

**2012 No. 90**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Continuation in force of Local Plans) (Highland) (Scotland) Order 2012**

*Made* - - - - *14th March 2012*

*Laid before the Scottish Parliament* *16th March 2012*

*Coming into force* - - *1st April 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by paragraph 7 of Schedule 1 to the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

In accordance with paragraph 9 of Schedule 1 to that Act they have consulted the Highland Council.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Town and Country Planning (Continuation in force of Local Plans) (Highland) (Scotland) Order 2012 and comes into force on 1st April 2012.

(2) In this Order, “new site specific land allocation” means a proposal contained in the Highland-wide Local Development Plan(b) which allocates land for development, or a class of development, by reference to a specific site or area of land described in that local development plan.

**Continuation in force of local plans**

2.—(1) The Scottish Ministers direct that, notwithstanding the adoption of the Highland-wide Local Development Plan, the specified provisions of—

- (a) the Inverness Local Plan(c);
- (b) the Nairnshire Local Plan(d);
- (c) the Ross and Cromarty East Local Plan(e);

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(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Paragraph 7 of Schedule 1 was amended by section 53(7) of the Planning etc. (Scotland) Act 2006 (asp 17).

(b) The proposed Highland-wide Local Development Plan was published, and the Highland Council’s intention to adopt it was advertised, on 7th March 2012 in accordance with section 19(10) of the Town and Country Planning (Scotland) Act 1997 (c.8). The proposed Highland-wide Local Development Plan and the local plans specified in article 2(1) can be viewed at <http://www.highland.gov.uk/yourenvironment/planning/developmentplans/> and at the main office of The Highland Council, Glenurquhart Road, Inverness IV3 5NX.

(c) The Inverness Local Plan was adopted by The Highland Council on 2nd March 2006.

(d) The Nairnshire Local Plan was adopted by The Highland Council on 21st December 2000.

(e) The Ross and Cromarty East Local Plan was adopted by The Highland Council on 8th February 2007.

- (d) the Sutherland Local Plan(a);
- (e) the Caithness Local Plan(b);
- (f) the West Highland and Islands Local Plan(c);
- (g) the Wester Ross Local Plan(d); and
- (h) the Badenoch and Strathspey Local Plan(e),

shall continue in force in relation to the area to which the Highland-wide Local Development Plan relates.

(2) In this article the “specified provisions” in relation to a local plan means the provisions specified in column 1 of the Part of the Schedule relating to that plan—

- (a) subject, as the case may be, to any limitation or exclusion relating to those provisions specified in the corresponding entry in column 2; and
- (b) other than any reference within those provisions to another provision which is not continued in force by this Order.

*DEREK MACKAY*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
14th March 2012

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(a) The Sutherland Local Plan was adopted by The Highland Council on 24th June 2010.  
(b) The Caithness Local Plan was adopted by The Highland Council on 12th September 2002.  
(c) The West Highland and Islands Local Plan was adopted by The Highland Council on 9th September 2010.  
(d) The Wester Ross Local Plan was adopted by The Highland Council on 29th June 2006.  
(e) The Badenoch and Strathspey Local Plan was adopted by The Highland Council on 11th September 1997.

## SCHEDULE

Article 2(2)

### Provisions of local plans to continue in force

#### PART 1

##### Inverness Local Plan

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Inverness Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
1. The provisions of the Written Statement contained in—	
Chapter 1 (strategy)	Only to the extent that it relates to settlement policies.
Chapter 2 (the City of Inverness)	Other than to the extent to which the provisions relate to land to which a new site specific land allocation applies and excluding the following provisions— <ul style="list-style-type: none"><li>(a) in Policy 7 (retailing outwith the city centre)—<ul style="list-style-type: none"><li>(i) the reference in the second paragraph to the established retail parks at Inshes and West Seafield; and</li><li>(ii) the reference in the third paragraph to a defined area of the Longman/A82 core;</li></ul></li><li>(b) in Policy 8 (regeneration)—<ul style="list-style-type: none"><li>(i) sub-paragraph (iv) (Longman Bay);</li><li>(ii) sub-paragraph (v) (rail yard/college); and</li><li>(iii) sub-paragraph (vii) (Ashton);</li></ul></li><li>(c) Policy 9 (West Seafield);</li><li>(d) Policy 10 (Beechwood Park);</li><li>(e) Policy 11 (West Seafield (Beechwood));</li><li>(f) Policy 12 (Stratton);</li><li>(g) in Policy 13 (Longman)—<ul style="list-style-type: none"><li>(i) the principle contained in the second bullet point; and</li><li>(ii) the final paragraph;</li></ul></li><li>(h) in Policy 15 (district centres), sub-paragraph (i) (Holm Mills);</li><li>(i) Policy 16 (Raigmore Hospital);</li><li>(j) Policy 17 (Stoneyfield);</li><li>(k) Policy 19 (Stratton Lodge);</li><li>(l) Policy 20 (Police Headquarters);</li><li>(m) in Policy 22 (district/neighbourhood centres/parks), the references to Charleston, Ness-side and Culloden;</li><li>(n) Policy 28 (A96/Smithton Distributor Roads);</li></ul>

