

Hansard Record of the Adjournment Debate on Backdale quarry (24/10/06) led by Patrick McLoughlin MP in Westminster Hall

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Backdale Quarry (Longstone Edge)
12.59 pm

Mr. Patrick McLoughlin (West Derbyshire) (Con): This is the second debate on the subject in which I have spoken. I was going to say it is the second in which I have had the honour of speaking, but I would much prefer not to have to speak on the subject again. The last time such a debate was held in the House was 3 December 1997, nearly nine years ago. In some respects, however, the issue was different then because it involved a quarry company, RMC, that wanted to engage in a huge extraction. RMC subsequently withdrew its application for the site, but the overall story is still much the same.

The 1997 debate was answered by the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), who was then Under-Secretary of State at the Department for Environment, Transport and the Regions. One frustrating thing is the way that the debate has moved from Department to Department over the nine years. We started off with the DETR, then it moved to the Office of the Deputy Prime Minister. The matter now seems to be split between two Departments, with the Department for Environment, Food and Rural Affairs taking responsibility for national parks and the Secretary of State for Communities and Local Government taking responsibility for the Planning Inspectorate. That might give the Minister more freedom, as the Planning Inspectorate is reporting not directly to him, but to the Secretary of State for Communities and Local Government.

When I asked the Library for a paper on the subject not so long ago, it came back with a lovely line, which read:

"This is a highly complex and contentious subject".

It is. Today, I want to deal not with the history of the project, because that would take a long time, but with what worries me, my constituents and the wider front of those who are involved in the national park—that is, what is happening on the Longstone Edge site. I want to come on to that in some detail.

I mentioned that the 1997 debate was answered by the right hon. Member for Greenwich and Woolwich. I received a letter from the Department just prior to that debate, which said:

"As my letter indicated, the main responsibility for this type of development rests in the first instance with the Peak District National Park Authority, as the mineral planning authority. The Secretary of State is generally very reluctant to interfere with the jurisdiction of local planning authorities and will normally only intervene if the matters concerned are of more than local importance. While it is clear that the issues in this case are of considerable importance to local residents, they seem nevertheless to be essentially of local significance and the Secretary of State's intervention in this instance would therefore seem to be unwarranted."

That was an inappropriate response then, and it is even more inappropriate now. We are nine years on and the issue is still not resolved. It is still complicated and there is no end in sight.

Two public inquiries were planned for the past year. One was cancelled when the Planning Inspectorate, which had originally allowed three days for it, turned up and decided that it would take a lot longer to

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determine the issue. A second was stopped on legal grounds by the intervention of the Deputy Prime Minister. I accept that he was acting solely on legal grounds and best advice, but that has meant that there is still a great question mark over what is happening on the site.

The Peak District national park has more than 22 million visitors a year. A thought to bear in mind, perhaps, is that the dome was visited by 7.5 million people in one year, and we spent a lot of money on it. Those 22 million visitors enjoy the countryside and the facilities of the national park, which has been referred to as the lungs of Britain. It is within an hour's drive of the populations of Manchester, Sheffield and the west midlands. That is why, more than most other national parks-it is the second most visited, after the Lake District-it gets a huge number of visitors.

Not only those in the local villages, but all those who have enjoyed the national park, are concerned about the massive scar that is appearing on the landscape. That is why I do not believe that the Government should say any longer that the matter is one merely of local importance and that the Secretary of State does not therefore have a role to play.

If the matter had been resolved, perhaps the explanation nine years ago would have been sufficient, but nine years on it has not been resolved. As things stand, I see no end in sight. That should be disturbing to the Minister, and it is most definitely disturbing to me, my constituents and, I would imagine, all the people who enjoy the beauty and tranquillity of the national park. I want to push the Minister on the question whether he still regards the matter as one of local significance.

There are nearly 70 mineral sites in the national park, of which 12 are active limestone quarries, 10 are active gritstone sites and eight are vein mineral sites. Fifteen are no longer active and 24 are in restoration or aftercare. The majority of the sites that operate in the national park are compliant with their planning permissions. Many of the quarries started before the national park came into existence and the quarries along Longstone Edge were given permission in the early '50s under a Minister's consent. The early national park governing body was not instrumental in that. In fact, that was a far different era with far fewer restrictions on planning permissions.

The Town and Country Planning Act 1990 allowed the revocation of old planning permissions, but stated that compensation would have to be paid. That was beyond the financial scope of most national park authorities. It is worth thinking how much the

national park has spent over the past nine years, both in correspondence with various Departments and on legal bills. If we were to add all that money up, I assume that we would come to a tidy figure.

