SCHEDULES

SCHEDULE 2

REVIEW OF OLD MINERAL PLANNING PERMISSION

Compensation

15.—(1) This paragraph applies in a case where—

(a) an application made under paragraph 9 in respect of an active Phase I or II site is finally determined; and

(b) the requirements of sub-paragraph (2), (3) or (4) are satisfied.

(2) The requirements, referred to in sub-paragraph (1)(b), of this sub-paragraph are—

(a) that the conditions to which the relevant planning permissions relating to the site are to be subject were determined by the council;

(b) no appeal was made under paragraph 11(1)(a) in respect of that determination or any such appeal was withdrawn or dismissed; and

(c) the council gave notice under paragraph (d) of paragraph 10(2) and either—

(i) that notice stated that, in the council's opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in sub-paragraphs (i) and (ii) of paragraph (d); or

(ii) that notice stated that, in the council's opinion, the restriction in question would not be such as would so prejudice either of those matters but an appeal under paragraph 11(1)(b) in respect of the giving of the notice has been allowed.

(3) The requirements, referred to in sub-paragraph (1)(b), of this sub-paragraph are that the conditions to which the relevant planning permissions are to be subject were determined by the Department and the Department gave notice under paragraph (d) of paragraph 10(2) stating that, in its opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in sub-paragraphs (i) and (ii) of paragraph (d).

(4) The requirements, referred to in sub-paragraph (1)(b), of this sub-paragraph are that the conditions to which the relevant planning permissions are to be

subject were determined by the planning appeals commission upon an appeal under paragraph 11(1)(a) and either—

(a) the council gave notice under paragraph (d) of paragraph 10(2) stating that, in its opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in sub-paragraphs (i) and (ii) of paragraph (d); or

(b) the council gave a notice under paragraph (d) stating that, in its opinion, the restriction in question would not be such as would so prejudice either of those matters but an appeal under paragraph 11(1)(b) in respect of the giving of that notice has been allowed.

(5) In a case to which this paragraph applies, section 26 of the Act of 1965 shall have effect as if an order having effect under section 68 of this Act had effect to modify those permissions to the extent specified in sub-paragraph (6).

(6) For the purposes of sub-paragraph (5), the order which is treated by virtue of that sub-paragraph as having effect under section 68 is one whose only effect adverse to the interests of any person having an estate or interest in the land or minerals comprised in the mineral site is to restrict working rights in respect of the site to the same extent as the relevant restriction.