

SCHEDULE 2

PART 21

WASTE TIPPING AT A MINE

Class A

Permitted development

A. The deposit, on premises used as a mine or on ancillary mining land already used for the purpose, of waste derived from the winning and working of minerals at that mine or from minerals brought to the surface at that mine, or from the treatment or the preparation for sale, consumption or utilization of minerals from the mine.

Development not permitted

A.1. Development is not permitted by Class A if—

- (a) in the case of waste deposited in an excavation, waste would be deposited at a height above the level of the land adjoining the excavation, unless that is provided for in a waste management scheme or a relevant scheme;
- (b) in any other case, the superficial area or height of the deposit (measured as at the date of the making of this order) would be increased by more than 10%, unless such an increase is provided for in a waste management scheme or in a relevant scheme.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

- (a) except in a case where a relevant scheme or a waste management scheme has already been approved by the mineral planning authority, the developer shall, if the mineral planning authority so require, within three months or such longer period as the authority may specify, submit a waste management scheme for that authority's approval,
- (b) where a waste management scheme or a relevant scheme has been approved, the depositing of waste and all other activities in relation to that deposit shall be carried out in accordance with the scheme as approved.

Interpretation

A.3. For the purposes of Class A—

“ancillary mining land” means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part III of the Act;

“waste management scheme” means a scheme required by the mineral planning authority to be submitted for their approval in accordance with the condition in paragraph A.2(a) which makes provision for—

- (a) the manner in which the depositing of waste (other than waste deposited on a site for use for filling any mineral excavation in the mine or on ancillary mining land in order to comply with the terms of any planning permission granted on an application or deemed to be granted under Part III of that Act) is to be carried out after the date of the approval of that scheme,

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- (b) where appropriate, the stripping and storage of the subsoil and topsoil,
- (c) the restoration and aftercare of the site.

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.