

Statement of Reasons

1. Planning permission for Deep Rake, Hassop (Longstone Edge East) was granted in 1952. The permission allows for the winning and working of fluorspar and barytes and for the working of lead and any other minerals won in the course of working these minerals from that area. The permission originally covered around 155 hectares.
2. The permission area was reduced in 2004 by the revocation of part of the 1952 permission and other old mineral permissions within the Longstone Edge Review of Old Mineral Permission (ROMP) area which were subject to a consolidating permission for vein mineral working sought by Glebe Mines Ltd. The remainder of the 1952 permission area, now referred to as Longstone Edge East, amounts to 138ha, and is subject to the stalled ROMP.
3. Ownership details for Longstone Edge East are as follows: Bleaklow Industries Ltd (Bleaklow) owns the freehold land except a small area west of Backdale and owns the mineral rights south of Bramley Lane. British Fluorspar Limited (BFL), who acquired the interests formerly held by Glebe Mines Ltd (Glebe), owns the vein mineral rights and the limestone disturbed to the north of Bramley Lane and a limited area to the south of Bramley Lane. The surface of a small area to the west of Backdale is owned by the Bolland family. Bleaklow owns the mineral rights in this area.
4. In order to assess whether permanent cessation has taken place the Authority must take account of all considerations which are 'material'.
5. In this case, account has been taken of information on the Authority's files and provided by parties with an interest in the mineral rights, through the ROMP process, in planning applications and in the course of legal cases relating to the site.
6. The Authority has previously employed geotechnical specialists Geoffrey Walton Partnership (GWP) to assess the working methods, stability and geological reserves within the Longstone Edge East permission area.
7. The remainder of this statement is divided into 4 parts:
 - A summary of planning applications relevant to this case (paragraphs 8-9);
 - A summary of the consideration of the ROMP scheme since 1997 (paragraphs 10-33);
 - A consideration of the tests specified by MPGs relevant to the assessment of whether work has "permanently ceased" (paragraphs 34-69);
 - Summary and conclusions (paragraphs 70-82).
8. **Planning Applications**
9. The main points of the history are as follows.
 - A consolidating application by Glebe in 2001 stated that it was being submitted to establish an updated scheme of working for the total vein mineral future of Glebe Mines on Longstone Edge and made no reference to working its minerals interests in the eastern end of Longstone Edge.
 - In an application in 2003 for fluorspar extraction at Winster, Glebe offered to relinquish the rights in the 1952 Longstone Edge permission to work the vein mineral, and other mineral (limestone) disturbed, within its entire mineral interest area (105ha) of Longstone Edge East. The Winster permission was implemented in 2004 following the signing of a Section 106 planning agreement. The permission was the subject of a legal challenge by Bleaklow. The High Court upheld the challenge, quashed the planning agreement with immediate effect and allowed working to continue for a further 6 months from the 29 November 2006.

- In an application in 2008 for fluorspar extraction at Tearsall, Glebe, which had recently been acquired by Ineos, offered not to exercise its rights to extract minerals (vein minerals and limestone disturbed) from the Peak Pasture area (north of Bramley Lane) contained within Longstone Edge East for a minimum period of 4 years from the granting of the Tearsall planning application.

10. The ROMP Scheme

11. An application for determination of conditions under Schedule 13 of the Environment Act 1995 (a ROMP application), which included the review of the old mineral permission originally granted in 1952, was submitted in March 1997. RMC Roadstone Ltd – Eastern (RMC) was the applicant named on the application form which was signed by its agent. The application included a submission for working which was made jointly with Laporte Minerals. Laporte provided details for working in the western end and some working in part of the eastern end of the permission area whilst RMC provided details of working in the eastern end in the Backdale and Peak Pasture areas.
12. No Environmental Statement was provided with the application since at that time the mineral review Regulations did not require one to be submitted. Subsequently, case law held that ROMP applications should be accompanied by an Environmental Statement where the development had a significant impact on the environment. In view of this, the Authority asked the applicant for an Environmental Statement but RMC declined to provide one.
13. On the basis of legal advice, the Authority determined the application without an Environmental Statement in order to avoid a deemed approval of the application and the conditions submitted therein. The determination included a curtailment of the extent of working that could take place at Peak Pasture based on the Authority's interpretation of mineral working allowed by the 1952 permission. Bleaklow, the freehold owner of the majority of the land subject to the ROMP application, did not like the determination but was uncertain whether RMC would appeal it because RMC had decided to withdraw from working at the site. As Bleaklow was not the ROMP applicant, its only avenue of challenge was through judicial review proceedings in the High Court on the ground that no Environmental Assessment had been considered. Bleaklow's challenge was successful, the Authority's determination was quashed and the matter remitted back to the Authority to be re-determined.
14. RMC, the named ROMP applicant, did not provide any environmental information and ceased working the site in 1998. Some environmental information was submitted on behalf of Bleaklow in July 2000, but the Authority declined to accept the information as a formal submission because Bleaklow was not the ROMP applicant. The Authority could not re-determine the application until the information was received and the application became a stalled ROMP application.
15. On 2 July 2003, the Authority received notice from RMC stating: "Bleaklow and their advisors are pursuing the [ROMP] application acting as agent for RMC The application is therefore moving forward in the RMC name with this Company's authority although RMC have declared that it will not operate the quarry if successful and it no longer has any legal interest in the site.further questions related to the application should therefore be directed at Bleaklow."
16. A new mineral operator started extracting limestone from Backdale in July 2003 and later at Wagers Flat, both areas lying within the area covered by the ROMP application. The Authority considered that the 1952 planning permission did not allow for the extraction of limestone as the primary purpose of operations. The Authority took initial enforcement action in 2004, and between then and 2009 Bleaklow and the Authority were involved in planning enforcement appeals through public inquiries and the courts.