A review of the old planning permissions began following the passing of the Environment Act 1995, but active sites could continue to work while modern working conditions were determined. The problem is that there is a loophole in the legislation that came about as a result of case law, as modern working conditions cannot be determined without environmental information from the quarrying companies and the authority has no power to compel the operators to provide that information.

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Most quarry operators have complied with the authority's request for the information, but some have not, and they can carry on with their old conditions. Are the Government considering new legislation to compel those with old permissions to provide the necessary environmental information? I would be interested in the Minister's answer to that.

The problem started off at Backdale quarry, and we have now moved on to Wagers Flat, where extraction is being moved on. There is no doubt that fluorspar is being used as an excuse to quarry out lots of limestone. The figures are there. Between 2003 and December 2005, some 11,500 tonnes of fluorspar were removed with a market value of approximately £5 a tonne, which means a total of some £57,000, while 573,963 tonnes of limestone were removed, with an approximate market value of some £4.5 million. The fluorspar, which is what the permission was granted for, is worth £57,000 and the waste product-the side product of the need to get down to the vein minerals-is worth some £4.5 million.

I have even seen reports that the fluorspar mined has never been moved off the site but is still stored there. If ever there was a question as to what is being taken away from the national parks, I have no doubt whatever that the answer is limestone. That should alert the Minister and the Government to the serious problems on those sites.

Wagers Flat is being operated with an intensity that is incredibly worrying; we can now see it on the skyline as we leave Bakewell. It is not a big hole at the moment, but the way the extraction is going it will become a huge scar on the Longstone Edge landscape. Part of the trouble is that although there are other vein extractions on Longstone Edge-it is a huge site-they are covered by restoration provisions, so they are being restored in a proper manner and under proper conditions.

Wagers Flat and Backdale are not covered by the restoration programme, and if the company can continue extracting without having to pick up any of the restoration costs it will have a far bigger advantage over its competitors. Again, I say that this is not a local problem. I strongly suggest that it is of such importance that it needs to be considered more widely.

Another problem has been brought to my attention, which involves the aggregates tax. Many people have been trying to find information on it, and it has not been easy. One could argue about the rights and wrongs of such a tax, but if it exists it should be paid

by everyone. I understand that no aggregates tax has been paid for Wagers Flat. It is ridiculous that the company not only does not have to meet the costs of restoration, but that it is not paying the aggregates tax. That is not fair. Put plain and simply, it is not right or proper. Action needs to be taken.

At the moment, an inquiry is scheduled for next February. I am a little worried about that, because of what happened with the previous two inquiries, but even if that inquiry goes ahead-the Planning Inspectorate has set aside 10 days, which seems right-how long will it take to report? During that time, extraction will still be taking place at Wagers Flat, which will result in a huge blot on the landscape of the national park.

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Those in the villages nearby are rightly concerned-they include Calver, Curbar, Froggatt and Baslow-as are the people of Longstone. Indeed, the village of Longstone has a distinguished resident-a former deputy leader of the Labour party, Lord Hattersley, who would like to have a national parks Bill to stop quarrying in the national parks. I do not know whether there is much chance of that, and we are coming up to the Queen's Speech, but I press the Minister on the fact that loopholes in existing legislation ought to be addressed. That is needed soon, and I hope he can say what will happen.

This is a huge problem, but I have only limited time and I want to allow the Minister enough time to give us the Department's thinking. His predecessor, now the Minister for Schools, visited the Peak district, and the people whom he met were greatly impressed with what he had to say. He went a long way to helping the national park get finance for the first stop order, but he was in the job for only 18 months before being promoted to Minister of State. This Minister should take on his officials-look where he might land!

Not so long ago, at a public meeting at Cliff college, a former regional director of planning who lives in the national park was advising the Planning Inspectorate. He said:

"Curiously, we may be at a disadvantage in being a National Park. If we weren't, local MPs and councillors would be far more actively engaged in giving guidance to their planners. It isn't just a financial issue, it is a political issue. It's the responsibility of NPA Members to be putting a lot more political clout behind this. I feel that the officials, as officials always are, are being too cautious and they need a bit of steel in their backbones put there by the politicians, even though they don't have to ask for our votes."

That former official is advising us on how officials should guide themselves on the subject.

