SCHEDULES

SCHEDULE 1

MINES AND WASTE

15 (1) In Schedule 9, in paragraph 1(1) for paragraph (a) there is substituted—

"(a) that any use of land for—

(i) development consisting of the winning and working of minerals; or

(ii) the depositing of refuse or waste materials,

should be discontinued or that any conditions should be imposed on the continuance of the winning and working or the depositing;".

(2) For paragraph (c) of that sub-paragraph there is substituted—

"(c) that any plant or machinery used for the winning and working or the depositing should be altered or removed,".

(3) For sub-paragraphs (2) and (3) of that paragraph there is substituted—

"(2) An order under this paragraph may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be—

(a) required by paragraph 1 of Schedule 5; or

(b) specified in the order.

(3) Subsections (3) to (5) and (7) of section 102 and section 103 apply to orders under this paragraph as they apply to orders under section 102, but as if—

(a) references to the local planning authority were references to the mineral planning authority; and

(b) the reference in section 103(2)(a) to subsection (2) of section 102 were a reference to sub-paragraph (2)."

(4) In paragraph 2 of that Schedule for sub-paragraph (1) there is substituted—

"(1) An order under paragraph 1 may impose a restoration condition".

(5) In sub-paragraph (4)(b) of that paragraph for the words from "before" to "under it" there is substituted "before the development began".

(6) For paragraph 3(1) to (3) of that Schedule there is substituted—

"(1) Where it appears to the mineral planning authority—

(a) that development of land—

(i) consisting of the winning and working of minerals; or

(ii) involving the depositing of mineral waste,

has occurred; but

(b) the winning and working or depositing has permanently ceased,

the mineral planning authority may by order—

(i) prohibit the resumption of the winning and working or the depositing; and

(ii) impose, in relation to the site, any such requirement as is specified in sub-paragraph (3).

(2) The mineral planning authority may assume that the winning and working or the depositing has permanently ceased only when—

(a) no winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least two years; and

(b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that resumption of the winning and working or the depositing to any substantial extent at the site is unlikely.

(3) The requirements mentioned in sub-paragraph (1) are—

(a) a requirement to alter or remove plant or machinery which was used for the purpose of the winning and working or the depositing or for any purpose ancillary to that purpose;

(b) a requirement to take such steps as may be specified in the order, within such period as may be so specified, for the purpose of removing or alleviating any injury to amenity which has been caused by the winning and working or depositing, other than injury due to subsidence caused by underground mining operations;

(c) a requirement that any condition subject to which planning permission for the development was granted or which has been imposed by virtue of any provision of this Act shall be complied with; and

(d) a restoration condition."

(7) At the end of paragraph 4(8) of that Schedule there is inserted "or involving the depositing of mineral waste".

(8) For paragraph 5(1) of that Schedule there is substituted—

"(1) Where it appears to the mineral planning authority—

(a) that development of land—

(i) consisting of the winning and working of minerals; or

(ii) involving the depositing of mineral waste,

has occurred; but

(b) the winning and working or depositing has been temporarily suspended,

the mineral planning authority may by order require that steps be taken for the protection of the environment."

(9) For sub-paragraphs (3) and (4) there is substituted—

"(3) The mineral planning authority may assume that the winning and working or the depositing has been temporarily suspended only when—

(a) no such winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least twelve months; but

(b) it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that a resumption of such winning and working or depositing to a substantial extent is likely.

(4) In this Act "steps for the protection of the environment" means steps for the purpose—

(a) of preserving the amenities of the area in which the land in, on or under which the development was carried out is situated during the period while the winning and working or the depositing is suspended;

(b) of protecting that area from damage during that period; or

(c) of preventing any deterioration in the condition of the land during that period."

(10) In paragraph 10(1) of that Schedule for "in, on or under the land" there is substituted "or involving the depositing of mineral waste at the site".

(11) In sub-paragraph (3) of that paragraph for "development consisting of the winning and working of minerals" there is substituted "the development".

(12) For sub-paragraph (4) of that paragraph there is substituted—

"(4) The mineral planning authority shall revoke the order if the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect."

(13) For sub-paragraph (8) there is substituted—

"(8) If the Secretary of State is satisfied that the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect, he shall revoke the order."

(14) At the end of that Schedule there is inserted—

"Interpretation

12 In this Schedule any reference to a mineral planning authority shall be construed, in relation to the exercise of functions with respect to the depositing of refuse or waste materials (other than mineral waste), as a reference to the authority entitled to discharge such functions."