

Review of Old Mineral Permissions (ROMPs)

Planning and Regulatory Committee
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Review of Old Mineral Permissions (ROMPs)

- What ROMP applications are
- Why have a ROMP procedure and when is it carried out?
- Issues surrounding imposing planning conditions
- Other issues



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What is a ROMP?

- A planning application submission to the Mineral Planning Authority to review and modernise historical conditions
- The application does not seek planning permission but for the approval of modern conditions
- New conditions have to reflect modern best practice
- Can be accompanied by an Environmental Impact Assessment if thresholds met



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Why have a ROMP review?

- Old conditions out of date - some mineral permissions date back to 1943
- Old permissions have very few conditions
- Old permissions did not reflect modern day practices and requirements
- There is a legal basis for the review



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Planning and Compensation Act 1991

- Dealing with the oldest extant mineral consents - Interim Development Orders - those granted between 1943 & 1948
- Gave a requirement that site owners had to register their IDO sites with the Minerals Planning Authority (MPA)
- Once registered, gave a requirement that site owners submit a scheme of modern operating & restoration conditions to the MPA
- Planning guidance at the time introduced an end date for such sites of 2042 and the requirement on the MPA not to affect the economic viability and/or asset value of the IDO site



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Environment Act (EA) 1995

- To review and update permissions granted in the 1950s, 1960s and 1970s
- Provision for the future periodic review of all mineral permissions thereafter



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Environment Act 1995 - Initial Reviews

- Distinction between 'dormant' and 'active' sites
- Phase I Active sites: predominant mineral permission granted between 30 June 1948 – 31 March 1969
- Phase II 'active' sites: predominant mineral permission granted 1 April 1969 – 22 February 1982



Environment Act 1995 - Periodic Review

- Conditions be reviewed every 15 years unless a postponement has been sought
- Surrey County Council have been receiving applications for the first periodic review
- Modification and Revocation of consent – compensation payable to mineral operator



What Planning Conditions Can be Imposed?

- All proposed conditions must meet the policy tests and be necessary
- Should not affect economic viability of the operation e.g. conditions which restrict the total quantity of mineral for extraction or have an impact on mineral extraction
- Examples are:
 - Restoration and Aftercare schemes
 - Measures to prevent dust, mud and spillages on the public highway
 - Working hours and programme
 - Noise



Appeals

- If the conditions determined by the MPA differ from those set out in the application, the applicant may appeal to the Secretary of State
- If the applicant disagrees with any conclusion by the MPA that there would be an impact on economic viability
- Must be lodged within 6 months of notice of the decision



Restricting Working Rights and Compensation

- The Environment Act 1995 defines restricting working rights.
- An applicant can claim compensation where
 - The MPA determines conditions different from those submitted by the applicant
 - The effect of the new conditions, other than restoration & aftercare, is to prejudice adversely to an unreasonable degree either the economic viability or asset value of the site



Suspension and Prohibition Orders

Suspension

- Suspended or ‘stalled’ owing to a lack of an adequate Environmental Statement or information
- Can only ‘restart’ when either an Environmental Statement or the requested information is submitted. This must be up-to-date environmental assessments & policy requirements

Prohibition Orders

- Orders revoking, modifying, discontinuing, prohibiting or suspending mineral working – compensation is payable



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Any Questions?

Thank you



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