

1. BACKDALE QUARRY, LONGSTONE EDGE (MIN.2382/JJL)

Introduction

- 1.1 MMC Minerals Processing Limited began quarrying at Backdale in July 2003. A 1952 planning consent in respect of the site states that other minerals (limestone) may only be taken out of the quarry in the course of extracting fluorspar and barites.
- 1.2 It is the Authority's opinion that limestone is being extracted in breach of the consent. Following investigations, in August 2004 the Authority resolved to take enforcement action. The enforcement notice was issued in November 2004.
- 1.3 The quarrying company and the landowner appealed against the enforcement notice. In April 2005 the Planning Inspectorate set dates for a public inquiry to consider the appeal. The Authority had pressed for as early a hearing as possible but eventually the inquiry was set for 14th to 16th September. This delay was of considerable concern to the Authority.

The Public Inquiry

- 1.4 From the outset, there was concern that the time allowed for the inquiry may not be sufficient. When the inquiry opened on 14th September the Planning Inspector began by preparing an estimate of the time needed to hear both appeals. There were four parties represented at the inquiry: the Authority, the landowner, the quarrying company, and joint representation against the appeal by the Campaign to Protect Rural England and the Save Longstone Edge Group. The Inspector concluded that up to nine days could be needed.
- 1.5 The Inspector then considered whether the inquiry should use the three days allocated and then be adjourned to a future date for completion. Counsel acting for the landowner made an application that the whole inquiry should be adjourned, on the basis that to do otherwise would be prejudicial to his client. After hearing from all parties the Inspector concluded that the inquiry should be adjourned.
- 1.6 The Inspector asked all parties to suggest earliest possible dates to hear the appeals. The Authority's Counsel urged him to set dates in November but Counsel for the landowner resisted any dates before April 2006 because of his own unavailability. The Inspector concluded that the hearing would take place over 7 days, commencing 4th April. He also fixed a pre-inquiry date of 8th February in order to make necessary arrangements to ensure that the inquiry would go ahead on 4th April, and fixed dates of 6th and 7th June 2006 in case additional days were needed.

Consequences of Adjourning the Inquiry

- 1.7 The Authority has expressed extreme disappointment and frustration at this further delay. The quarrying company is continuing to extract stone from Backdale, at a rate of about 20,000 tonnes per month and the damage is irreversible. The Authority's officers believe that the Inspector should have given greater weight to this fact when deciding the date for the adjourned inquiry.
- 1.8 Officers have therefore asked the Authority's Counsel to consider again her advice about the possible courses of action open to the Authority. A report of that latest advice will be made to Members, either at the Authority Meeting of 14 October 2005, or to the Planning Committee on 21 October. The report is expected to be a Part B item. Further discussions will also be held with the Campaign to Protect Rural England and the Save Longstone Edge Group prior to the report being completed – both those organisations

have also expressed grave concern about the new delay and are dismayed about the Authority's inability so far to prevent the substantial extraction of limestone.

1.9 RECOMMENDATION:

That the proposal to bring a detailed report to Members in October 2005 about the continuing quarrying at Backdale, Longstone Edge, and the possible courses of action open to the Authority be noted.