

**DR/09/13**

committee                      DEVELOPMENT & REGULATION

date                              22 February 2013

---

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

Report by Assistant Director Sustainability, Environment & Enterprise

Enquiries to Claire Tomalin – Tel: 01245 437541.

---

**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**

Members may recall they were updated in April 2012 and were advised that members would in future be updated annually as to which sites would require a review in the following year.

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.

MPG 14<sup>1</sup> (Review of Mineral Planning Permissions) outlines the manner in which Periodic Reviews are to be undertaken.

**3. PERIODIC REVIEWS**

This year 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.

Therefore each year the MPA needs to assess which permission will be 15 years old in the subsequent year.

This year the MPA must review permissions to be 15 years old i.e. permission issued from 22 February 1999 to 21 February 2000. This ensures the Authority has the opportunity to notify the operator 1 year in advance.

---

<sup>1</sup> MPG14 continues to remain in force following the publication of the National Planning Policy Framework in March 2012

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 review submitted to members in August 2011 Martells Quarry was identified as requiring a ROMP in 2012. With respect to this ROMP review, an EIA Screening and Scoping Opinion has been issued and a ROMP application is expected shortly. No permissions were identified for review in 2013.

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 1999 and 21 February 2000 and assessed them for the need for Periodic Review. Full details are contained in Appendix 1 attached.

Only 1 site (Royal Oak Quarry) requires a periodic review in the review year of 2014.

### **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 2014.

---

## **BACKGROUND PAPERS**

70.421.63/A

Ref: P/DM/Claire Tomalin

## **LOCAL MEMBER NOTIFICATION**

Countywide.

## MPG14 Review of Mineral Planning Permissions

MPG 14 PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 1999 to 21 February 2000  
identification of Planning Permissions granted 15+ years ago requiring Periodic Review in 2015

Site Ref.	Address	Applic No.	Description	Decision Date	Periodic Review needed Y/N
24 421 12	Royal Oak Quarry, Chelmsford Road, Danbury, Chelmsford, CM9 6TJ	ESS/12/98/MAL	Ext S & G, inert fill, restore to wood & agriculture	26/03/1999	Yes
12 421 10	Bradwell Pit, Bradwell Quarry, Coggeshall Road, Bradwell, Braintree, CM77 8EP	ESS/07/98/BTE	Extraction of sand & gravel & restoration for agricultural use at the lower level, including new processing plant, haul road, landscaping improvements, to a junction with A120	24/05/1999	No Superseded by planning permission ESS/32/11/BTE.
32 421 10	Cherry Orchard, Pelhams Farm, Cherry Orchard Lane, Rochford	ESS/49/98/ROC	Revision of working & restoration scheme to enable continuation of brickearth extraction & modify Cond 7, 9, 21 ,22, 35 & 36 (IDO/ROC/7/92A) with direct access onto Cherry Orchard Way -	21/07/1999	No Extraction, restoration and aftercare period complete.
23 421 32	Old Hall and Generals Farms, Boreham, Chelmsford, CM2 6GF	ESS/02/99/CHL	The extraction of minerals & the construction of an agricultural reservoir & the restoration to meadow land	02/09/1999	No Extraction and restoration complete and in 2 <sup>nd</sup> year of aftercare, with no significant issues. Considered that the existing aftercare conditions are adequate.

Site Ref.	Address	Applic No.	Description	Decision Date	Periodic Review needed Y/N
23 421 12	Gt Holts & Wallaces Farm, Boreham, Chelmsford, CM3 3AU	ESS/12/99/CHL(R)	Extraction of aggregates and restoration to agriculture using imported inert fill with associated planting, restoration and aftercare as required by original permission CHR/36/72/2 dated 14 September 1984	11/10/1999	No  Extraction and restoration complete and shortly to complete the aftercare period.
14 421 35	Land at Lodge Farm, Lodge Farm Lane, St Osyth, Clacton-On-Sea, CO16 8SA	ESS/51/98/TEN	Irrigation Reservoir	20/01/2000	No  Extraction and restoration complete and in 2 <sup>nd</sup> year of aftercare, with no significant issues. Considered that the existing aftercare conditions are adequate.