
STATUTORY INSTRUMENTS

1995 No. 2863

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

The Town and Country Planning (Minerals) Regulations 1995

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>6th July 1995</i>
<i>Laid</i>	- - - -	<i>11th July 1995</i>
<i>Coming into force</i>	- -	<i>3rd November 1995</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 315(1), 333(1) and 336(1) of the Town and Country Planning Act 1990(1) and with the consent of the Treasury hereby make the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Minerals) Regulations 1995 and shall come into force on the day after the day on which they are approved by resolution of each House of Parliament.

(2) In these Regulations—

“the 1990 Act” means the Town and Country Planning Act 1990;

“development consisting of the winning and working of minerals” does not include the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works on it which are occupied or used for those purposes.

Modification of the meaning of “use”

2.—(1) For the purpose of the provisions specified in Parts I and II of Schedule 16 to the 1990 Act(2), “use” in relation to the discontinuance of a use of land includes the discontinuance of the use of land for development consisting of the winning and working of minerals.

(1) 1990 c. 8. Section 315(1) was amended by paragraph 11 of Schedule 1 to the Planning and Compensation Act 1991 (c. 34). See the definition of “prescribed” in section 336(1).
(2) Part I of Schedule 16 was amended by paragraph 41(a) of Schedule 6 and paragraph 57(2) of Schedule 7 to the Planning and Compensation Act 1991. Part II of Schedule 16 was amended by paragraph 57(3) of Schedule 7 to the Planning and Compensation Act 1991.

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(2) Save as provided in paragraph (1), for the purpose of those provisions “use”, in relation to land, does not include the use of land for development consisting of the winning and working of minerals.

Modification of specific provisions of the 1990 Act

3. In relation to development consisting of the winning and working of minerals or involving the depositing of mineral waste, the provisions of the 1990 Act set out in column (1) of the Schedule to these Regulations shall apply subject to the modifications set out opposite such provisions in column (2) of the Schedule.

Revocation

4. The Town and Country Planning (Minerals) Regulations 1971(3) are hereby revoked.

Signed by authority of the Secretary of State

5th June 1995

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment

8th June 1995

John Redwood
Secretary of State for Wales

We consent,

6th July 1995

Andrew Mackay
Andrew Mitchell
Two of the Lords Commissioners of Her
Majesty’s Treasury.

(3) S.I.1971/756.

SCHEDULE

Regulation 3

(1) Provisions of the 1990 Act	(2) Modifications
1. Section 56 (time when development begun)	1.—(1) For subsection (2) substitute “(2) For the purpose of sections 91,, 92 and 94,, development consisting of the winning and working of minerals shall be taken to be begun on the earliest date on which the winning and working of minerals to which the relevant grant of planning permission relates begins.”
2. Section 107 (compensation where planning permission revoked or modified)	1.—(2) Omit subsections (3) to (6). 2. After subsection (3) insert— “(3A) Where planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste is revoked or modified,, no compensation shall be paid under this section in respect of any buildings,, plant or machinery,, unless the claimant can prove that he is unable to put them to a reasonably beneficial use or to put them to a reasonably beneficial use except at the loss claimed. (3B) Where a claim under this section includes a claim for expenditure or loss in respect of buildings,, plant or machinery to which subsection (3A) applies,, the Lands Tribunal may give directions that that part of the claim be severed from the remainder of the claim and be dealt with at such later date as may be fixed by the Tribunal,, either in such directions or subsequently on application by either party.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify certain provisions of the Town and Country Planning Act 1990 as they apply to development consisting of the winning and working of minerals or involving the depositing

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of mineral waste. These Regulations replace the Town and Country Planning (Minerals) Regulations 1971, which are revoked.