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Dear Brenda

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
NOTICE OF INTENTION TO ADOPT – SUPPLEMENTARY GUIDANCE ON
FINANCIAL GUARANTEES FOR MINERALS DEVELOPMENT**

I refer to your correspondence of 25 November 2021 certifying notice of Perth & Kinross Council's intention to adopt the supplementary guidance titled 'Financial Guarantees for Minerals Development'.

Scottish Ministers give notice that the supplementary guidance 'Financial Guarantees for Minerals Development' may not be adopted until modifications specified in Annex A to this notice have been made. These modifications are required to reflect the position within Scottish Planning Policy in relation to the circumstances in which financial guarantees can be called upon.

For the avoidance of doubt, prior to adopting this document as supplementary guidance, your Authority should satisfy itself that it has met the requirements set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

In particular, we would bring to your attention the need to comply with section 27(2) of the above regulations, which state that supplementary guidance adopted and issued under section 22(1) of the 1997 Act (in connection with a particular local development plan), may only deal with the provision of further information or detail in respect of the policies or proposals set out in the plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.

Kind regards

Robin Campbell
Planning and Architecture Division

ANNEX A

PERTH & KINROSS COUNCIL – SUPPLEMENTARY GUIDANCE ON FINANCIAL GUARANTEES FOR MINERALS DEVELOPMENT

MODIFICATIONS REQUIRED

Modification:

Modify the final sentence on the fourth paragraph on page 4 of the supplementary guidance to read:

“This includes, for example, where a company is in liquidation.”

Modification:

Modify the first sentence on the fifth paragraph on page 4 of the supplementary guidance to read:

“Financial guarantees are also an important means of providing reassurance that decommissioning, restoration, aftercare and mitigation obligations will be met, for example, should a liquidation occur.”

Modification:

Modify the second bullet point in section 5.5 (page 7) to read:

“the risk the financial guarantee is required to cover – for example, legal obligations relating to decommissioning, restoration, aftercare, mitigation or insolvency. The guarantee should be able to be utilised to cover all elements of risk”