

*Status: Point in time view as at 01/04/2017.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Paragraph 9 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

##### *Appeals*

- 9 (1) Where on an application under paragraph 6 the planning authority determine conditions that differ in any respect from the proposed conditions set out in the application, the applicant may appeal to the Secretary of State.
- (2) An appeal under sub-paragraph (1) must be made by giving notice of appeal to the Secretary of State, before the end of the period of six months beginning with the determination, on a form supplied by or on behalf of the Secretary of State for use for that purpose, and giving, so far as reasonably practicable, the information required by that form.
- (3) Paragraph 18 of Schedule 8 shall apply to appeals under sub-paragraph (1) as it applies to appeals under paragraph 17 of that Schedule.
- (4) Sections 237 to 239 shall have effect as if the action mentioned in section 237(3) included any decision of the Secretary of State—
- (a) on an appeal under sub-paragraph (1), or
  - (b) on an application under paragraph 6 referred to him under paragraph 8.
- (5) Schedule 4 shall apply to appeals under sub-paragraph (1).

##### **Modifications etc. (not altering text)**

- C1** Sch. 10 para. 9(1) modified (1.6.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/139\)](#), regs. 1, **33(21)(a)**
- C2** Sch. 10 para. 9(2) modified (1.6.2011) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/139\)](#), regs. 1, **33(21)(b)**

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