

Status: Point in time view as at 16/05/2017.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Paragraph 1 is up to date with all changes known to be in force on or before 04 September 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 3

CONDITIONS RELATING TO MINERAL WORKING

PART I

CONDITIONS IMPOSED ON GRANT OF PERMISSION

Duration of development

- 1 (1) Every planning permission for development—
 - (a) consisting of the winning and working of minerals, or
 - (b) involving the depositing of mineral waste,shall be subject to a condition as to the duration of the development.
- (2) Except where a condition is specified under sub-paragraph (3), the condition in the case of planning permission granted or deemed to be granted after 22nd February 1982 is that the winning and working of minerals or the depositing of mineral waste must cease not later than the expiration of the period of 60 years beginning with the date of the permission.
- (3) An authority granting planning permission after that date or directing after that date that planning permission shall be deemed to be granted may specify a longer or shorter period than 60 years, and if they do so, the condition is that the winning and working of minerals or the depositing of mineral waste must cease not later than the expiration of a period of the specified length beginning with the date of the permission.
- (4) A longer or shorter period than 60 years may be prescribed for the purposes of sub-paragraphs (2) and (3).
- (5) The condition in the case of planning permission granted or deemed to have been granted before 22nd February 1982 is that the winning and working of minerals or the depositing of mineral waste must cease not later than the expiration of the period of 60 years beginning with that date.
- (6) A condition to which planning permission for development is subject by virtue of this paragraph—
 - (a) is not to be regarded for the purposes of the planning Acts as a condition such as is mentioned in section 41(1)(b), but
 - (b) is to be regarded for the purposes of sections 47 and 48 as a condition imposed by a decision of the planning authority, and may accordingly be the subject of an appeal under section 47.

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