
STATUTORY INSTRUMENTS

1994 No. 1442 (S.68)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1994

<i>Made</i>	- - - -	<i>24th May 1994</i>
<i>Laid before Parliament</i>		<i>8th June 1994</i>
<i>Coming into force</i>	- -	<i>29th June 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 21 and 273(3) of the Town and Country Planning (Scotland) Act 1972((1)) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1994 and shall come into force on 29th June 1994.

(2) In this Order “the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992((2)).

Mineral exploration

2. Class 54 of Schedule 1 to the 1992 Order shall be amended as follows:—

(a) in sub-paragraph (1) the words “during a period not exceeding 4 months” shall be deleted;

(b) after sub-paragraph 3(d) there shall be inserted—

“(e) the development shall cease no later than a date 6 months after the relevant period has elapsed, unless the planning authority have otherwise agreed in writing.”.

(1) 1972 c. 52; section 21 was amended by the Local Government (Scotland) Act 1973 (c. 65) section 172(2), was extended by the Local Government, Planning and Land Act 1980 (c. 65), section 148(2) and amended by the Telecommunications Act 1984 (c. 12), Schedule 4, paragraph 54(2); section 21(1) to (3) was substituted by the Planning and Compensation Act 1991 (c. 34), Schedule 13, paragraph 5.

(2) S.I.1992/223; amended by S.I. 1992/1078, 1992/2084 and 1993/1036.

British Coal Corporation mining development

3.—(1) For Class 58 (underground development) of Schedule 1 to the 1992 Order there shall be substituted the following:—

“**Class 58.**—(1) Development by the British Coal Corporation, their lessees or licensees, in a mine started before 1st July 1948, consisting of—

- (a) the winning and working underground of coal or coal-related minerals in a designated seam area; or
- (b) the carrying out of development underground which is required in order to gain access to and work coal or coal-related minerals in a designated seam area.

(2) Development is not permitted by this class in a designated seam area after 1 September 1994 unless a seam plan for that area has, before that date, been deposited with the planning authority.

(3) For the purposes of this class—

“designated seam area” means—

- (i) where no seam plan has been deposited with the planning authority for a mine, land comprising the maximum extent of the coal seam or seams that can be worked from shafts or drifts existing at the mine at 29th June 1994, without further development on an authorised site other than development permitted by Class 59 of Schedule 1 to this Order; or
- (ii) where a seam plan has been so deposited, land identified in that seam plan in accordance with paragraph (i) of the definition of “seam plan”;

“coal related minerals” means minerals other than coal referred to in paragraph 1(2) of Schedule 1 to the Coal Industry Nationalisation Act 1946((3));

“seam plan” means a plan or plans on a scale of not less than 1 to 25,000 showing—

- (i) land comprising the maximum extent of the coal seam or seams that can be worked from shafts or drifts existing at a mine at 29th June 1994, without further development on an authorised site other than development permitted by Class 59 of Schedule 1 to this Order;
- (ii) any active access used in connection with the land referred to in paragraph (i);
- (iii) the National Grid lines and reference numbers shown on Ordnance Survey Maps;
- (iv) a typical stratigraphic column showing the approximate depths of the coal seams referred to in paragraph (i).”.

(2) Class 61 (prospecting for coal workable by opencast methods) of Schedule 1 to the 1992 Order shall be deleted.

Savings

4.—(1) Notwithstanding the deletion of Class 61 of Schedule 1 to the 1992 Order, by article 3(2) of this Order—

- (a) that class shall continue to apply in relation to operations which are being carried out at 29th June 1994; and
- (b) sub-paragraph 2(b) of that class shall continue to apply in relation to operations which have been completed at that date.

(2) Any notice which has been served under sub-paragraph (2)(a) of Class 61 at 29th June 1994, shall be treated as if it were a notice served for the purposes of sub-paragraph (2)(b) of Class 54 of Schedule 1 to the 1992 Order in relation to any operations forming part of the development indicated in the notice which have not been begun at that date; and the relevant period referred to in sub-paragraph (2)(c) of that class shall be treated as having elapsed at that date in relation to those operations.

St Andrew's House,
Edinburgh
24th May 1994

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The main changes are—

- (a) amendments to Class 54 of Schedule 1 to the 1992 Order (mineral exploration) to allow development to be carried on for a period not exceeding 6 months unless the planning authority have otherwise agreed;
- (b) the substitution of a new Class 58 of Schedule 1 to the 1992 Order (British Coal Corporation mining development—underground development) to limit development under that class to development in a designated seam area or development required in order to gain access to and work coal or coal-related minerals in a designated seam area. The designated seam area is to be identified in a plan deposited with the planning authority before 1st September 1994; and
- (c) deletion of Class 61 of Schedule 1 to the 1992 Order (prospecting for coal workable by opencast methods) subject to savings provisions.