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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 60**

The Management of Extractive  
Waste (Scotland) Regulations 2010

PART 5

MANDATORY CONDITIONS AND REVIEW

**Review and update of planning permission**

17.—(1) Every planning permission granted in accordance with regulation 13 in respect of a waste facility is deemed to be subject to the condition that the operator shall notify the planning authority of any substantial change in the operation of the facility or the waste deposited, along with such details as are required to allow the planning authority to review the requirements imposed in pursuance of these Regulations in respect of a permission granted under regulation 13.

(2) A planning authority may, where it considers it appropriate to do so, review at any time the requirements imposed in respect of a waste facility in pursuance of these Regulations in respect of a permission granted under regulation 13, including (but not limited to) where review is appropriate—

- (a) on the basis of monitoring results reported by the operator pursuant to regulation 22(4);
- (b) as a consequence of inspection reports submitted to the planning authority pursuant to regulation 24(1); or
- (c) following any information provided by the Scottish Ministers to the planning authority of developments in best available techniques,

and in every case shall undertake such review not later than five years after the grant of that permission or the latest review of it.

(3) Following a review undertaken in consequence of paragraph (1) or (2), a planning authority may add to, reduce or update the conditions attached to that permission in pursuance of these Regulations and shall consider whether the size or form of any financial guarantee required in accordance with regulation 15(1) requires adjustment to fund the rehabilitation work described in the current waste management plan (and, if so, such an adjusted guarantee shall be provided).

(4) The requirements of regulations 14 to 16 (mandatory conditions) (where appropriate, as modified by Parts 2 and 3), and of paragraph (1), shall apply on review as if the planning authority were granting a permission in accordance with regulation 13.

(5) Where the planning authority receives notification of a substantial change in accordance with paragraph (1), or decides to undertake a review in respect of a waste facility in terms of paragraph (2), it shall consult SEPA and shall give the public concerned an opportunity to express comments and opinions to it before it completes the review.