

*Status: Point in time view as at 27/05/1997.*

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 13

#### REVIEW OF OLD MINERAL PLANNING PERMISSIONS]

##### Textual Amendments

**F1** Sch. 13 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. II (with s. 5, Sch. 3)

### [<sup>F1</sup> Compensation]

##### Textual Amendments

**F1** Sch. 13 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. II (with s. 5, Sch. 3)

- [<sup>F2</sup>15 (1) This paragraph applies in a case where—
- (a) an application made under paragraph 9 above in respect of an active Phase I or II site is finally determined; and
  - (b) the requirements of either sub-paragraph (2) or (3) below are satisfied.
- (2) The requirements, referred to in sub-paragraph (1)(b) above, of this sub-paragraph are—
- (a) that the conditions to which the relevant planning permissions relating to the site are to be subject were determined by the mineral planning authority;
  - (b) no appeal was made under paragraph 11(1)(a) above in respect of that determination or any such appeal was withdrawn or dismissed; and
  - (c) the authority gave notice under paragraph (d) of paragraph 10(2) above and either—
    - (i) that notice stated that, in the authority's opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in sub-paragraphs (i) and (ii) of the said paragraph (d); or
    - (ii) that notice stated that, in the authority's opinion, the restriction in question would not be such as would so prejudice either of those matters but an appeal under paragraph 11(1) above in respect of the giving of the notice has been allowed.
- (3) The requirements, referred to in sub-paragraph (1)(b) above, of this sub-paragraph are that the conditions to which the relevant planning permissions are to be subject were determined by the Secretary of State (whether upon an appeal under paragraph 11(1)(a) above or upon a reference under paragraph 13 above) and—
- (a) in a case where those conditions were determined upon an appeal under paragraph 11(1)(a) above either—

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- (i) the mineral planning authority gave notice under paragraph (d) of paragraph 10(2) above stating that, in their opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in sub-paragraphs (i) and (ii) of the said paragraph (d), or
- (ii) the authority gave a notice under the said paragraph (d) stating that, in their opinion, the restriction in question would not be such as would so prejudice either of those matters but an appeal under paragraph 11(1)(b) above in respect of the giving of that notice has been allowed;
- or
- (b) in a case where those conditions were determined upon a reference under paragraph 13 above, the Secretary of State gave notice under paragraph (d) of paragraph 10(2) above stating that, in his opinion, the restriction of working rights in question would be such as to prejudice adversely to an unreasonable degree either of the matters referred to in sub-paragraphs (i) and (ii) of the said paragraph (d).
- (4) In a case to which this paragraph applies—
- (a) <sup>F3</sup> . . . , Parts IV and XI of the 1990 Act, <sup>F4</sup> . . .
- <sup>F4</sup>(b) . . . . .
- shall have effect as if an order made under section 97 of the 1990 Act <sup>F5</sup> . . . , had been confirmed by the Secretary of State under section 98 of the 1990 Act <sup>F5</sup> . . . at the time when the application in question was finally determined and, as so confirmed, had effect to modify those permissions to the extent specified in sub-paragraph (5) below.
- (5) For the purposes of sub-paragraph (4) above, the order which is treated by virtue of that sub-paragraph as having been made under section 97 of the 1990 Act <sup>F5</sup> . . . is one whose only effect adverse to the interests of any person having an interest in the land or minerals comprised in the mineral site is to restrict working rights in respect of the site to the same extent as the relevant restriction.
- (6) For the purposes of section 116 of the 1990 Act <sup>F5</sup> . . . and of any regulations made under [<sup>F6</sup>that section], the permissions treated as being modified by the order mentioned in sub-paragraph (4) above shall be treated as if they were planning permissions for development which neither consists of nor includes any minerals development.]

#### Textual Amendments

- F2** Sch. 13 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. II** (with s. 5, Sch. 3)
- F3** Words in Sch. 13 para. 15(4)(a) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. III** (with s. 5, Sch. 3)
- F4** Sch. 13 para. 15(4)(b) and the word “or” immediately preceding repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. III** (with s. 5, Sch. 3)
- F5** Words in Sch. 13 para. 15(4)-(6) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. III** (with s. 5, Sch. 3)
- F6** Words in Sch. 13 para. 15(6) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 60(1)(b)**

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#### **Commencement Information**

- II** [Sch. 13](#) wholly in force at 1.1.1997; [Sch. 13](#) not in force at Royal Assent see [s. 125\(3\)](#); [Sch. 13](#) in force for E.W. at 1.11.1995 by [S.I. 1995/2765](#), [art. 2](#); [Sch. 13](#) in force for S. at 1.1.1997 by [S.I. 1996/2857](#), [art. 2](#)

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