

*Status: Point in time view as at 23/09/2020.*

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Resumption of mineral working after suspension order is up to date with all changes known to be in force on or before 13 September 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 9

#### REQUIREMENTS RELATING TO DISCONTINUANCE OF MINERAL WORKING

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

- C1 Sch. 9 modified (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [ss. 22\(6\)\(b\)\(7\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2067](#), [art.3](#) (subject to [art. 4](#))
- C1 Sch. 9 modified (W.) (8.1.2010) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Undetermined Reviews of Old Mineral Permissions\) \(Wales\) Regulations 2009 \(S.I. 2009/3342\)](#), [reg. 51](#)

##### *Resumption of mineral working after suspension order*

- 10 (1) Subject to sub-paragraph (2), nothing in a suspension order or a supplementary suspension order shall prevent the recommencement of development consisting of the winning and working of minerals [<sup>F1</sup>or involving the depositing of mineral waste at the site] in relation to which the order has effect.
- (2) No person shall recommence such development without first giving the mineral planning authority notice of his intention to do so.
- (3) A notice under sub-paragraph (2) shall specify the date on which the person giving the notice intends to recommence [<sup>F2</sup>the development].
- <sup>F3</sup>[( 4 ) The mineral planning authority shall revoke the order if the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect.]
- (5) If the authority do not revoke the order before the end of the period of two months from the date specified in the notice under sub-paragraph (2), the person who gave that notice may apply to the Secretary of State for the revocation of the order.
- (6) Notice of an application under sub-paragraph (5) shall be given by the applicant to the mineral planning authority.
- (7) If he is required to do so by the person who gave the notice or by the mineral planning authority, the Secretary of State shall, before deciding whether to revoke the order, give him and the mineral planning authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- <sup>F4</sup>[( 8 ) If the Secretary of State is satisfied that the winning and working of minerals or the depositing of mineral waste has recommenced to a substantial extent at the site in relation to which the order has effect, he shall revoke the order.]
- (9) If the Secretary of State revokes an order by virtue of sub-paragraph (8), he shall give notice of its revocation—
- (a) to the person who applied to him for the revocation, and

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(b) to the mineral planning authority.

#### Textual Amendments

- F1** Words in Sch. 9 para. 10(1) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(10\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F2** Words in Sch. 9 para. 10(3) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15](#) (11) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F3** Sch. 9 para. 10(4) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(12\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F4** Sch. 9 para. 10(8) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(13\)](#)(with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

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