



Town and Country Planning (Minerals) Act 1981

1981 CHAPTER 36

PART II

SCOTLAND

Miscellaneous amendments

26 Discontinuance of use

The following subsections shall be inserted after subsection (1) of section 49 of the 1972 Act (which empowers a planning authority to make orders, in the interests of the proper planning of their area, requiring that a use of land shall be discontinued or imposing conditions on the continuance of a use)—

“(1A) For the purposes of this section development consisting of the winning and working of minerals in, on or under any land is to be treated as a use of that land.

(1B) Subsection (1) of this section shall have effect as if—

- (a) the words “or
- (c) that any plant or machinery used for the winning and working of minerals should be altered or removed,”
- were added at the end of paragraph (b); and
- (b) the words “ or plant or machinery ” were inserted after the words “ buildings or works ”, in the second place where those words occur.

(1C) Where development consisting of the winning and working of minerals is being carried out in, on or under any land, the conditions which an order under this section may impose include a restoration condition.

(1D) An order under this section may include any such aftercare condition as the planning authority think fit if—

- (a) it also includes a restoration condition ; or

Status: This is the original version (as it was originally enacted).

- (b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act.
- (1E) Subsections (3) to (8) and (11) to (19) of section 27A of this Act shall apply in relation to an aftercare condition imposed under this section as they apply in relation to such a condition imposed under that section.
- (1F) In a case where—
- (a) the use specified is a use for agriculture ; and
 - (b) the land was in use for agriculture immediately before development consisting of the winning and working of minerals began to be carried out in, on or under it or had previously been used for agriculture and had not been used for any authorised purpose since its use for agriculture ceased ; and
 - (c) the planning authority is aware of or can readily ascertain the physical characteristics of the land when it was last used for agriculture,
- the land is brought to the required standard when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture.
- (1G) In any other case where the use specified is a use for agriculture the land is brought to the required standard when it is reasonably fit for that use.”.