delay. The Council may also take into account any other relevant matters it deems appropriate.

After the preliminary decision is made, Falkirk Council must notify all individuals who submitted objections that were considered. These individuals are referred to as "relevant objectors."



What happens if there are no remaining objections?

If no valid objections remain, Falkirk Council can confirm the Scheme without needing to refer it to the Scottish Ministers.



What happens if objections remain?

If any valid objections from relevant objectors remain, Falkirk Council must notify the Scottish Ministers of its preliminary decision. The Scottish Ministers will then make a decision on whether they will consider (i.e. call-in) the Scheme and make a decision on the Scheme.



What if the Scottish Ministers do not consider the Scheme?

If the Scottish Ministers decide not to 'call-in' the Scheme, the Council must hold a hearing prior to making a final decision on the Scheme.



What happens if the Scottish Ministers decide to consider the Scheme?

If the Scottish Ministers decide to consider the Scheme, and if any objections from relevant objectors have not been withdrawn, they are required to hold a Public Local Inquiry (PLI).

Following the PLI, the Scottish Ministers will make a final decision, which could involve confirming the Scheme without modifications, confirming it with modifications, or rejecting it. If modifications are proposed, the Scottish Ministers must give notice of the modifications to the relevant objectors and anyone else affected and provide those parties with an opportunity to object.

Local Hearing Process



What is a local hearing, and how does it differ from a Public Local Inquiry (PLI)?

A local hearing is a less formal process than a PLI, although can last a similar length of time. Like a PLI, an independent reporter is appointed to oversee the proceedings. Hearings generally rely on written evidence from the parties involved, together with in-person or online sessions, for further explanation and discussion. The reporter will then compile a report based on their findings, which will be submitted to the Council for consideration, before the Council make a final decision.

Public Local Inquiry Process



What is a Public Local Inquiry (PLI)?

A PLI is a formal process often used for complex cases. PLIs are overseen by an independent reporter from the Scottish Government's Planning and Environmental Appeals Division and typically follow these steps:

1. Appointment of a Reporter: An independent reporter is appointed to lead the inquiry.
2. Evidence Gathering: The reporter considers evidence from all parties at the inquiry. This may include written evidence, cross-examination of witnesses, and site visits.
3. Report Submission: After reviewing the evidence, the reporter will compile a report and submit this to the Scottish Ministers, who will then consider the report before making a decision.

PLI's can take from one day to several weeks.

Participation in Hearings or Inquiries



How can objectors participate in the hearing or inquiry?

Objectors will be invited to participate in the hearing or inquiry, which is typically held locally or virtually. The public are welcome to attend and observe the proceedings. All related documents, including objections and the Council's responses will be made available online.

Final Decisions and Appeals



What happens after the hearing or inquiry?

Following the hearing or inquiry, the reporter will submit their recommendation. Based on this recommendation, the Council or the Scottish Ministers will then make a final decision to confirm, modify, or reject the Scheme.



How is the final decision communicated?

Once a final decision is made, whether by Falkirk Council or the Scottish Ministers, the decision must be communicated to all relevant parties. The Council is required to publish the decision in a local newspaper, the Edinburgh Gazette and erect notices in the locations of the Scheme operations. The project team will also write to everyone who was notified of the Scheme. This ensures that all interested parties are informed of the outcome and any next steps they may take, including the process for lodging an appeal.



What happens if the Scheme is confirmed?

If the Scheme is confirmed by Falkirk Council or the Scottish Ministers, the Council is required to publish a formal notice of the decision. This notice marks the beginning of a six-week period during which any person affected by the Scheme has the right to appeal the decision.



What happens during the appeal process?

Appeals can be made by way of a summary application to the Sheriff Court within the appropriate sheriffdom, which is the area where some or all of the proposed operations are to be carried out.

The Sheriff Court will then consider the appeal, which may involve a review of the decision-making process, the evidence considered, and the legal grounds for the confirmation of the Scheme. It is important to note that the appeal process is time-sensitive, and any appeal must be submitted within the stipulated six-week period. Failure to appeal within this timeframe will generally result in the loss of the right to challenge the decision. If the Sheriff is satisfied that the appellant's interests have been substantially prejudiced by any of the specified grounds, the Sheriff may uphold the appeal and quash the Scheme, or any part of it.



What happens if no appeals are made?

If no appeals are lodged within the six-week period, Falkirk Council will have the legal authority to proceed with the implementation of Scheme.

Further Information

How can I stay informed about the Scheme's progress? Keep an eye on our website and social media channels for any updates on the Scheme's progress. If you want to take another look at our Scheme Documents, you can do so at this page on our website www.grangemouthfloodscheme.com

Feedback is always welcome on the scheme and you can get in touch with the project team at



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