

## **POLICY NOTE**

### **THE TOWN AND COUNTRY PLANNING (FEES FOR MONITORING SURFACE COAL MINING SITES) (SCOTLAND) REGULATIONS 2017**

#### **SSI 2017/350**

The above instrument was made in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative procedure.

#### **Policy Objectives**

The Regulations introduce a fee payable to planning authorities for making site visits for the purpose of monitoring active and in-active surface coal mines in Scotland.

#### **Consultation**

A full 12 week public consultation was undertaken between January and April 2017. Although there was a limited response to the consultation, industry, planning authorities and the public were all represented and comments received helped to inform the final statutory instrument.

Overall there was general support for the introduction of the SSI and for the introduction of a fee, although the frequency of visits to in-active sites has been altered as a result of the consultation process. The draft SSI attached to the consultation document provided that a fee was only chargeable in respect of one visit to an in-active site in any 12 month period but this has now altered to allow fees to be charged for up to eight visits in the same period. This is the same as active sites and reflects some concern from planning authorities about the original limit. The Scottish Governments response to the consultation has been published.

#### **Impact Assessments**

As there were no privacy, equality or children impacts from the SSI, which introduces a monitoring fee for surface coal mines, no impacts assessments were required in the circumstances. A Strategic Environmental Assessment (SEA) pre-screening, indicating there are no direct environmental effects from the SSI has been completed and submitted to the SEA Gateway.

#### **Financial Effects**

A final Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this SSI on business is limited to a small sector operating or owning surface coal mines. The fee payable for a site visit is £500 for an active site and £250 for an in-active site, with a maximum number of 8 visits being chargeable in a 12 month period. However, planning authorities can operate flexibly and may opt to visit good operators less often, thereby reducing costs to the operator and rewarding good practice.

Scottish Government  
Local Government and Communities Directorate

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