

# Planning (Opencast Mining Separation Zones) Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Andrew Bridgen, the Member in charge of the Bill, are published separately as Bill 15 – EN.

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**B I L L**

TO

Require planning authorities to impose a minimum distance between opencast mining developments and residential properties; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Guidance on opencast mining: separation zones etc**

- (1) The Secretary of State must issue guidance on the national planning policy for opencast mining in England.
- (2) The guidance must require a minimum separation zone of 500 metres between the site of an opencast mine and the nearest residential property, unless there are exceptional circumstances. 5
- (3) Mineral planning authorities in England must have regard to any guidance issued under this section when fulfilling their functions.

**2 Interpretation**

- In this Act— 10
  - “coal” means bituminous coal, cannel coal and anthracite;
  - “opencast mining” means—
    - (a) the working of coal by opencast operations pursuant to opencast planning permission and the carrying out of operations incidental to such working; and 15
    - (b) the carrying out of any conditions subject to which opencast planning permission has been granted;
  - “opencast planning permission” means planning permission which permits the working of coal by opencast operations or the carrying out of operations incidental to such working; 20
  - “mineral planning authorities” has the same meaning as provided by the Town and Country Planning Act 1990;

“residential property” has the same meaning as provided by the Finance Act 2001.

**3 Short title, commencement and extent**

- (1) This Act may be cited as the Planning (Opencast Mining Separation Zones) Act 2011.
- (2) This Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to England and Wales only.

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*Presented by Andrew Bridgen,  
supported by  
Heather Wheeler, Nigel Mills,  
Paul Murphy, Mark Pritchard  
and Nigel Adams.*

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