I have not been able to go into all the complications; this is not the right kind of subject for that, although we could write a book on it. The matter is urgent, and we cannot afford to wait. For various reasons, the national park authority feels that its hands are tied. I urge the Minister to visit the area as soon as possible and to see the

landscape for himself. He must decide whether such things are acceptable in a national park. I do not think they are.

I urge the Minister to think about the questions that I have asked, although I accept that he may not be able to give full answers today. Will there be another Adjournment debate on the subject in nine years? If so, we can talk about the 18 years during which no action has been taken. Is it right that those operators can spoil and scar the countryside without making any restoration when the other companies in the area are, in the main, fulfilling their planning conditions and restoring those vein minerals that they are now taking out?

The Minister knows that things are not right. He may not be able to say so today, but action is needed. We need action to stop this remaining a local issue; it is of national significance. We need to consider whether the aggregates tax should be paid-and if not, why not? If the Minister cannot help, we need to know whether any legislative changes in the near future might give more clout to the Peak District national park. It has legitimate worries, but feels that its hands are tied.

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In fairness, the Minister appoints many of the members of the Peak District national park authority, and it is unlike any other elected planning authority, as the only elected element is the parish council nominees. I could say a lot more, but I am constrained by time. The matter is urgent. It is a national problem and it needs action.

1.18 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Barry Gardiner): We have been doubly treated today. It is rare for members of the Whips Office in either party to speak; but today a senior Opposition Whip has been able to speak not only with great authority but with great passion on an extremely important subject, one that pertains not only to his constituents-in that sense, it is local-but, as he made extremely clear, one that has wider ramifications, especially given the care that we need to take of all our national parks. I hope that that goes some way to answering the clear questions that he posed about local importance. Yes, of course, it is of local importance; the appeal on Backdale is about the extent of quarrying, and it is a local matter. However, the implications go much wider and that is what the right hon. Member for West Derbyshire (Mr. McLoughlin) articulately brought before hon. Members today. I congratulate the right hon. Gentleman on doing so and on the manner in which he has presented a powerful case.

National parks with areas of outstanding natural beauty represent our finest landscapes. We all have a duty to ensure their conservation, although we must also take heed of the social and economic needs of surrounding communities and the wider community. I wish to make it clear that I understand that mineral extraction is an important industry in the UK. We need the material that it produces if our economy is to continue to prosper. However, as a result, there will sometimes be tension between the economy's need for minerals and society's clear desire to conserve some of our finest landscapes. That tension is well understood in the national parks, and mineral working imposes significant environmental challenges. Our mineral planning policy

for parks and areas of outstanding natural beauty is very restrictive. New major mineral development is allowed in those areas only in exceptional circumstances and where it has been demonstrated to be in the public interest. All such proposals are subject to a most rigorous examination, which takes into account the need for the quarry, including national considerations of mineral supply and the impact on the local economy.

There should also be an assessment of the costs and scope for making an alternative supply available from outside the designated area or meeting the need in some other way. Any detrimental effect on the environment or landscape or on recreational opportunities also has to be considered, as does the extent to which any impact can be moderated. As a result, new mineral permissions in our national parks and AONBs are strictly controlled. However, many of the concerns that people have, including those raised today, relate to old mineral permissions in our

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designated areas. Many mineral permissions were granted soon after the second world war, when the priority was to maximise mineral working for national reconstruction. Environmental awareness and knowledge was scant and as a result permissions were granted subject to very few conditions.

The right hon. Gentleman compared the value of fluorspar and limestone and said the permission was there to get fluorspar-an important point that I do understand. The problem is that some of the permissions, including this one, are not specific about what they are for. That has led to the case being such a contracted and protracted one.

What was accepted in the 1940s and 1950s as the unavoidable consequences of quarrying would not be accepted today, and rightly so. In the 1990s, legislation was introduced to review all old mineral permissions and to continue to review all mineral permissions at 15-year intervals. The aim is to ensure that mineral extraction meets, and continues to meet, the up-to-date environmental standards that we have rightly come to expect. A permission granted in 1949 with typically three or four conditions, after review, would perhaps be subject to 50 conditions today and would aim to mitigate the impact of extraction. It would cover matters such as noise, dust, traffic and restoration-the points covered by the right hon. Gentleman.

There is a legacy of old mineral permissions in the national parks and the Peak District national park has the greatest number of old permissions of all the English national parks. Backdale is one of those. The vast majority of initial reviews of old permissions are now complete and up-to-date working practices are in operation. However, a relatively small number of initial reviews of old permissions, including those relating to Backdale and several other sites in the Peak district, have currently stalled, for a variety of reasons.