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Inverness Local Plan to continue in force</i>	<i>Limitations and exclusions</i>

	<ul style="list-style-type: none"> <li>(o) Policy 31 (urban distributor roads) to the extent to which it relates to the Smithton Distributor/Barn Church Road – between the A96 and Culloden;</li> <li>(p) in Policy 32 (park-‘n’-ride), the reference to West Seafield and to Longman Bay;</li> <li>(q) in Policy 33 (passenger rail halts), the reference to West Seafield;</li> <li>(r) in Policy 38 (land allocations)— <ul style="list-style-type: none"> <li>(i) sub-paragraph (iv) (Ness Castle/Ness-side); and</li> <li>(ii) sub-paragraph (v) (Charleston);</li> </ul> </li> <li>(s) in Policy 41 (green wedges)— <ul style="list-style-type: none"> <li>(i) in sub-paragraph (v) (Beechwood/A9), the reference to the creation of a City common at Beechwood; and</li> <li>(ii) sub-paragraph (vi) (Longman/A96);</li> </ul> </li> <li>(t) Policy 85 (land adjoining Inshes Retail Park);</li> <li>(u) Policy 101 (allocation of land at Stratton for expansion of the District Centre);</li> <li>(v) Policy 107 (allocation of land for a District Park at Stratton/Ashton); and</li> <li>(w) in Policy 109 (traffic management measures) in sub-paragraph (i), the reference to Barn Church Road.</li> </ul>
Chapter 3 (A96 Corridor)	Other than the following provisions— <ul style="list-style-type: none"> <li>(a) Policy 1 (principles); and</li> <li>(b) Policy 6 (industry – fabrication yard).</li> </ul>
Chapter 5 (Lochside)	
Chapter 7 (Beaully)	
Chapter 8 (Drumnadrochit)	
Chapter 9 (Ardersier)	Other than the provisions contained under the heading “Expansion” (including policies 11 (Nairn Road) and 12 (Mains of Ardersier).
Chapter 10 (Croy)	Other than the provisions of Policy 11 (amenity areas).
Chapter 11 (Kirkhill)	
Chapter 12 (Kiltarlity)	
Chapter 13 (Dores)	
Chapter 14 (Strathnairn)	
Chapter 15 (Lochend)	
Chapter 16 (Dochgarroch)	
Chapter 17 (Abriachan)	
Chapter 18 (Bunchrew)	

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Inverness Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
Chapter 19 (Inchmore)	
Chapter 20 (Culloden Moor)	Other than the provisions contained under the heading “Amenity Areas” in so far as they relate to Policy 6 (area of 11.4 hectares west of the railway).
Chapter 21 (Clephanton)	
Chapter 22 (Daviot)	
Chapter 23 (Rural development area)	Other than the provisions of Policy 2 (housing in the countryside).
Chapter 24 (Fort Augustus)	
Chapter 25 (Tomatin)	
Chapter 26 (Balnain)	
Chapter 27 (Invermoriston)	
Chapter 28 (Dalchreichart)	
Chapter 29 (Cannich)	
Chapter 30 (Foyers)	
Chapter 31 (Croachy)	
Chapter 32 (Stratherrick)	
Chapter 33 (Tomich)	
Chapter 34 (Struy)	
Appendix	Other than the provisions contained under the heading “Background Policies”.
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

