

PLANNING ENFORCEMENT NOTICE

Ret: Min 2382

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990 (as amended by the PLANNING & COMPENSATION ACT 1991)

1. THIS IS A FORMAL NOTICE which is issued by the Authority because it appears to it that there has been a breach of planning control under Section 171 A (1) (a) of the above Act, at the land described below. It considers that it is expedient to issue this notice having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. THE LAND AFFECTED

Land at Backdate, Hassop, Longstone Edge in the County of Derbyshire as shown diagonally hatched black on the attached plan.

3 THE BREACH OF PLANNING CONTROL ALLEGED

Without, planning permission, the winning and working of limestone other than in accordance with planning permission 1898/9/69, namely

- (i) the winning of limestone, and
- (ii) the working, of limestone other than in the course of working fluorspar and barytes.

4, REASONS FOR ISSUING THIS NOTICE

- a) It appears that the above breach of planning control has occurred within the last 4 years,
- b) The winning and working of limestone beyond the scope of the; 1952 planning permission is unauthorised development.
- c) The unauthorised development is incompatible with the Authority's statutory duties of conserving and enhancing the landscape, wildlife and cultural heritage of the National Park. The continued winning and working and removal of limestone from the site beyond that permitted by the 1352 planning permission, has resulted in the development of a large limestone quarry that has harmful environmental impacts and prejudices the restoration of the site.
- d) The unauthorised development is contrary to the Authority's development plan policies contained in the Structure Plan, including policies GS1, C2, C10, 011,013, C15, 016, M1, M2, M3 and M7, and the policies contained in the Local Plan, including policies LM1, LM3, LM4, LM5, LC21, LC25 and LT20.
- e) General Strategic Policy 1 (GS1) of the Structure Plan states that, 'All development will be controlled so that the valued characteristics of the Peak District National Park Can be conserved and enhanced now and for future generations'. The continued winning and working, processing and removal of limestone from the site beyond that permitted under the 1952 planning permission has a detrimental impact-on the valued characteristics of the National Park and is incompatible with the Authority's statutory duty of conserving and enhancing the National Park. The unauthorised development is not in accordance with Structure Plan policy GS1.
- (f) The continued extraction of limestone from the site beyond that permitted by the 1952 planning permission has an adverse effect resulting in undesirable changes to the landscape and the valued characteristics of the National Park. The unauthorised development is not in accordance with Structure Plan Policy C2.
- g) There is considered to be a sufficient stock of permitted reserves of limestone for aggregates, non-aggregates and cement use to provide the landbank required by MPG1 and MPG6. No new planned provision

is considered necessary for any mineral type. There are considered to be reasonable alternative sources, sites and means of production that on balance are less damaging to the National Park. The unauthorised development is not considered to be in the public interest. The development is not in accordance with Structure Plan policy M1, M2 and Local Plan policies LM3, LM4 and LM5.

h) The Authority has not sought to define major development in the development plan since this is best assessed and defined on a case-by-case-basis. The unauthorised development is considered to be major development by virtue of the scale and extent of the activities, the method of operation and the adverse environmental impact on the valued characteristics of the National Park. It is not considered that there is a national need for the limestone to be won and worked from this site beyond that approved by the 1952 planning permission, which overrides the national policy to protect the National Park. The unauthorised development is not in accordance with Structure Plan Policy M3.

i) It has not been shown that the methods of operation or working minimise the impacts on the valued characteristics of the area, or the site will be restored in an appropriate manner to achieve a beneficial after use. There are serious concerns that the unauthorised development is causing and has the potential to cause further significant land instability issues that have not been satisfactorily considered or addressed. The unauthorised development is not in accordance with Structure Plan policy M7 and Local Plan policy LM2.

j) Local Plan policy LM1 states that, 'Mineral development will not be permitted unless adverse impacts on the valued characteristics and amenity of the area can be reduced to the minimum practical level, or eliminated, and the development is acceptable given the need to conserve and enhance the National Park'. The unauthorised development is in conflict with this policy due to the adverse effects on the environment of the national park including: the adverse impact on the landscape, including the loss of woodland; nuisance and general disturbance to the area, in particular from lorry movements to and from the site and from operational activity at the site; harm to nature conservation and other heritage features; harm to water interests; damage in the form of landslips and the effects of land instability on surface development and; adverse effects on the public rights of way through and adjacent to the site. The development cannot be undertaken without having a detrimental effect on the character and appearance of the area. The unauthorised development is also not in accordance with Structure Plan policies C10, C11, C13, C15 and C16 and Local Plan policies LC21, LC25 and LT20.

k) The Authority considers that planning permission should not be granted and that planning conditions could not overcome the objections to the proposal.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the winning and working of limestone other than the working of limestone where it is ancillary to the working of fluorspar and barytes.

