

1.0	This Statement of Common Ground is in relation to an objection to the confirmation of a prohibition order ("the Prohibition Order") under section 102(8) and Schedule 9 of the Town and Country Planning Act 1990 ("the Act") made on 23 December 2013, prohibiting the resumption of development consisting of the winning and working of minerals or the depositing of mineral waste anywhere in, on or under the land at Deep Rake, Hassop (Longstone Edge East) Derbyshire ("the Site") as shown outlined in red on Plan A attached to the Prohibition Order.
1.1	Under paragraph 4 of Schedule 9 of the Act, the order shall not take effect unless confirmed by the Secretary of State.
1.2	On 17 January 2014 representations were made to the Secretary of State by John Church Planning Consultancy Limited on behalf of Bleaklow Industries Limited (Bleaklow) (who themselves acted as agent for British Fluorspar Limited (BFL) opposing the Prohibition Order and seeking a hearing.
1.3	Notice was given by the Secretary of State for Communities and Local Government of his decision to hold a public local inquiry into the Prohibition Order.
1.4	<p>The land subject to the Prohibition Order amounts to 138 ha. The land is located on the eastern end of Longstone Edge in the Peak District National Park. The land falls into a number of different Parishes:</p> <ul style="list-style-type: none"> • Great Longstone CP • Calver CP • Hassop CP
1.5	BFL withdrew their objection to the making of the Order on 9 July 2015. In an email dated 2 May 2014 to Mr M Ellis of PINS, Bleaklow limited the scope of their objection to the ground that the requirements for restoration and aftercare go beyond what is reasonably necessary.
1.6	<p>Ownership details for Longstone Edge East are as follows:</p> <ul style="list-style-type: none"> • Bleaklow Industries Ltd (Bleaklow) owns the freehold land except a small area west of Backdale and own the mineral rights south of Bramley Lane. • Coverland UK Ltd (Coverland) purchased Bleaklow on 28 March 2012 together with assets, including the land that it owned which was subject to the 1952 permission. The name Bleaklow Industries Ltd was retained and it continues to operate as a limited company. • RMC Roadstone Ltd – Eastern (RMC) were the previous leaseholders of land owned by Bleaklow. • British Fluorspar Limited (BFL), who acquired the interests formerly held by Glebe Mines Ltd (Glebe), owns the vein mineral rights, and the limestone disturbed whilst working the vein minerals, to the north of Bramley Lane and a limited area to the

	<p>south of Bramley Lane. Glebe were subsequently acquired by Ineos Fluor (Ineos) but the company name of Glebe was retained.</p> <ul style="list-style-type: none"> • Laporte Minerals (Laportes) were predecessors of Glebe Mines in terms of their mineral and property interests. • The surface of a small area to the west of Backdale is owned by the Bolland family (the Bolland family). Bleaklow own the mineral rights in this land.
2.0	History
2.1	<p>Planning permission reference 1898/9/69 ("the 1952 permission") for Deep Rake, Hassop (Longstone Edge East) was granted in 1952, by the Minister of State of Housing and Local Government, 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 (the named minerals) and the deposit of mineral waste from that area. The permission originally covered around 155 hectares.</p>
2.2	<p>The permission area was reduced in 2002 by the revocation of part of the 1952 permission and other old mineral permissions included within the Longstone Edge Review of Old Mineral Permission (ROMP) area, as part of a consolidating permission. The unrevoked part of the 1952 permission area, now referred to as Longstone Edge East, amounts to 138ha, and is subject to the stalled ROMP.</p>
2.3	<p>A ROMP application for determination of conditions under Schedule 13 of the Environment Act 1995 (the ROMP application) - which included the review of the old mineral permission originally granted in 1952 - was submitted in March 1997. RMC was the applicant. The application included a submission for working which was made jointly with Laportes. The scheme broadly showed (within the prohibition order area) opencast working at Backdale, and Peak Pasture for limestone, and opencast working along vein structures at Wagers Flat, Beacon Rod, Unwin Vein and Red Rake and underground working at Deep Rake during the first 15 years. The applicant proposed to submit areas of working details in the periodic review.</p>
2.4	<p>No Environmental Statement was provided with the ROMP application. The Court of Appeal subsequently 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.</p>
2.5	<p>The Authority determined the ROMP application without an Environmental Statement in order to avoid a deemed approval of the submitted scheme. The determination included a curtailment of the extent of working at Peak Pasture based on the Authority's interpretation (at that time) of what mineral working the 1952 permission allowed. Bleaklow (as a freehold owner but not the ROMP applicant) challenged this determination through judicial review proceedings in the High Court. Bleaklow's challenge was successful, the Authority's determination was quashed and the matter remitted back to the Authority to be re-determined.</p>
2.6	<p>RMC, the named ROMP applicant, did not provide any environmental information and ceased working at the site in 1998. Some environmental information was submitted on behalf of Bleaklow in July 2000, but the Authority declined to accept it as a formal</p>

