

SCHEDULE

DEVELOPMENT PERMITTED UNDER ARTICLE 3

PART 17

DEVELOPMENT ANCILLARY TO MINING OPERATIONS

Class A

Permitted development A. **The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any—**

- (a) **plant or machinery;**
- (b) **buildings;**
- (c) **private ways or private railways or sidings; or**
- (d) **sewers, mains, pipes, cables or other similar apparatus;**

on land used as a mine.

Development not permitted A.1 Development is not permitted by Class A if—

- (a) the principal purpose of the development would be any purpose other than—
 - (i) purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or
 - (ii) the treatment, storage or removal from the mine of such minerals or waste materials derived from them;
- (b) the external appearance of the mine would be materially affected;
- (c) the height of any building, plant or machinery which is not in an excavation would exceed—
 - (i) 15 metres above ground level; or
 - (ii) the height of the building, plant or machinery being rearranged, replaced, repaired or otherwise altered;whichever is the greater;
- (d) the height of any building, plant or machinery which is in an excavation would exceed—
 - (i) 15 metres above the excavated ground level; or
 - (ii) 15 metres above the lowest point of the unexcavated ground immediately adjacent to the excavation; or
 - (iii) the height of the building, plant or machinery being rearranged, replaced, repaired or otherwise altered;whichever is the greater;

Status: This is the original version (as it was originally made).

- (e) the floor space of any building erected (other than a replacement building) would exceed 1000 square metres;
- (f) in the case of extension, rearrangement, replacement, repair or other alteration the floor space of the original building would be exceeded by more than—
 - (i) 25%; or
 - (ii) 1000 square metres;whichever is the greater;
- (g) in the case of Class A(a) development any part of the development would be within 250 metres of a sensitive receptor;
- (h) the development is within an area of special scientific interest, a site of archaeological interest or a conservation area.

Conditions A.2 Development is permitted by Class A subject to the condition that before the end of the period of 24 months from the date when mining operations ceased, or any longer period which the council agrees in writing—

- (a) all buildings, plant and machinery permitted by Class A shall be removed from the land unless the council has otherwise agreed in writing; and
- (b) the land shall be restored, so far as practicable, to its condition before the development took place, or restored to such a condition as may have been agreed in writing between the council and the developer.

Interpretation of Class A A.3 For the purposes of Class A “sensitive receptor” means a building, or part of a building, used for any purposes within Classes C1, C2, C3 or D1 of the Schedule to the Use Classes Order.

Class B

Permitted development B. Development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or disused mine.

Development not permitted B.1 Development is not permitted by Class B if—

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would be materially affected;
- (b) the height of any building, plant, machinery, structure or erection would exceed—
 - (i) 15 metres above ground level; or
 - (ii) the height of the building, plant, machinery, structure or erection being rearranged, replaced, repaired or otherwise altered;whichever is the greater;
- (c) in the case of extension, rearrangement, replacement, repair or other alteration the floor

- space of the original building would be exceeded by more than—
- (i) 25%; or
 - (ii) 1000 square metres;
- whichever is the lesser;
- (d) the development is within an area of special scientific interest, a site of archaeological interest or a conservation area.
-