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*Status: Point in time view as at 25/09/1991.*

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Power to impose aftercare conditions is up to date with all changes known to be in force on or before 16 July 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)*

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## SCHEDULES

### SCHEDULE 5

#### CONDITIONS RELATING TO MINERAL WORKING

##### PART I

#### CONDITIONS IMPOSED ON GRANT OF PERMISSION

##### *Power to impose aftercare conditions*

- 2 (1) Where—
- (a) planning permission for development consisting of the winning and working of minerals [<sup>F1</sup>or involving the depositing of refuse or waste materials] is granted, and
  - (b) the permission is subject to a condition requiring that after [<sup>F2</sup>the winning and working is completed or the depositing has ceased], the site shall be restored by the use of any or all of the following, namely, subsoil, topsoil and soil-making material,
- it may be granted subject also to any such condition as the mineral planning authority think fit requiring that such steps shall be taken as may be necessary to bring land to the required standard for whichever of the following uses is specified in the condition, namely—
- (i) use for agriculture;
  - (ii) use for forestry; or
  - (iii) use for amenity.
- (2) In this Act—
- (a) a condition such as is mentioned in paragraph (b) of sub-paragraph (1) is referred to as “a restoration condition”; and
  - (b) a condition requiring such steps to be taken as are mentioned in that sub-paragraph is referred to as “an aftercare condition”.
- (3) An aftercare condition may either—
- (a) specify the steps to be taken; or
  - (b) require that the steps be taken in accordance with a scheme (in this Act referred to as an “aftercare scheme”) approved by the mineral planning authority.
- (4) A mineral planning authority may approve an aftercare scheme in the form in which it is submitted to them or may modify it and approve it as modified.
- (5) The steps that may be specified in an aftercare condition or an aftercare scheme may consist of planting, cultivating, fertilising, watering, draining or otherwise treating the land.

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- (6) Where a step is specified in a condition or a scheme, the period during which it is to be taken may also be specified, but no step may be required to be taken after the expiry of the aftercare period.
- (7) In sub-paragraph (6) “the aftercare period” means a period of five years from compliance with the restoration condition or such other maximum period after compliance with that condition as may be prescribed; and in respect of any part of a site, the aftercare period shall commence on compliance with the restoration condition in respect of that part.
- (8) The power to prescribe maximum periods conferred by sub-paragraph (7) includes power to prescribe maximum periods differing according to the use specified.
- (9) In this paragraph “forestry” means the growing of a utilisable crop of timber.

#### **Textual Amendments**

- F1** Words in Sch. 5 para. 2(1)(a) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(4\)\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F2** Words in Sch. 5 para. 2(1)(b) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para. 14\(4\)\(b\)](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)

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