	<p>submission because Bleaklow was not the ROMP applicant. The Authority could not re-determine the application until the information was received from the applicant. The ROMP application became a stalled ROMP application.</p>
2.7	<p>On 2 July 2003 the Authority received notice from RMC stating:</p> <p>“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”.</p>
2.8	<p>A new mineral operator started winning and working of limestone from Backdale in July 2003 and later carried out winning and working of limestone from 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 winning and working of limestone and therefore that the operations were unlawful. The Authority first took 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 (In particular Bleaklow Industries Ltd v Secretary of State for Communities and Local Government & Peak District National Park Authority, and Secretary of State for Communities [2008] EWHC 606 (admin) and Local Government & Peak District National Park Authority v Bleaklow Industries Ltd [2009] EWCA Civ 206).</p>
2.9	<p>In August 2008 the EIA Regulations were revised with the purpose of ensuring that ROMP applications which were stalled due to lack of environmental information could be determined. The Authority sent a notice to Bleaklow, 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.</p>
2.10	<p>The Authority set 31 October 2010 as the 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 is entitled to pursue the application.</p>
2.11	<p>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.</p>
2.12	<p>The period of automatic suspension could only have been lifted once the Authority received all the environmental and other information it considered to be sufficient to enable the ROMP submission to be determined.</p>
2.13	<p>Coverland UK Ltd (Coverland) purchased Bleaklow on 28 March 2012 together with assets, including the land that it owned which was subject to the 1952 permission. The name Bleaklow Industries Ltd was retained and it continues to operate as a limited company.</p>

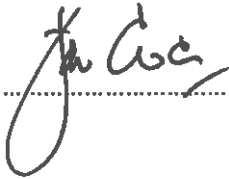
	Correspondence was sent to Bleaklow's representative on the 20 February 2012 reminding the company that the mineral permission was in automatic suspension and that, if the required information was not submitted by 31 October 2012, the Authority had a duty under the Regulations to consider making a prohibition order. No formal alternative proposals had been received and no information had been submitted to enable the Authority to make a screening opinion.
2.14	<p>Bleaklow's representative wrote to the Authority in letters dated 5 September 2012 and 11 June 2013. The first letter set out that the owner was considering a number of potential options. In relation to mineral working it stated:</p> <p>'...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.'</p>
3.0	Certificate of Lawful Use
3.1	On 30 January 2014 a Certificate of Lawful Use for an area of land at Backdale was issued to Bleaklow by the Authority; this land is shown in cross hatching on the plan accompanying the certificate and the lawful use is described as the manufacture of matured slaked lime putty and pre mixed mortars from imported raw materials, and use of the land for ancillary offices, and is subject to the limitations and stipulations set out in the certificate.
4.0	Footpath
4.1	Footpath 10 previously ran across the middle of Backdale on a line which has been subject to quarrying. Bleaklow made a formal footpath diversion application and the Footpath Diversion Order has been made. The Authority confirmed the Footpath Diversion Order on 24 November 2015 and it will come into effect 28 days from the date when the Authority certifies that the Works required to be undertaken have been completed to its satisfaction. The footpath will be diverted to a route parallel with the road at the front of Backdale.
5.0	Fossil Interest
5.1	In June 2015 the Authority became aware of palaeontological interest discovered on the Backdale part of the site and entered into a series of email correspondence with Professor Jennifer A. Clack ScD FRS Professor and Curator of Vertebrate Palaeontology at the University Museum of Zoology, Cambridge University.
5.2	<p>Professor Clack advised the Authority that they had recovered from the site rare skeletal material of fossil Carboniferous early shark relatives (chondrichthyans). She later advised that:</p> <p><i>'Very few skeletons of Carboniferous chondrichthyans have been recovered from the UK. In general, chondrichthyans do not calcify their skeletons robustly and so the preservation potential of their skeletal element is low and fossil finds are rare. Those that do exist from the Carboniferous are all found in Scotland. Therefore these are the first semi--articulated Carboniferous chondrichthyans found in England.'</i></p>

