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**Changes to legislation:** There are currently no known outstanding effects for the Planning and Compensation Act 1991, Cross Heading: Determination of conditions. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### REGISTRATION OF OLD MINING PERMISSIONS

**Modifications etc. (not altering text)**

- C1** Sch. 2 applied (with modifications) (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [s. 87\(2\)\(b\)](#) (with [s. 111](#)); [S.I. 2006/1281](#), art. 2(a)

*Determination of conditions*

- 2 (1) The conditions to which an old mining permission is to be subject—
- (a) may include any conditions which may be imposed on a grant of planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste,
  - (b) may be imposed in addition to, or in substitution for, any conditions ascertained under paragraph 1(4)(a) above, and
  - (c) must include a condition that the winning and working of minerals or depositing of mineral waste must cease not later than 21st February 2042.
- (2) Where an application for the registration of an old mining permission has been granted, any person who is an owner of any land to which the permission relates, or is entitled to an interest in a mineral to which the permission relates, may apply to the mineral planning authority to determine the conditions to which the permission is to be subject.
- (3) The application must set out proposed conditions.
- (4) The application must be served on the mineral planning authority—
- (a) after the date mentioned in sub-paragraph (5) below, and
  - (b) except where section 22(3) of this Act applies, before the end of the period of twelve months beginning with that date or such extended period as may at any time be agreed upon in writing between the applicant and the authority.
- (5) The date referred to in sub-paragraph (4) above is—
- (a) the date on which the application for registration is granted by the mineral planning authority, if no appeal is made to the Secretary of State under paragraph 5 below, and
  - (b) in any other case, the date on which the application for registration is finally determined.
- (6) On an application under this paragraph—
- (a) the mineral planning authority must determine the conditions to which the permission is to be subject, and

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- (b) if, within the period of three months beginning with the service of notice of the application (or within such extended period as may at any time be agreed upon in writing between the applicant and the authority) the authority have not given the applicant notice of their determination, the authority shall be treated for the purposes of section 22 of this Act and this Schedule as having determined that the permission is to be subject to the conditions set out in the application.
- (7) The condition to which an old mining permission is to be subject by reason of subparagraph (1)(c) above is not to be regarded for the purposes of the planning Acts as a condition such as is mentioned in section 72(1)(b) of the principal Act (planning permission granted for a limited period).
- (8) This paragraph does not apply to an old mining permission which has ceased to have effect since the application under paragraph 1 above was granted.

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**Modifications etc. (not altering text)**

- C1** Sch. 2 para. 2(6)(a): functions of local authority not to be responsibility of an executive of the authority (E.)(16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
- C2** Sch. 2 para. 2(6)(b) excluded (W.) (8.1.2010) by The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), regs. 1(2), **42**
- C3** Sch. 2 para. 2(6)(b) excluded (E.) (24.8.2011) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), regs. 1(1), **50(1)(a)**
- C4** Sch. 2 para. 2(6)(b) restricted (W.) (1.3.2016) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58), reg. 1(2), **Sch. 7 para. 8(1)** (with reg. 52(2)(3), 59)
- C5** Sch. 2 para. 2(6)(b) excluded (E.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **55(1)(a)** (with regs. 47, 70)
- C6** Sch. 2 para. 2(6)(b) excluded (W.) (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567), reg. 1(2), **Sch. 8 para. 8(1)** (with regs. 1(4), 55(2)(3), 63, 65)

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**Commencement Information**

- I1** Sch. 2 para. 2 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

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