

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

THE SUTHERLAND LOCAL PLAN – AS MODIFIED FOLLOWING EXAMINATION

PLANNING AUTHORITY'S STATEMENT IN RESPECT OF MODIFICATIONS RECOMMENDED BY THE APPOINTED PERSON IN THE REPORT OF EXAMINATION BUT WHICH HAVE NOT BEEN MADE TO THE PLAN (SECTION 19(12)(b) STATEMENT)

There is one matter in respect of which modifications recommended by the appointed person have not been made to the plan. This statement is therefore solely concerned with that part of the recommendations which is in respect of Issue 20 in the Report of Examination for the Sutherland Local Plan and is further limited to that part which reads:

“For the avoidance of doubt, I have regarded site H5, Old Woollen Mill, as having been deleted by THC and the continued inclusion of the site in Inset 3.1 as being an oversight. The references to the site in Site Allocations, Prospects, and in the proposals map should be removed. The land should be retained within the settlement boundary shown in the proposals map in Inset 3.1, Brora.”

The Highland Council (THC) as planning authority considers that the appointed person (Reporter) has:

- seen reference to a site at Brora which was referenced H5 as a proposed allocation in the October 2007 and May 2008 drafts of the Plan, being a site South of Academy Street and which was subsequently deleted as an allocation by the Council in preparing the November 2008 Deposit Draft of the Plan; and
- mistakenly taken that as referring to the allocation referenced in the November 2008 Deposit Draft of the Plan as site H5 (Old Woollen Mill) and incorrectly concluded that the Council's intention was to delete site H5 (Old Woollen Mill).

THC has therefore decided that the allocation referenced in the November 2008 Deposit Draft of the Plan as site H5 (Old Woollen Mill) will be retained in the Plan.

Therefore the ground on which the planning authority, under Section 19(10)(a)(i), declines to make that modification to the proposed local plan recommended by the appointed person is as prescribed by Regulation 2(c) of The Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, being that “the recommendation in respect of the modification is based on conclusions that the appointed person could not reasonably have reached based on the evidence considered in the course of the examination under section 19(3) of the Act”.

J Stuart Black – Director of Planning and Development
2 April 2010