17. In August 2008, the EIA Regulations were revised to ensure that ROMP applications which were stalled for lack of environmental information could be determined. The Authority sent a notice to Bleaklow, being both a landowner and the agent for the ROMP applicant, requiring the submission of additional information to enable the Authority to carry out a screening opinion. A copy was also sent to Glebe because of its mineral interests in the land. Extensions of time in which to provide the information were agreed by the Authority pending resolution of Bleaklow's legal challenges which followed the Authority's enforcement action against the unauthorised winning and working of limestone at Backdale. Bleaklow's challenge was eventually unsuccessful.
18. The Authority set 31 October 2010 as a final deadline for submitting the information required to carry out a screening opinion. Bleaklow failed to provide any of the required information by that deadline, nor has it done so since. On the 29 October 2010, some information was submitted to the Authority by Glebe. This information was insufficient for EIA purposes, but, in any event, Glebe was neither the named ROMP applicant nor its agent and the Authority has always advised that it did not consider Glebe entitled to pursue the application.
19. In December 2010, solicitors acting for Glebe wrote to the Authority giving reasons why their client should be treated as the applicant for the ROMP application. They referred to Paragraph 3.13 of the Guidance accompanying the Regulations which indicates that where an original applicant has been superseded, the operator which succeeds them can take the ROMP application forward to determination. Glebe was the successor to Laporte who was not the named applicant, therefore Glebe was not able to take the ROMP forward as an applicant. The Authority's Head of Law responded in a letter dated 6 January 2011 setting out the Authority's position, including what evidence was considered necessary to enable the Authority to treat Glebe as the ROMP applicant. No response was received and neither did Glebe provide any additional environmental and other information.
20. Since all the necessary information required to carry out a screening opinion was not provided, the permission went into automatic suspension on 1 November 2010.
21. The period of automatic suspension could only be lifted once the Authority received all the environmental and other information it considered to be sufficient to enable the ROMP submission to be determined.
22. In 2012, Glebe sold its mineral rights, including those in the eastern end of Longstone Edge, to British Fluorspar Limited (BFL). BFL representatives, who were aware that the permission had been suspended did not express any intention to work there. No environmental and other information dealing with the ROMP was forthcoming from BFL. However, in a letter dated 17 September 2013, BFL wrote:
"...it is considered that it would be inappropriate for the Authority to seek a prohibition order on the land controlled by BFL as it has been clearly demonstrated that there has been an intention to win and work minerals in the Longstone Edge East area under its control.
"It should be noted that the Peak Pasture land is still considered a potentially valuable mineral reserve by BFL and at this period in time it is regarded as an area that will be worked at some point in the future."
In view of past correspondence, until BFL provides evidence to the contrary the applicant for the site is RMC and only Bleaklow is entitled to handle the ROMP application as its agent.
23. Recent developments
24. Discussions were held in December 2011 with Coverland UK Ltd about possible alternative future uses for the site. Coverland was made aware that the minerals permission was suspended and of the requirement to submit environmental information.
25. In March 2012, Coverland UK Ltd completed the purchase of Bleaklow and its

assets including the land that it owned which was subject to the 1952 permission. The name Bleaklow Industries Ltd was retained.

26. Further meetings were held with Bleaklow's new representatives. The implications of the permission being in automatic suspension and the prospect of a Prohibition Order were discussed. The impression gained was that the owner was not interested in further mineral extraction at Longstone Edge.
27. Correspondence was sent to Bleaklow's representative on the 20th February 2012 reminding the company that the mineral permission was in automatic suspension and that, if the required information was not submitted by 31 October 2012, the Authority had a duty under the Regulations to consider making a prohibition order. No formal alternative proposals have been received and no information has been submitted to enable the Authority to make a screening opinion.
28. Bleaklow's representative wrote to the Authority in letters dated 5 September 2012 and 11 June 2013. The first letter sets out that the owner is considering a number of potential options. In relation to mineral working it states:
'...we do not see any immediate benefit in Coverland UK Ltd attempting to de-stall the ROMP. At the same time we cannot discount the potential for some mineral recovery and do not see that formal proceedings to prohibit future mineral working is an appropriate way forward in such circumstances where other options may secure better sustainable outcomes in a cost effective manner and also have the potential to bring some closure on the question of future mineral operations.'
29. The letter goes on to outline proposals to use: Backdale for employment uses; material from Wagers Flat at Backdale; material from Backdale for restoration at Wagers Flat; and the development of a holiday lodge park at Red Rake (Calver Park).
30. The development of holiday lodges at Red Rake and employment uses at Backdale are broadly contrary to the adopted Peak District Development Plan. It appears that the owner is hoping to use the voluntary revocation or exchange of the mineral permission, and restoration of the site, as material considerations in applying for development which would not otherwise be acceptable.
31. There have been subsequent discussions with Bleaklow's representative about possible alternative future uses of the site for cycling related development. These proposals were at a very initial stage. They may have some merit depending on the specific nature and scale of the proposals. However, it is not yet clear which proposals might be pursued, and in any case any proposals forthcoming should be judged on their own merits
32. The Guidance suggests at paragraph 3.11 that where applicants are intending to consolidate or agree exchanges of areas for mineral working they may be unwilling to provide the information to progress a ROMP as it might be unnecessary. In these circumstances paragraph 3.12 indicates that the Authority may extend the period for submission of information where there is a clear and limited timescale for a decision and no environmental harm will result. However, this is not applicable in this case as the landowner is not seeking alternative mineral development and a decision is unlikely in the short term as no proposal has been put forward.
33. A delay in providing environmental information for the purpose of keeping a mineral permission extant in order that it could be traded to facilitate non-minerals development which is contrary to the Peak District National Park Development Plan would not be in line with the Guidance. The Secretary of State would have to consider whether there was a reasonable excuse for the continuing delay in providing that information.
34. **Relevant Tests**
35. As explained earlier in this statement, in order to assess whether permanent

cessation has occurred the Authority must take account of all considerations material to that decision. These include: the quality and quantity of workable mineral; whether there is a real and genuine intention to work the site; and evidence supplied by the operators/owners on the pattern and programme of their operations, including forecasts of trends in production and markets for their products. These considerations are covered in detail below.

