

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

### Purpose of Report

- 1.1 On Wednesday 14 September 2005 a Planning Inspector adjourned a planning inquiry relating to enforcement action in respect of quarrying at Backdale, Longstone Edge. That decision is a cause of major concern and further legal advice has therefore been obtained. This report summarises the background to this case and provides an opportunity for public participation prior to Members discussing the legal and associated financial issues under the following Part B item on the agenda. The plan attached to this report shows the location of the site.

### Background

- 1.2 The key events to date are as follows.
- A 1952 planning permission allows for the winning and working of fluorspar and barites, and for the working of lead and any other minerals which are won in the course of working those minerals.
  - Concern over the scale and extent of limestone extraction and processing was initially raised in 1989. After protracted negotiations and discussions and the threat of enforcement action the then operator ceased work at the site in 1998.
  - Bleaklow Industries, the owner of the land and the mineral rights, eventually brought in a new minerals operator. MMC Minerals Processing Limited began quarrying at Backdale in July 2003.
  - It is the Authority's opinion that limestone is being extracted beyond the scope of the 1952 permission. Following investigations, in August 2004 the Authority resolved to take enforcement action. At that time alternative actions were considered but rejected based on advice obtained from Counsel. The enforcement notice was issued in November 2004.
  - 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 the inquiry was set for 14<sup>th</sup> to 16<sup>th</sup> September. This delay was of considerable concern to the Authority.
  - In addition, the Authority's officers were concerned that the time allowed for the inquiry might not be sufficient. When the inquiry opened there were four parties represented: 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 began by preparing an estimate of the time needed and concluded that up to 9 days could be required. He therefore adjourned the inquiry.
  - The Authority's Counsel urged him to set dates in November or as soon as possible thereafter but Counsel for the landowner resisted any dates before April 2006 because of his own unavailability. The Inspector fixed the hearing for 7 days commencing 4<sup>th</sup> April. He also fixed dates of 6<sup>th</sup> and 7<sup>th</sup> June 2006 in case additional days were needed.

- 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 were extremely disappointed that the Inspector did not appear to give greater weight to this fact when deciding the date for the adjourned inquiry.

1.3 Local community and conservation bodies have continued to campaign vigorously against the quarrying, pressing the Authority to find a course of action that could bring the limestone extraction to an end.

**Human Rights aspects including Equal Opportunities, Health & Safety**

1.4 There are no apparent issues to consider.

**1.5 RECOMMENDATION:**

**That the report be noted.**

List of Background Papers (not previously published)

Nil