

SCHEDULES

SCHEDULE 3

Section 10

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

1 Schedule 14 to the Environment Act 1995 (periodic review of mineral planning permissions) is amended as follows.

2 Before paragraph 1 insert—

“Power to carry out periodic reviews

A1 The mineral planning authority for an area in England may, in accordance with the provisions of this Schedule, cause one or more periodic reviews to be carried out of the mineral permissions relating to a mining site.”

3 In paragraph 1 (duty to carry out periodic reviews), after “The mineral planning authority” insert “for an area in Wales”.

4 In paragraph 2(1) (interpretation), for the definition of “first review date” substitute—

““first review date”—

- (a) in relation to a mineral planning authority for an area in England, has the meaning given by paragraph 2A below, and
- (b) in relation to a mineral planning authority for an area in Wales, has the meaning given by paragraph 2B below;”.

5 After paragraph 2 insert—

“The first review date: mineral planning authorities in England

2A (1) In the application of this Schedule in relation to a mineral planning authority for an area in England, “first review date” means the date set by the authority in accordance with sub-paragraph (2) below as the first review date for the purposes of the first periodic review of the mineral permissions relating to a mining site.

(2) That date may not be earlier than the relevant date found under paragraph 3 below in relation to the site.

(3) This paragraph is subject to paragraphs 3A and 5 below (power to specify different relevant date, and postponement of first review date).

The first review date: mineral planning authorities in Wales

2B (1) In the application of this Schedule in relation to a mineral planning authority for an area in Wales, “first review date” in relation to a mining

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site means the relevant date found under paragraph 3 below in relation to the site.

(2) This paragraph is subject to paragraphs 3A and 5 below (power to specify different relevant date, and postponement of first review date).”

6 (1) Paragraph 3 (the first review date) is amended as follows.

(2) Before sub-paragraph (1) insert—

“(A1) This paragraph has effect for the purposes of paragraphs 2A and 2B above.”

(3) For “first review date” in each place substitute “relevant date”.

(4) For the italic heading immediately before that paragraph substitute “The relevant date for the purposes of a first periodic review”.

7 In paragraph 3A (power to specify a first review date by order), for “first review date” in each place substitute “relevant date”.

8 (1) Paragraph 4 (service of notice of first periodic review) is amended as follows.

(2) Before sub-paragraph (1) insert—

“(A1) This paragraph applies—

(a) where a mineral planning authority for an area in England determines that it will carry out a periodic review of the mineral permissions relating to a mining site, and that periodic review is the first periodic review of the permissions relating to that site, and

(b) in relation to the first periodic review by a mineral planning authority for an area in Wales of the mineral permissions relating to a mining site.”

(3) In sub-paragraph (1)—

(a) omit “of the mineral permissions relating to a mining site”, and

(b) for “that site” substitute “the site to which the review relates”.

9 (1) Paragraph 12 (second and subsequent periodic reviews) is amended as follows.

(2) Before sub-paragraph (1) insert—

“(A1) This paragraph applies—

(a) where a mineral planning authority for an area in England determines that it will carry out a periodic review of the mineral permissions relating to a mining site, and that periodic review is the second or a subsequent periodic review of the permissions relating to that site, and

(b) in relation to the second or any subsequent periodic review by a mineral planning authority for an area in Wales of the mineral permissions relating to a mining site.

(A2) In the application of this paragraph in relation to a mineral planning authority for an area in England “the review date” means the date set by the authority as the review date for the purposes of the periodic review.

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(A3) That date may not be earlier than the relevant date found under sub-paragraph (1) below in relation to the site.

(A4) In the application of this paragraph in relation to a mineral planning authority for an area in Wales “the review date” means the relevant date found under sub-paragraph (1) below in relation to the site.”

(3) In sub-paragraph (1), for ““review date”” substitute ““relevant date””.

(4) In sub-paragraph (2)—

- (a) omit the “and” at the end of paragraph (a), and
- (b) at the end of paragraph (b) insert “, and
- (c) paragraph 4(A1) were omitted.”