

Status: Point in time view as at 16/05/2017.

Changes to legislation: Town and Country Planning Act 1990, Paragraph 3 is up to date with all changes known to be in force on or before 29 June 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 5

CONDITIONS RELATING TO MINERAL WORKING

PART I

CONDITIONS IMPOSED ON GRANT OF PERMISSION

Meaning of “required standard”

- 3 (1) In a case where—
- (a) the use specified in an aftercare condition is a use for agriculture; and
 - (b) the land was in use for agriculture at the time of the grant of the planning permission or had previously been used for that purpose and had not at the time of the grant been used for any authorised purpose since its use for agriculture ceased; and
 - (c) the Minister has notified the mineral planning authority of 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.
- (2) In any other case where the use specified in an aftercare condition is a use for agriculture, the land is brought to the required standard when it is reasonably fit for that use.
- (3) Where the use specified in an aftercare condition is a use for forestry, the land is brought to the required standard when it is reasonably fit for that use.
- (4) Where the use specified in an aftercare condition is a use for amenity, the land is brought to the required standard when it is suitable for sustaining trees, shrubs or other plants.
- (5) In this paragraph—
- “authorised” means authorised by planning permission;
 - “forestry” has the same meaning as in paragraph 2; and
 - “the Minister” means—
- (a) in relation to England, the Minister of Agriculture, Fisheries and Food; and
 - (b) in relation to Wales, the Secretary of State.

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