Time for compliance; One day after this notice takes effect

- (ii) (a) Submit to the mineral planning authority for its approval a scheme to remedy the breach of planning control caused by unlawful limestone extraction, such scheme to include proposals for implementation of the scheme within the timescale set out in the scheme.

Time for compliance: Six months after this notice takes effect

(b) If the scheme submitted to the mineral planning authority to remedy the breach of planning control has not been determined by it within two months of the date of submission, unless the time has been extended by agreement between the parties in writing, the applicant shall not be entitled to implement the submitted scheme,

(c) In default of submission of any scheme within six months after this notice takes effect, or if the scheme submitted has been refused, the mineral planning authority shall impose a scheme to remedy the breach of planning control including time for implementation of such a scheme, such scheme to be communicated within 3 further period of six months from the date by which the scheme was due to be submitted.

- (iii) Implement the restoration scheme under 5(ii) (a) or (c) whichever is applicable.

6 WHEN THIS NOTICE TAKES EFFECT

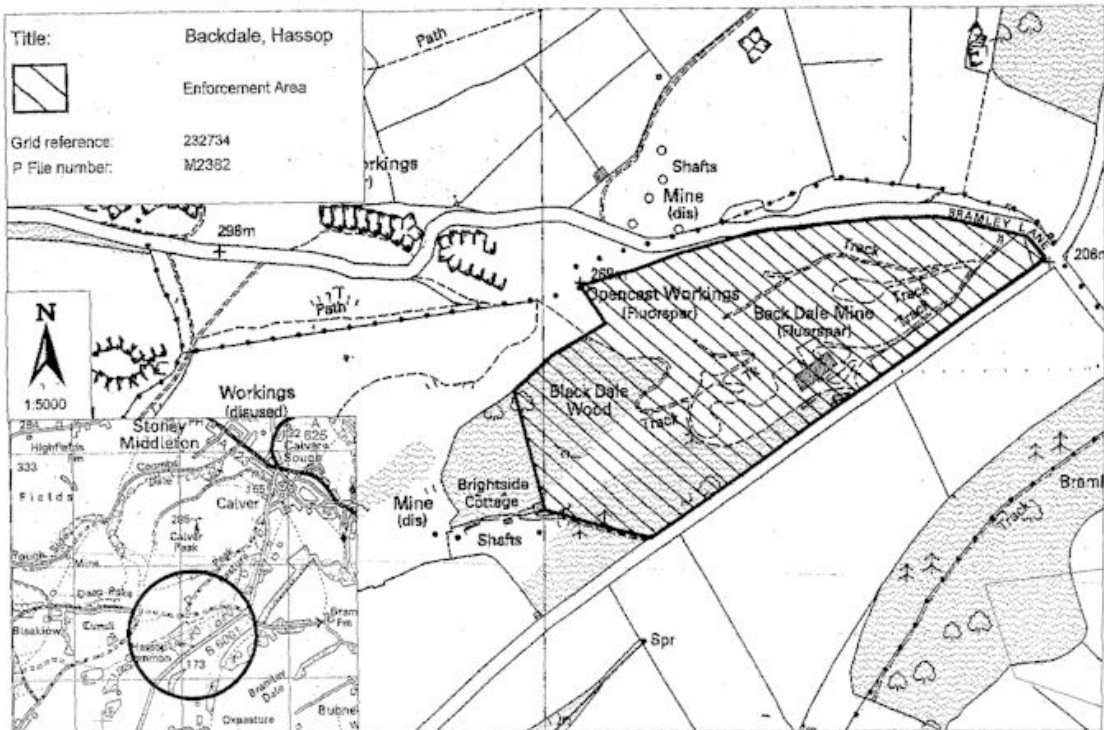
This notice takes effect on 14th January 2005 unless an appeal is made against it beforehand.

Dated the 23rd day of November 2004

Signed

B H PRIMHAK
Head of Law

On behalf of Peak District National Park Authority
Aldern House, Baslow Road, Bakewell, Derbyshire, DE45 1AE



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ANNEX

PERSONS SERVED WITH THIS NOTICE

The persons listed below have been served with a copy of this enforcement notice:-!

