

## SCHEDULE 2

### **PART 20**

#### **COAL MINING DEVELOPMENT BY THE COAL AUTHORITY AND LICENSED OPERATORS**

##### *Class D*

##### **D Permitted development**

**D.** Any development required for the purposes of a mine which is carried out on an authorised site at that mine by a licensed operator in connection with coal-mining operations and with the prior approval of the mineral planning authority.

##### **D.1 Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) it would be for the purpose of creating a new surface access or improving an existing access (which is not an active access) to underground workings; or
- (b) it would be carried out on land to which the description in paragraph F.2(1)(b) applies, and a plan of that land had not been deposited with the mineral planning authority before 5th June 1989.

##### **D.2 Condition**

**D.2** Development is permitted by Class D subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant, machinery, structures and erections and deposits of minerals or waste permitted by Class D shall be removed from the land, unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land shall, so far as is practicable, be restored to its condition before the development took place or to such condition as may have been agreed in writing between the mineral planning authority and the developer.

##### **D.3 Interpretation of Class D**

**D.3** The prior approval referred to in Class D 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.