

OBJECTION TO THE SOUTH KINROSS FLOOD PROTECTION SCHEME
as published on the 26th of March 2024, by Perth and Kinross Council
pursuant to the Flood Risk Management (Scotland) Act, 2009

Parts of the Act and Regulations applicable to this objection, include:

- Sub-paragraphs 1 to 3, to paragraph 3 of Schedule 2 of that Act.

¶ 3 (1) Any person may object to a proposed flood protection scheme.

(2) An objection is valid if it -

- (a) is made in writing,
- (b) sets out the name and address of the objector, and
- (c) is made before the expiry of the period of 28 days beginning with the date notice of the scheme is first published under paragraph 1(1)(a).

(3) 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.

- Sub-paragraphs 5 and 6 to paragraph 5 of Schedule 2 of the Act.

¶ 5 (5) Where any relevant objector is a person to whom sub-paragraph (6) applies, the local authority must also give to the Scottish Ministers notice of its decision together with -

- (a) the scheme documents,
- (b) a summary of the objections received by the local authority,
- (c) copies of those objections, and
- (d) copies of any other material considered by the local authority.

(6) This sub-paragraph applies to any person -

- (a) having any interest in any land on which the proposed operations are to be carried out ...
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- Regulation 12 of the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010, as amended.

Reg. 12

(1) Any objection to a proposed flood protection scheme or a modified 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 scheme proposed operations are to be carried out or which may be affected by any of the scheme operations, or by any alteration in the flow of water caused by any of the scheme 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 scheme operations affect the objector.

SUMMARY OF REASONS FOR OBJECTION

1. That the proposed scheme is unlawful - criminally so - both in it's conception and in its detail as published.
2. Taken as whole, over many years, it amounts to a calculated attempt to fraudulently secure public funds, to the amount of tens of millions of pounds.
3. The particulars are two-fold:
 - (a) Conspiring to conceal and cover-up negligence on the part of Perth and Kinross Council and others; notably Scottish Water and SEPA. This in respect of approved developments in Kinross, over many years.
 - (b) Conspiring to conceal and cover-up the associated illegal and ongoing pollution of Loch Leven with sewage and other effluents.
4. The published scheme, including the Environmental Impact Assessment Report, also evidences multiple offences, by multiple parties - individual and/or corporate - under Regulations 10C, 10D, and 10E of the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010, as amended (reproduced in full over-leaf).
5. This objection is supplemented by a series of six, written submissions, lodged with the Chief Executive Officer of Perth and Kinross Council, on the dates indicated:
S1. Refusal to Consent to Excavations on Private Land - 24 April, 2023;
S2. Refusal to Consent to Excavations on Private Land II - 16 May, 2023;
S3. Refusal to Consent to Excavations on Private Land III - 25 July, 2023;
S4. Fake Consultations for a False Flood Scheme - 19 October, 2023;
S5. Rigged Consultations - Fake Consultation Report - 22 March, 2024.
S6. Fake Consultation - Criminal Publication - 22 April, 2024

These set-out, in such detail as was then known, the foundations of the summary reasons above. They are an integral part of this objection, and, as stated in the latest, S6, are an ongoing exercise of due diligence.

Objector:

[REDACTED]

Affected Land:

(of which the objector is the proprietor)

[REDACTED]

Affect:

The proposed Flood Protection Scheme proposes to affect the unlawful flooding of this land; including the construction of ill-conceived flood-walls and/or embankments and other depredations.

AVOIDANCE OF CONFLICT OF INTEREST

10C.

- (1) A local authority must perform its duties under this Part in an objective manner and so as not to find itself in a situation giving rise to a conflict of interest.
- (2) Where a local authority is responsible for taking a decision on whether or not to confirm a proposed scheme under paragraph 4(1), 5(1) or 9(1) of schedule 2 of the Act, it must implement (within its organisation of administrative competencies) an appropriate separation between conflicting functions when performing its duties under this Part.

OFFENCE: PROVISION OF FALSE ETC. INFORMATION

10D.

- (1) A person commits an offence if that person, for the purpose of procuring a particular decision under this Part or under schedule 2 of the Act in connection with a proposed scheme, a modified scheme, or an EIA report (including its scope and content)—
 - (a) knowingly or recklessly makes a statement which is false or misleading in a material particular;
 - (b) with intent to deceive, uses any document which is false or misleading in a material particular; or
 - (c) with intent to deceive, withholds any material information.
- (2) A person who commits an offence under paragraph (1) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.
- (3) No act or omission of the Crown constitutes an offence under this regulation ...
- (5) Despite paragraph (3), this regulation applies to a person in the public service of the Crown as it applies to other persons.

OFFENCES BY BODIES CORPORATE ETC.

10E.

- (1) Where—
 - (a) an offence under regulation 10D has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
 - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to neglect on the part of—
 - (i) a relevant individual; or
 - (ii) an individual purporting to act in the capacity of a relevant individual, the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.
- (2) In paragraph (1), “relevant individual” means—
 - (a) in relation to a body corporate—
 - (i) a director, manager, secretary or similar officer of the body; or
 - (ii) where the affairs of the body are managed by its members, a member;
 - (b) in relation to a Scottish partnership, a partner; and
 - (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association