

Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010/426 (Scottish SI)

reg. 7 Notification of proposed scheme etc. by local authority

Law In Force

Version 2 of 2

16 May 2017 - Present

Subjects

Environment

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7.— Notification of proposed scheme etc. by local authority

(1) Where, pursuant to [regulation 6\(1\)](#), a local authority is required to prepare an EIA report in respect of a proposed scheme, it must ensure that each notice of the proposed scheme given under [paragraph 1 of schedule 2](#) of the Act also gives notice of the following matters (in so far as these matters are not already required to be contained in each notice)—

- (a) that the local authority proposes to make the scheme;
- (b) the proposed location and nature of the scheme;
- (c) that the scheme is subject to an environmental impact assessment;
- (d) that the local authority is responsible for taking any decision to confirm the scheme in accordance with [paragraph 4\(1\) or 9\(1\) of schedule 2](#) of the Act, whereas the Scottish Ministers are responsible for taking any decision to confirm the scheme in accordance with [paragraph 7\(4\)](#) of that schedule;
- (e) if the scheme is confirmed, the Scottish Ministers must direct that planning permission for the development be deemed to be granted, subject to such conditions (if any) as may be specified in the direction;
- (f) that any person wishing to make any representations about the EIA report may do so in writing to the local authority before the expiry of the 30-day period;
- (g) that any such representations about the EIA report which are received by the local authority within the 30-day period will be considered before any decision is made on whether to confirm the scheme;
- (h) that the local authority uses a website for the purpose of giving information on each scheme proposed by it which is subject to an environmental impact assessment;
- (i) the address of the website where a copy of the scheme and a copy of the EIA report will be available for inspection by the public during the 30-day period;
- (j) an address (within the area of the local authority) at which a copy of the proposed scheme and a copy of the EIA report may be inspected during the 30-day period;
- (k) the times at which a copy of the proposed scheme and a copy of the EIA report may be inspected at that address during the 30-day period;
- (l) an address (within the area of the local authority) from which—

- (i) copies of the EIA report may be obtained; and
 - (ii) information about the scheme may be requested,during the 30-day period; and
 - (m) if a charge is to be made for a copy of the EIA report, the amount of the charge.
- (2) The local authority must ensure that throughout the 30-day period—
- (a) it uses a website for the purpose of making information available to the public on each scheme proposed by it which is subject to an environmental impact assessment;
 - (b) a copy of the proposed scheme and a copy of the EIA report are both available for inspection by any person free of charge—
 - (i) at the website address specified pursuant to paragraph (1)(i); and
 - (ii) at all reasonable hours at the address specified pursuant to paragraph (1)(j); and
 - (c) a copy of the EIA report is available to be obtained by any person from the address specified pursuant to paragraph (1)(l).
- (3) The local authority must ensure that—
- (a) notice of the proposed scheme given under [paragraph 1\(1\) of schedule 2](#) of the Act is, in so far as it is not otherwise required, also given to each consultative body;
 - (b) a copy of the EIA report and other information gathered pursuant to [regulation 6](#) is provided to each consultative body on or before the date on which the notice referred to in sub-paragraph (a) is given to the consultative body; and
 - (c) throughout the 30-day period, a copy of the EIA report is available for inspection alongside each set of scheme documents that are required to be made available in accordance with [paragraph 2 of schedule 2](#) of the Act.
- (4) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the local authority for the supply of a copy of the EIA report—
- (a) to a person other than a consultative body; or
 - (b) to a consultative body to which one copy has already been supplied free of charge.
- (5) The local authority—
- (a) must not make a decision to confirm the scheme under [paragraph 4\(1\), 5\(1\) or 9\(1\) of schedule 2](#) of the Act before the expiry of the 30-day period; and
 - (b) must, before taking any such decision—
 - (i) consider any written representations about the EIA report which it receives within the 30-day period; and
 - (ii) take into account other environmental information in respect of the scheme; and
 - (c) must, when taking any such decision, be satisfied that the reasoned conclusion (referred to in [regulation 2A\(1\)\(d\)](#)) in respect of the scheme is still up to date.
- (6) Where the local authority obtains supplementary information under [regulation 6\(5\)](#) and this information is reasonably required to give proper consideration to the likely environmental effects of the scheme, a reference to the EIA report in [paragraphs \(1\) to \(5\) and in regulation 9](#) is a reference to the EIA report together with any such supplementary information.
- (7) In this regulation—

“the 30-day period” means the period of 30 days beginning with the first day on which notice of the proposed scheme is given in accordance with [sub-paragraphs \(1\) and \(2\) of paragraph 1 of schedule 2](#) of the Act; and

“website” means the website referred to in paragraph (2)(a).

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Notes

- ¹ Regs 3-10E substituted for regs 3-10 by Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Amendment Regulations 2017/112 (Scottish SI) [reg.3](#) (May 16, 2017: substitution has effect subject to transitional provisions and savings specified in SSI 2017/112 reg.7)

Part II ENVIRONMENTAL IMPACT ASSESSMENT > reg. 7 Notification of proposed scheme etc. by local authority

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