



Coal industry Act 1994

1994 CHAPTER 21

PART III

RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

Protection of the environment

54 Obligations to restore land affected by coal-mining operations

- (1) Subject to subsection (5) below, the power of the Secretary of State by a development order to make the planning permission granted by any such order subject to conditions shall include power, in relation to any permission to win or work any minerals in a coal mine started before 1st July 1948, to make it a condition of that permission that there is compliance with such requirements falling within subsection (2) below as may be specified or described in the order.
- (2) The requirements which, in relation to any coal mine, fall within this section are such requirements as the Secretary of State thinks fit in relation to—
 - (a) the demolition or removal of any buildings, plant, machinery, structures or erections used at any time for or in connection with any previous coal-mining operations at that mine; and
 - (b) the re-instatement, restoration and aftercare of any land used at any time for or in connection with any previous coal-mining operations at that mine.
- (3) In subsection (2) above “previous coal-mining operations”, in relation to the requirements imposed by any condition, means—
 - (a) any coal-mining operations carried on by any person before 1st July 1948; or
 - (b) any coal-mining operations which—
 - (i) were carried on by any person at any time on or after that date but before the coming into force of that condition; and
 - (ii) were operations constituting development for which planning permission was granted by a development order or any corresponding

Status: This is the original version (as it was originally enacted).

order made, or having effect as if made, under any enactment then in force;

and references in this section to the use of anything in connection with any such operations shall include references to its use for or in connection with activities carried on in association with, or for purposes connected with, the carrying on of those operations.

- (4) A condition contained in a development order by virtue of this section may provide—
- (a) for the requirements imposed by that condition to include a requirement framed by reference to the opinion or approval of the relevant planning authority; and
 - (b) for that condition to be capable of being modified by agreement with the relevant planning authority.
- (5) The Secretary of State’s powers under this section to modify a development order shall not be exercised at any time after the end of the period of six months beginning with the restructuring date, except for purposes which do not, in relation to any coal mine, include any of the following, that is to say—
- (a) imposing a requirement which had not previously been imposed in relation to that coal mine;
 - (b) making a requirement which had been imposed in relation to that coal mine more onerous; and
 - (c) making provision by reference to any person’s opinion or approval so as to confer powers that did not exist before and might be exercised for a purpose falling within paragraph (a) or (b) above;
- but nothing in this subsection shall be taken as affecting the continuing effect after the end of that period of any modification made after the passing of this Act and before the end of that period.
- (6) Expressions used in this section and in the Town and Country Planning Act 1990 or the Town and Country Planning (Scotland) Act 1972 shall—
- (a) in the application of this section to England and Wales, have the same meanings in this section as in that Act of 1990; and
 - (b) in the application of this section to Scotland, have the same meanings in this section as in that Act of 1972.
- (7) In this section “relevant planning authority”—
- (a) in relation to England and Wales, means the mineral planning authority within the meaning of the Town and Country Planning Act 1990; and
 - (b) in relation to Scotland, means the planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973.