

Status: Point in time view as at 28/04/2022.

Changes to legislation: Environment Act 1995, Cross Heading: Service of notice of first periodic review is up to date with all changes known to be in force on or before 02 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)

SCHEDULES

[^{F1}SCHEDULE 14

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS]

Textual Amendments

F1 Sch. 14 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. II** (with s. 5, Sch. 3)

[^{F1} Service of notice of first periodic review]

Textual Amendments

F1 Sch. 14 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. II** (with s. 5, Sch. 3)

[^{F2}4 [This paragraph applies—

- ^{F3}(A1) (a) where a mineral planning authority for an area in England determines that it will carry out a periodic review of the mineral permissions relating to a mining site, and that periodic review is the first periodic review of the permissions relating to that site, and
- (b) in relation to the first periodic review by a mineral planning authority for an area in Wales of the mineral permissions relating to a mining site.]

(1) The mineral planning authority shall, in connection with the first periodic review ^{F4}..., no later than 12 months before the first review date, serve notice upon each person appearing to them to be the owner of any land, or entitled to an interest in any mineral, included in [^{F5}the site to which the review relates] .

(2) A notice required to be served under sub-paragraph (1) above shall—

- (a) specify the mining site to which it relates;
- (b) identify the mineral permissions relating to that site;
- (c) state the first review date;
- (d) state that the first review date is the date by which an application must be made for approval of the conditions to which the mineral permissions relating to the site are to be subject and explain the consequences which will occur if no such application is made by that date; and
- (e) explain the right to apply for postponement of the first review date and give the date by which such an application has to be made.

(3) Where, in relation to any land or mineral included in a mining site, the mineral planning authority—

- (a) has served notice on any person under sub-paragraph (1) above; and
- (b) has received no application under paragraph 6 below from that person by the date falling eight weeks before the first review date,

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the authority shall serve a written reminder on that person.

- (4) A reminder required to be served under sub-paragraph (3) above shall—
- (a) indicate that the land or mineral in question is included in a mining site;
 - (b) comply with the requirements of sub-paragraph (2)(a) to (d) above; and
 - (c) be served on the person in question on or before the date falling four weeks before the first review date.
- (5) Sub-paragraph (1) above shall not require the mineral planning authority to serve notice under that sub-paragraph upon any person whose identity or address for service is not known to and cannot practicably, after reasonable inquiry, be ascertained by them, but in any such case the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the notice which they would (apart from the provisions of this sub-paragraph) have had to serve under that sub-paragraph on the owner of that land or interest.
- (6) If, in a case where sub-paragraph (5) above applies, no person makes an application to the authority under paragraph 6 below in respect of the mining site which includes the land or interest in question by the date falling eight weeks before the first review date, the authority shall cause to be firmly affixed, to each of one or more conspicuous objects on the land or, as the case may be, on the surface of the land above the interest in question, a copy of the written reminder that would, in a case not falling within sub-paragraph (5) above, have been served under sub-paragraph (3) above.
- (7) Where by sub-paragraph (5) or (6) above a copy of any notice is required to be affixed to an object on any land that copy shall—
- (a) be displayed in such a way as to be easily visible and legible;
 - (b) be first displayed—
 - (i) in a case where the requirement arises under sub-paragraph (5) above, no later than 12 months before the first review date; or
 - (ii) in a case where the requirement arises under sub-paragraph (6) above, no later than the date falling four weeks before the first review date;
- and
- (c) be left in position for at least the period of 21 days from the date when it is first displayed, but where the notice is, without fault or intention of the authority, removed, obscured or defaced before that period has elapsed, that requirement shall be treated as having been complied with if the authority has taken reasonable steps for protection of the notice and, if need be, its replacement.
- (8) In sub-paragraphs (5) and (6) above, any reference to a conspicuous object on any land includes, in a case where the person serving a notice considers that there are no or insufficient such objects on the land, a reference to a post driven into or erected upon the land by the person serving the notice for the purpose of having affixed to it a copy of the notice in question.]

Textual Amendments

F2 Sch. 14 repealed (S.) (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. II** (with s. 5, Sch. 3)

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- F3** Sch. 14 para. 4(A1) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 3 para. 8(2)** (with s. 10); S.I. 2013/1488, art. 3(d)
- F4** Words in Sch. 14 para. 4(1) omitted (25.6.2013) by virtue of Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 3 para. 8(3)(a)** (with s. 10); S.I. 2013/1488, art. 3(d)
- F5** Words in Sch. 14 para. 4(1) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), s. 35(1), **Sch. 3 para. 8(3)(b)** (with s. 10); S.I. 2013/1488, art. 3(d)

Commencement Information

- I1** Sch. 14 wholly in force at 1.1.1997; Sch. 14 not in force at Royal Assent see s. 125(3); Sch. 14 in force for E.W. at 1.11.1995 by S.I. 1995/2765, **art. 2**; Sch. 14 in force for S. at 1.1.1997 by S.I. 1996/2857, **art. 2**

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