

1987 No. 1936

**TOWN AND COUNTRY PLANNING, ENGLAND AND  
WALES**

**The Town and Country Planning (British Coal  
Corporation) (Amendment) Regulations 1987**

*Made* - - - - - *12th November 1987*  
*Laid before Parliament* *20th November 1987*  
*Coming into force* *11th December 1987*

The Secretary of State for the Environment in exercise of the powers conferred on him by section 273 of the Town and Country Planning Act 1971(a) and the Secretary of State for Energy in exercise of powers conferred by the said section 273 now vested in him(b) and of all other powers enabling them in that behalf and with the consent of the Treasury hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Town and Country Planning (British Coal Corporation) (Amendment) Regulations 1987 and shall come into force on 11th December 1987.

**Compensation for British Coal Corporation**

2. In Schedule 1 to the Town and Country Planning (National Coal Board) Regulations 1974(c), in relation to section 237 of the Town and Country Planning Act 1971, add in column (2):-

“1A After subsection (1)(a) insert:

“Provided that the British Coal Corporation shall not be entitled to compensation in respect of the refusal, or the grant subject to conditions, of planning permission for the working of coal by opencast operations;”.

10th November 1987

*Nicholas Ridley*  
Secretary of State for the Environment

12th November 1987

*Cecil Parkinson*  
Secretary of State for Energy

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(a) 1971 c.78.

(b) S.I. 1974/692.

(c) S.I. 1974/1006; for references in these Regulations to the National Coal Board, references to the British Coal Corporation were substituted, as respects any time after March 5th 1987, by section 1(3) of the Coal Industry Act 1987 (c.3).

We Consent,

*Tony Durant  
David Lightbown*

Two of the Lords Commissioners of Her Majesty's Treasury

12th November 1987

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Town and Country Planning (British Coal Corporation) Regulations 1974 (formerly the Town and Country Planning (National Coal Board) Regulations 1974).

Under the Opencast Coal Act 1958 (c.69) opencast working by the British Coal Corporation required Ministerial authorisation and the Minister had power to grant deemed planning permission for the working. Section 2(5) of that Act excluded compensation under the Town and Country Planning Act 1971 in respect of various orders and decisions including orders revoking or modifying planning permission for opencast working, and the refusal of such planning permission or its grant subject to conditions.

The Housing and Planning Act 1986 (c.63) brings opencast working within general planning procedures by abolishing the authorisation requirement and deemed permission. It also repeals section 2(5). These repeals are brought into force by the Housing and Planning Act 1986 (Commencement No. 9) Order 1987 (S.I. 1987/1939) on 11th December 1987.

The repeal of section 2(5) would make the Corporation eligible for compensation on the same basis as statutory undertakers by virtue of the Town and Country Planning (British Coal Corporation) Regulations 1974 which apply section 237 of the 1971 Act to the Corporation.

These Regulations have the effect of amending the 1971 Act to prevent the British Coal Corporation from being eligible for compensation in respect of the refusal of planning permission for opencast working or its grant subject to conditions. They will be entitled to compensation for revocation or modification of planning permission. Where the Corporation are entitled to compensation, the amount of compensation is calculated on the same basis as the compensation for statutory undertakers.

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