

Status: Point in time view as at 07/01/2003.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Service of notice of first periodic review is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

Service of notice of first periodic review

- 4 (1) The planning authority shall, in connection with the first periodic review of the mineral permissions relating to a mining site, no later than 12 months before the first review date, serve notice upon each person appearing to them to be the owner of any land, or entitled to an interest in any mineral, included in that site.
- (2) A notice required to be served under sub-paragraph (1) shall—
- specify the mining site to which it relates,
 - identify the mineral permissions relating to that site,
 - state the first review date,
 - state that the first review date is the date by which an application must be made for approval of the conditions to which the mineral permissions relating to the site are to be subject and explain the consequences which will occur if no such application is made by that date, and
 - explain the right to apply for postponement of the first review date and give the date by which such an application has to be made.
- (3) Where, in relation to any land or mineral included in a mining site, the planning authority—
- have served notice on any person under sub-paragraph (1), and
 - have received no application under paragraph 6 from that person by the date falling eight weeks before the first review date,
- the authority shall serve a written reminder on that person.
- (4) A reminder required to be served under sub-paragraph (3) shall—
- indicate that the land or mineral in question is included in a mining site,
 - comply with the requirements of sub-paragraph (2)(a) to (d), and
 - be served on the person in question on or before the date falling four weeks before the first review date.
- (5) Sub-paragraph (1) shall not require the planning authority to serve notice under that sub-paragraph upon any person whose identity or address for service is not known to and cannot practicably, after reasonable inquiry, be ascertained by them, but in any such case the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the notice which they would (apart from the provisions of this sub-paragraph) have had to serve under that sub-paragraph on the owner of that land or interest.
- (6) If, in a case where sub-paragraph (5) applies, no person makes an application to the authority under paragraph 6 in respect of the mining site which includes the land or

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interest in question by the date falling eight weeks before the first review date, the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the written reminder that would, in a case not falling within sub-paragraph (5), have been served under sub-paragraph (3).

- (7) Where by sub-paragraph (5) or (6) a copy of any notice is required to be affixed to an object on any land that copy shall—
- (a) be displayed in such a way as to be easily visible and legible,
 - (b) be first displayed—
 - (i) in a case where the requirement arises under sub-paragraph (5), no later than 12 months before the first review date, or
 - (ii) in a case where the requirement arises under sub-paragraph (6), no later than the date falling four weeks before the first review date,
- and
- (c) be left in position for at least the period of 21 days from the date when it is first displayed, but where the notice is, without fault or intention of the authority, removed, obscured or defaced before that period has elapsed, that requirement shall be treated as having been complied with if the authority have taken reasonable steps for protection of the notice and, if need be, its replacement.
- (8) In sub-paragraphs (5) and (6), any reference to a conspicuous object on any land includes, in a case where the person serving a notice considers that there are no or insufficient such objects on the land, a reference to a post driven into or erected upon the land by the person serving the notice for the purpose of having affixed to it a copy of the notice in question.

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