36. But the key consideration is whether it "appears" to the Authority that minerals operations have "permanently ceased". The relevance of matters such as any expression of intention to resume working is therefore limited, especially in the context of a situation where adequate environmental information has not been submitted as required by the Regulations. What is significant is the available evidence assessed against the key consideration of whether operations have permanently ceased.
37. **A) Quality and Quantity of Workable Mineral**
38. In the case of Longstone Edge East, some information as to quality and quantity of minerals has been provided through the ROMP process, in planning applications submitted over a number of years and in the course of the litigation which followed the enforcement action that was taken.
39. In addition to relevant information on workable mineral that is recorded under the heading 'Planning Applications' above, the following information has also been provided.
40. In 1951 a planning application sought permission to extract fluorspar and barytes from the 'Deep Rake', a vein structure which runs through the central part of the 1952 permission area.. The applicant was extracting about 5,000 tons of fluorspar gravel, 300 tons of fluorspar lump block and 210 tons of barytes annually. There was no mention of the total tonnage of fluorspar or barytes resource available to be extracted. The 1952 permission did not provide any details of the extent of the vein structures and the mineral resource contained within the permitted area.
41. In 1997, the initial ROMP application for Longstone Edge, which included the 1952 planning permission covering the eastern end of Longstone Edge (Deep Rake, Hassop), was submitted. The programme included an extensive working area to the north of Bramley Lane. Some exploration information was eventually provided. This exploratory information consisted of trial trenching carried out by Laporte along certain known vein structures containing vein mineralisation.
42. The Authority approached the geo-technical consultant B L Hodge and Partners to seek advice on the quality and quantity of vein mineral that was likely to be present in the permission area. Based on past knowledge and available information, Brian Hodge advised that it was impossible to quantify the amount of vein mineral remaining because of the inadequacy of the available information. He advised that proposed working would yield a certain amount of vein mineral (fluorspar) but there was no doubt that the quantity would be insignificant in relation to the 12mt of limestone proposed to be quarried. He also advised that the Dog Rake, Catlow Rake and Gospel Rake had been extensively worked for fluorspar either below or close to the quarry extension floor level. In addition, the whole or sections of Dog Rake, Catlow Rake, Cam Rake, Gospel Rake and some other branches were situated within the quarry extension walls, so they would not be fully worked even if there was any useful vein mineral left in them to exploit.
43. Public inquiries were held in 2006 and 2007 to consider the appeals lodged by Bleaklow against the enforcement notice served by the Authority alleging the winning and working of limestone beyond the scope of the 1952 planning permission. Evidence was submitted by Kevin Walton, a Geotechnical Engineer and Geologist, who made an assessment of the Peak Pasture area based on the trial trenching undertaken by Laporte. At the Inquiry, Mr Walton agreed that a 10% reduction should be made to allow for the effect of past underground mining, giving

a reserve net figure of 160,000 tonnes (compared to the 177,200 tonne figure he previously gave). The Inspector upheld the enforcement notice but an appeal against the Inspector's decision was lodged. The High Court subsequently allowed the appeal on the basis that as much limestone as necessary could be removed to gain access to the vein mineral. The Court of Appeal subsequently overturned the High Court ruling and upheld the Inspector's decision leaving the enforcement notice in place.

44. The 2008 planning application for fluorspar extraction at Tearsall made by Glebe stated that the inferred resource for the mineralisation in 4 vein structures present at Peak Pasture (excluding Deep Rake and Red Rake) was 400,000 tonnes. This 'inferred resource' is the resource of vein mineral predicted to be available as inferred by trial pits dug in 1996 and projecting this information to assume deposits extend to 50m depth. The inferred resource uses a cut-off grade of 16%CaF₂ (calcium fluoride) and assumes 15% loss due to old mine workings. The resulting figure is then doubled on the basis that there is, in Glebe's view, always more fluorspar than their estimates show.
45. The Authority had the information provided by Glebe at this time assessed by GWP. GWP consider that the inferred resource is 'highly speculative' and they can see no justification on the information available to double the resource. They add that the use of the 16%CaF₂ leads to 'considerably larger figures'. GWP assess that the probable reserve (which is a figure reached by only including mineral at a depth proven by the trial pits of around 3m), is 14,262 tonnes at 16%CaF₂. GWP consider that, on the basis of the BGS geological maps, further resources of fluorspar are likely to exist outside of Peak Pasture in the 1952 permission area, although these are not sampled. They state that a 'very rough estimate' indicates a possible resource of 300,000t of 16%CaF₂.
46. It is concluded in GWP's assessment that "It is certain that there is some fluorspar available in the remainder of the Longstone Edge 1952 planning consent area...reliable evidence exists for only some 14,000t of 16%CaF₂ grade ore. It is probable that more than this exists, but we would be very surprised if the amount was as much as 500,000t."
47. In 2010, Glebe submitted information in relation to the ROMP scheme in which they proposed to extract 2.9 million tonnes of vein mineral and 5.9 million tonnes of limestone from the Peak Pasture area. The information contained in the letter from Glebe was signed by Clint White who in 2003 had provided a statement to the Courts on behalf of Glebe stating that there was no evidence to support any significant vein mineral reserves in the area.
48. It is considered that in order to progress the ROMP the Authority would need to receive geological information sufficient to demonstrate a 'probable reserve' which is the economically mineable part of an 'indicated mineral resource'. An 'indicated mineral resource' is that part of a mineral resource for which tonnage, densities, shape and physical characteristics, grade and mineral content can be estimated with a reasonable level of confidence. It is based on exploration, sampling and testing information gathered through appropriate techniques from locations such as outcrops, trenches, pits, workings and drill holes, which are too widely or inappropriately spaced to confirm geological continuity and/or grade continuity, but are spaced closely enough for continuity to be assumed. GWP have advised that that the following should be provided:
 - Angled boreholes, at least 2 per vein.
 - Deep mining records
 - Surface mining records

Despite this information being requested by the Authority, it has not been provided.

