

committee DEVELOPMENT & REGULATION

date 28 March 2014

INFORMATION ITEM: Report on the programme of Periodic Reviews of Old 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 old 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.

National Planning Policy Guidance (NPPG) outlines the manner in which Periodic Reviews are to be 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 that the interval between any two reviews is not 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 2015 and Feb 2016 i.e. permission issued from 22 February 2000 to 21 February 2001.

This ensures the Authority has the opportunity to notify the operator 1 year in advance.

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

In the report submitted to members in April 2012 no permissions were identified for review. In the report submitted to Members in February 2013 Royal Oak Quarry was identified as requiring a ROMP in 2014. Pre-application discussions have taken place with a ROMP application expected imminently.

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2000 and 21 February 2001 and assessed them for the need for Periodic Review. Full details are contained in Appendix 1 attached.

Only 1 site (Brightlingsea Quarry/Moverons Farm) requires a periodic review in the review year of Feb 2015/Feb 2016 requiring notification in the year before i.e. Feb 2014/Feb 2015.

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 2015.

BACKGROUND PAPERS

70.421.63/A

Ref: P/DM/Claire Tomalin

LOCAL MEMBER NOTIFICATION

CHELMSFORD – Chelmer

MALDON – Maldon

TENDRING – Brightlingsea

NPPG Review of Mineral Planning Permissions

NPPG PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2000 to 21 February 2001
identification of Planning Permissions granted 15+ years ago requiring Periodic Review between February 2015 and February 2016

Site Ref.	Address	Applic No.	Description	Decision Date	Periodic Review needed Y/N
14 421 18	Land at Plumptions Farm, Plumptions Farm, Ford Lane, Alresford, Colchester, CO7 8BB	ESS/52/97/TEN/R	Review of Mineral Permission TEN/645/61	18/07/00	No The site is in its last year of aftercare and the aftercare is due to be completed this year
14 421 13	Land at St Osyth Quarry, Colchester Rd, St Osyth, Martins & Wellwick Fms, St Osyth, Clacton-on-Sea, CO16 8HN	ESS/21/97/TEN/R	Review of Mineral Permission TEN/03/49 and TEN/308/64	23/11/00	No Extraction is complete. The site has adequate restoration, but hasn't been signed off as complete. The site is subject of an application (ref 11/00332/FUL submitted to Tendering DC for non-mineral development which is currently subject of an appeal. If the appeal were dismissed, the restoration and aftercare conditions are adequate.
13 421 14	Villa Farm, Inworth Grange Tiptree, Grange Road, Tiptree, Colchester, CO5 0QQ	ESS/36/00/COL	Sand & Gravel extraction & backfilling with inert material to restore land to agriculture	12/01/01	No Extraction and restoration are progressing well
14 421 01	Moverons Farm / Brightlingsea Quarry, Moverons Lane, Brightlingsea, CO7 0SB	ESS/47/94/TEN	Sand & Gravel restoration	29/01/01	Yes Extraction and restoration on going and permission until 2026