## PART 2

### Nairnshire Local Plan

<i>Column 1</i> <i>Provisions of Nairnshire</i> <i>Local Plan to continue in</i> <i>force</i>	<i>Column 2</i> <i>Limitations and exclusions</i>
1. The provisions of the Written Statement contained in—	
Chapter 2 (general policies)	Only to the extent to which it sets out and applies general policies on settlement (S1 to S7).
Chapter 3 (landward area)	Only the provisions of Policy 4 (allocation of land at Delnies for Business/Tourism).
Chapter 4 (Nairn)	Other than to the extent to which the following provisions relate to land to which a new site specific land allocation applies— <ul style="list-style-type: none"><li>(a) in land allocation 11 (business/tourism), sub-paragraph (a) (allocation of land at Sandown);</li><li>(b) paragraph 13 (49 hectares at Balblair);</li><li>(c) in paragraph 16 (access improvements), sub-paragraph (ii) (new distributor link with Cawdor Road);</li><li>(d) paragraph 17 (recreational facilities);</li><li>(e) paragraph 20 (agreements for tree planting);</li><li>(f) in land allocation 22 (community/recreation)—<ul style="list-style-type: none"><li>(i) sub-paragraph (b) (land at Sandown);</li><li>(ii) sub-paragraph (c) (land at Kingsteps);</li><li>(iii) sub-paragraph (e) (land at Tradespark);</li><li>(iv) sub-paragraph (f) (land at Sandown);</li><li>(v) sub-paragraph (g) (land at Sandown-Delnies);</li><li>(vi) sub-paragraph (i) (land west of Cawdor Road);</li><li>(vii) sub-paragraph (j) (land at Sandown);</li><li>(viii) sub-paragraph (k) (land at Balblair); and</li><li>(ix) sub-paragraph (l) (land at Balmakeith);</li></ul></li><li>(g) land allocation 25 (framework plan-structural planting);</li><li>(h) land allocation 27 (housing); and</li><li>(i) paragraph 28 (development briefs/masterplans).</li></ul>
Chapter 5 (Auldearn)	
Chapter 6 (Cawdor)	Only the provisions of land allocation 3(a) relating to Home Farm.
Chapter 7 (Croy)	
Chapter 8 (Ferness)	

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Nairnshire Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
Chapter 9 (Piperhill)	
Chapter 11 (rural townships)	
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

### PART 3

#### Ross and Cromarty East Local Plan

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Ross and Cromarty East Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
1. The provisions of the Written Statement contained in—	
Chapter 5 (general policies)	Only to the extent to which it sets out and applies “Settlement Policies”.
Chapter 6 (landward area)	Other than the provisions of— <ul style="list-style-type: none"> <li>(a) the paragraph under the heading “General”;</li> <li>(b) paragraphs 1 to 3;</li> <li>(c) paragraphs 31 to 33;</li> <li>(d) paragraphs 37 to 39;</li> <li>(e) paragraph 44;</li> <li>(f) paragraphs 53 to 72; and</li> <li>(g) paragraphs 74 and 75.</li> </ul>
Chapter 7 (Achnasheen)	
Chapter 8 (Alness)	
Chapter 9 (Avoch)	
Chapter 10 (Conon Bridge)	
Chapter 11 (Contin)	
Chapter 12 (Cromarty)	
Chapter 13 (Culbokie)	

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Ross and Cromarty East Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
Chapter 14 (Dingwall)	
Chapter 16 (Evanton)	
Chapter 17 (Fortrose)	
Chapter 18 (Rosemarkie)	
Chapter 19 (Garve)	
Chapter 20 (Hill of Fearn)	
Chapter 21 (Inver)	
Chapter 22 (Invergordon)	
Chapter 23 (Kildary)	
Chapter 24 (Marybank)	
Chapter 25 (Maryburgh)	
Chapter 26 (Milton (of Kildary))	
Chapter 27 (Muir of Ord)	
Chapter 28 (Munlochy)	
Chapter 29 (North Kessock)	
Chapter 30 (Portmahomack)	
Chapter 31 (seaboard villages)	
Chapter 32 (Strathpeffer)	
Chapter 33 (Tain)	
Chapter 34 (Tore)	
Appendix 1	Only to the extent to which it sets out and describes “Settlement Policies”.
Appendix 2	
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.