49. No information on the quality and quantity of workable mineral has been provided by either Bleaklow or BFL. Glebe did provide some information with its 2008 planning application for Tearsall Quarry, which was assessed by GWP, who

considered the inferred resource was highly speculative. It was also inconsistent with previous submissions made by the company and with the Authority's expert geo-technical advisor's reports. Further information was provided by Glebe in relation to the ROMP submission in October 2010. It is evident from the information provided that Glebe did not carry out any further mineral exploration works, contrary to the advice received from GWP in connection with the appraisal of the 2008 Tearsall application data, but remained reliant on the information available and used in connection with the 2008 Tearsall application. Glebe also revised the CaF₂ figure from 16% to 10% meaning that the estimated quantity of vein mineral has significantly increased further to 2.9mt and the amount of limestone that could be remove as a consequence was identified as 5.9mt. Therefore, GWP's comments provided in connection with the 2008 Tearsall application remain applicable in that there is reliable evidence for only limited quantities of proven ore of fairly low quality grade, namely 14,000 tonnes of 16% CaF₂ grade ore in the Peak Pasture area.

50. On this basis, greater weight should be placed on the evidence of the Authority's geo-technical expert who identified limited quantities of proven ore of fairly low quality grade.
51. As the relevant information requested through the ROMP process has not been provided, there is insufficient information about the quality and quantity of mineral remaining on site to be able to conclude that mineral working is likely to resume.
52. **B) Forecasts of trends in production and markets for their products**
53. The British Geological Survey document about Fluorspar published in February 2010, considered that the permitted reserve estimates of fluorspar within the National Park were 1,215,000 tonnes of ore accessible by open pit working and 3,000,000 tonnes from underground mines, as at October 2009. Only open pit working was taking place at around this time which would have provided around 3 years production based on 420kt annual processing of ore contained within the 2008 Tearsall application.
54. Current Core Strategy policy supports the underground mining of fluorspar but not opencast working of fluorspar.
55. Minerals Policy Guidance MPG4 paragraph 15 indicates that the onus is on the operator to supply the information about forecasts of trends and markets. Coverland, the owner of Bleaklow who acts as agent in the ROMP application, is not involved in the winning and working or processing of vein minerals and no recent information about the markets for vein minerals or the trends in production has been provided.
56. The BGS publication on Fluorspar issued in 2011 identified that following a long history of extraction many of the major veins have been depleted as sources of open pit fluorspar in Britain. In December 2010, Glebe Mines Ltd announced that it would cease mining and processing within the Peak District by the end of 2010 due to failure to secure sufficient funding for the plant, thus ending fluorspar production in the UK. Before its closure, Glebe was working towards re-opening Milldam Mine where the bulk of the reserves are located and where extraction is permitted until the end of 2013. The sole consumer of Glebe's acid grade fluorspar at the time was the fluoro-chemical manufacturing facility at Runcorn, operated by Mexichem who now sources fluorspar from abroad. In 2009, there was a rapid decrease in prices in fluorspar due to weakening demand from the fluoro-chemical sector. During 2010, fluorspar prices in all grades remained nearly constant.
57. The Minerals Industry publication of October 2012 contained an article on Fluorspar referring to the renewed output following the acquisition of Glebe Mines assets by British Fluorspar Limited on 18 May 2012. British Fluorspar had plans to re-start production in early 2013 with a minimum acidspar output target of 50,000 tonnes. The UK acidspar requirements are currently being completely fulfilled by imports from Mexico. A total of 33,000 tonnes were imported in 2011. No information was

available on current production. The publication says that worldwide there is expected to be no long term shortage of supply of fluorspar.

58. The likelihood is that UK production will gradually increase as BFL establishes winning and working of fluorspar ore although this is dependent on the financial cost of extraction, the quality of the fluorspar ore and world market prices.

C) Real and genuine intention to work the site

59. As the vein mineral rights within the site are held by two different entities, the intentions of each must be considered separately.
60. The Bolland family does not own mineral rights within the site. It made an incomplete ROMP submission in 1997 which was invalid. There is no intention to win and work the minerals in this area.
61. With respect to the area owned by Bleaklow, during the last 15 years the company, under its previous owner, concentrated on asserting that the 1952 planning permission allowed the extraction of limestone. In August 2009, when it was finally legally resolved that there were limits on the amount of limestone that could be removed and sold in the course of winning and working the fluorspar and barytes under the permission, Bleaklow and its lessee operator at the time ceased mineral working at the site.
62. Subsequently, there has been no working of mineral for more than four years and no environmental and other information, required under the regulations to progress the ROMP, has been provided for that part of the site.
63. Following the purchase of the site in 2012, the new owner's focus has been to suggest non-minerals proposals as an alternative for the site. To date, no firm proposals have been submitted.
64. With respect to the area within the 1952 permission where BFL's mineral interests lie, no working has taken place since the late 1980's when working took place by the then Bleaklow Mining Co Ltd within some of the veins (part of Catlow Rake, Dog Rake and Red Rake) in the Peak Pasture area.
65. By the late 1980's, Laporte had ceased opencast working in the eastern end of Longstone Edge and was carrying out restoration works. Underground working was continuing to take place using the access from Sallet Hole adit entrance into Deep Rake heading westwards for extraction within High Rake and Bow Rake at the western end of Longstone Edge. The plans submitted in the ROMP also showed that Laporte was proposing to work only two limited areas in Longstone Edge East, namely Unwin Vein and the western end of Red Rake. Laporte did not undertake any working in these areas between 1997 and 1999.
66. Laporte's interest was acquired by Glebe Mines Ltd in 1999. No working was undertaken by Glebe in the areas identified in Red Rake or Unwin Vein between 1999 and 2012. Glebe did not undertake any working in the Peak Pasture area identified in the ROMP submission. In fact, Glebe submitted the 2000 consolidating application to focus all future working within the western end of Longstone Edge rather than the eastern end. At the time, Glebe representatives considered there was no evidence to support any significant vein mineral reserves in the area.
67. Glebe and BFL are not entitled to pursue the ROMP in their own right. In any case, the information that was provided for the area where BFL has mineral interests is insufficient. Information was provided before and shortly after the site went into suspension but no additional environmental information has been submitted since December 2010.
68. Since BFL acquired the site in 2012, a number of meetings have been held with

