

**DR/37/20****Report to:** DEVELOPMENT & REGULATION (27 November 2020)**INFORMATION ITEM: Report on the programme of Periodic Review of Mineral Planning Permissions****Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821**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 review. 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 permissions 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 addresses the permissions to be 15 years old between February 2022 and February 2023 i.e. permissions issued from 22 February 2007 to 21 February 2008. This gives the authority the necessary 12 months prior notification.

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

For permissions issued between Feb 2006 and Feb 2007 mineral sites had either been completed and satisfactorily restored or the site was operating without issues and the conditions considered adequate. Thus no ROMP applications were required.

##### Future permissions identified for Review

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2007 and 21 February 2008 and has assessed them for the need for Periodic Review.

Mineral planning permissions have been identified as issued in the relevant period, but all have either been completed or superseded by subsequent permissions. See Appendix 1

### **4 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 2021.

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**BACKGROUND PAPERS**

70.421.50

Ref: P/DM/Claire Tomalin

**LOCAL MEMBER NOTIFICATION**

none

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2007 to 21 February 2008 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2021 and February 2022

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
14 421 25	Fen Farm, Fen Chase, Elmstead Market, Colchester, CO7 7HA  TENDRING – Rural west	ESS/64/06/TEN	Continuation of sand and gravel extraction to facilitate construction of an agricultural reservoir without compliance with Condition 2 (compliance with submitted details) of ESS/25/01/TEN to allow for a revised phasing scheme	28/02/2007	No  Superseded by ESS/08/10/TEN  Site restored and aftercare period completed
23 421 16	St Clere's Hall Pit, Main Road, Danbury, Chelmsford, CM3 4AR  CHELMSFORD - Chelmer	ESS/59/06/CHL	To continue minerals extraction and progressive restoration of a western extension at St Clere's Hall Pit without complying with Condition 7 of planning permission ESS/44/05/CHL in order to increase the maximum permitted number of daily movements of vehicles over 7.5 tonnes gvw to 240 (120 in and 120 out) Monday to Friday and 114 (57 in and 57 out) on Saturdays	31/07/2007	No  Superseded by ESS/12/13/CHL  Mineral extraction ceased and site restored

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
23 421 16	St Clere's Hall Pit, Main Road, Danbury, Chelmsford, CM3 4AR  CHELMSFORD - Chelmer	ESS/58/06/CHL	To continue to operate St Clere's Hall Farm Quarry and to continue importing aggregates for processing, manufacture as aggregate and ready mixed concrete and subsequent sale, to 30 March 2012 without complying with Condition 4 of planning permission ESS/23/03/CHL in order to increase the maximum permitted number of daily movements of vehicles over 7.5 tonnes gw to 240 (120 in and 120 out) Monday to Friday and 114 (57 in and 57 out) on Saturdays	31/07/2007	No  Superseded by ESS/31/16/CHL and subject of a further pending application (ESS/49/19/CHL) which if granted would further supersede the original permission
11 421 05	Crumps Farm, Stortford Rd, Little Canfield, Great Dunmow, CM6 1SR  UTTLESFORD - Dunmow	ESS/50/06/UTT	Retention of sand and gravel processing facilities including sand and gravel processing plant, stockpiles of minerals and restoration materials, silt lagoons, weighbridges, ancillary buildings, portaloos and car parking facilities until 31 October 2033. Also continued use of haul road and access onto the B1256 (Stortford Road).The sand	13/08/2007	No  Superseded by ESS/46/08/UTT

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
			and gravel processing facilities, haul road and access for use only in conjunction with the winning and working of minerals as approved under ID2054		
11 421 05	Crumps Farm, Stortford Rd, Little Canfield, Great Dunmow, CM6 1SR  UTTLESFORD - Dunmow	ESS/01/07/UTT/R	Review of Old Minerals Permission reference UTT/509/89	30/03/2007	No  Superseded by ESS/46/08/UTT
14 421 34	Hill Farm Reservoir, Crown Lane, Tendring, Clacton-on-Sea, CO16 0BJ  TENDRING – Rural West	ESS/35/07/TEN	The continuation of the removal of minerals & surplus soils associated with the construction of an agricultural reservoir permission ESS/66/04/TEN, without complying with Cond 9 (completion 31 Dec 2007) to allow extension of the completion to 30 Sep 2008 for reprofiling and restoration of the reservoir	16/08/2007	No  Site restored and aftercare period completed
14 421 34	Hill Farm Reservoir, Crown Lane, Tendring, Clacton-on-Sea,	ESS/34/07/TEN	The continuation of the removal of minerals and surplus soils associated with the construction of an	16/08/2007	No  Site restored and aftercare period completed

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
	CO16 0BJ TENDRING – Rural West		agricultural reservoir permitted under reference ESS/65/04/TEN, without complying with Condition 2 (completion date 31 December 2007) to allow the extension of the completion date to 30 September 2008 for reprofiling and restoration of the reservoir		
13 421 14	Inworth Grange Farm Pit, Grange Road, Tiptree, Colchester, CO5 0QQ  COLCHESTER – Mersea & Tiptree	ESS/32/07/COL	Variation of Condition 2 (submitted details) of planning permission ESS/36/00/COL to vary the order of mineral extraction and the phasing of restoration	13/11/2007	No  Superseded by ESS/28/11/COL  Site completed
13 421 14	Inworth Grange Farm Pit, Grange Road, Tiptree, Colchester, CO5 0QQ  COLCHESTER – Mersea & Tiptree	ESS/29/07/COL	Replacement mineral processing plant to wash and grade remaining unprocessed reserves for a maximum period not exceeding three months	17/09/2007	No  Plant removed and area completed

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Yes/No
12 421 35	Land adjacent to Cressing Road, Faulkbourne Farm, Witham  BRAINTREE – Witham Northern	ESS/24/07/BTE	Continuation of use as a processing plant site (planning permission ESS/06/06/BTE) without complying with condition 2 (accordance with approved plans) to allow a revised layout including additional sub soil store fuel tank and refuelling area, revised internal haul road layout, addition of hard core adjacent to the haul road and erection of a building to house electrical switch gear	31/08/2007	No  Site restored and aftercare period completed
12 421 35	Land adjacent to Cressing Road, Faulkbourne Farm, Witham  BRAINTREE – Witham Northern	ESS/23/07/BTE	Retrospective application for the extraction of sand and gravel to construct an extended silt pond	31/08/2007	No  Site restored and aftercare period completed
14 421 35	Lodge Farm, Lodge Farm Lane, St Osyth, Clacton-On-Sea, CO16 8SA  TENDRING - Brightlingsea	ESS/13/07/TEN	Completion and extension of an agricultural irrigation reservoir by the extraction of sand and gravel and its removal from the site	08/10/2007	No  Site restored and aftercare period completed