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## SCHEDULES

### SCHEDULE 2

#### MINERALS

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

- C1** Sch. 2 excluded by [Water Act 1989 \(c. 15, SIF 130\)](#), **s. 159**, (with ss. 58(7), 101(1), 141(6), 160(1)(2) (4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)  
Sch. 2 excluded (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), **ss.182**, 225(2) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
- C1** Sch. 2 incorporated (with modifications) (11.3.2015) by [The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 \(S.I. 2015/318\)](#), **arts. 1, 22** (with arts. 40, 41, Sch. 12 Pt. 1 paras. 49(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16)

### PART III

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

- C1** Sch. 2 Pts. 2, 3 applied by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), s. 37(2), **Sch. 5 Pt. 3 para. 4**
- C2** Sch. 2 Pts. 2, 3 applied (with modifications) by [Dartford-Thurrock Crossing Act 1988 \(c. 20, SIF 59\)](#), s. 2(5), **Sch. 2 Pt. 2 para. 4(1)**  
Sch. 2 Pt. 3 applied (with modifications) (28.7.1998) by 1998 c. iv, **s. 7(1)(2)**(with s. 41)  
Sch. 2 Pts. 2, 3 applied (with modifications) (3.6.1999) by S.I. 1999/1555, **art. 9**  
Sch. 2 Pt. 3 applied (with modifications) (E.) (29.3.2001) by S.I. 2001/1347, **art. 36(1)** (with arts. 15, 37, 38(2))  
Sch. 2 Pt. 3 applied (with modifications) (E.) (29.3.2001) by S.I. 2001/1348, **art. 12(1)**
- C3** Sch. 2 Pt. 3 modified (18.12.1996) by 1996 c. 61, s. 4, **Sch. 4 Pt. 3 para. 13**
- C4** Sch. 2 Pt. 3 applied (with modifications) (12.8.2002) by [The Channel Tunnel Rail Link \(Thames Tunnel Approach\) Order 2002 \(S.I. 2002/1943\)](#), **art. 6(2)**  
Sch. 2 Pt. 3 applied (with modifications) (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), **art. 39(1)** (with art. 38)
- C5** Sch. 2 Pts. 2, 3 applied (with modifications) (22.3.2005) by [The Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), **art. 50** (with art. 51)
- C6** Sch. 2 Pts. 2, 3 applied (with modifications) (22.7.2005) by [The Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, **46(1)** (with art. 47)
- C7** Sch. 2 Pt. 3 applied (with modifications) (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 6 para. 17**
- C8** Sch. 2 Pt. 3 applied (with modifications) (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 3 para. 3(5)**
- C9** Sch. 2 Pts. 2, 3 incorporated (with modifications) (15.8.2013) by [The North Blyth Biomass Power Station Order 2013 \(S.I. 2013/1873\)](#), arts. 1, **14** (with art. 30)
- C10** Sch. 2 Pt. 3 incorporated (with modifications) (7.5.2014) by [The National Grid \(North London Reinforcement Project\) Order 2014 \(S.I. 2014/1052\)](#), arts. 1, **23**  
Sch. 2 Pt. 3 incorporated (with modifications) (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), **arts. 1, 40**

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- C11 Sch. 2 Pts. 1-3 applied (with modifications) (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **22** (with art. 33)
- C12 Sch. 2 Pt. 3 incorporated (with modifications) (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 32** (with arts. 30(4), 53)
- C13 Sch. 2 Pts. 2, 3 incorporated (with modifications) (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **21(1)**
- C14 Sch. 2 Pts. 2, 3 incorporated (with modifications) (9.6.2015) by The White Moss Landfill Order 2015 (S.I. 2015/1317), arts. 1, **13** (with art. 5)
- C15 Sch. 2 Pts. 2, 3 incorporated (with modifications) (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **21**
- C16 Sch. 2 Pts. 2, 3 incorporated in part (with modifications) (14.8.2015) by The Hirwaun Generating Station Order 2015 (S.I. 2015/1574), arts. 1, **17(1)** (with art. 30)
- C17 Sch. 2 Pt. 3 incorporated in part (with modifications) (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **14** (with art. 26)
- C18 Sch. 2 Pts. 2, 3 incorporated (with modifications) (2.2.2016) by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (S.I. 2016/17), arts. 1, **27**
- C19 Sch. 2 Pt. 3 incorporated in part (with modifications) (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **20** (with art. 32)
- C20 Sch. 2 Pts. 2, 3 incorporated in part (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), **arts. 1, 21** (with art. 39)
- C21 Sch. 2 Pts. 2, 3 incorporated (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **21** (with arts. 4, 5(3))
- C22 Sch. 2 Pts. 2, 3 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **38** (with art. 39)
- C23 Sch. 2 Pts. 2, 3 incorporated (with modifications) (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **26** (with arts. 35, 36)
- C24 Sch. 2 Pts. 2, 3 incorporated (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **37** (with art. 43)
- C25 Sch. 2 Pts. 2, 3 incorporated in part (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **33**
- C26 Sch. 2 Pt. 3 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 4 para. 4(5)**
- C27 Sch. 2 Pt. 3 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 6 para. 4(2)(3)**
- C28 Sch. 2 Pt. 3 incorporated (with modifications) (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **19** (with art. 22)
- C29 Sch. 2 Pts. 2, 3 incorporated (with modifications) (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **22** (with arts. 4, 37)
- C30 Sch. 2 Pts. 2, 3 incorporated (with modifications) (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **20**
- C31 Sch. 2 Pt. 3 applied (with modifications) (7.5.2019) by The Midland Metro (Birmingham City Centre Extension, etc.) (Edgbaston Extension Land Acquisition) Order 2019 (S.I. 2019/882), arts. 1, **14** (with art. 18)
- C32 Sch. 2 Pt. 3 incorporated (with modifications) (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **19**
- C33 Sch. 2 Pt. 3 incorporated (with modifications) (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **33**
- C34 Sch. 2 Pt. 3 incorporated in part (with modifications) (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **28** (with Sch. 13 Pt. 1 para. 19)
- C35 Sch. 2 Pt. 3 incorporated (with modifications) (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **24** (with art. 3(1))