representatives of the company. At no stage did BFL express an interest in mineral working on the land at Longstone Edge East. However, in a letter dated 17 September 2013, written after the company became aware of the Authority's current considerations on future working at the site, BFL refers to the terms of a S106 Planning Agreement, signed in June 2010, in which mineral working at Longstone Edge was temporarily relinquished in exchange for working at Tearsall Quarry. BFL considers this indicates "the Authority recognised Glebe's right to work their portion of Longstone Edge East" and informs the Authority that the "Peak Pasture land is still considered a potentially valuable mineral reserve by BFL and at this period in time it is regarded as an area that will be worked at some point in the future."

69. The Authority does not consider that this statement is sufficient, on its own, to indicate a real and genuine intention to resume working for the purposes of this legislation. The purpose of the S106 Planning Agreement linked with the Tearsall permission was to allow time to enable the stalled mineral review process to be concluded and/or to pursue a permanent solution to the threat of mineral working in the 1952 permission area. Based on available evidence and the advice of the geotechnical consultant GWP, there is no substantive quantity and quality of vein mineral (fluorspar) remaining in the eastern end of Longstone Edge.
70. **Summary of factors in the assessment of whether work has permanently ceased at Longstone Edge East**
71. When a planning permission has been automatically suspended under the Regulations for more than two years, it is unlikely that a stated intention to work the site at some point in the future would be sufficient, in the absence of other evidence, to amount to a real and genuine intention to work the site. Therefore other factors, set out in this statement, have to be taken into account
72. Factors in favour of concluding that work has permanently ceased:
- Bleaklow, became the agent in 2003 and has failed to progress the stalled ROMP, and did not provide any updated environmental or other information within the specified periods despite reminder letters, even when there was a risk that a prohibition order could be made.
 - The new owners of Bleaklow and their agents have provided correspondence within which they indicate that they do not intend to deactivate the stalled ROMP.
 - Notwithstanding our view, subject to evidence to the contrary, that BFL is not entitled to pursue the ROMP, no updated environmental or other information has been provided to engage in progressing the stalled ROMP.
 - The areas known as Backdale and Wagers Flat have not been active since 2009 and 2007 respectively, prior to which work focused on limestone extraction rather than fluorspar extraction based on Bleaklow's interpretation of the 1952 permission.
 - No opencast working of vein mineral (fluorspar) has taken place within the remaining extensive area (the 105 ha of land in which BFL owns the vein mineral rights and the limestone disturbed) at the eastern end of Longstone Edge since 1989.

Generally the vein structures in the eastern end of Longstone Edge are relatively small in scale and have been extensively worked in the past, leaving limited quantities of vein mineral (fluorspar) that are of sufficient quality to be economically viable to work.

73. Factors against concluding that working has permanently ceased:
- Notwithstanding the Authority's view that Glebe is not entitled to pursue the ROMP, Glebe submitted some information to progress the ROMP indicating that there is an inferred resource of mineralisation in the Peak Pasture area.
 - Notwithstanding the Authority's view that BFL is not entitled to pursue the

ROMP, BFL considers that in pursuing the Tearsall S106 Planning Agreement the Authority recognised that the Peak Pasture area is still a potential viable mineral reserve and the area will be worked in the future.

- The market for fluorspar is gradually increasing following the re-commencement of extraction and processing of fluorspar by BFL, following the purchase of Glebe's interest in 2012 and the commencement of acidspar production in 2013.

74. Conclusions on the relevant material considerations

75. On the basis of the facts set out in this statement, it is considered that the current owner's statement on behalf of Bleaklow that he "cannot discount" future mineral recovery does not equate to a "real and genuine intention" to work the site. If a genuine intention existed then there should have been evidence of this through the provision of some or all of the environmental and other information required in order to meet the requirements of the ROMP process.

76. The reference by the current owner to an intention to pursue other development projects not involving winning and working of minerals is (1) inconsistent with an intention to resume minerals operations and (2) is not relevant to the merits of making a prohibition order.

77. Firm proposals have not yet come forward and in any case the service of a prohibition order would not preclude the development of the land for an alternative use if the proposal was appropriate in its own right.

78. The owner has not gone through the necessary steps to pursue a scheme of modern environmental conditions, and has not engaged in the ROMP process as would reflect a genuine intention to work this site. There is no issue of there being any "reasonable excuse" for the failure to provide the relevant environmental information.

