



Town and Country Planning (Minerals) Act 1981

1981 CHAPTER 36

PART II

SCOTLAND

Compensation

29 Special compensation in respect of orders under s. 42 relating to mineral working

The following section shall be inserted after section 153 of the 1972 Act—

“153A Compensation for certain orders under s. 42 relating to mineral working to be on special basis.

- (1) Where mineral compensation requirements are satisfied in relation to an order under section 42 of this Act, section 153 of this Act shall have effect subject to mineral compensation modifications.
- (2) Subject to subsection (4) of this section, mineral compensation requirements are satisfied in relation to an order under section 42 of this Act if—
 - (a) the order modifies planning permission for development consisting of the winning and working of minerals ; and
 - (b) the order does not—
 - (i) impose any restriction on the winning and working of minerals ; or
 - (ii) modify or replace any such restriction subject to which the planning permission was granted or which was imposed by a relevant order; and

Status: This is the original version (as it was originally enacted).

- (c) the planning authority carried out special consultations about the making and terms of the order before they made it; and
 - (d) either—
 - (i) the permission was granted not less than five years before the date of the order; or
 - (ii) the conditions specified in subsection (3) of this section are satisfied.
- (3) The conditions mentioned in subsection (1)(d) (ii) of this section are—
- (a) that the planning permission which the order modifies was granted before the commencement of section 27A of this Act; and
 - (b) that the order—
 - (i) imposes an aftercare condition ; and
 - (ii) does not impose any other condition.
- (4) Where the planning authority—
- (a) make an order under section 42 of this Act modifying planning permission for development consisting of the winning and working of minerals; and
 - (b) have previously made a relevant order or orders,
- mineral compensation requirements are not satisfied in relation to the order mentioned in paragraph (a) of this subsection unless it was made more than five years after the order previously made or the last such order.”.