5.3	In a meeting on site on 13 October 2015 to discuss potential amendments to restoration that Bleaklow were considering proposing in relation to the Prohibition Order, the Authority's officers informed Bleaklow's representatives that some fossil interest had been discovered on the site, and advised Bleaklow that further information was being sought about the interest and the specific location of that interest.
5.4	In a further meeting on 4 November 2015 Bleaklow was advised that the interest was significant and provided with copies of the correspondence with Professor Clack and others. Bleaklow were advised that the interest might affect the restoration that could be carried out on the site (and an unrelated proposal for an industrial building on the site) and that further information was being sought from Natural England.
5.5	The Authority informed Natural England of the interest as they are the government's adviser for the natural environment in England. Natural England has started the process of adding the site to the Geological Conservation Review List, which is the first step towards legislative protection.
5.6	<p>Further information was sought from Natural England and they advised</p> <p><i>'Although the locations where the fossil shark material was recovered are known in a general way, their precise location is uncertain. Changes in the topography of the quarry and development of vegetation make it difficult for the discoverers of this material to identify the exact locations from which it came.</i></p> <p><i>Even if the exact locations were known, the volume of tipped material in these areas inhibits any investigation to determine these locations, as well as any further investigation of the interest features, or collection of material from the relevant stratigraphical horizons.</i></p> <p><i>If there is to be any chance of facilitating further research on, and collection of additional material from these horizons, the most practical way forward would be to remove the tipped material from the two areas concerned so that the final surfaces prior to the tipping can be re-exposed.</i></p> <p><i>In order to maximise the likelihood of recovering any further shark-bearing material while the tipped material is being removed, as well as to relocate the in situ interest features, a geological/paleontological watching brief would be most appropriate (see 7 below).</i></p> <p><i>The nature of the interest is such that it should be considered as an addition to the Geological Conservation Review (GCR) series of sites, and as such, would be considered of national importance if added to the review.</i></p> <p><i>I will be preparing and processing the paperwork in order to propose this site as an addition to the review series over the next few weeks and would hope that it may be (subject to consultation) ratified as a GCR site early in the new year.'</i></p>
6.0	Wagers Flat
6.1	Bleaklow have carried out restoration works which are not in accordance with the scheme proposed in the Schedule in the Order or Plan 1 in the Order. The levels are shown on a

	plan submitted on behalf of Bleaklow by its agent.
6.2	The Authority has considered these works carefully and while maintaining that the works set out in the Prohibition Order are both reasonable and proportionate, is willing to agree to these works in substitution of to those specified in the schedule in the Order.
6.3	In agreeing the principle of these alternative works an email was sent to the agent on 2 April 2014 setting out seeding which would be acceptable to the Authority. However, the site was not seeded in accordance with the email.
6.4	Further alternative seeding requirements were agreed with the objector in August 2015, and the site was seeded both with locally collected seed, and a commercial mix of seed, with the agreement of the Authority. Confirmation is required that 16 4m ² patches of locally collected seed have been established.
6.5	We therefore ask the Secretary of State to substitute plan 1 in the Order with plan JCP/MSE/3411-1 produced by John Church Planning Consultancy Ltd for the Objector, showing the alternative levels on the site.
6.6	<p>It is agreed that the schedule in the order be substituted for the following schedule:</p> <p><u>Restoration</u></p> <p>1. Retain the land at the levels shown coloured beige on plan JCP/MSE/3411-1.</p> <p>Time for Compliance: 1 day from the date of the notice</p> <p>2. Retain seeding of the land coloured beige on plan JCP/MSE/3411-1 with:</p> <p>(i) 16 patches measuring 4m² seeded with locally sourced haymeadow seed to include at least 3 of the following:</p> <p>Ox-eye daisy, <i>Leucanthemum vulgare</i></p> <p>Meadow vetchling, (<i>Lathyrus pratensis</i>)</p> <p>Common knapweed, (<i>Centaurea nigra</i>)</p> <p>Rough hawkbit, (<i>Leontodon hispidus</i>)</p> <p>Hay rattle, (<i>Rhinanthus minor</i>)</p> <p>Common catsear, (<i>Hypochaeris radicata</i>)</p> <p>Autumn hawkbit (<i>Scorzoneroides autumnalis</i>)</p> <p>(ii) 50% of the remainder of the land seeded with:</p> <p>Meadow Fescue (<i>Festuca pratensis</i>) - 60%.</p>