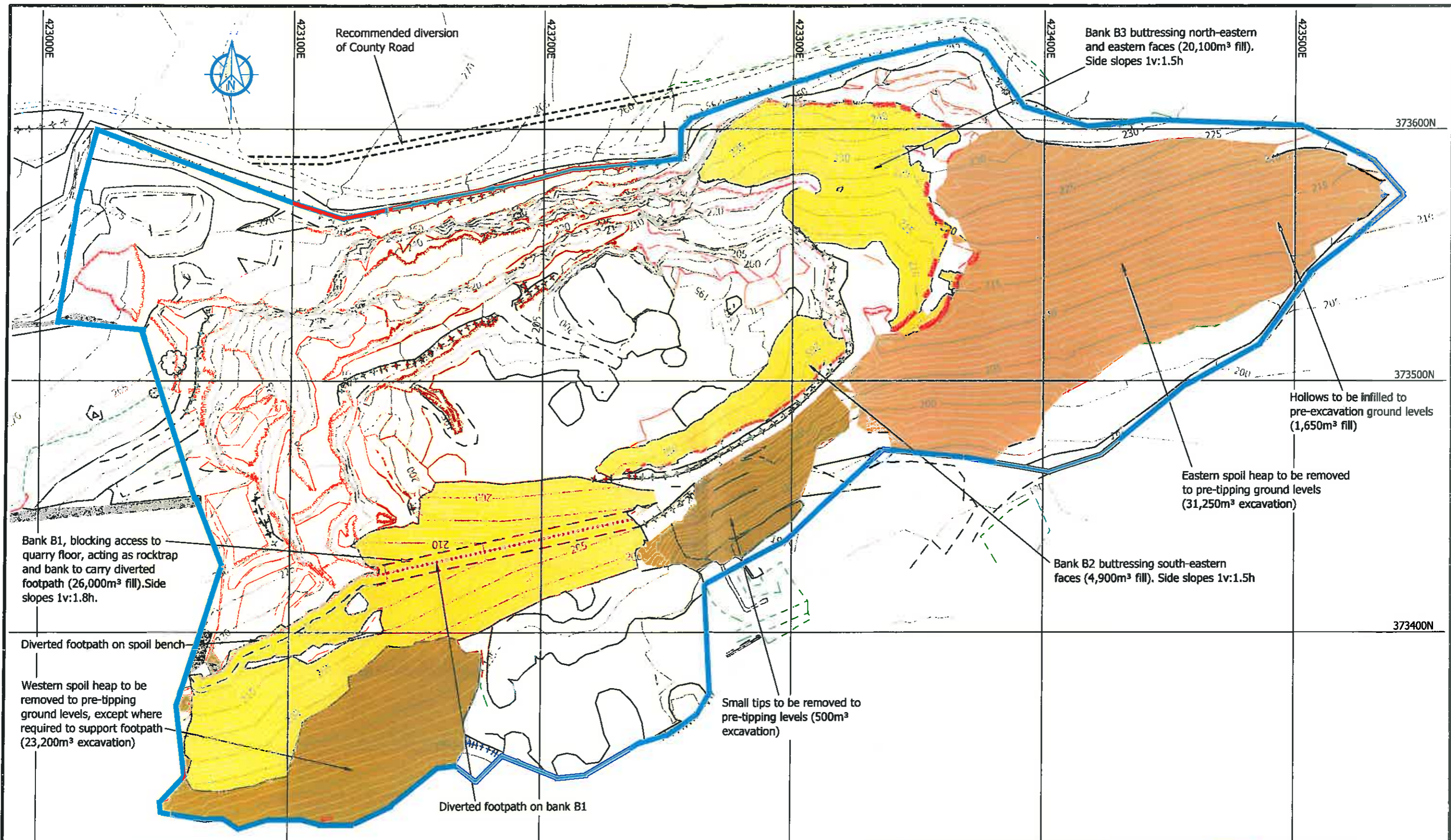
79. In addition, although BFL is successor to the mineral rights previously owned by Glebe Mines Limited, who submitted some environmental information for part of the site prior to automatic suspension, until recently it has not indicated that it would actively pursue its interests there. The Authority has previously made BFL aware that it does not consider Glebe was the ROMP applicant and that the information that Glebe did provide was insufficient.

80. The Bolland family can no longer take any part in the ROMP process. There is no proposal to extract mineral on its land.

81. Overall Conclusion

82. Taking account of the considerations both in favour and against concluding whether work has permanently ceased, the Authority concluded on balance that work has permanently ceased at Longstone Edge East and a duty to make a prohibition order arises under Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 as amended by the 1999 and 2008 EIA Regulations.

20th December 2013



LEGEND

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Plan 2

Version	Revision and compilation notes	Date
A	Draft - issued with letter	21.08.2013
B	Revised	21.08.2013

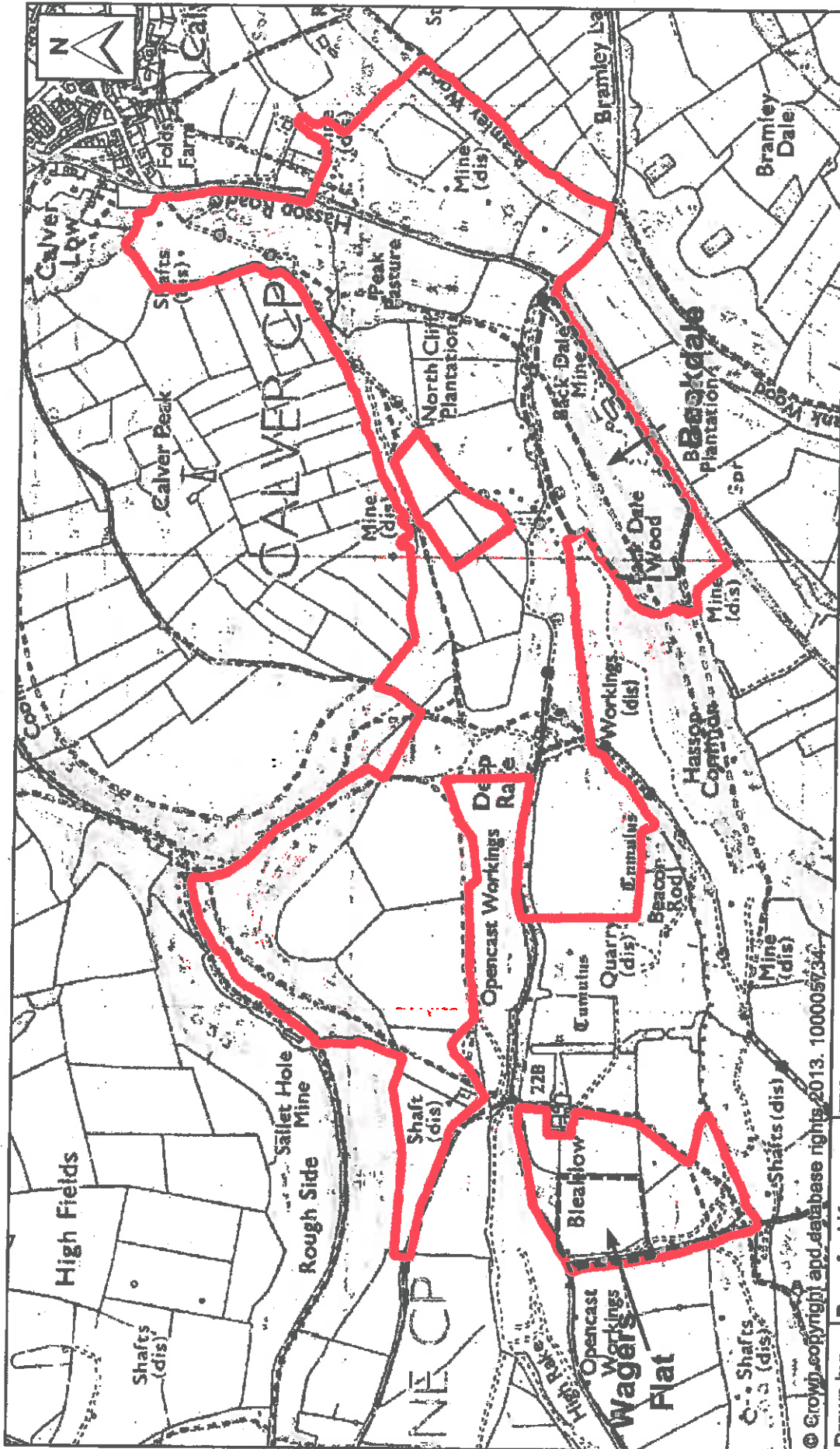
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Client
Peak District National Park Authority


