



Town and Country Planning (Minerals) Act 1981

1981 CHAPTER 36

PART I

ENGLAND AND WALES

Miscellaneous amendments

4 Notification of applications for planning permission

(1) The following paragraph shall be inserted after paragraph (c) of section 27(1) of that Act (which precludes a local planning authority from entertaining an application for planning permission unless it is accompanied by the appropriate certificate)—

“(cc) in the case of an application for planning permission for development consisting of the winning and working of minerals by underground mining operations, a certificate stating—

- (i) that the applicant has given the requisite notice of the application to such one or more of the persons mentioned in paragraph (b) of this subsection as are specified in the certificate, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice ;
- (ii) that there is no person mentioned in paragraph (b) of this subsection whom the applicant knows to be such a person and whose name and address is known to the applicant but to whom he has not given the requisite notice of the application ;
and
- (iii) that he has complied with subsection (2A) of this section and when he did so ;”.

(2) The following subsections shall be inserted after that subsection—

Status: This is the original version (as it was originally enacted).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

- “(1A) Subject to subsection (1B) of this section, subsection (1) of this section shall have effect as respects notice of an application for planning permission for development consisting of the winning and working of minerals as if any person entitled to an interest in a mineral in the land to which the application relates were an owner of the land.
- (1B) Subsection (1) of this section shall not have effect as provided by subsection (1A) of this section in relation to a person entitled to an interest in—
- (a) oil, gas or coal; or
 - (b) gold or silver.”.

(3) 'In subsection (2) of that section after " (c)" there shall be inserted " , paragraph (cc) " .

(4) The following subsections shall be inserted after that subsection—

“(2A) In order to comply with this subsection the applicant must—

 - (a) post the requisite notice of the application, sited and displayed in such a way as to be easily visible and legible by members of the public, in at least one place in every parish or community within which there is situated any part of the land to which the application relates ; and
 - (b) leave the notice in position for not less than seven days in the period of 21 days immediately preceding the making of the application to the local planning authority.

(2B) The applicant shall not be treated as unable to comply with subsection (2A) of this section if the notice is, without any fault or intention of his, removed, obscured or defaced before the seven days referred to in subsection (2 A) (b) of this section have elapsed, so long as he has taken reasonable steps for its protection and, if need be, replacement ; and, if he has cause to rely on this subsection, his certificate under subsection (Dice) of this section shall state the relevant circumstances.

(2C) The notice required by subsection (2A) of this section shall (in addition to any other matters required to be contained in it) name a place within the area of the local planning authority to whom the application is made where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice, being a period of not less than 21 days beginning with the date on which the notice is first posted.”.