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Date: 17 March 2026

BY EMAIL TO: [skillform@icloud.com](mailto:skillform@icloud.com)

Dear Sir

Re: Darcy's Place, Church Lane, Wormley, Hertfordshire ("the Site") -  
Planning Permission dated 30<sup>th</sup> June 1949

## 1. Introduction

My client is in receipt of a number of communications from you, most recently on the 10<sup>th</sup> and 11<sup>th</sup> February.

As far as we understand it, your position is that the above site is a dormant site for the purposes of Schedule 13 and Schedule 14 of the Environment Act 1995 ("the Site"; "the 1995 Act").

You appear, in reliance upon that fact, to have purported to:

- Make an application under Schedule 13, paragraph 9 of the 1995 Act on 20 December 2025 ("the **Purported Schedule 13 Application**"). For example, you describe this application in an email dated 7 February 2026 [21:32] as "*seeking the determination of new conditions for the dormant mineral site at Church Lane Gravel Pit, Wormley, under Schedule 13 of the Environment Act 1995.*"; and /or

- Requested the Minerals Planning Authority to undertake a review of the site under Schedule 14 of the same (“the **Purported Schedule 14 Request**”). For example, in your email of 11 February 2026 [17:51] you say that you are “*not [intending]*” to make an application under Schedule 13 of the 1995 Act, but you have rather made “*the statutory request required under paragraph 3(1) of Schedule 14 to the Environment Act 1995, which initiates the review process for a Dormant Mineral Site.*”

This is the response of Hertfordshire County Council as Mineral Planning Authority to the above (“the **MPA**”). It does not provide an exhaustive response to why the above are not well-founded, as it is not necessary to do so given that the MPA does not have jurisdiction to determine them. Please note that you may wish to get legal advice on the contents of this letter.

## **2. The Lapsed 1949 Permission**

The decision notice dated 30 June 1949 (Ref. E/280-48) granted planning permission for sand and gravel extraction for a limited period of 30 years at the Site. That permission expired, in accordance with its own terms, on 30 June 1979.

The position was further confirmed by the enforcement notice dated 4 January 1980 (“the **Notice**”), which required the permanent cessation of sand and gravel extraction on the site, after the 1949 Permission had expired by July 1979. The appeal against that Notice was dismissed. As part of that appeal, the application to extend the original time limited permission was refused.

As such, no subsequent permission was granted to extend or renew that use permitted by the 1949 Permission after had expired by July 1979. Nor was any further minerals development authorised on the Site after that date.

## **3. Why we cannot consider your application and/or your request**

We are not able to accept that the Site falls within Schedule 13 or, by extension, Schedule 14 of the 1995 Act. As such, the Purported Schedule 13 Application and the Purported Schedule 14 Request cannot be entertained.

### **(i) Purported Schedule 13 Application**

Schedule 13 of the 1995 Act provides a mechanism for the review of certain mineral planning permissions. The Site does not fall within any of the categories to which Schedule 13 applies.

In particular, the Site does not constitute a dormant Site. A “*dormant site*” is defined under the 1995 Act as a Phase I or Phase II site in which no minerals development was carried out to any substantial extent between 22 February 1982 and 6 June

1995. Since the 1949 Permission had already lapsed before that period commenced, no minerals development could lawfully have been undertaken under it during that period. The site is therefore not, and cannot be, a dormant site for the purposes of the 1995 Act. This is clear from the wording of Schedule 13. It is clear from established case law. And it is clear from the statutory guidance which is in the following terms (emphasis added):

The statutory provisions

Definition of site (Section 96 and Schedule 13, paragraphs 1 and 2)

12 A "*mineral site*" is defined by reference to "*relevant planning permission*". "*Relevant planning permission*" means any extant planning permission, other than an IDO or GDO permission, for minerals development which was granted after 30 June 1948. In this context "*minerals development*" means development consisting of the winning and working of minerals, or involving the depositing of mineral waste. Permissions for development consisting of the winning and working of minerals granted prior to 1 April 1969 where the development permitted had not been begun before 1 January 1968 and which had not been implemented on or before 1 April 1979 ceased to have effect on 2 April 1979 and should not be taken into account. Similarly, permissions which have been revoked; permissions which are no longer capable of being implemented; permissions subject to a time limit regarding commencement of the development which have not been begun before the time limit expired; permissions subject to a time limit on the duration of the development and that time limit has expired; and, sites which have been worked out and restored, should also be discounted.<sup>1</sup>

It is the case that the Site is listed as part of an entry in the Review of Old Minerals Permissions (namely entry 173). That entry also contains an adjacent permission as well, and you appear to have no material interest in the land to which that permission pertains. However, the MPA is at the very least entitled to consider, on receipt of a purported application under paragraph 9 of Schedule 13, whether the site is in fact one to which such an application can be made. For the reasons given above, the Site does not fall within the scope of Schedule 13.

The MPA has no jurisdiction to determine applications in relation to sites which do not fall within Schedule 13. As such, the MPA has no jurisdiction to consider the Purported Schedule 13 Application.

To the extent that you did make such an application under Schedule 13<sup>2</sup>, the MPA would have to refuse to determine it, and dismiss it accordingly.

## (ii) **Purported Schedule 14 Request**

Schedule 14 of the 1995 Act, broadly speaking, governs the periodic reviews of sites which have already been the subject of an initial review under Schedule 13 of

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<sup>1</sup> See Minerals Planning Guidance: Environment Act 1995: review of mineral planning permissions (September 1995). The statutory guidance is readily available online.

<sup>2</sup> The MPA reserves its position on whether the communication of December 2025 could constitute a valid application, given the requirements of Schedule 13, Paragraph 9(2).

that Act. It essentially operates subsequent to (or downstream of) Schedule 13. It does not apply to the Site, which has not been the subject of any application under Schedule 13.

In addition, and in any event, there is no provision under Schedule 14 of the Act for an owner to request as a review, as you appear to seek to do. The timing of the reviews is lead by the MPA, not by the owners.

As such, the MPA cannot entertain your Purported Schedule 14 Request because (i) the site does not fall within Schedule 14 and (ii) in any event, Schedule 14 does not allow for such requests.

#### **4. Conclusion**

For all of the reasons set out above, Hertfordshire County Council, as Minerals Planning Authority, does not have jurisdiction to entertain your (i) Purported Schedule 13 Application, or your (ii) Purported Schedule 14 Request.

If you wish to carry out any further activities on the Site — including the importation and deposit of soils — you will need to apply for a new grant of planning permission in the usual way. Such an application would be determined on its merits in accordance with the statutory development plan and any other material planning considerations.

We trust that this letter sets out our position clearly. You may wish to seek independent legal advice should you wish to pursue any of the matters raised in your correspondence.

Yours sincerely,

*P Mistry*

**Pritej Mistry**  
**Specialist Planning Lawyer**  
**For and on behalf of Hertfordshire County Council**