

1. MINERAL EXTRACTION OPERATIONS – BACKDALE, LONGSTONE EDGE (MIN.2382/JEH)

Introduction

This report is to update Members on the latest situation with regard to mineral operations on Longstone Edge, following the updating report to Planning Control Committee on 26 March 2004.

History

In July 2003 it came to the Authority's notice that a new operator had arrived on site and had started to work at Backdale.

A letter was sent to the operator, with a copy to the landowner, drawing attention to the terms of the 1952 planning permission; advising that in the opinion of the Authority the primary purpose of the planning permission is for the extraction of vein minerals (fluorspar, barytes and lead) and the other minerals (limestone) can only be worked, in the course of working the vein minerals, as an ancillary mineral; and requesting information on the quantity and ratios of the minerals extracted and proposed to be extracted.

In response, the operator has confirmed its intention to work the site under the 1952 permission but could not provide details of the quantity of minerals to be won since the geological information is insufficient. The landowner has responded stating that the lessee is contractually obliged to comply with the terms of the 1952 permission. The landowner considers there is no case for enforcement action.

Due to past history, the significant profile and the legal complexities of the issues surrounding this site, Counsel's opinion was sought and written advice received. The initial action recommended by Counsel was to commence with the serving of Planning Contravention Notices to obtain information on the activities taking place. These were served and the findings were reported to 26 March 2004 Planning Control Committee. Letters have been sent to the operator and landowner to clarify a number of points.

Comment

Following the meeting of the March Planning Control Committee, further advice has been obtained from Counsel regarding possible enforcement action in relation to the activities at Backdale.

Counsel has advised that further information should be sought. (Any detailed discussion of Counsel's advice should be heard under Part B). A consultant has therefore been retained to prepare a report regarding geology and working methods on the site.

The results of the consultant's report will allow the Authority to make an informed decision on possible enforcement action, in due course. Any progress on these issues will be reported orally at the meeting.

Officers recognise that Members and other interests will be disappointed by the slow progress on this case. However, it is vital that any action taken by the Authority is soundly based and officers consider it essential to take heed of the advice given by Counsel and our consultant.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

RECOMMENDATION:

That the report be noted.

List of Background Papers (not previously published)

Nil