

THE HIGHLAND COUNCIL

FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009

AND

**THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES,
POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS)
(SCOTLAND) REGULATIONS 2010**

SMITHTON & CULLODEN FLOOD PROTECTION SCHEME 2016

Notice is hereby given in terms of paragraph 10, and paragraph 1, of schedule 2 of the above Act that on 2 November 2016 The Highland Council confirmed the proposed Smithton & Culloden Flood Protection Scheme 2016 with no modification. The final decision was made in accordance with section 60 and paragraph 9 of Schedule 2 of the above Act and Parts II, III & IV of the above Regulations.

In accordance with paragraph 11 of Schedule 2 of the above Act the Smithton & Culloden Flood Protection Scheme 2016 will become operative six weeks after notice of its confirmation is first published in a locally circulating newspaper, as is required under paragraph 10 (2) (d) of Schedule 2 of the above Act, unless an appeal in accordance with paragraph 12 of Schedule 2 of the above Act is made against the Scheme, i.e. between the period 9 December 2016 to 20 January 2017 inclusive.

An appeal may be by any person affected by the confirmed scheme and is to be made by way of summary application to the Sheriff of the Sheriffdom of Grampian, Highland and Islands: Inverness Sheriff and Justice of the Peace Court, Sheriff Court House, The Castle, Inverness IV2 3EG; however, it may be made through any other Sheriff Court in the Sheriffdom of Grampian, Highland and Islands. The grounds on which a decision to confirm can be appealed are: (a) that the confirmed scheme breaches the restriction in section 61 (3) or does not comply with the requirement in section 61 (4) of the above Act; (b) that, in reaching the decision, the local authority erred in law; or (c) that there was a failure to comply with a procedural requirement contained in Schedule 2 of the above Act or the above Regulations. The Sheriff may, on the application of the appellant, suspend the operation of the scheme, or any part of it, either generally or insofar as it affects any interest in land which the appellant has, pending determination of the appeal. If the Sheriff is satisfied that the interests of the applicant have been substantially prejudiced, as detailed in paragraph 12 (7) of Schedule 2 of the above Act, then the Sheriff may uphold the appeal and quash the scheme, or any part of it either generally or insofar as it affects any interest in land which the appellant has.

Stewart D. Fraser, Head of Corporate Governance, The Highland Council