

SUGGESTED FORMS OF NOTICE AND CERTIFICATES

NOTICE OF PREPARATION OF FIRST LIST OF MINERAL SITES

Environment Act 1995: Review of Mineral Sites

NOTICE UNDER PARAGRAPHS 3 AND 5 OF SCHEDULE 13 TO THE ENVIRONMENT ACT 1995
(to be published in one or more local newspapers circulating in the area)

Review of Mineral Sites

I give notice that:

The (a) Council have prepared the first list of mineral sites in their area.

A site is only included in the list if:

- (a) the land has the benefit of a planning permission or permissions (other than an "old mining permission", as defined in section 22 of the Planning and Compensation Act 1991, or permission granted by General Development Order) for development consisting of the winning and working of minerals or involving the depositing of mineral waste; and,
- (b) the permission(s) relating to the greater part of that land were granted before 22 February 1982.

The list classifies each such site as either "**dormant**", "**active Phase I**", or "**active Phase II**". A copy of the list may be inspected at (b)

between the hours of (c)

Where a site is classified as "**dormant**", no development consisting of the winning and working of minerals or involving the depositing of mineral waste may lawfully be carried out until new planning conditions have been submitted to, and approved by, the Council.

Where a site is classified as "**active Phase I**", the list specifies a date by which owners of the land, or persons with an interest in the minerals, to which the planning permissions relate must apply to the Council for the determination of new planning conditions. If no application is made by that date (or any postponed date the Council may approve), all planning permissions for development consisting of the winning and working of minerals or depositing of mineral waste relating to that site will cease to have effect except in so far as they impose any restoration or aftercare condition.

Any owner of the land, or person with an interest in the minerals, to which the planning permissions relate may apply to the Council for postponement of the specified date on the grounds that the existing planning conditions are satisfactory. Applications for postponement must be made by (d)

Where a site is classified as "**active Phase II**", you need take no action now. A further list of such sites will be prepared in due course specifying the date by which an application for the determination of new planning conditions must be submitted.

The Council have served notice on every person known to them to be owners of the land, or having an interest in the minerals, to which the planning permissions relate in respect of each site. Where they have been unable to identify owners they have posted a copy of the notice on the land.

If you are an owner of land, or person with an interest in minerals, in respect of which there is a valid planning permission for development consisting of the winning and working of minerals or depositing of mineral waste, and you believe that land has incorrectly been omitted from the list,

you must apply to the council by (d)
for the land to be included in the list as an additional site, or part of a
site already included in the list. If you do not do so, all planning
permissions for development consisting of the winning and working of minerals
or involving the depositing of mineral waste relating to that land will cease
to have effect except in so far as they impose any restoration or aftercare
condition.

If you do make such an application and the Council either refuse it, or do not
give you written notice of their determination within 8 weeks of your
application, you may appeal to the Secretary of State.

Signed
(Council's authorised officer)

On behalf of Council

Date

"Owner" means a person having a freehold interest or a leasehold interest the
unexpired term of which is not less than seven years

"Person with an interest in minerals" means any person with an interest in
minerals to which the planning permission relates

Insert:

- (a) name of mineral planning authority
- (b) names and addresses of one or more places in the authority's area at
which copies of the list can be inspected
- (c) times during which copies of the list can be inspected
- (d) date 3 months from date of first publication of notice