

SCHEDULE 2

PART 23

REMOVAL OF MATERIAL FROM MINERAL-WORKING DEPOSITS

Class A

Permitted development

A. The removal of material of any description from a mineral-working deposit from which material was removed at any time during the period of 12 months before 19th May 1986.

Development not permitted

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

- (a) if no application was made before 19th November 1986 for planning permission to continue to remove material from the deposit;
- (b) where such an application has been made, except in the terms of the planning permission sought;
- (c) if the application has been determined by the mineral planning authority, or, if an appeal has been made, finally determined by the Secretary of State; or
- (d) if the removal of material from the deposit during the 12 month period was in breach of planning control.

Class B

Permitted development

B. The removal of material of any description from a stockpile.

Class C

Permitted development

C. The removal of material of any description from a mineral-working deposit other than a stockpile.

Development not permitted

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

- (a) the developer has not previously notified the mineral planning authority in writing of his intention to carry out development together with the appropriate details;
- (b) the deposit covers a ground area exceeding 2 hectares, unless the deposit contains any mineral or other material deposited on the land at a date 5 years or less before the date on which it would be removed; or
- (c) the deposit derives from the carrying out of any operations permitted under Part 6 of this Schedule or any class in a previous development order which it replaces.

Conditions

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

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- (a) it shall be carried out in accordance with the details given in the notice sent to the mineral planning authority referred to in paragraph C.1(a) above, unless that authority have agreed otherwise in writing;
- (b) if the mineral planning authority so require, the developer shall within a period of 3 months from the date of the requirement (or such other longer period as that authority may provide) submit to them for approval a scheme providing for the restoration and aftercare of the site;
- (c) where such a scheme is required, the site shall be restored and aftercare shall be carried out in accordance with the provisions of the approved scheme;
- (d) development shall not be commenced until the relevant period has elapsed.

Interpretation of Class C

C.3. In Class C—

“appropriate details” means the nature of the development, the exact location of the mineral-working deposit from which the material would be removed, the proposed means of vehicular access to the site at which the development is to be carried out, and the earliest date at which any mineral presently contained in the deposit was deposited on the land;

“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 C.1(a) 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 direction 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.

Interpretation of Part 23

D. In Classes B and C of this Part—

“stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale.