

SCHEDULE 2

PART 19

DEVELOPMENT ANCILLARY TO MINING OPERATIONS

Class C

C.2 Prior approvals

C.2

(1) The prior approval of the mineral planning authority to development permitted by Class C is not required if—

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;
- (b) no building, plant, machinery, structure or erection—
 - (i) would exceed a height of 15 metres above ground level, or
 - (ii) where any building, plant, machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater,

and

- (c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in paragraph (3).

(2) The approval referred to in Class C shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

(3) The limits referred to in paragraph C.2(1)(c) are—

- (a) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%, and
- (b) that the floor space of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.