

Bleaklow has trouble parking in the Peaks

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National Parks and the stone extraction industry share a symbiotic relationship that like all marriages can become fractious at times. Paul Howard reports on one bustup where the fallout could affect the whole industry

QUARRYING in National Parks is always a slightly controversial subject even if, in these enlightened times, the two unlikely bedfellows normally rub along quite nicely. Yet the scope for dispute remains, not least because of the inevitable visual impact of quarrying on landscapes that are held to be the most beautiful in the country.

For a dispute really to pick up a head of steam however, there needs to be more than just concerns over aesthetic impact, even if these are at the root of the quarrel.

At Backdale Quarry on Longstone Edge, near Bakewell in the Peak District National Park, there is more. Much more.

The key ingredients are as follows.

First, a quarry with an enormous visual impact on one of the characteristic limestone 'edges' that contribute so much to the unique character of the Derbyshire Peak District.

Second, a rather loosely worded planning permission dating back to 1952 and, crucially, at least two different interpretations of how this should be understood.

Next comes an enforcement notice that is judged to be null and void by the Office of the Deputy Prime Minister on the eve of a planning inquiry, which is designed to determine how to interpret the planning permission.

Finally, a stop notice preventing the quarry from operating in any fashion until the meaning of the planning permission is settled once and for all, gained only after the National Park received financial backing from Defra to act as insurance against any potential compensation claims.

Landscape minister Jim Knight immediately tied his colours to the mast on a visit to the area earlier this year, prior to his decision to provide financial backing for the National Park's stop notice. Commenting on the visual impact of the quarry, he described the Peak District as "an iconic part of England's natural heritage". He also referred to the "significant pressure on the landscape at Longstone Edge".

In justifying its enforcement and stop notices, the National Park itself was more forthright: "We want to halt further irreversible harm to the landscape at Backdale Quarry."

According to the Park Authority, this irreversible harm is being caused by "excessive and unlawful limestone extraction" at the quarry. It bases this analysis of the quarry's activities on its interpretation of the original planning permission for the site.

This allows for the working and winning of three named vein minerals - fluorspar, barytes and lead.

The controversy stems from the next part of the permission, which adds that any other minerals may also be extracted "in the course of" removing these three named minerals.

The National Park is adamant that the recent extraction of limestone at Backdale Quarry has been far greater than could be considered legitimate "in the course of" removing these other materials.

Figures obtained by the National Park seem to support this argument. Between July 2003 and December 2005, 573,963 tonnes of limestone were sold from Backdale, and only 11,500 tonnes of fluorspar were extracted - none of it apparently sold.

This gives a ratio of limestone extraction to fluorspar extraction of 52:1, far greater, according to industry analysts, than is necessary were fluorspar to be the reason for quarrying in the first place.

This proportionality argument is the crux of the National Park's case. Indeed, to prove the point that it is not simply being intransigent, it points to the grant of a recent permission.

A Park spokesman says: "We regularly receive minerals planning applications. The latest one to be approved is for Glebe Mines. It is on Longstone Edge, but is not connected to Backdale Quarry. Approval has been granted by our planning committee and the permission will be issued within the next few weeks."

Not only is this new permission on Longstone Edge, it also covers the winning and working of fluorspar.

"The important distinction here is that we haven't granted any aggregates permissions for a long time as we believe there are sufficient supplies of limestone available outside the National Park," says the spokesman.

Yet Rob Harpley, managing director of Bleaklow Industries, which owns Backdale, says this notion of proportionality is a red herring.

"We have a QC's opinion, which we've had since 1995, to say that the permission is deliberately widely phrased to ensure that nothing comes in the way of extracting the three named minerals. There's no reference in the permission of any relation in terms of volume from one mineral to the other, and you can't import things like this into the planning permission.

"If there was only 1 tonne of fluorspar under 1,000ft of limestone then legally we'd be entitled to remove all the limestone to be able to get to it."

He insists, however, that this is not what he wants to do. "We'd prefer it if the whole hillside was fluorspar as it would be more lucrative. But it isn't, and you have to take the limestone out to get to the fluorspar. If you can't get the limestone out of the way you can't get to the named minerals."

The National Park is not convinced. Last year it went so far as to issue an enforcement notice requiring Bleaklow Industries and the operator of the quarry, MMC Minerals Processing (which declined to contribute to this article), to comply with its interpretation of the planning permission. The two companies appealed against this decision, precipitating a planning

inquiry designed to resolve the dispute once and for all.

If this inquiry had gone ahead, the relevance of this dispute to the wider quarrying industry might have been limited to the lessons drawn from it about the interpretation of long-standing permission. But the inquiry never got a chance to rule. Instead, only a week before it was due to start, the enforcement notice was declared null and void by the ODPM.

The decision was taken following a precedent-setting case involving a waste company in Wales and immediately raised fears that similar enforcement notices on other controversial developments could become useless as a tool to limit abuse of permissions.

Dr Alan Cobb of GWP, the consultancy working with the National Park, was reported as saying the decision will have an effect across the UK causing serious problems for local authorities and parks when it comes to issuing enforcement notices.

"It will open floodgates. There are situations with old permissions across Leicestershire that come immediately to mind and it doesn't only apply to mineral extraction. This could cover waste operations, landfill, recycling and other related industries. If I was working in planning at the moment, I would be jittery," he says.

"The decision may have significant implications for other enforcement cases around the country," adds Peak District chief executive Jim Dixon.

To further complicate matters, the enforcement notice had been followed up with a stop notice, raising the spectre across the aggregates industry of stop notices becoming much more frequently employed, even by relatively cash-strapped planning authorities such as National Parks.

This, in spite of Jim Knight's insistence that this case was very much a one-off. "This is a very unusual situation involving a prominent landscape feature in the Peaks," says Knight.

"Defra has become involved because of the quite exceptional circumstances surrounding the case. We want to give the National Park Authority a chance to clarify the terms of the original quarrying permission without the threat of significant financial loss."

This threat, it should be added, has become much more significant since the failure of the original enforcement notice.

Not that this has deterred the National Park. It has subsequently reissued an enforcement notice, accompanied by another stop notice, requiring the quarry to stop further excavations of limestone.

The solution to this impasse is likely to be another planning inquiry brought about by a challenge to the latest enforcement notice, a move Mr Harpley seems intent on instigating. "I should think this is highly likely," he says.

In the meantime, he remains convinced the National Park is simply adopting an aggressive approach in order to avoid the cost of rescinding his permission.

"If they want us to stop they should go through the proper channels. They've got plenty of powers to revoke our permission, but to do so they must pay compensation. The whole process is about them trying to avoid this."