Project
Backdale Quarry Restoration Plan

Backdale restoration plan

Date	Drawn	Checked	Scale
21.08.2013	AEC/EMB	JCB	1:1500 at A3
Drawing Ref	Drawing No	Version	
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<p>Drawn by: Date: Drawing No: Scale:</p>	<p>Beresford Karen 04 December 2013</p>	<p>Title: Plan A - Prohibition Order Land at Deep Rake, Hassop (Longstone Edge East) in the County of Derbyshire</p>	
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PEAK DISTRICT NATIONAL PARK AUTHORITY
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS
1999 (as amended) (the 'EIA 1999 Regulations')

**PEAK DISTRICT NATIONAL PARK AUTHORITY (DEEP RAKE, HASSOP
(LONGSTONE EDGE EAST)) PROHIBITION ORDER 2013**

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TO:

Mr AJ Bolland, Mrs PM Bolland and Mr MD Bolland all of 70 Albert Road, Grappenhall, Warrington, WA4 2PG

Mr JCB Bolland of 24 Graham Close, Billericay, Essex CM12 0QW

Bleaklow Industries Limited whose registered office is at Mansfield Road, Bramley Vale, Chesterfield, Derbyshire, S44 5GA

British Fluorspar Limited whose registered office is Cavendish Mill, Stoney Middleton, Hope Valley, Derbyshire, S32

WHEREAS:

- (1) On 24 April 1952 planning permission, reference 1898/9/69 ("the Permission") was granted for development consisting of the winning and working of fluorspar and barytes and the working of lead and any other minerals which are won in the course of working those minerals and the depositing of waste materials at Deep Rake, Hassop (Longstone Edge East) in Derbyshire. The land is shown outlined in red on Plan A attached hereto (hereinafter referred to as "the Land") and falls within the area of jurisdiction of the Peak District National Park Authority (hereinafter referred to as "the Authority").
- (2) It appears to the Authority as Mineral Planning Authority for the area in which the Land is situated that Regulation 26B of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) (hereinafter referred to as "the EIA Regulations 1999") applies in that:

- (a) Development of the land consisting of the winning and working of minerals and involving the depositing of mineral waste has occurred under the Permission;
- (b) The Permission was automatically suspended under Regulation 26A(17) and (18) of the EIA Regulations 1999 on 1 November 2010 ('the suspension date');
- (c) A period of 2 years beginning with the suspension date has expired;
- (d) The steps specified in regulation 26A(17) of the EIA Regulations 1999 have yet to be taken; and
- (e) The winning and working of minerals and the depositing of mineral waste on the Land has permanently ceased in that, on the evidence available to the Authority at the time of making this Order, it appears that the resumption of winning and working of minerals and the depositing of mineral waste to any substantial extent is unlikely.

NOW THEREFORE the Authority is required by Regulation 26B of the EIA Regulations 1999 to **PROHIBIT** the resumption of development consisting of the winning and working of minerals or the depositing of mineral waste anywhere on in or under the Land pursuant to Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 and **HEREBY** makes the following **ORDER**:

1. On (or after) the date on which this Order takes effect, the resumption of winning and working of minerals and the depositing of mineral waste on the Land as permitted by the Permission shall be prohibited.
2. (i) Within 24 months from the date on which this Order takes effect, all plant and machinery which was used for the purpose of the winning and working of minerals or the depositing of mineral waste or for any purpose ancillary to that purpose shall be removed from the Land;

(ii) Within 24 months from the date on which this Order takes effect all buildings, structures, foundations, hard-standings and roadways associated with the winning and working of minerals and the depositing of mineral waste shall be removed from the Land.
3. The scheme for restoration and aftercare of the Land set out in the Schedule attached to this Order (hereinafter referred to as "the restoration and aftercare scheme") shall be completed in accordance with the time periods specified in it.
4. This Order shall take effect on the date when a copy thereof as confirmed by the Secretary of State is served on the owner and occupier of the Land and on any person who in the opinion of the Authority is affected by it (or such later date as the Authority gives notice that such service has been effected).
5. The Authority's reasons for making this Order are set out in the attached Statement of Reasons.

6. This Order may be cited as the Peak District National Park Authority (Deep Rake, Hassop (Longstone Edge East)) Prohibition Order 2013.

SCHEDULE

Restoration and Aftercare Scheme

Wagers Flat

Restoration

1. Place the mineral shown marked with the letter A on the attached Plan numbered 1 (hereinafter referred to as "Plan 1") into the voids shown marked with the letter E on Plan 1. The mineral tipped into the voids must not exceed level of the adjacent ground level.

