

## SCHEDULES

### SCHEDULE 2

#### REVIEW OF OLD MINERAL PLANNING PERMISSION

*Applications for inclusion in the first list of sites not included in that list as originally prepared and appeals from decisions upon such applications*

6.—(1) Any person who is the owner of any land, or is entitled to an interest in a mineral, may, if that land or interest is not a mineral site included in the first list and does not form part of any mineral site included in that list, apply to the council for that land or interest to be included in that list.

(2) An application under sub-paragraph (1) must be made no later than the day upon which expires the period of 3 months from the day when the first list was first advertised in accordance with paragraph 5.

(3) Where the council considers that—

- (a) the land or interest is, or forms part of, any dormant site or active Phase I or II site, it must accede to the application; or
- (b) part only of the land or interest is, or forms part of, any dormant or active Phase I or II site, it must accede to the application so far as it relates to that part of the land or interest,

but it must otherwise refuse the application.

(4) On acceding, whether in whole or in part, to an application made under sub-paragraph (1), the council must amend the first list as follows—

- (a) where it considers that the land or interest, or any part of the land or interest, is a dormant site or an active Phase I or II site, it must add the mineral site consisting of the land or interest or, as the case may be, that part, to the first list and must cause the list to indicate whether the site is an active Phase I site, an active Phase II site or a dormant site;
- (b) where it considers that the land or interest, or any part of the land or interest, forms part of any mineral site included in the first list, it must amend the entry in the first list for that site accordingly.

(5) Where the council amends the first list in accordance with sub-paragraph (4), it must also—

- (a) in a case where an active Phase I site is added to the first list pursuant to paragraph (a) of that sub-paragraph, cause that list to specify, in respect

of that site, the date by which an application is to be made to the council under paragraph 9;

(b) in a case where—

(i) the entry for an active Phase I site included in the first list is amended pursuant to paragraph (b) of that sub-paragraph; and

(ii) the date specified in that list in respect of that site as the date by which an application is to be made to the council under paragraph 9 is a date falling less than 12 months after the date upon which the council makes its decision upon the application in question,

cause that date to be amended so as to specify instead the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the council's decision upon the application.

(6) Any date specified pursuant to sub-paragraph (5)(a) must be a date not earlier than the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the council's decision upon the application.

(7) On acceding, whether in whole or in part, to an application made under sub-paragraph (1), the council must, if the second list has been first advertised in accordance with paragraph 5 prior to the time at which it makes its decision on the application, amend the second list as follows—

(a) where it considers that the land or interest, or any part of the land or interest, is an active Phase II site, it must add the mineral site consisting of the land or interest or, as the case may be, that part, to the second list;

(b) where it considers that the land or interest, or any part of the land or interest, forms part of any active Phase II site included in the second list, it must amend the entry in that list for that site accordingly.

(8) Where the council amends the second list in accordance with sub-paragraph (7), it must also—

(a) in a case where an active Phase II site is added to the second list pursuant to paragraph (a) of that sub-paragraph, cause that list to specify, in respect of that site, the date by which an application is to be made to the council under paragraph 9;

(b) in a case where—

(i) the entry for an active Phase II site included in the second list is amended pursuant to paragraph (b) of that sub-paragraph; and

(ii) the date specified in that list in respect of that site as the date by which an application is to be made to the council under paragraph 9 is a date falling less than 12 months after the date upon which the council makes its decision upon the application in question,

cause that date to be amended so as to specify instead the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the council's decision upon the application.

(9) Any date specified pursuant to sub-paragraph (8)(a) must be a date not earlier than the date upon which expires the period of 12 months from the date on which the applicant is notified under sub-paragraph (10) of the council's decision upon the application.

(10) When the council determines an application made under sub-paragraph (1) it must notify the applicant in writing of its decision and, in a case where it has acceded to the application, whether in whole or in part, must supply the applicant with details of any amendment to be made to the first or second list in accordance with sub-paragraph (4) or (8).

(11) Where the council—

- (a) refuses an application made under sub-paragraph (1); or
- (b) accedes to such an application only so far as it relates to part of the land or interest in respect of which it was made,

the applicant may by notice appeal to the planning appeals commission.

(12) A person who has made such an application may also appeal to the planning appeals commission if the council has not given notice to the applicant of its decision on the application within such period as may be prescribed or within such extended period as may at any time be agreed upon in writing between the applicant and the council.

(13) An appeal under sub-paragraph (11) or (12) must be made by giving notice of appeal in writing to the planning appeals commission before the end of the period of 6 months beginning with—

- (a) in the case of an appeal under sub-paragraph (11), the determination, or
- (b) in the case of an appeal under sub-paragraph (12), the end of the first period mentioned in that sub-paragraph or, as the case may be, the end of the extended period mentioned in that sub-paragraph.