

Status: Point in time view as at 27/05/1997.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Power to impose aftercare conditions 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 3 **S**

CONDITIONS RELATING TO MINERAL WORKING

PART I **S**

CONDITIONS IMPOSED ON GRANT OF PERMISSION

Power to impose aftercare conditions

- 2 (1) Where—
- (a) planning permission for development consisting of the winning and working of minerals or involving the depositing of refuse or waste materials is granted, and
 - (b) the permission is granted subject to a restoration condition,
- it may be granted subject also to any such aftercare condition as the planning authority think fit.
- (2) In this Act—
- “restoration condition” means a condition requiring that after the winning and working is completed or the depositing has ceased, the site shall be restored by the use of any or all of the following, namely, subsoil, topsoil and soil-making material; and
 - “aftercare condition” means a condition requiring that such steps shall be taken as may be necessary to bring land to the required standard for whichever of the following uses is specified in the condition, namely—
 - (a) use for agriculture,
 - (b) use for forestry, or
 - (c) use for amenity.
- (3) An aftercare condition may either—
- (a) specify the steps to be taken, or
 - (b) require that the steps be taken in accordance with a scheme (in this Schedule referred to as an “aftercare scheme”) approved by the planning authority.
- (4) A planning authority may approve an aftercare scheme in the form in which it is submitted to them or may modify it and approve it as modified.
- (5) The steps that may be specified in an aftercare condition or an aftercare scheme may consist of planting, cultivating, fertilising, watering, draining or otherwise treating the land.
- (6) Where a step is specified in a condition or a scheme, the period during which it is to be taken may also be specified, but no step may be required to be taken after the expiry of the aftercare period.

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- (7) In sub-paragraph (6) “the aftercare period” means a period of 5 years from compliance with the restoration condition or such other maximum period after compliance with that condition as may be prescribed; and in respect of any part of a site, the aftercare period shall commence on compliance with the restoration condition in respect of that part.
- (8) The power to prescribe maximum periods conferred by sub-paragraph (7) includes power to prescribe maximum periods differing according to the use specified.
- (9) In this paragraph “forestry” means the growing of a utilisable crop of timber.

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