SCOTTISH STATUTORY INSTRUMENTS

2017 No. 350

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Fees for Monitoring Surface Coal Mining Sites) (Scotland) Regulations 2017

Made - - - -	*24th October 2017*
Laid before the Scottish Parliament - - - -	*26th October 2017*
Coming into force - -	*1st January 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997(**1**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Fees for Monitoring Surface Coal Mining Sites) (Scotland) Regulations 2017 and come into force on 1st January 2018.

Interpretation

2. In these Regulations—

"the Act" means the Town and Country Planning (Scotland) Act 1997;

"active site" means a mining site where development relating to a mineral permission is being carried out to a substantial extent;

"inactive site" means a mining site which is not an active site;

"mineral permission" means planning permission for development consisting of, or including, surface coal mining;

"mining site" means—

(a) where two or more mineral permissions relate to one area of land, the area of land which is being—

(i) worked as a single site; or

(**1**) 1997 c.8. Section 252 was amended by section 31 and the schedule of the Planning etc. (Scotland) Act 2006 (asp 17) and section 55 of the Regulatory Reform (Scotland) Act 2014 (asp 3).

(ii) treated as a single site for the purposes of schedule 9 (review of old mineral planning permissions) or 10 (periodic review of mineral planning permissions) of the Act; and

(b) in any other case, the land to which a mineral permission relates;

"monitoring report" means a report prepared by a planning authority setting out the results of a site visit;

"operator" means—

(a) the person carrying out any development relating to a mineral permission on the land to which a mineral permission relates;

(b) where there is more than one person carrying out development relating to a mineral permission, the person in overall control of the mining site; or

(c) where there is no person who falls within a description in paragraph (a) or (b), the owner of the mining site;

"site visit" means entry by a planning authority, or a person authorised in writing by a planning authority, on to a mining site to—

(a) ascertain whether there is or has been any breach of planning control on the site;

(b) determine whether or to what extent any power conferred on the planning authority by Part 6 of the Act (enforcement) should be exercised in relation to the site; or

(c) ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the site; and

"surface coal mining" means the winning and working of coal by means of the extraction of coal from the earth by removal from an open pit or borrow.

Fees relating to monitoring surface coal mining sites

3.—(1) Subject to paragraph (3), where—

(a) a site visit is made to a mining site by a planning authority; and

(b) the authority issues a monitoring report to the operator of the site in respect of that visit within a period of 10 days beginning with the date of the site visit or such longer period as may be reasonable in the circumstances,

the operator must, within a period of 30 days beginning with the date of receipt of the monitoring report, pay to the authority the fee specified in paragraph (2).

(2) The fee payable is—

(a) where the site is an active site, £500; and

(b) where the site is an inactive site, £250.

(3) The maximum number of times in any 12 month period in respect of which a fee is payable under paragraph (1) in relation to a particular mining site is 8.

St Andrew's House,
Edinburgh
24th October 2017

KEVIN STEWART
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for fees to be paid to planning authorities in relation to site visits made for the purpose of monitoring compliance with surface coal mineral permissions.

Regulation 3 specifies when a fee is payable and the amount to be paid.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained free of charge from the Scottish Government Planning Directorate, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ.