

SCHEDULE 2

PART 20

COAL MINING DEVELOPMENT BY THE COAL AUTHORITY AND LICENSED OPERATORS

Class E

E Permitted development

E. The carrying out by the Coal Authority or a licensed operator, 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.

E.1 Prior approvals

E.1

(1) The prior approval of the mineral planning authority to development permitted by Class E 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 or 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 E 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 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 E.1(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.

E.1 Interpretation of Part 20

E.1 For the purposes of Part 20—

Status: This is the original version (as it was originally made).

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

“coal-mining operations” has the same meaning as in section 65 of the Coal Industry Act 1994 (interpretation) and references to any development or use in connection with coal-mining operations shall include references to development or use for or in connection with activities carried on in association with, or for purposes connected with, the carrying on of those operations;

“licensed operator” has the same meaning as in section 65 of the Coal Industry Act 1994;

“normal and regular use” means use other than intermittent visits to inspect and maintain the fabric of the mine or any plant or machinery; and

“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 proposed building, plant or machinery, structure or erection as erected, installed, extended or altered.

F.2

- (1) Subject to sub-paragraph (2), land is an authorised site for the purposes of Part 20 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 which, on 5th December 1988, was in use for the purposes of that mine in connection with coal-mining operations.
- (2) For the purposes of sub-paragraph (1), land is not to be regarded as in use in connection with coal-mining operations if—
 - (a) it is used for the permanent deposit of waste derived from the winning and working of minerals; or
 - (b) there is on, over or under it a railway, conveyor, aerial ropeway, roadway, overhead power line or pipe-line which is not itself surrounded by other land used for those purposes.