
Status: Point in time view as at 01/11/1995. This version of this provision has been superseded.

Changes to legislation: Environment Act 1995, Paragraph 15 is up to date with all changes known to be in force on or before 10 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

SCHEDULE 13

REVIEW OF OLD MINERAL PLANNING PERMISSIONS

Compensation

- 15 (1) This paragraph applies in a case where—
- (a) an application made under paragraph 9 above in respect of an active Phase I or II site is finally determined; and
 - (b) the requirements of either sub-paragraph (2) or (3) below are satisfied.
- (2) The requirements, referred to in sub-paragraph (1)(b) above, 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 mineral planning authority;
 - (b) no appeal was made under paragraph 11(1)(a) above in respect of that determination or any such appeal was withdrawn or dismissed; and
 - (c) the authority gave notice under paragraph (d) of paragraph 10(2) above and either—
 - (i) that notice stated that, in the authority'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 the said paragraph (d); or
 - (ii) that notice stated that, in the authority'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) above in respect of the giving of the notice has been allowed.
- (3) The requirements, referred to in sub-paragraph (1)(b) above, of this sub-paragraph are that the conditions to which the relevant planning permissions are to be subject were determined by the Secretary of State (whether upon an appeal under paragraph 11(1)(a) above or upon a reference under paragraph 13 above) and—
- (a) in a case where those conditions were determined upon an appeal under paragraph 11(1)(a) above either—
 - (i) the mineral planning authority gave notice under paragraph (d) of paragraph 10(2) above stating that, in their 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 the said paragraph (d), or
 - (ii) the authority gave a notice under the said paragraph (d) stating that, in their opinion, the restriction in question would not be such as would so prejudice either of those matters but an appeal under

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paragraph 11(1)(b) above in respect of the giving of that notice has been allowed;

or

- (b) in a case where those conditions were determined upon a reference under paragraph 13 above, the Secretary of State gave notice under paragraph (d) of paragraph 10(2) above stating that, in his 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 the said paragraph (d).

- (4) In a case to which this paragraph applies—

- (a) as respects England and Wales, Parts IV and XI of the 1990 Act, or
 (b) as respects Scotland, Parts VIII and XI of the 1972 Act,

shall have effect as if an order made under section 97 of the 1990 Act or, as the case may be, section 42 of the 1972 Act, had been confirmed by the Secretary of State under section 98 of the 1990 Act or, as the case may be, section 42 of the 1972 Act at the time when the application in question was finally determined and, as so confirmed, had effect to modify those permissions to the extent specified in sub-paragraph (5) below.

- (5) For the purposes of sub-paragraph (4) above, the order which is treated by virtue of that sub-paragraph as having been made under section 97 of the 1990 Act or section 42 of the 1972 Act is one whose only effect adverse to the interests of any person having an 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.
- (6) For the purposes of section 116 of the 1990 Act and section 167A of the 1972 Act and of any regulations made under those sections, the permissions treated as being modified by the order mentioned in sub-paragraph (4) above shall be treated as if they were planning permissions for development which neither consists of nor includes any minerals development.

Commencement Information

- II** [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](#)

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