	<p>Common Timothy (<i>Phleum pratense</i>)- 15%</p> <p>Slender Creeping Red Fescue (<i>Festuca rubra</i>)- 15%</p> <p>Cocksfoot (<i>Dactylis glomerata</i>)- 5%</p> <p>White Clover- 5%<i>Trifolium repens</i></p> <p>(iii) 50% of the land coloured beige on plan JCP/MSE/3411-1 with locally collected grass seed and general purpose meadow grass seed comprising:</p> <table data-bbox="443 568 1134 801"> <tr> <td><u>Common Bent</u>(<i>Agrostis capillaris</i>)</td> <td>10%</td> </tr> <tr> <td><u>Crested Dogtail</u> (<i>Cynosurus cristatus</i>)</td> <td>50%</td> </tr> <tr> <td><u>Slender-creeping Red-fescue</u> (<i>Festuca rubra</i>)</td> <td>35%</td> </tr> <tr> <td><u>Smaller Cat's-tail</u> (<i>Phleum bertolonii</i>)</td> <td>5%</td> </tr> </table> <p>Time for Compliance: 1 day from the date of the notice</p> <p><u>Aftercare for five years after the site has been seeded.</u></p> <p>3. After seeding the land coloured beige on plan JCP/MSE/3411-1, carry out annual spot treatment in June with glyphosate of:</p> <p>common ragwort (<i>Senecio jacobaea</i>), spear thistle (<i>Cirsium vulgare</i>), creeping or field thistle (<i>Cirsium arvense</i>), broad-leaved dock (<i>Rumex obtusifolius</i>) and curled dock (<i>Rumex crispus</i>).</p> <p>4. On the land coloured beige on plan JCP/MSE/3411-1, no grazing or mowing shall take place in May, June or July. If the land is not grazed from August November it shall be mowed annually in both August and October.</p>	<u>Common Bent</u> (<i>Agrostis capillaris</i>)	10%	<u>Crested Dogtail</u> (<i>Cynosurus cristatus</i>)	50%	<u>Slender-creeping Red-fescue</u> (<i>Festuca rubra</i>)	35%	<u>Smaller Cat's-tail</u> (<i>Phleum bertolonii</i>)	5%
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7.0	Backdale								
7.1	Bleaklow Ltd and its representatives have had a number of meetings with the Authority about the restoration requirements at Backdale.								
7.2	The Authority maintains that the restoration requirements set out in the Order are both reasonable and proportionate. Notwithstanding this, the Authority set out what amendments would be considered acceptable to the Authority (at that time), in the event that the Secretary of State finds that the restoration requirements in the Order are not reasonable or proportionate.								
7.3	Bleaklow provided an alternative restoration plan for Backdale to the Authority on 23 November 2015, though this was incomplete as it did not have spot heights, although it did have contours.								
7.4	The Authority has taken advice from Natural England about what works would be necessary to avoid harm to the paleontological interest and their advice has been received. The advice								

	was copied to Bleaklow on 7 December 2015.
8.0	Areas of Disagreement
8.1	The details of what constitutes reasonable and appropriate restoration for the Backdale Quarry area.



.....Signed **JOAN CHURCH**.....Print

on behalf on the Objector



.....Signed **J.R. SCOTT**.....Print

14/12/2015

Director of Conservation and Planning

On behalf of the Peak District National Park Authority