**PART 4**  
Sutherland Local Plan

<i>Column 1</i> <i>Provisions of Sutherland Local Plan to continue in force</i>	<i>Column 2</i> <i>Limitations and exclusions</i>
1. The provisions of the Written Statement contained in— Chapter 2 (introduction and context) Chapter 4 (key forecasts, strategy and vision)  Chapter 5 (general policies)	Other than the provisions of Section A (key forecasts).  Only the provisions of— (a) paragraph 5.2 (land allocations) and policy 2 (development factors and development requirements); and (b) paragraph 5.17 and policy 17 (commerce) to the extent to which policy 17 relates to development for retail purposes within the locations specified in that policy.
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

**PART 5**  
Caithness Local Plan

<i>Column 1</i> <i>Provisions of Caithness Local Plan to continue in force</i>	<i>Column 2</i> <i>Limitations and exclusions</i>
1. The provisions of the Written Statement contained in— Chapter 3 (general policies)	Other than to the extent to which it sets out and applies “Primary Policies”.
Chapter 4 (landward area)	Only to the extent to which it relates to— (a) policy 5(c) (Dunnet); (b) policy 8 (Mill and Mains of Forss);

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Caithness Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
	<ul style="list-style-type: none"> <li>(c) policy 13 to the extent to which that policy relates to development at Mey;</li> <li>(d) policies 16 and 17 (Thrumster);</li> <li>(e) policy 20 (Dunnet);</li> <li>(f) policy 22 (John O’Groats);</li> <li>(g) paragraph 23 (Dounreay) and related policies (a) to (f);</li> <li>(h) paragraph 24 (oil and gas) and related policy;</li> <li>(i) paragraph 25 (land south of Murkle Bay) and related policy;</li> <li>(j) paragraph 26 (Forss);</li> <li>(k) paragraph 32 (Gills Bay);</li> <li>(l) paragraph 33 (Georgemas); and</li> <li>(m) paragraph 39 (former mill at Westerdale).</li> </ul>
Chapter 5 (Castletown)	Only the provisions of policy 15 (expansion) to the extent to which that policy relates to development for East of Stangergill Burn.
Chapter 6 (Dunbeath)	
Chapter 7 (Halkirk)	
Chapter 8 (Keiss)	
Chapter 9 (Lybster)	
Chapter 10 (Reay)	
Chapter 11 (Scrabster)	
Chapter 12 (Thurso)	
Chapter 13 (Watten)	
Chapter 14 (Wick)	
Appendices	Other than Appendices 1, 2 and 9.
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

## PART 6

### West Highland and Islands Local Plan

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<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of West Highland and Islands Local Plan to continue in force</i>	<i>Limitations and exclusions</i>

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1. The provisions of the Written Statement contained in—	
Chapter 3 (introduction and context)	
Chapter 5 (key forecasts, strategy and vision for Lochaber)	Other than the provisions of Section A (key forecasts).
Chapter 6 (key forecasts, strategy and vision for Skye and Lochalsh)	Other than the provisions of Section A (key forecasts).
Chapter 7 (general policies)	Only the provisions of— <ul style="list-style-type: none"><li>(a) paragraphs 7.6 to 7.9 (land allocations), including policy 2; and</li><li>(b) paragraph 7.50 and policy 16 (commerce) to the extent to which policy 16 relates to development for retail purposes within the locations specified in that policy.</li></ul>
Chapter 8 (settlements – Lochaber – Fort William)	Other than the provisions of policy B6 (Glen Nevis Business Park).
Chapter 9 (settlements – Skye & Lochalsh)	Other than the provisions of policy I1 (Land North of Sluggans).
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

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## PART 7

### Wester Ross Local Plan

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<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Wester Ross Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
1. The provisions of the Written Statement contained in— Chapter 9 (general policies)	Only the provisions of paragraph 8 (development factors) of policy 4 (other development considerations) and the final paragraph of policy 4 to the extent to which it relates to that paragraph.
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

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## PART 8

### Badenoch and Strathspey Local Plan

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<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of Badenoch and Strathspey Local Plan to continue in force</i>	<i>Limitations and exclusions</i>
1. The provisions of the Written Statement contained in— Chapter 2 (landward)  Chapter 3 (Grantown-on-Spey)	Only the provisions of paragraph 2.2.6 (distilleries) to the extent to which they relate to Tormore.  Only the provisions relating to the village of Advie.
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order continues in force certain provisions of the existing local plans for the Highland area notwithstanding the adoption of the Highland-wide Local Development Plan. The provisions of—

- (a) the Inverness Local Plan;
- (b) the Nairnshire Local Plan;
- (c) the Ross and Cromarty East Local Plan;
- (d) the Sutherland Local Plan;
- (e) the Caithness Local Plan;
- (f) the West Highland and Islands Local Plan;
- (g) the Wester Ross Local Plan; and
- (h) the Badenoch and Strathspey Local Plan,

specified in column 1 of the Schedule are continued in force subject to any limitation or exclusion set out in column 2 or referred to in article 2(2)(b).

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