

SCHEDULE 2

PART 20

BRITISH COAL MINING DEVELOPMENT

Class E

Permitted development

E. The carrying out by the British Coal Corporation, their lessees or licensees, with the prior approval of the mineral planning authority, of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.

Prior approvals

E.1.—(1) The prior approval of the mineral planning authority to development permitted by Class E is not required if—

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;
- (b) no building, plant or machinery, structure or erection—
 - (i) would exceed a height of 15 metres above ground level, or
 - (ii) where any building, plant or machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was replaced, rearranged or repaired, whichever is the greater; and
- (c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in paragraph (3).

(2) The approval referred to in Class E shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

(3) The limits referred to in paragraph E.1(c) are—

- (i) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%; and
- (ii) that the floor area of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

Interpretation of Part 20

E.1. For the purposes of Part 20—

“active access” is a surface access to underground workings which is in normal and regular use for the transportation of coal, materials, spoil or men;

“coal industry activities” means such activities as defined in section 63 of the Coal Industry Nationalisation Act 1946;

Status: This is the original version (as it was originally made).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

“normal and regular use” is use other than intermittent visits to inspect and maintain the fabric of the mine or any plant or machinery;

“prior approval of the mineral planning authority” means prior written approval of that authority of detailed proposals for the siting, design and external appearance of the proposed building, plant or machinery or structure or erection as erected, installed, extended or altered.

F.2.—(1) Subject to sub-paragraph (2), land is an authorised site for the purposes of Part 20 if—

- (a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted as land which may be used for development described in this Part; or
- (b) in any other case, it is land immediately adjoining an active access which, on the date of coming into force of this order, was in use for the purposes of that mine in connection with coal industry activities.

(2) For the purposes of sub-paragraph (1), land is not to be regarded as in use in connection with coal industry activities if—

- (a) it is used for the permanent deposit of waste derived from the winning and working of minerals; or
- (b) there is on, over or under it a railway, conveyor, aerial ropeway, roadway, overhead power line or pipeline which is not itself surrounded by other land used for those purposes.