
WELSH STATUTORY INSTRUMENTS

2009 No. 3342

**The Town and Country Planning (Environmental
Impact Assessment) (Undetermined Reviews of Old
Mineral Permissions) (Wales) Regulations 2009**

PART 7

Suspension of Minerals Development

Duration of suspension of minerals development

50.—(1) A suspension of minerals development remains in effect until every relevant requirement has been complied with.

(2) For the purposes of paragraph (1), a relevant requirement is any requirement imposed on an applicant, appellant or operator by or under a provision referred to in regulation 51(4) in connection with the EIA application to which the suspension of minerals development relates.

(3) A suspension of minerals development does not affect any minerals development carried out under the planning permission before the suspension date.

Prohibition Orders

51.—(1) This paragraph applies where, in relation to any unauthorised minerals development—

- (a) a period of 2 years has elapsed, beginning with the suspension date; and
- (b) any requirement imposed on an applicant, appellant or operator by or under a provision mentioned in paragraph (4) has yet to be complied with.

(2) Where paragraph (1) applies, the relevant mineral planning authority must consider whether to make an order under paragraph 3 of Schedule 9 to the Act in relation to some or all of the unauthorised minerals development in question.

(3) For the purposes of paragraph (2), Schedule 9 to the Act has effect subject to the modifications set out in paragraphs (5) to (8).

(4) The requirements referred to in paragraph (1)(b) are any requirements imposed by or under any of the following provisions—

- (a) regulations 11 to 15;
- (b) regulations 17 to 19;
- (c) regulations 26 to 29.

(5) Paragraph 3 of Schedule 9 has effect in relation to any part of a site as it has effect in relation to the whole site.

(6) Paragraph 3(1)(b) of Schedule 9 has effect as if for that paragraph there were substituted—

- “(b) the winning and working or depositing has permanently ceased, the mineral planning authority—

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
 - (ii) may, by provision made in the order, impose in relation to the site, any such requirement as is specified in sub-paragraph (3).”.
- (7) Paragraph 3(2) of Schedule 9 has effect—
 - (a) as if for “may assume” there were substituted “must assume”;
 - (b) as if the word “only” were omitted; and
 - (c) as if the references to winning and working or depositing in sub-paragraph (2)(a) and (b) were references to winning and working or depositing other than winning and working or depositing which has ceased to be authorised by a planning permission by or under these Regulations.
- (8) Paragraph 4(7) of Schedule 9 has effect as if for “have effect” there were substituted “authorise that development”.
- (9) Nothing in this regulation requires a relevant mineral planning authority to make an order under paragraph 3 of Schedule 9 to the Act in relation to any land within the period of five years immediately following the day on which any other order under section 97 of, or paragraph 1 or 3 of Schedule 9 to, the Act was made in respect of the same land.