
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 53

The Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009

Grounds for declining to follow recommendations

2. The grounds, for the purposes of section 19(10)(a)(i) of the Act, on which a planning authority may decline to make modifications to a proposed local development plan as recommended by an appointed person are—

- (a) the modification, if made, would have the effect that the proposed local development plan would not be consistent with—
 - (i) the National Planning Framework;
 - (ii) the strategic development plan for the land to which the proposed local development plan relates; or
 - (iii) any plan adopted as a National Park Plan under section 12(7)(a) of the National Parks (Scotland) Act 2000(1) for such land;
- (b) that the adoption of the local development plan as so modified would not be compatible with the requirements of Part IVA of the Conservation (Natural Habitats, &c.) Regulations 1994(2);
- (c) 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.

(1) 2000 asp 10.

(2) S.I.1994/2716 as relevantly amended by S.S.I. 2007/80 and S.I. 2007/1843.