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- C36 Sch. 2 Pt. 3 incorporated (with modifications) (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **17** (with art. 7)
- C37 Sch. 2 Pt. 3 incorporated in part (with modifications) (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), arts. 1, **28(1)** (with art. 28(2))
- C38 Sch. 2 Pt. 3 incorporated (with modifications) (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **25** (with art. 37)
- C39 Sch. 2 Pt. 3 applied (with modifications) (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **art. 13**
- C40 Sch. 2 Pt. 3 incorporated (with modifications) (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **26(b)**
- C41 Sch. 2 Pt. 3 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), Sch. 7 para. 4(3)(4)
- C42 Sch. 2 Pt. 3 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 4 para. 4(5)**
- C43 Sch. 2 Pt. 3 incorporated (with modifications) (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **24** (with arts. 4, 47)
- C44 Sch. 2 Pt. 3 incorporated (with modifications) (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, **30** (with arts. 15, 50, Sch. 11 para. 29)
- C45 Sch. 2 Pts. 2, 3 incorporated (with modifications) (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **26** (with arts. 5, 36)
- C46 Sch. 2 Pts. 2, 3 incorporated (with modifications) (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **25** (with arts. 4, 50)
- C47 Sch. 2 Pt. 3 incorporated (with modifications) (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **29** (with arts. 62, 76, 87)
- C48 Sch. 2 Pt. 3 incorporated (with modifications) (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **24** (with arts. 4, 53)
- C49 Sch. 2 Pt. 3 incorporated (with modifications) (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **25**
- C50 Sch. 2 Pts. 2, 3 incorporated (with modifications) (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **25** (with arts. 4, 52, Sch. 9 para. 82)
- C51 Sch. 2 Pt. 3 incorporated (with modifications) (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **25** (with art. 4)
- C52 Sch. 2 Pt. 3 incorporated (with modifications) (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **25** (with arts. 4, 50)
- C53 Sch. 2 Pt. 3 incorporated in part (with modifications) (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **44** (with art. 19)
- C54 Sch. 2 Pt. 3 incorporated (with modifications) (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **26** (with arts. 5, 53, Sch. 8 paras. 6, 64)
- C55 Sch. 2 Pt. 3 incorporated (with modifications) (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **19** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Pt. 3 para. 6(1), Pt. 4 para. 2, Pt. 9 para. 4)
- C56 Sch. 2 Pt. 3 incorporated (with modifications) (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **20** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C57 Sch. 2 Pts. 2, 3 incorporated (with modifications) (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **24** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))
- C58 Sch. 2 Pts. 2, 3 incorporated (with modifications) (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **21** (with arts. 36, 37, Sch. 9 para. 14, 44(1), 76, 103)
- C59 Sch. 2 Pts. 2, 3 incorporated (with modifications) (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **30** (with art. 43, Sch. 12 paras. 5, 24)
- C60 Sch. 2 Pts. 2, 3 incorporated (with modifications) (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **28** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

