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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”).

Most of the amendments are consequent upon restructuring of the coal industry, and establishment of the Coal Authority (CA) and a new licensing system, by the Coal Industry Act 1994.

Article 2 substitutes a new definition of “minerals” in Article 2(1) of the 1992 Order. The effect of this is to preclude licensees of CA from access to Part 16 of the 1992 Order because they will have their own permitted development rights in Part 17 as did British Coal Corporation (BCC) before. Article 3 amends references to BCC to CA.

Article 4 amends Part 17 of Schedule 1 of the 1992 Order (coal mining development). It substitutes a new class 58, providing new permitted development rights for certain underground coal mining development by Coal Authority licensees. It includes provisions for the reinstatement, restoration or aftercare (or a combination of these) of any land which is an authorised site and has been used at any time in connection with previous coal-mining operations at the mine. The developer must apply to the planning authority for approval of a restoration scheme (unless there is an existing approved restoration scheme or an implemented, extant planning permission), and restore the land in accordance with the scheme. Provision is made for restoration where no restoration scheme has been approved. There are transitional provisions, which do not include restoration provisions, for underground coal mining development by British Coal licensees (article 6).

Article 4 also makes minor amendments to classes 59, 60 and 62 in line with the Coal Industry Act 1994.

Article 5 makes minor amendments to Part 18 of the 1992 Order (waste tipping at a mine).