

## SCHEDULE 2

### PART 19

#### DEVELOPMENT ANCILLARY TO MINING OPERATIONS

##### *Class A*

##### **A Permitted development**

**A. The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any—**

- (a) **plant or machinery,**
- (b) **buildings,**
- (c) **private ways or private railways or sidings, or**
- (d) **sewers, mains, pipes, cables or other similar apparatus,**

**on land used as a mine.**

##### **A.1 Development not permitted**

**A.1** Development is not permitted by Class A—

- (a) in relation to land at an underground mine—
  - (i) on land which is not an approved site; or
  - (ii) on land to which the description in paragraph D.1(b) applies, unless a plan of that land was deposited with the mineral planning authority before 5th June 1989;
- (b) if the principal purpose of the development would be any purpose other than—
  - (i) purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or
  - (ii) the treatment, storage or removal from the mine of such minerals or waste materials derived from them;
- (c) if the external appearance of the mine would be materially affected;
- (d) if the height of any building, plant or machinery which is not in an excavation would exceed—
  - (i) 15 metres above ground level; or
  - (ii) the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,whichever is the greater;
- (e) if the height of any building, plant or machinery in an excavation would exceed—
  - (i) 15 metres above the excavated ground level; or
  - (ii) 15 metres above the lowest point of the unexcavated ground immediately adjacent to the excavation; or
  - (iii) the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,whichever is the greatest;

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- (f) if any building erected (other than a replacement building) would have a floor space exceeding 1,000 square metres; or
- (g) if the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1,000 square metres the floor space of that building.

## **A.2 Condition**

**A.2** Development is permitted by Class A subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant and machinery permitted by Class A shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land shall be restored, so far as is practicable, to its condition before the development took place, or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

## **Class B**

### **B Permitted development**

**B.** The carrying out, on land used as a mine or on ancillary mining land, with the prior approval of the mineral planning authority, of operations for the erection, installation, extension, rearrangement, replacement, repair or other alteration of any—

- (a) **plant or machinery,**
- (b) **buildings, or**
- (c) **structures or erections.**

### **B.1 Development not permitted**

**B.1** Development is not permitted by Class B—

- (a) in relation to land at an underground mine—
  - (i) on land which is not an approved site; or
  - (ii) on land to which the description in paragraph D.1(b) applies, unless a plan of that land was deposited with the mineral planning authority before 5th June 1989;or
- (b) if the principal purpose of the development would be any purpose other than—
  - (i) purposes in connection with the operation of the mine,
  - (ii) the treatment, preparation for sale, consumption or utilization of minerals won or brought to the surface at that mine, or
  - (iii) the storage or removal from the mine of such minerals, their products or waste materials derived from them.

**B.2** The prior approval referred to in Class B shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or

- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

### **B.3 Condition**

**B.3** Development is permitted by Class B subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant, machinery, structures and erections permitted by Class B shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land shall be restored, so far as is practicable, to its condition before the development took place or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

## *Class C*

### **C Permitted development**

**C. The carrying out with the prior approval of the mineral planning authority of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.**

#### **C.1 Development not permitted**

**C.1** Development is not permitted by Class C if it is carried out by the Coal Authority or any licensed operator within the meaning of section 65 of the Coal Industry Act 1994(1) (interpretation).

#### **C.2 Prior approvals**

##### **C.2**

(1) The prior approval of the mineral planning authority to development permitted by Class C is not required if—

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;
- (b) no building, plant, machinery, structure or erection—
  - (i) would exceed a height of 15 metres above ground level, or
  - (ii) where any building, plant, machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater,

and

- (c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in paragraph (3).

(2) The approval referred to in Class C shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

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(1) 1994 c. 21.

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- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
  - (b) the proposed development ought to be, and could reasonably be, sited elsewhere.
- (3) The limits referred to in paragraph C.2(1)(c) are—
- (a) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%, and
  - (b) that the floor space of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

#### **D.1 Interpretation of Part 19**

**D.1** An area of land is an approved site for the purposes of Part 19 if—

- (a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted, as land which may be used for development described in this Part; or
- (b) in any other case, it is land immediately adjoining an active access to an underground mine which, on 5th December 1988, was in use for the purposes of that mine, in connection with the purposes described in paragraph A.1(b)(i) or (ii) or paragraph B.1(b)(i) to (iii) above.

**D.2** For the purposes of Part 19—

“active access” means a surface access to underground workings which is in normal and regular use for the transportation of minerals, materials, spoil or men;

“ancillary mining land” means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part III of the Act (control over development);

“minerals” does not include any coal other than coal won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal or confined to the digging or carrying away of coal that it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal;

“the prior approval of the mineral planning authority” means prior written approval of that authority of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered;

“underground mine” is a mine at which minerals are worked principally by underground methods.