

**Circular 20/1998: The town and country planning (notification of applications) (Scotland) amendment (no.2) direction 1998**

The Chief Executive, Local Authorities

Our ref: PGJ/1/12/1

Copy to: The Director of Planning 22 October 1998

Dear Sir or Madam

1. This Circular amends The Scottish Office Development Department Circular No 4/1997 relating to the notification of planning applications to the Secretary of State. It incorporates, at Annex A, the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No2) Direction 1998, which gives force to the amended requirements and is issued to coincide with the publication of the draft consultative guidance on opencast coal and related minerals. The effect of the Direction is to require planning authorities to notify the Secretary of State when they intend to approve an application for planning permission for opencast coal and related minerals developments which fall within certain criteria

Effective Date

2. The Direction which gives statutory effect to this change (The Town and Country Planning (Notification of Applications) (Scotland) Amendment (No.2) Direction 1998) is incorporated within, and shall have effect from the date of this Circular.  
Enquiries and Further Copies

3. Any enquiries about the content of this Circular should be addressed to Mr Ed Swanney (0131-244-7069) or Mr Ian Stage (0131-244-7070). Further copies and a list of current planning circulars may be obtained from The Scottish Office Development Department, Planning Division, Area 2-H, Victoria Quay, Edinburgh, EH6 6QQ (0131-244-7066).

Yours faithfully

Ian Firth

**The town and country planning notification of applications (Scotland) amendment (No.2) direction 1998**

The Secretary of State, in exercise of the powers conferred on him by Articles 17, 19, and 22(3) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (a) and all other powers enabling him in that behalf, hereby gives the following Direction:

1. The Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 shall be amended as follows:-

1 .1 After paragraph 17 insert:-

### **Opencast Coal and Related Minerals**

**18.** Development consisting of works connected with the extraction of coal by opencast methods, and other minerals extracted in association with works to extract opencast coal, for which a planning authority is minded to grant consent which involves:-

- sites greater than 500 hectares.
- sites greater than 100 hectares, where in the opinion of the planning authority 2 or more workings already exist or would exist (ie unimplemented consents or other current planning applications) within a time period of more than 2 years, in an area within 5 kilometres of the proposed site.
- all sites whose excavation area boundary falls within 500 metres of an existing community or sensitive establishment.
- all sites whose soil and overburden mound area and/or site maintenance and administration area boundary falls within 100 metres of an existing community or sensitive establishment.

2. This Direction may be cited as the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No.2) Direction 1998

Ian Firth

Principal

The Scottish Office Development Department  
Victoria Quay  
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22 October 1998

(a) S.I.1992/224 as amended