Time for compliance: within 9 months from the date the Order takes effect.

2. Place the overburden shown marked with the letter B on Plan 1 into the voids shown marked with the letter E on Plan 1. The overburden tipped into the voids must not exceed the level of the adjacent ground level.

Time for compliance: within 10 months from the date the Order takes effect.

3. Place the scalplings shown marked with the letter C on Plan 1 into the voids shown marked with the letter E on Plan 1. The scalplings tipped into the voids must not exceed level of the adjacent ground level.

Time for compliance: within 11 months from the date the Order takes effect.

4. Place the soils shown marked with the letter D on Plan 1 over the surface of all the area shown outlined in blue on the attached Plan 1.

Time for compliance: within 12 months from the date the Order takes effect.

5. Following the placement of soils and prior to the seeding, spot treat weeds with glyphosate on all the area shown outlined in blue on Plan 1. Seed the site during August and September with species rich haymeadow seed collected from within the White Peak, Derbyshire from land that meets the criteria specified in the National Biodiversity Action Plan Habitat as defined by Natural England's Higher Level Stewardship Farm Environment Plan Manual (3rd Edition March 2010; key 2b at page 70).

Time for compliance: within 24 months from the date the Order takes effect.

Aftercare for five years after Wagers Flat has been seeded.

6. After seeding carry out annual spot treatment of common ragwort (*Senecio jacobaea*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), broad-leaved dock (*Rumex obtusifolius*) and curled dock (*Rumex crispus*) on all the area shown outlined in blue on Plan 1 with glyphosate.

7. Two years after the seeding has been undertaken, the area shown outlined in blue on Plan 1 may be grazed. If it is not grazed it shall be mowed annually.

Backdale

8. Regrade the area shown outlined in blue on Plan 2 to the levels attached hereto, placing soils and scalping as a final surface cover.
9. Time for compliance: 12 months from the date the Order takes effect.

Aftercare for five years after Backdale has been regraded.

10. Allow the area shown outlined in blue on Plan 2 to naturally revegetate and carry out annual spot weedkilling of the following species: common ragwort (*Senecio jacobaea*), spear thistle (*Cirsium vulgare*), creeping or field thistle (*Cirsium arvense*), broad-leaved dock (*Rumex obtusifolius*) and curled dock (*Rumex crispus*).

DATED THIS 23rd day of December 2013

The Common seal of the
PEAK DISTRICT NATIONAL PARK AUTHORITY
Was hereto affixed in the presence of:

)
)
)



Authorised signatory

The Secretary of State confirmed this Order this day of

PEAK DISTRICT NATIONAL PARK AUTHORITY

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

NOTICE OF THE MAKING OF A PROHIBITION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)

(ENGLAND AND WALES) REGULATIONS 1999 (as amended)

TO:

Bleaklow Industries Limited whose registered office is at Mansfield Road, Bramley Vale, Chesterfield, Derbyshire, S44 5GA

1. The Peak District National Park Authority ("the Authority") is the Mineral Planning Authority for the area in which Deep Rake, Hassop (Longstone Edge East) in Derbyshire (hereinafter referred to as "the Land") is situated.
2. On 23 December 2013 the Authority made the Peak District National Park Authority (Deep Rake, Hassop (Longstone Edge East)) Prohibition Order 2013 ("the Order") under Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 as amended by Regulation 26B of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) prohibiting the resumption of development consisting of the winning and working of minerals and the depositing of mineral waste on the Land and imposing requirements in respect of the remediation, restoration and aftercare of the Land.
3. The Order will not take effect unless confirmed by the Secretary of State.
4. You are an owner and/or occupier of the Land and/or a person who will, in the opinion of the Authority, be affected by the Order.

The Authority hereby gives you NOTICE that:

- (i) The Authority has submitted the Order to the Secretary of State for Communities and Local Government for his confirmation.
- (ii) At any time within 28 days from the date of service of this Notice on you, you may, by notice and in writing, require the Secretary of State to give

you the opportunity to be heard by a person appointed by the Secretary of State for that purpose.

(iii) Any such notice should be addressed to:

National Planning Casework Unit
Department for Communities and Local Government
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

Email: npcu@communities.gsi.gov.uk

(iv) A copy of the Peak District National Park Authority (Deep Rake, Hassop (Longstone Edge East)) Prohibition Order 2013 ("the Order") is attached to this Notice.



A McCaskie
Head of Law

Dated 23 day of December 2013.

Tel: 01629 816200
Fax: 01629 816310
E-mail: customer.service@peakdistrict.gov.uk
Web: www.peakdistrict.gov.uk
Minicom: 01629 816319
Aldern House . Baslow Road . Bakewell . Derbyshire . DE45 1AE



The Company Secretary
Bleaklow Industries Limited
Mansfield Road
Bramley Vale
Chesterfield
Derbyshire
S44 5GA

Your ref:
Our ref: CP/Min 2382
Date: 23 December 2013

NOT SERVICED SW
THIS DATE

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sirs

Planning permission reference 1898/9/69, dated 24 April 1952.
Prohibition Order - Land at Deep Rake, Hassop, (Longstone Edge East) Derbyshire

The Authority has made a Prohibition Order. I enclose a formal notice and a copy of the Order by way of service on you.

I understand that you, together with others, own the freehold to part of the site and accordingly will be affected by the Order.

If you wish to object to the Order you should follow the procedure set out in the attached Notice.

If you wish to discuss the matter informally, please contact the Authority's Senior Minerals Officer, Jane Newman, at this address.

A similar letter has been sent to British Fluorspar Limited and to Mrs PM Bolland and Mr DM Bolland, Mr AJ Bolland and Mr JCB Bolland, being parties who own or occupy the site or are likely to be affected by the Prohibition Order.

Yours faithfully

R Cooper
Assistant Solicitor
Legal Services

