



Town and Country Planning (Minerals) Act 1981

1981 CHAPTER 36

PART I

ENGLAND AND WALES

Compensation

15 Compensation where resumption of mineral working is prohibited or suspension order is made

The following sections shall be inserted after section 170 of that Act—

“170A Compensation in respect of orders under s. 51A and suspension orders.

Subject to section 170B of this Act, the provisions of section 170 of this Act shall apply where an order is made under section 51A of this Act or a suspension order or supplementary suspension order is made as they apply where an order is made under section 51 of this Act.

170B Compensation on special basis.

- (1) Where mineral compensation requirements are satisfied in relation to an order under section 51 or 51A of this Act, or in relation to a suspension order or supplementary suspension order, section 170 or 170A of this Act shall have effect subject to mineral compensation modifications.
- (2) Subject to subsection (6) of this section, mineral compensation requirements are satisfied in relation to an order under section 51 of this Act if—
 - (a) the order—

Status: This is the original version (as it was originally enacted).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

- (i) imposes any conditions on the continuance of the use of land for the winning and working of minerals; or
 - (ii) requires that any buildings or works or plant or machinery used for the winning and working of minerals shall be altered or removed; and
 - (b) the conditions specified in subsection (5) of this section are satisfied.
- (3) Subject to subsection (6) of this section, mineral compensation requirements are satisfied in relation to an order under section 51A of this Act if the conditions specified in subsection (5)(a) and (c) of this section are satisfied.
- (4) Mineral compensation requirements are satisfied in relation to a suspension order or supplementary suspension order if the conditions specified in subsection (5)(c) of this section are satisfied.
- (5) The conditions mentioned in subsections (2)(b), (3) and (4) of this section are—
- (a) that development consisting of the winning and working of minerals began not less than five years before the date of the order;
 - (b) that the order does not—
 - (i) impose any restriction on the winning and working of minerals; or
 - (ii) modify or replace any such restriction subject to which planning permission for development consisting of the winning and working of minerals was granted or which was imposed by a relevant order; and
 - (c) that the mineral planning authority carried out special consultations about the making and terms of the order before they made it.
- (6) Where the mineral planning authority—
- (a) make—
 - (i) an order under section 51 of this Act which imposes any such conditions or makes any such requirement as is mentioned in subsection (2)(a) of this section; or
 - (ii) an order under section 51A of this Act; and
 - (b) have previously made a relevant order or orders,
- mineral compensation requirements are not satisfied in relation to the order mentioned in paragraph (a) of this subsection unless it was made more than five years after the order previously made or the last such order.”.