

*Status: Point in time view as at 25/07/2003.*

*Changes to legislation: Town and Country Planning Act 1990, Paragraph 4 is up to date with all changes known to be in force on or before 11 August 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**

##### *Prohibition of resumption of mineral working*

- 4 (1) An order under paragraph 3 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.
- (2) Where a mineral planning authority submit such an order to the Secretary of State for his confirmation under this paragraph, the authority shall serve notice of the order—
- (a) on any person who is an owner or occupier of any of the land to which the order relates, and
  - (b) on any other person who in their opinion will be affected by it.
- (3) The notice shall specify the period within which any person on whom the notice is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for that purpose.
- (4) If within that period such a person so requires, before the Secretary of State confirms the order he shall give such an opportunity both to him and to the mineral planning authority.
- (5) The period referred to in sub-paragraph (3) must not be less than 28 days from the service of the notice.
- (6) Where an order under paragraph 3 has been confirmed by the Secretary of State, the mineral planning authority shall serve a copy of the order on every person who was entitled to be served with notice under sub-paragraph (2).
- (7) When an order under paragraph 3 takes effect any planning permission for the development to which the order relates shall cease to have effect.
- (8) Sub-paragraph (7) is without prejudice to the power of the mineral planning authority, on revoking the order, to make a further grant of planning permission for development consisting of the winning and working of minerals [<sup>F1</sup>or involving the depositing of mineral waste].

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**Textual Amendments**

- F1** Words in Sch. 9 para. 4(8) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 15\(7\)](#)(with s. 84(5)); [S.I. 1991/2067](#), [art. 3](#) (subject to [art. 4](#))

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

- C1** Sch. 9 para. 4(7) modified (22.7.2008) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Mineral Permissions and Amendment\) \(England\) Regulations 2008 \(S.I. 2008/1556\)](#), [reg. 4\(6\)](#)

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