Bleaklow Industries Limited
Hassop Avenue
Hassop
Bakewell
Derbyshire DE451NS

MMC Mineral Processing Limited ;
Sandiacre House !
103 Sandiacre Drive -
Thurmaston
Leicester
Leicestershire LE4 8GF

MMC Limited
Guide Bridge Mill
South Street
Ashton
Manchester OL70HU

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Office of the Deputy Prime Minister before 14th January 2005. The enclosed booklet "Making Your Enforcement Appeal" sets out your rights. Read it carefully. You should use the enclosed appeal forms to make any appeal. In case you decide to appeal you have been provided with sufficient appeal forms to be used as follows:

- 1) Send one copy to the Office of the Deputy Prime Minister together with a copy of the Enforcement Notice at- The Planning Inspectorate, Room 3/06A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0117 372 8034.
- 2) Return one copy to the Authority together with a copy of the Enforcement Notice at: Peak District National Park Authority, Legal Services, Aldern House, Baslow Road, Bakewell, Derbyshire, DE45 1AE Tel- 01629 816200.
- 3) Keep one copy as a duplicate for your own records together with a copy of the Enforcement Notice.

THE APPEAL FEE

The total fee payable for the deemed planning application in this case is £27,280. One half of this fee should be sent to the Planning Inspectorate together with their copy of the appeal form (cheques should be made payable to the "Office of the Deputy Prime Minister"), and the other half of the fee should be sent to the Authority (cheques should be made payable to "Peak District National Park Authority") together with their copy of the appeal form.

If the required fee is not paid to both the Planning Inspectorate and the Authority, neither the deemed planning application nor any appeal on ground (a) will be considered. If other grounds have been pleaded, your appeal will proceed on those grounds alone. If your appeal is made on ground (a) only and you do not pay the fee, your appeal will lapse and, if there are no other appeals against it, the enforcement notice will come into effect.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 14th January 2005 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Authority

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999: Regulation 25 Notice

1. This notice is served by the Peak District National Park Authority ('the Authority') under regulation 25 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No 293) in connection with the Authority's enforcement notice dated 23 November 2004 issued in respect of:

the winning and working of limestone other than in accordance with planning permission 1'898/9/69, namely (i) the winning of limestone and (H) the working of limestone other than in the course of working fluorspar and barytes , |

at Backdate, Longstone Edge, Hassop, Derbyshire

2. It is the Authority's opinion that development to which the enforcement notice relates is 'Schedule 2 Development' within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No 293) (i.e. Extractive Industry 1 covering quarries and opencast mining) which is considered likely to have significant effects on the environment for the following reasons:

- a) The nature, scale, extent and method of working,
- b) The cumulative effect of the operation taking into account other operations in the locality,
- c) The environmental sensitivity of the area, located in a 'sensitive area', namely the Peak District National Park, which is a nationally designated area for its landscape, wildlife and cultural heritage,
- d) The magnitude and potential duration of the impact,
- e) , Aspects of the environment likely to be significantly affected by the development include landscape; Fauna; flora; water; the historical environment; population; and the expected residues and emission resulting from the development, including the impact of noise, dust, traffic; and stability and consideration of alternatives.

3. Accordingly, subject to any direction of the Secretary of State to the contrary, any appeal under section 174 against the Enforcement Notice must be accompanied by four copies of an environmental statement. Please read the notes below for information about appeals, directions and environmental statements.

Dated; 23 November 2004

Signed: B H PRIMHAK

Notes

Appeals

If you wish to appeal against the enforcement notice, you must follow the instructions provided with that notice. Please remember that the Secretary of State cannot consider your arguments against the enforcement notice if you fail to observe the time limit for appeal specified in the notice.

Directions

You may apply to the Secretary of State for a direction as to whether the development requires the submission of an environmental statement

Environmental Statements

An Environmental Statement is a document or series of documents prepared for the purpose of enabling the Secretary of State to assess the likely impact on the environment of development to which this notice relates.

For guidance on Environmental Statements generally please see Department of the Environment, Transport and the Regions Circular 02/99. General guidance about preparing environmental statements can be found in the HMSO publication "*Preparation of Environmental Statements for Planning Projects that Require Environmental Assessment A Good Practice Guide*" (ISBN 0-11-753207-X) although it should be read in conjunction with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No, 293) themselves since the guidance predates these revised requirements.

IMPORTANT: Please remember that an application for a direction in connection with this regulation 25 notice does not affect the time limit for appeal specified in the enforcement notice. Any appeal against that notice must be received by the Secretary of State before the date specified in the enforcement notice as the date on which it takes effect.