

Status: Point in time view as at 30/08/1995. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Paragraph 6. (See end of Document for details)

SCHEDULES

SCHEDULE 8

MINES AND WASTE - SCOTLAND

Commencement Information

II Sch. 8 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, art. 2

- 6 (1) For subsections (1) to (3) of section 49A (prohibition of resumption of winning and working of minerals) there is substituted—
- “(1) Where it appears to the planning authority—
- (a) that development of land—
 - (i) consisting of the winning and working of minerals; or
 - (ii) involving the depositing of mineral waste,has occurred; but
 - (b) the winning and working or depositing has permanently ceased,
- the planning authority may by order—
- (i) prohibit the resumption of the winning and working or the depositing; and
 - (ii) impose, in relation to the site, any such requirement as is specified in subsection (3) of this section.
- (2) The planning authority may assume that the winning and working or the depositing has permanently ceased only when—
- (a) no winning and working or depositing has occurred, to any substantial extent, at the site for a period of at least two years; and
 - (b) it appears to the planning authority, on the evidence available to them at the time when they make the order, that resumption of the winning and working or the depositing to any substantial extent at the site is unlikely.
- (3) The requirements mentioned in subsection (1) of this section are—
- (a) a requirement to alter or remove plant or machinery which was used for the purpose of the winning and working or the depositing or for any purpose ancillary to that purpose;
 - (b) a requirement to take such steps as may be specified in the order, within such period as may be so specified, for the purpose of removing or alleviating any injury to amenity which has been caused by the winning and working or depositing, other than injury due to subsidence caused by underground mining operations;
 - (c) a requirement that any condition subject to which planning permission for the development was granted or which has been

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imposed by virtue of any provision of this Act shall be complied with; and

(d) a restoration condition.”

(2) At the end of subsection (11) of that section there is inserted “ or involving the depositing of mineral waste ”.

Commencement Information

II Sch. 8 para. 6 wholly in force at 24.1.1992 see s. 84(2) and S.I. 1992/71, art. 2

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