Town and Country Planning (Minerals) Act 1981

1981 CHAPTER 36

PART I

ENGLAND AND WALES

General definitions relating to mineral working

1 Meaning of" development "

(1) The following subsection shall be inserted after subsection (3) of section 22 (meaning of " development "and " new development") of the Town and Country Planning Act 1971—

"(3A) For the purposes of this Act mining operations include—

(a) the removal of material of any description—

(i) from a mineral-working deposit;

(ii) from a deposit of pulverised fuel ash or other furnace ash or clinker ; or

(iii) from a deposit of iron, steel or other metallic slags; and

(b) the extraction of minerals from a disused railway embankment.".

(2) The following subsection shall be inserted after section 264(1) of that Act (power to modify Act in relation to minerals)—

"(1A) In this Act—

"development consisting of the winning and working of minerals " includes the extraction of minerals from a mineral-working deposit; and

"mineral-working deposit" means any deposit of material remaining after minerals have been extracted from land or otherwise

Status: *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

deriving from the carrying out of operations for the winning and working of minerals in, on or under land.".

2 Distribution of planning functions

(1) The following paragraph shall be inserted after paragraph 32 of Schedule 16 to the Local Government Act 1972 (by virtue of which applications, orders and notices relating to certain operations for the winning and working of minerals in, on or under land are included among county matters)—

"32A In paragraph 32 above "the winning and working of minerals" includes the extraction of minerals from a mineral-Working deposit, as defined in section 264(1A).".

(2) The following subsection shall be inserted after section 1(2A) of the Town and Country Planning Act 1971 (1ocal planning authorities)—

"(2B) In this Act " mineral planning authority " means, in respect of any site outside Greater London, the county planning authority within whose area it is situated.".

(3) The following shall be inserted after paragraph 4A of Schedule 3 to that Act (1ocal planning authorities in Greater London) —

"The mineral planning authority

4B In this Act "mineral planning authority" means, in respect of any site in Greater London, the authority who are the local planning authority in respect of the class of development in question in the area in which the site is situated.".

(4) In paragraph 24 of Schedule 16 to the Local Government Act 1972 (which provides for the distribution of certain functions, including the service of enforcement notices under section 87 of the Town and Country Planning Act 1971 and stop notices under section 90 of that Act, between the district planning authority and the county planning authority)—

(a) in sub-paragraph (1), for the words " sub-paragraph (2) " there shall be substituted the words " sub-paragraphs (2) to (4) ";

(b) in sub-paragraph (3), for the word " Those " there shall be substituted the words " Subject to sub-paragraph (4) below, those "; and

(c) the following sub-paragraph shall be added after that sub-paragraph: —

"(4) In relation to a matter which is a county matter by virtue of any of the provisions of paragraph 32(a) to (cd) below the functions of a local planning authority specified in sub-paragraph (1)(b) above shall only be exercisable by the county planning authority in their capacity as mineral planning authority.".