

SCHEDULES

SCHEDULE 14

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

The first review date

- 3 (1) Subject to sub-paragraph (7) below, in a case where the mineral permissions relating to a mining site include an old mining permission, the first review date means—
- (a) the date falling fifteen years after the date upon which, pursuant to an application made under paragraph 2 of Schedule 2 to the 1991 Act or, as the case may be, paragraph 2 of Schedule 10A to the 1972 Act, the conditions to which that old mining permission is to be subject are finally determined under that Schedule; or
 - (b) where there are two or more old mining permissions relating to that site, and the date upon which those conditions are finally determined is not the same date for each of those permissions, the date falling fifteen years after the date upon which was made the last such final determination to be so made in respect of any of those permissions,
- and paragraph 10(2) of Schedule 2 to the 1991 Act or, as the case may be, paragraph 10(2) of Schedule 10A to the 1972 Act (meaning of “finally determined”) shall apply for the purposes of this sub-paragraph as it applies for the purposes of section 22 of and Schedule 2 to the 1991 Act or, as the case may be, section 49H of and Schedule 10A to the 1972 Act.
- (2) Subject to sub-paragraph (7) below, in the case of a mining site which is a Phase I or II site within the meaning of Schedule 13 to this Act, the first review date means the date falling fifteen years after the date upon which, pursuant to an application made under paragraph 9 of that Schedule, there is determined under that paragraph the conditions to which the relevant planning permissions (within the meaning of that Schedule) relating to the site are to be subject.
- (3) Subject to sub-paragraphs (4) and (7) below, in the case of a mining site—
- (a) which is not a Phase I or II site within the meaning of Schedule 13 to this Act; and
 - (b) to which no old mining permission relates,
- the first review date is the date falling fifteen years after the date upon which was granted the most recent mineral permission which relates to the site.
- (4) Where, in the case of a mining site falling within sub-paragraph (3) above, the most recent mineral permission relating to that site relates, or the most recent such permissions (whether or not granted on the same date) between them relate, to part only of the site, and in the opinion of the mineral planning authority it is expedient, for the purpose of ascertaining, under that sub-paragraph, the first review date in respect of that site, to treat that permission or those permissions as having been granted at the same time as the last of the other mineral permissions relating to the site, the first review date for that site shall be ascertained under that sub-paragraph accordingly.

Status: This is the original version (as it was originally enacted).

- (5) A mineral planning authority shall, in deciding whether they are of such an opinion as is mentioned in sub-paragraph (4) above, have regard to any guidance issued by the Secretary of State for the purpose.
- (6) Subject to sub-paragraph (7) below, in the case of a mining site—
- (a) to which relates a mineral permission in respect of which an order has been made under section 97 of the 1990 Act or section 42 of the 1972 Act, or
 - (b) in respect of which, or any part of which, an order has been made under paragraph 1 of Schedule 9 to the 1990 Act or section 49 of the 1972 Act,
- the first review date shall be the date falling fifteen years after the date upon which the order took effect or, in a case where there is more than one such order, upon which the last of those orders to take effect took effect.
- (7) In the case of a mining site for which the preceding provisions of this paragraph have effect to specify two or more different dates as the first review date, the first review date shall be the latest of those dates.