
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 60

The Management of Extractive
Waste (Scotland) Regulations 2010

PART 9

APPEALS, ENFORCEMENT AND GENERAL PROVISION

Appeals

- 29.**—(1) An operator may appeal to the Scottish Ministers against—
- (a) the terms on which a planning authority approves a waste management plan under regulation 5(3) or regulation 13(3);
 - (b) the assessment by that authority of the size of financial guarantee required by virtue of regulation 15;
 - (c) where a waste management plan has been submitted but not approved—
 - (i) any terms that a planning authority notifies an operator that it would require before its approval will be given, or
 - (ii) a failure to approve the plan within six months of the date that the plan was submitted or within such extended period as may at any time be agreed upon in writing between the applicant and the authority;
 - (d) the outcome of any review undertaken under regulation 17, but only in respect of—
 - (i) any addition to, reduction from, or updating of the conditions attached to the permission, or
 - (ii) any adjustment of the size of financial guarantee required by virtue of regulation 15;
 - (e) any determination of the planning authority under regulation 26(3), (5) or (6).

(2) An appeal under paragraph (1) must be made by giving notice of appeal to the Scottish Ministers before the end of the period of three months beginning with the date on which the operator was notified, or was due to be notified, of the matter against which the appeal is taken and must be made on a form supplied by or on behalf of the Scottish Ministers for use for appeals under Schedule 10 to the 1997 Act and giving, so far as reasonably practicable, the information required by that form.

(3) Paragraphs 18 and 21(3) of Schedule 8 to the 1997 Act (determination of appeals) shall apply to appeals under paragraph (1) as they apply to appeals under paragraph 17 of that Schedule, and for their purposes an appeal under paragraph (1)(c)(ii) shall be deemed to be against a decision to refuse the application in question.