Applications for review in the stalled cases in England were made before regulations came into effect in the year 2000. They required that, where mineral working caused a significant environmental impact, environmental statements should be provided to inform the review. Those regulations include a sanction for the suspension of operations where information is not provided. Some of the stalled initial reviews are

still awaiting environmental information to inform the determination of new operating conditions. The mineral planning authorities cannot decide the applications without the information. Advice was issued that, under current legislation, mineral planning authorities cannot require the submission of that information either. Meanwhile, the operators of those sites can continue quarrying. That is the Catch-22 we are in.

The situation is clearly unsatisfactory, but the Department for Communities and Local Government, which is responsible for minerals legislation, fully appreciates that. It is preparing to consult on new regulations which, among other things, would provide a sanction—exactly what the right hon. Gentleman inquired about—to ensure that outstanding environmental information is provided and new conditions can finally be determined.

Mr. McLoughlin: Is the Minister saying that that could be done by regulation and does not need primary legislation?

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Barry Gardiner: At the moment, colleagues in the Department for Communities and Local Government are trying to put a system in place by introducing regulations. I cannot speak for the outcome of those investigations, but that is what they are attempting to do.

We have heard today about other planning problems relating to Backdale quarry. The Peak District national park authority considers that the quarrying of the limestone taking place at Backdale is in excess of that allowed under the terms of the mineral planning permission. The matter is subject to action by the authority, which has served an enforcement notice in respect of the mineral operations. The owner and operator of the site have appealed against the notice and a public inquiry into those appeals has been arranged for February 2007, as the right hon. Gentleman said. I cannot comment on the merits of that issue, as to do so could prejudice the outcome of those appeals. I hope that the right hon. Gentleman will not take that as an indication that I am resiling in any way from some of his comments.

While the inquiry is pending, the authority wished to serve a stop notice on the operator until the appeal was decided. However, it could not afford to do so in case the appeals were successful and the authority was faced with claims for compensation by the owner and operator. The authority approached my Department to see whether the Government would agree to refund any compensation it might face if the appeals were successful. We agreed, but stressed that it was a one-off and on an exceptional basis. We also stressed that the offer was solely to enable the authority to carry out the actions it thought necessary. It implied no view on the merits of the authority's case against the operator, as that would have been improper.

I recognise that some would consider that the continued mineral extraction at Backdale and indeed others at Longstone Edge, should be stopped. Mineral planning authorities have a wide range of powers to revoke or modify mineral planning permissions. The decision on whether to revoke or modify any existing mineral permissions on Longstone Edge rests with the national park authority. It must

consider whether such action would be justified on a case-by-case basis, bearing in mind the resources that they have available.

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The Department for Environment, Food and Rural Affairs provides an annual grant to the national park authority, bearing in mind the constraints and competing priorities within DEFRA and the needs of the authorities themselves. It is then for each authority to determine where its priorities lie and to make decisions about how to spend its budget accordingly.

I hope that the right hon. Gentleman will recognise that the underwriting of the national park authority's actions by my Department under my predecessor, now the Minister for Schools, the hon. Member for South Dorset (Jim Knight), symbolised and strongly signified that it was a matter that the Government recognised as having much wider ramifications than for Backdale.

The right hon. Gentleman raised the point that the aggregates levy sustainability fund should be used to support the national park authorities. The fund has enabled about £30 million of work through Natural England and predecessor bodies, to address impacts on landscape and biodiversity additional to any requirements under minerals planning legislation. That has not been restricted to protected areas or to the effects of old mineral permissions. My officials have been working with Treasury officials to determine whether the fund should continue after the current commitment until 2007, and if so, what form it should take. No decision on that has yet been made.

In addition, there may be a case for a differential rate for the levy and we are looking into that. The Chancellor, of course, keeps all taxes under regular review, with announcements made through the pre-Budget report and the Budget process.

There is also a question whether the exemptions under the aggregates levy should be reviewed. My colleagues in Her Majesty's Revenue and Customs are aware of the reported issues of aggregates extracted for commercial purposes under exemptions such as for vein minerals, and they are looking into that. I think that that addresses the right hon. Gentleman's specific question about the aggregates levy and the different valuation rates for limestone and vein minerals. In the meantime, we are taking action to help to resolve the problems of-

Mr. Martin Caton (in the Chair): Order. We must move on to the next debate.