Review of Old Mineral Permissions (ROMP)

The Planning and Compensation Act 1991 required that Interim Development Order (IDO) permissions, permissions for mineral extraction or the deposition of mineral waste granted between 1943 and 1948, had to be registered with the County Council. These IDO permissions were registered as either ‘dormant’ or ‘active’. Sites registered as ‘active’ required the holder of the IDO to submit a scheme of operating and restoration conditions for the Council’s approval within 12 months of registration. Failure to do so would lead to the loss of the permission(s). ‘Dormant’ sites cannot recommence working until the County Council has agreed an updated scheme of planning conditions in line with modern environmental standards.

The Environment Act 1995 placed a duty on the County Council to review and update mineral planning permissions granted after 30 June 1948. ‘Active’ sites were dealt with in two key stages: ‘Initial Reviews’ and ‘Periodic Reviews’. Initial Reviews were dealt with first and were sites where the predominant permission(s) was granted after 30 June 1948 and before 1 April 1969 (Phase I sites) and sites where the predominant permission(s) was granted after 31 March 1969 and before 22 February 1982 (Phase II sites). These reviews allowed the County Council to update the older mineral planning permissions by imposing modern operating, restoration and aftercare conditions upon the site. If an operator failed to submit an application for a review by the deadline imposed by the County Council the relevant planning permission(s) ceased to function. Periodic Reviews were for those planning permissions for mineral extraction or the deposition of mineral waste (including IDO’s) granted after 22nd February 1982. The review and thus, the application for these sites must be made 15 years after the date when the newest permission for mineral extraction had been granted. It is worth noting that the process is a 15 year rolling cycle so, each active site must be reviewed every 15 years unless a further extended period is agreed because it is considered that the existing conditions are adequate. It is this process which is known as a Review of Old Mineral Permissions (ROMP).

Like standard planning applications for minerals development the applications for new schemes of conditions (ROMPs) go through statutory consultation and publicity procedures before being determined. However, unlike standard planning applications, refusing an application for updated planning conditions is not an option. Normally ROMP applications will be accompanied by an Environmental Statement (ES) which assesses the likely environmental impact of the development. Such applications are required to be determined within 16 weeks.