



# Planning and Compensation Act 1991

## 1991 CHAPTER 34

### PART I

#### TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

##### *Controls over particular matters*

#### **22 Old mining permissions.**

- (1) In this section and Schedule 2 to this Act, “old mining permission” means any planning permission for development—
  - (a) consisting of the winning and working of minerals; or
  - (b) involving the depositing of mineral waste,which was deemed to be granted under Part III of the <sup>M1</sup>Town and Country Planning Act 1947 by virtue of section 77 of that Act (development authorised under interim development orders after 21st July 1943).
- (2) An old mining permission shall, if an application under that Schedule to determine the conditions to which the permission is to be subject is finally determined, have effect as from the final determination as if granted on the terms required to be registered.
- (3) If no such development has, at any time in the period of two years ending with 1st May 1991, been carried out to any substantial extent anywhere in, on or under the land to which an old mining permission relates, that permission shall not authorise any such development to be carried out at any time after the coming into force of this section unless—
  - (a) the permission has effect in accordance with subsection (2) above; and
  - (b) the development is carried out after such an application is finally determined.
- (4) An old mining permission shall—
  - (a) if no application for the registration of the permission is made under that Schedule, cease to have effect on the day following the last date on which such an application may be made; and

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*Changes to legislation: There are currently no known outstanding effects for the  
 Planning and Compensation Act 1991, Section 22. (See end of Document for details)*

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- (b) if such an application is refused, cease to have effect on the day following the date on which the application is finally determined.
- (5) An old mining permission shall, if—
- (a) such an application is granted; but
  - (b) an application under that Schedule to determine the conditions to which the permission is to be subject is required to be served before the end of any period and is not so served,
- cease to have effect on the day following the last date on which the application to determine those conditions may be served.
- (6) Subject to subsection (3) above, this section—
- (a) shall not affect any development carried out under an old mining permission before an application under that Schedule to determine the conditions to which the permission is to be subject is finally determined or, as the case may be, the date on which the permission ceases to have effect; and
  - (b) shall not affect any order made or having effect as if made under section 102 of or Schedule 9 to the principal Act (discontinuance, etc. orders).
- (7) This section and that Schedule, and the principal Act, shall have effect as if the section and Schedule were included in Part III of that Act.

**Modifications etc. (not altering text)**

**C1** S. 22 applied (with modifications) (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [s. 87\(2\)\(a\)](#) (with [s. 111](#)); [S.I. 2006/1281](#), [art. 2\(a\)](#)

**Commencement Information**

**I1** S. 22 wholly in force at 25.09.1991 see [s. 84\(2\)\(3\)](#) and [S.I. 1991/2067](#), [art. 3](#).

**Marginal Citations**

**M1** 1947 c. 51.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 22.