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Editor

Barry Wade
E-mail: editor@mqr.info
Direct line: 0115 945 3899
Fax: 0115 941 5685

Account manager

Clare Bateman
E-mail: clare.bateman@mqr.info
Direct line: 0115 945 3892

Editor-in-chief

Eric Bignell
E-mail: eric.bignell@qmj.co.uk
Direct line: 0115 945 3898

General manager

Richard Bradbury
E-mail: richard.bradbury@qmj.co.uk
Direct line: 0115 945 3899

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Further notices issued in Backdale battle

• Peak District National Park Authority hands out stop and enforcement notices in Backdale

MMC Minerals and Bleaklow Industries have been served with a permanent stop notice (SN) and a second enforcement notice (EN) following the initial ruling of an original EN by the Peak District National Park Authority (PDNPA) being null and void.

The notices came into effect on 9 May and come after a public inquiry over illegal quarrying of limestone at Derbyshire's Backdale Quarry was cancelled in April following an Office of the Deputy Prime Minister (ODPM) decision over the original EN's wording.

John Prescott's former department had ruled following a case in Wales (see *MQR* March/April) that the definition of how to comply with the EN was too vague to be followed. The effect was as if the EN had never been served.

The latest move, which followed a temporary four week SN after the ODPM decision, is a sign of the

PDNPA's resolve to see illegal quarrying at Backdale stopped, chair of planning at the PDNPA Narendra Bajarria told *MQR*.

"We are in discussions with MMC and Bleaklow but negotiation is not an option. The illegal operation needs to stop. We know the route we are taking is risky but we are comfortable we have the financial resources to fight.

"We have ensured this time that the problem in wording over the restoration and condition of the site in the EN has been tightened up. We have learned to be much more detailed," he said.

The ODPM making the original EN null and void sent shockwaves through UK authorities as reported in the last issue of *MQR*. Some, such as Dr Alan Cobb of GWP consultants, feel government departments need to take a looser approach to minerals definitions.

"It was a surprising decision. I imagine authorities



The controversial Backdale quarry in Derbyshire.

across the country are currently tightening definitions on ENs. But government also needs to realise it is not always easy drawing tight definitions in minerals operations," he told *MQR*.

Bleaklow Industries is appealing against the EN. Company MD Rob Harply argues that in its current form the EN "...doesn't seem to take into account that there is

planning permission for the site at all."

The site is operated on a 1952 permission. The PDNPA believes the operators are breaking that permission which allows the extraction of vein minerals such as fluorspar with the incidental removal of limestone.

Between July 2003 and December 2005 almost 574,000tonnes of limestone

were sold from the site with only 11,500tonnes of fluorspar being extracted. However, the 1952 permission does allow for "...any other minerals" to be removed.

One of the options the PDNPA is considering is to apply for a declaratory release in the High Court to get a judge to define exactly what the terms "...and any other minerals" means in the original 1952 permission. A move Harply says he'd welcome.

"We are quite certain what the words mean. The PDNPA, however, has changed its interpretation of the definition at least four times through its QCs in court. We would welcome a declaratory release," he told *MQR*.

However, Bajarria is adamant that only a halt to quarrying in the area will do. The authority has a duty to protect the land, he says.

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