

Status: Point in time view as at 01/01/2015.

Changes to legislation: Environment Act 1995, Paragraph 1 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 13

REVIEW OF OLD MINERAL PLANNING PERMISSIONS]

Textual Amendments

F1 Sch. 13 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. II** (with s. 5, Sch. 3)

[^{F1} Interpretation]

Textual Amendments

F1 Sch. 13 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. II** (with s. 5, Sch. 3)

[^{F1} 1 (1) In this Schedule—

“dormant site” means a Phase I or Phase II site in, on or under which no minerals development has been carried out to any substantial extent at any time in the period beginning on 22nd February 1982 and ending with 6th June 1995 otherwise than by virtue of a planning permission which is not a relevant planning permission relating to the site;

“first list”, in relation to a mineral planning authority, means the list prepared by them pursuant to paragraph 3 below;

“mineral planning authority”—

(a) ^{F2} . . . , means a mineral planning authority within the meaning of the 1990 Act, ^{F3} . . .

(b) ^{F3}

“mineral site” has the meaning given by sub-paragraph (2) below;

“National Park” means an area designated as such under section 5(3) of the National Parks and Access to the ^{M1} Countryside Act 1949;

“old mining permission” has the meaning given—

(a) ^{F2} . . . , by section 22(1) of the 1991 Act, ^{F3} . . .

(b) ^{F3}

“owner”, in relation to any land—

(a) ^{F2} . . . , means any person who—

(i) is the estate owner in respect of the fee simple, or

(ii) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remains unexpired;

^{F3} . . .

(b) ^{F3}

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“ Phase I site ” and “ Phase II site ” have the meaning given by paragraph 2 below;

“ relevant planning permission ” means any planning permission, other than an old mining permission or a planning permission granted by a development order, granted after 30th June 1948 for minerals development; and

“ second list ”, in relation to a mineral planning authority, means the list prepared by them pursuant to paragraph 4 below.

- (2) For the purposes of this Schedule, but subject to sub-paragraph (3) below, “ mineral site ” means—
- (a) in a case where it appears to the mineral planning authority to be expedient to treat as a single site the aggregate of the land to which any two or more relevant planning permissions relate, the aggregate of the land to which those permissions relate; and
 - (b) in any other case, the land to which a relevant planning permission relates.
- (3) In determining whether it appears to them to be expedient to treat as a single site the aggregate of the land to which two or more relevant planning permissions relate a mineral planning authority shall have regard to any guidance issued for the purpose by the Secretary of State.
- (4) Any reference (however expressed) in this Schedule to an old mining permission or a relevant planning permission relating to a mineral site is a reference to the mineral site, or some part of it, being the land to which the permission relates; and where any such permission authorises the carrying out of development consisting of the winning and working of minerals but only in respect of any particular mineral or minerals, that permission shall not be taken, for the purposes of this Schedule, as relating to any other mineral in, on or under the land to which the permission relates.
- (5) For the purposes of this Schedule, a mineral site which is a Phase I site or a Phase II site is active if it is not a dormant site.
- (6) For the purposes of this Schedule, working rights are restricted in respect of a mineral site if any of—
- (a) the size of the area which may be used for the winning and working of minerals or the depositing of mineral waste;
 - (b) the depth to which operations for the winning and working of minerals may extend;
 - (c) the height of any deposit of mineral waste;
 - (d) the rate at which any particular mineral may be extracted;
 - (e) the rate at which any particular mineral waste may be deposited;
 - (f) the period at the expiry of which any winning or working of minerals or depositing of mineral waste is to cease; or
 - (g) the total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on, the site,
- is restricted or reduced in respect of the mineral site in question.
- (7) For the purposes of this Schedule, where an application is made under paragraph 9 below for the determination of the conditions to which the relevant planning permissions relating to the mineral site to which the application relates are to be subject, those conditions are finally determined when—

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- (a) the proceedings on the application, including any proceedings on or in consequence of an application under section 288 of the 1990 Act^{F4} . . . , have been determined, and
 - (b) any time for appealing under paragraph 11(1) below, or applying or further applying under paragraph 9 below, (where there is a right to do so) has expired.]
- [^{F5}(8) Where an electronic communication is used to make an application to a mineral planning authority under any of paragraphs 6, 7 or 9 below, the applicant shall be taken to have agreed—
- (a) to the use of electronic communications for all purposes relating to his application which are capable of being effected using such communications, unless he gives notice in writing to the mineral planning authority in accordance with sub-paragraph (9) below; and
 - (b) that his address for the purposes of such communications is the address incorporated into, or otherwise logically associated with, his application (or such other address as he may notify in writing to the mineral planning authority).
- (9) An applicant may give notice that he is no longer to be taken to have agreed to the use of electronic communications for the purposes mentioned in paragraph (a) of sub-paragraph (8).
- (10) Any such notice shall take effect from the date specified in it being not less than seven days from the date on which it is given.]

Textual Amendments

- F1** Sch. 13 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. II** (with s. 5, Sch. 3)
- F2** Words in Sch. 13 para. 1(1) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. III** (with s. 5, Sch. 3)
- F3** Words in Sch. 13 para. 1(1) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. III** (with s. 5, Sch. 3)
- F4** Words in Sch. 13 para. 1(7)(a) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. III** (with s. 3, Sch. 5)
- F5** Sch. 13 para. 1(8)-(10) added (E.) (31.3.2003) by [Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), arts. 1(1), **10(2)(a)** and added (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) \(No. 1\) Order 2004 \(S.I. 2004/3156\)](#), **art. 10(2)(a)** (with art. 14)

Commencement Information

- I1** Sch. 13 wholly in force at 1.1.1997; Sch. 13 not in force at Royal Assent see s. 125(3); Sch. 13 in force for E.W. at 1.11.1995 by [S.I. 1995/2765](#), **art. 2**; Sch. 13 in force for S. at 1.1.1997 by [S.I. 1996/2857](#), **art. 2**

Marginal Citations

- M1** 1949 c. 97.

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