

Status: Point in time view as at 08/01/2010.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 2

REGISTRATION OF OLD MINING PERMISSIONS

Modifications etc. (not altering text)

- C1** Sch. 2 applied (with modifications) (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 87(2)(b) (with s. 111); S.I. 2006/1281, art. 2(a)

Right of appeal

- 5 (1) Where the mineral planning authority—
- (a) refuse an application under paragraph 1 above, or
 - (b) in granting such an application, ascertain an area of land, or conditions, which differ from those specified in the application,
- the applicant may appeal to the Secretary of State.
- (2) Where on an application under paragraph 2 above, the mineral planning authority determine conditions that differ in any respect from the conditions set out in the application, the applicant may appeal to the Secretary of State.
- (3) An appeal under this paragraph must be made by giving notice of appeal to the Secretary of State.
- (4) In the case of an appeal under sub-paragraph (1) above, the notice must be given to the Secretary of State before the end of the period of three months beginning with the determination or, in the case of an application treated as refused by virtue of paragraph 1(5) above, beginning at the end of the period or extended period referred to in paragraph 1(5)(b).
- (5) In the case of an appeal under sub-paragraph (2) above, the notice must be given to the Secretary of State before the end of the period of six months beginning with the determination.
- (6) A notice of appeal under this paragraph is a notice which—
- (a) is made on an official form, and
 - (b) is accompanied by an appropriate certificate.
- (7) The appellant must, so far as reasonably practicable, give the information required by the form.
- (8) Paragraph 4(5) to (8) above shall apply for the purposes of sub-paragraph (7) above as it applies for the purposes of paragraph 4(1) above.
- [^{F1}(9) Schedule 6 to the principal Act (determination of appeals by persons appointed by Secretary of State) applies to appeals under this paragraph.]

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Textual Amendments

- F1** Sch. 2 para. 5(9) inserted (6.4.2009 for E.) by Planning Act 2008 (c. 29), **ss. 198(4), 241(3)(4)** (with s. 226); S.I. 2009/400, art. 5(e)

Modifications etc. (not altering text)

- C1** Sch. 2 para. 5(2) modified (W.) (8.1.2010) by The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342), regs. 1(2), **45**

Commencement Information

- I1** Sch. 2 para. 5 wholly in force at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, **art. 3**

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