

DR/09/15

committee DEVELOPMENT & REGULATION

date 27 February 2015

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

Report by Director of Operations: Environment and Economy
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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 outlines the manner in which Periodic Reviews are to be undertaken, replacing the previous guidance within Mineral Planning Guidance 14 (MPG 14).

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 chose 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 cannot be less than 15 years.

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 year the MPA must review permissions to be 15 years old between Feb 2016 and Feb 2017 i.e. permission issued from 22 February 2001 to 21 February 2002.

This ensures the Authority has the opportunity to notify the operator 1 year in advance as required by the regulations.

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. 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 the report submitted to members in February 2013 Royal Oak Quarry was identified as requiring a ROMP in 2014. An application was submitted and has been approved. In March 2014 the planning permission at Brightlingsea Quarry (Moverons Farm) was identified as requiring review and the appropriate notifications have been issued and require an application to be submitted by January 2016.

In August 2011 permission (ESS/56/96/TEN) Martell's Quarry was identified for review. Initial discussions were held but due to changes in ownership these did not result in an application. Thus the planning permission has lapsed except for restoration and aftercare conditions. Negotiations are on-going with the new owner and an application to regularise the current unauthorised landfilling and restoration is expected shortly.

Future permissions identified for Review

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2001 and 21 February 2002 and assessed them for the need for Periodic Review. Full details are contained in Appendix 1 attached.

No sites have been identified as requiring notification of review in 2016

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 early 2016.

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Ref: P/DM/Claire Tomalin

LOCAL MEMBER NOTIFICATION

CHELMSFORD – Chelmer

MALDON – Maldon

TENDRING – Brightlingsea

APPENDIX 1**Review of Mineral Planning Permissions**

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2001 to 21 February 2002 identification of Planning Permissions granted 15+ years ago requiring Periodic Review between February 2016 and February 2017

Site Ref.	Address	Applic No.	Description	Decision Date	Periodic Review needed Y/N
11 421 33	Little Easton Airfield, Little Easton Airfield, Little Easton, Dunmow, CM6 2BB	ESS/52/00/UTT	As Raised sand & Gravel extraction in the form of a borrow pit to provide fill materials for the proposed new A120 road contract scheduled to commence mid-2001	02/03/01	N Planning permission not implemented and extraction subsequently permitted under ESS/65/06/UTT
34 421 16	Land off Lower Road, Bartons Farm, Hockley	ESS/02/01/ROC	Excavate clay minerals for use by Environment Agency contractors (only) to strengthen seawall & develop into conservation lake	26/04/01	
32 421 03	North Benfleet Hall, North Benfleet, Benfleet	ESS/14/01/BAS	Construction of a borrow pit for engineering fill in connection with the A130 bypass, phase 2, and formation of new fishing lake	01/06/01	

14 421 13	Land at St Osyth Quarry, Martins & Wellwick Farms Colchester Rd, St Osyth, Clacton-on-Sea, CO16 8HN	ESS/21/97/TEN/B/R	Review of Mineral Sites TEN/03/49 and TEN/308/64	10/07/01	
13 421 13	Birch Pit, Maldon Road, Birch, Roundbush Corner, Birch Airfield, Birch, Colchester	ESS/15/00/COL	Northern extension of existing sand and gravel workings and restoration to agricultural and amenity use	20/08/01	N Extraction and restoration complete and in aftercare and aftercare conditions adequate.
23 421 28	Wheeler's Farm, Little Waltham, Chelmsford, CM3 3LZ	ESS/18/01/CHL	Extraction of sand & gravel as a borrow pit in connection with A131 construction. Disposal of surplus clay from A131 Gt Leighs by pass	31/08/01	N Extraction, restoration and aftercare complete.

23 421 16	Land at St Cleres Hall Farm, St Clere's Hall Pit, Main Road, Danbury, Chelmsford, CM3 4AR	ESS/50/97/CHL/R	Review of Old Permissions CHR/628/54, CHR/265/62, CHL/595/74 & CHL/1333/84	10/10/01	Y Extraction is complete, but restoration has not been undertaken. Planning permission ESS/63/10/CHL gives planning permission to infill the void but this has not been implemented, due to the need to address ecological issues on the site, the permission will expire in June 2016. If planning permission ESS/63/10/CHL has not been implemented by October 2015 then it will be necessary to review ESS/50/97/CHL/R to ensure satisfactory restoration of the remaining void.
23 421 05	Essex Regiment Way, Broomfield, Chelmsford, CM3 3PR	ESS/28/01/CHL	Excavation of boulder clay to provide engineering containment material for adjacent landfill cell and backfilling with inert mineral waste material from within the Belsteads Farm site	15/10/01	N Extraction, restoration and aftercare complete.

11 421 35	Frogs Hall Farm, Bambers Green, Takeley, Bishop's Stortford, CM22 6PE	ESS/06/01/UTT	Extraction of sand & gravel as a borrow pit in connection with A120 construction. Installation of plant for processing. Disposal of surplus clay from A120 construction for use in restoration of site	09/11/01	N Extraction and restoration complete. In aftercare
12 421 31	Land adjoining Bulmer Brickfields, Bulmer, Nr Sudbury, CO10 7EF	ESS/34/01/BTE	Stripping of topsoil & subsoil/overburden. Surface quarrying of clay to supply adjoining brickworks. Lower level restoration of the site as storage yard	18/02/02	