



Coal Industry Act 1994

1994 CHAPTER 21

PART III

RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

Protection of the environment

53 Environmental duties in connection with planning.

- (1) This section applies in the case of proposals (“coal-mining proposals”) formulated for inclusion in so much of any application for planning permission as relates to any of the following, that is to say—
 - (a) the carrying on of any coal-mining operations;
 - (b) the restoration of land used in connection with the carrying on of any coal-mining operations; and
 - (c) the carrying on of any other operations incidental to any coal-mining operations or to the restoration of land which has been so used.
- (2) Where a planning authority consider any coal-mining proposals included in such an application, they shall have regard—
 - (a) to the desirability of the preservation of natural beauty, of the conservation of flora and fauna and geological or physiographical features of special interest and of the protection of sites, buildings, structures and objects of architectural, historic or archaeological interest; and
 - (b) to the extent (if any) to which the person by whom the proposals were formulated has complied with subsection (3) below.
- (3) A person who formulates coal-mining proposals shall be required for the purposes of paragraph (b) of subsection (2) above—
 - (a) to have regard, in formulating those proposals, to the desirability of the matters mentioned in paragraph (a) of that subsection; and
 - (b) to formulate proposals (as part of or in addition to the coal-mining proposals) for the adoption of such measures (if any) as it is reasonably practicable for

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Section 53. (See end of Document for details)

that person to adopt for mitigating any adverse effect of the development to which the coal-mining proposals relate on the natural beauty of any area or on any such flora, fauna, features, sites, buildings, structures or objects as are so mentioned.

(4) In this section—

“development” and “planning permission”—

- (a) in relation to England and Wales, have the same meanings as in the ^{M1}Town and Country Planning Act 1990; and
- (b) in relation to Scotland, have the same meanings as in the ^{M2}Town and Country Planning (Scotland) Act 1972; and

“planning authority” means—

- (a) any local planning authority within the meaning of the ^{M3}Town and Country Planning Act 1990 or any planning authority within the meaning of Part IX of the ^{M4}Local Government (Scotland) Act 1973; or
- (b) the Secretary of State in the exercise and performance of such of his powers and duties under those Acts as relate to the grant of planning permission.

(5) Section 3 of the ^{M5}Opencast Coal Act 1958 (protection of amenity) shall cease to have effect.

Modifications etc. (not altering text)

C1 [S. 53](#): transfer of functions (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)

Marginal Citations

M1 1990 c. 8.
M2 1972 c. 52.
M3 1990 c. 8.
M4 1973 c. 65.
M5 1958 c. 69.

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