

## SCHEDULE 2

# PART 22 MINERAL EXPLORATION

### *Class B*

#### **B Permitted development**

##### **B. Development on any land consisting of—**

- (a) **the drilling of boreholes;**
- (b) **the carrying out of seismic surveys; or**
- (c) **the making of other excavations,**

**for the purposes of mineral exploration, and the provision or assembly on that land or on adjoining land of any structure required in connection with any of those operations.**

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

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

- (a) it consists of the drilling of boreholes for petroleum exploration;
- (b) the developer has not previously notified the mineral planning authority in writing of his intention to carry out the development (specifying the nature and location of the development);
- (c) the relevant period has not elapsed;
- (d) any explosive charge of more than 2 kilograms would be used;
- (e) any excavation referred to in paragraph B(c) would exceed 10 metres in depth or 12 square metres in surface area; or
- (f) any structure assembled or provided would exceed 12 metres in height.

#### **B.2 Conditions**

##### **B.2** Development is permitted by Class B subject to the following conditions—

- (a) the development shall be carried out in accordance with the details in the notification referred to in paragraph B.1(b), unless the mineral planning authority have otherwise agreed in writing;
- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless specified in detail in the notification referred to in paragraph B.1(b) or the mineral planning authority have otherwise agreed in writing;
- (c) before any excavation other than a borehole is made, any topsoil and any subsoil shall be separately removed from the land to be excavated and stored separately from other excavated material and from each other;
- (d) within a period of 28 days from operations ceasing, unless the mineral planning authority have agreed otherwise in writing—
  - (i) any structure permitted by Class B and any waste material arising from other development so permitted shall be removed from the land,

*Status: This is the original version (as it was originally made).*

- (ii) any borehole shall be adequately sealed,
  - (iii) any other excavation shall be filled with material from the site,
  - (iv) the surface of the land shall be levelled and any topsoil replaced as the uppermost layer, and
  - (v) the land shall, so far as is practicable, be restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting,
- and
- (e) the development shall cease no later than a date six months after the elapse of the relevant period, unless the mineral planning authority have otherwise agreed in writing.

### **B.3 Interpretation of Class B**

**B.3** For the purposes of Class B—

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 7, 28 days after the notification referred to in paragraph B.1(b) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction, or
- (b) where a direction is issued under article 7, 28 days from the date on which notice of that decision is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction.

### **C Interpretation of Part 22**

**C.** For the purposes of Part 22—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral; and

“structure” includes a building, plant or machinery.