

SCHEDULE 2

PART 22

MINERAL EXPLORATION

Class A

Permitted development

A. Development on any land during a period not exceeding 28 consecutive days consisting of—

- (a) **the drilling of boreholes,**
- (b) **the carrying out of seismic surveys, or**
- (c) **the making of other excavations,**

for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.

Development not permitted

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

- (a) it consists of the drilling of boreholes for petroleum exploration;
- (b) any operation would be carried out within 50 metres of any part of an occupied residential building or a building occupied as a hospital or school;
- (c) any operation would be carried out within a National Park, an area of outstanding natural beauty or a site of archaeological or special scientific interest;
- (d) any explosive charge of more than 1 kilogram would be used;
- (e) any excavation referred to in paragraph A(c) would exceed 10 metres in depth or 12 square metres in surface area;
- (f) in the case described in paragraph A(c) more than 10 excavations would, as a result, be made within any area of 1 hectare within the land during any period of 24 months; or
- (g) any structure assembled or provided would exceed 12 metres in height, or, where the structure would be within 3 kilometres of the perimeter of an aerodrome, 3 metres in height.

Conditions

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

- (a) no operations shall be carried out between 6pm and 7am;
- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the mineral planning authority have so agreed in writing;
- (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil shall be separately removed from the land to be excavated and stored separately from other excavated material and from each other;
- (d) within a period of 28 days from the cessation of operations unless the mineral planning authority have, in a particular case, agreed otherwise in writing—

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- (i) any structure permitted by Class A and any waste material arising from development permitted by Class A shall be removed from the land,
- (ii) any borehole shall be adequately sealed,
- (iii) any other excavation shall be filled with material from the site,
- (iv) the surface of the land on which any operations have been carried out shall be levelled and any topsoil replaced as the uppermost layer, and
- (v) the land shall, so far as is practicable, be restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

Interpretation of Class A

A.3. For the purposes of Class A—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“structure” means a building, plant or machinery or other structure.

Class B

Permitted development

B. Development on any land during a period not exceeding 4 months consisting of—

- (a) the drilling of boreholes,
- (b) the carrying out of seismic surveys, or
- (c) the making of other excavations,

for the purposes of mineral exploration, and the provision or assembly on that land or on adjoining land of any structure required in connection with any of those operations.

Development not permitted

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

- (a) it consists of the drilling of boreholes for petroleum exploration;
- (b) the developer has not previously notified the mineral planning authority in writing of his intention to carry out the development (specifying the nature and location of the development);
- (c) the relevant period has not elapsed;
- (d) any explosive charge of more than 2 kilograms would be used;
- (e) any excavation referred to in paragraph B(c) would exceed 10 metres in depth or 12 square metres in surface area; or
- (f) any structure assembled or provided would exceed 12 metres in height.

Conditions

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

- (a) the development shall be carried out in accordance with the details in the notification referred to in paragraph B.1(b), unless the mineral planning authority have otherwise agreed in writing;

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- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the mineral planning authority have otherwise agreed in writing;
- (c) before any excavation other than a borehole is made, any topsoil and any subsoil shall be separately removed from the land to be excavated and stored separately from other excavated material and from each other,
- (d) within a period of 28 days from operations ceasing, unless the mineral planning authority have, in a particular case, agreed otherwise in writing—
 - (i) any structure permitted by Class B and any waste material arising from development so permitted shall be removed from the land,
 - (ii) any borehole shall be adequately sealed,
 - (iii) any other excavation shall be filled with material from the site,
 - (iv) the surface of the land shall be levelled and any topsoil replaced as the uppermost layer, and
 - (v) the land shall, so far as is practicable, be restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

Interpretation of Class B

B.3. For the purposes of Class B—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 6, 28 days after the notification referred to in paragraph B.1(b) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction, or
- (b) where a direction is issued under article 6, 28 days from the date on which notice of that decision is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction;

“structure” means a building, plant or machinery or other structure.