

SCHEDULE 2

PART 21

WASTE TIPPING AT A MINE

Class B

Permitted development

B. The deposit on land comprised in a site used for the deposit of waste materials or refuse on 1st July 1948 of waste resulting from colliery production activities.

Development not permitted

B.1. Development is not permitted by Class B on or after a date 3 months after the coming into force of this order unless—

- (a) it is in accordance with a relevant scheme which has been approved by the mineral planning authority before the date of coming into force of this order; or
- (b) an application for planning permission has been made—
 - (i) the development is in terms of the permission sought; and
 - (ii) the application has not been determined by the mineral planning authority, or, if an appeal is made, the Secretary of State.

Interpretation of Class B

B.2. For the purposes of Class B—

“colliery production activities” has the meaning it is given in paragraph 2 of Schedule 1 to the Coal Industry Nationalisation Act 1946⁽¹⁾.

Interpretation of Part 21

C. For the purposes of Part 21—

“relevant scheme” means a scheme, other than a waste management scheme, requiring approval by the mineral planning authority in accordance with a condition or limitation on any planning permission granted or deemed to be granted under Part III of the Act, for making provision for the manner in which the deposit of waste is to be carried out and for the carrying out of other activities in relation to that deposit.

(1) 1946 c. 59.