
STATUTORY INSTRUMENTS

1987 No. 433

The Town and Country Planning (Compensation for Restrictions on Mineral Workings) (Scotland) Regulations 1987

Modifications of sections 153 and 159

3.—(1) Where in accordance with section 153A(1) mineral compensation requirements are satisfied in relation to an order made under section 42 (revocation or modification of planning permission), section 153 shall apply in relation to that order subject to the modification set out in paragraph (2) below.

(2) Where a person making a claim for compensation under section 153 has carried out works for the purpose of removing or alleviating any injury to amenity caused by the winning and working of a relevant mineral, or for the purpose of restoring land after the extraction of a relevant mineral, under an agreement in writing with the planning authority which was entered into after the date on which these Regulations come into force but before the date when the order takes effect, the expenditure incurred in carrying out those works shall be treated for the purposes of section 153(1) (b) as constituting loss or damage directly attributable to the revocation or modification; but such a claim under section 153 as so modified can only include expenditure so incurred in respect of which no such claim has already been made.