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- C61** Sch. 2 Pts. 2, 3 incorporated (with modifications) (11.3.2024) by [The Net Zero Teesside Order 2024 \(S.I. 2024/174\)](#), arts. 1, **36** (with arts. 42, 43, Sch. 12)
- C62** Sch. 2 Pts. 2, 3 incorporated (with modifications) (13.3.2024) by [The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 \(S.I. 2024/230\)](#), arts. 1, **47** (with Sch. 11)
- C63** Sch. 2 Pts. 2, 3 incorporated (with modifications) (28.3.2024) by [The A66 Northern Trans-Pennine Development Consent Order 2024 \(S.I. 2024/360\)](#), arts. 1, **20** (with arts. 18, 35, Sch. 9)

- 3
- (1) If the owner of any underlying mines or minerals desires to work them, he shall give the acquiring authority notice in writing of his intention to do so 30 days before the commencement of working.
  - (2) On receipt of the notice the acquiring authority may cause the mines to be inspected by a person appointed by them for the purpose.
  - (3) Subject to paragraph 4(1) below, if the acquiring authority consider that the working of the underlying mines or minerals is likely to damage the undertaking, and is willing to compensate the owner for all or any part of the mines, the owner shall not work or get them.
  - (4) If the acquiring authority and the owner do not agree on the amount of compensation the question shall be referred to and determined by the [<sup>F1</sup>Upper Tribunal].

#### Textual Amendments

- F1** Words in Sch. 2 para. 3(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 151** (with Sch. 5)

- 4
- (1) If before the expiration of 30 days from the receipt of notice under paragraph 3(1) above the acquiring authority do not state their willingness to treat with the owner for the payment of compensation the owner may work any of the underlying mines for which the acquiring authority has not agreed to pay compensation by proper methods and in the usual manner of working such mines in the district in question.
  - (2) If any damage or obstruction to the undertaking is caused by improper working of the underlying mines—
    - (a) the owner of the mines shall forthwith repair or remove the damage or obstruction at his own expense,
    - (b) the acquiring authority may, without waiting for the owner to perform his duty, or in case of his default, repair or remove the damage or obstruction and recover their expenses from the owner in proceedings in the High Court.

#### *Severed mines*

- 5
- (1) If underlying mines in which any protected minerals are situated extend on both sides of the undertaking, the owner of the mines may cut and make any communication works through the protected minerals required for the ventilation, drainage and working of the mines.
  - (2) The communication works shall not exceed the dimensions or sections prescribed by the compulsory purchase order, and where dimensions are not so prescribed, they shall not be more than eight feet high and eight feet wide.
  - (3) The communication works shall not be cut or made on any part of the undertaking, or so as to injure it or impede its use.

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- (4) In this paragraph—
- (a) “protected minerals” means mines, measures or strata the working of which is prevented under paragraph 3(3) above,
  - (b) “communication works” means airways, headings, gateways or water levels.
- 6 (1) If underlying mines extend on both sides of the undertaking, the acquiring authority shall from time to time pay to the owner of the mines (in addition to any compensation under paragraph 3 above) any expenses and losses incurred by him in consequence of—
- (a) the severance by the undertaking of the land lying over the mines,
  - (b) the interruption of continuous working of the mines in consequence of paragraph 3(3) above, and
  - (c) the mines being worked in such manner and subject to such restrictions as not to prejudice or injure the undertaking,
- and for any minerals not purchased by the acquiring authority which cannot be obtained by reason of the making and maintenance of the undertaking.
- (2) Any dispute as to the amount payable under this paragraph shall be determined by arbitration.
- 7 (1) Where works carried out under paragraph 5 above cause loss or damage to the owner or occupier of land lying over the mines the acquiring authority shall pay full compensation to him for the loss or damage.
- (2) This paragraph shall not apply where the person sustaining the loss or damage is the owner of the mines.

#### *Powers of entry*

- 8 (1) For the purpose of ascertaining whether underlying mines have been worked so as to damage the undertaking the acquiring authority may, after giving 24 hours notice in writing—
- (a) enter on any land in which the mines are, or are thought to be, being worked, and which is in or near to the land where the undertaking is situated, and
  - (b) enter the mines and any works connected with the mines.
- (2) For the said purpose the acquiring authority may make use of any apparatus or machinery belonging to the owner of the mines, and may use all necessary means for discovering the distance from the undertaking to the parts of the mines which are, or are about to be, worked.
- (3) If the owner of the mines refuses to allow a person appointed by the acquiring authority for the purpose to enter the mines or works under this paragraph he shall be liable on summary conviction to a sum not exceeding £50.

#### *Remedial works*

- 9 (1) If it appears that mines have been worked contrary to the provisions of this Schedule, the acquiring authority may give notice to the owner of the mines to construct such works and adopt such means as may be necessary or proper for making safe the undertaking, and preventing injury to it.

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- (2) If the owner of the mines does not comply with the notice, the acquiring authority may themselves construct the works, and may recover their expenses from the owner by proceedings in the High Court.

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