

committee DEVELOPMENT & REGULATION

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INFORMATION ITEM: Report on the programme of Periodic Reviews of Mineral Planning Permissions

Report by Chief Planning Officer (County Planning and Major Development)

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1. PURPOSE OF THE REPORT

To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS).

2. BACKGROUND

The Environment Act 1995 introduced a requirement for periodic review of all mineral permissions when 15 years old. The review programme gives Mineral Planning Authorities the opportunity to ensure that conditions attached to mineral planning permissions remain up-to-date and relevant.

The Planning Practice Guidance (PPG) outlines the manner in which Periodic Reviews are undertaken.

In order to ensure Members are kept up to date it has been agreed previously that a report would be produced annually advising of sites needing review in the next year.

The provisions of the Environment Act 1995 were amended on the 23 June 2013 under new provisions within The Growth and Infrastructure Act 2013. The amendments give discretion to MPAs over when the initial review is undertaken. The MPA may choose a longer period than 15 years, if circumstances are appropriate, as long as it is not less than 15 years and also subject to a provision that the interval between any two reviews not being less than 15 years.

It is not the case that all old mineral planning permission will require view. The PPG advises "*Mineral Planning Authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware and has not been able to address*"

3. PERIODIC REVIEWS

Under the Environment Act 1995 the MPA is required to review mineral planning permission issued after 22 February 1982 that are 15 years old. The MPA must notify the operator at least 12 months prior to the permission being 15 years old.

This report is addressing 2 periods of review.

In 2019 it was necessary for the MPA to review permissions to be 15 years old between February 2020 and February 2021 i.e. permission issued from 22 February 2005 to 21 February 2006.

In 2020 it is necessary for the MPA to review permissions to be 15 years old between February 2021 and February 2022 i.e. permissions issued from 22 February 2006 to 21 February 2007.

The Periodic Review process makes no distinction between active and dormant sites. An updated set of conditions must be submitted for both types of site by the applicant. If no submission is received by the date stipulated by the MPA, the mineral permission ceases to have effect, although restoration and aftercare conditions still apply.

Review applications may be subject to Environmental Impact Assessment. Once a Periodic Review application is received, the MPA has three months (16 weeks if accompanied by an EIA) in which to make a decision on the application and if no decision is reached, the application is automatically approved. The applicant may however agree to extend the period for determination.

If the MPA imposes new conditions that unreasonably restrict working rights, a liability to compensation may arise. There must, therefore, be exceptional circumstances for such conditions to be imposed.

The Periodic Review programme in Essex

Mineral Permissions Previously Identified for Review

In 2018 no sites were identified for review i.e. all mineral permissions granted between Feb 2004 and Feb 2005 the mineral site had been completed and satisfactorily restored and completed aftercare or the conditions were considered adequate.

For permissions issued between Feb 2005 and Feb 2006 mineral sites had either been completed and satisfactorily restored or the site was operating without issues and the conditions considered adequate. Details are contained in Appendix 1 attached.

Future permissions identified for Review

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2006 and 21 February 2007 and has assessed them for the need for Periodic Review.

Three mineral planning permissions have been identified as issued in the relevant period, but all have either been completed, not implemented or superseded by subsequent permissions. See Appendix 2

The future Periodic Review programme

A further annual update report on the outcome of each year's Periodic Review exercise will be presented to the Development and Regulation Committee in late 2020.

BACKGROUND PAPERS

70.421.50

Ref: P/DM/Claire Tomalin

LOCAL MEMBER NOTIFICATION

COLCHESTER – Stanway & Payfleet

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2005 to 21 February 2006 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2019 and February 2020

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Y/N
13 421 19	Colchester Quarry (Stanway Hall), Warren Lane Stanway	ESS/49/01/COL/R	Review of Mineral Planning Permission	13/04/2001	No Superseded by ESS/14/06/COL and ESS/06/09/CHL ESS/23/14/COL
13 421 19	Colchester Quarry (Bellhouse), Warren Lane, Stanway	ESS/48/01/COL/R	Review of Mineral Planning Permission	13/04/2001	No Conditions are considered adequate and it is likely there will be a variation application in the near future, which would give an opportunity to reconsider restoration and aftercare conditions.
23 421 16	St Clere's Hall Pit, Danbury, Chelmsford	ESS/44/05/CHL	Mineral extraction and progressive restoration of a western extension	31/01/06	No The site was partly worked and then it was decided not to progress and the site restored. Aftercare is ongoing, but conditions are adequate and therefore no ROMP required.

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2006 to 21 February 2007 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2020 and February 2021

Site Ref.	Address & Electoral Division	Application No.	Description	Decision Date	Periodic Review needed Y/N
24 421 02	Chigborough Quarry, Chigborough & Draper's Fms; Saltcote & Rook Halls, Maldon, CM9 4QX	ESS/19/06/MAL	Recommencement of sand & gravel extraction within the former permitted area, to complete restoration of the former plant site & stockpile area to a fishing lake, with associated landscaping	25/07/2006	No Site completed and aftercare period completed
13 421 20	Bouchiers Hall Farm, Inworth, Colchester	ESS/16/05/COL	Extraction and Removal of sand and gravel to provide for the construction of an agricultural reservoir	06/04/2006	No Permission never implemented and now expired.
13 421 19	Bellhouse & Abbotstone Landfill Site, Warren Lane, Stanway, Colchester, CO3 0NN	ESS/14/06/COL	Continuation of development without compliance with conds 6 (working scheme) & 15 (restoration scheme) attached to pp ESS/49/01/COL R to extend the time for the submission of a detailed working and restoration scheme for an additional 2 yrs	30/05/2006	No Permission superseded by subsequent permissions, last permission ESS/23/14/COL.