

Town & Country Planning Act 1990

Section 102 (a) and Schedule 9

Town & Country Planning (Environmental Impact) (England & Wales)

Regulations 1999

Peak District National Park Authority (Deep Rake, Hassop (Longstone Edge East)), Prohibition Order 2013

PINS Reference: NPCU/PROH/M9496/73265

PROOF OF EVIDENCE OF JOHN CHURCH MSc, Dip. TP., FRTPi

1. I am John Church, Managing Director of John Church Planning Consultancy Ltd. I have a Master of Science Degree in Planning & Public Policy and a Diploma in Town & Country Planning. I am a Fellow of the Royal Town Planning Institute. I began my career in town and country planning with the (then) Peak Park Planning Board in 1962 before moving to Derbyshire County Council as a Senior Planning Officer in 1969, becoming a Principal Planning Officer in 1971.
2. With the impending reorganisation of Local Government in 1974, I was appointed Group Leader (Development Control) with the Amber Valley Borough Council in January of that year, being promoted to the post of Director of Planning and Development in March 1978. During 1987/88 I was afforded the honour of being President of the District Planning Officers' Society. I have also served on the Council of the Royal Town Planning Institute. I left the Amber Valley Borough Council in June 1994 to establish my Consultancy.
3. I am a native of Derbyshire, in and around which I have worked throughout my professional career. I have for many years lived within the Peak National Park and this has afforded me both a professional and personal appreciation of its valued characteristics.

4. I am instructed by Bleaklow Industries Ltd who are the owners of a substantial proportion of the area to which the Prohibition Order relates. Whilst the objections to the Prohibition Order, submitted on 17 January 2014, were deposited jointly on behalf of Bleaklow Industries Ltd (BIL) and British Fluorspar Ltd (BFL), this Proof of Evidence, in view of the withdrawal of the BFL objection, relates solely to the interests of Bleaklow Industries Ltd.
5. Bleaklow Industries Ltd was acquired by its present owner on 28th March 2012. Whilst it owns both the surface and the mineral extraction rights within a significant part of its ownership, BFL owns the minerals within the area known as Peak Pasture, lying to the north of Bramley Lane. BIL was not, in January 2014, in possession of detailed evidence with regard to the quantity and quality of minerals remaining to be worked economically within that area. The objection to the prohibition of future mineral extraction was, therefore, submitted in advance of the impending research by BFL into the potential workability of minerals from Peak Pasture. BIL confined its remaining objections to the Prohibition Order to two areas, namely the land known as Wagers Flat and at Backdale Quarry, respectively, in respect of which the Prohibition Order had set out specific land restoration requirements.
6. A resume of objections to the Prohibition Order in respect of these particular areas was submitted with the objection and these were again referred to in the Company's response to the Peak National Park Authority's Statement of Case. Since that time, following the completion of exploratory drilling at Peak Pasture, BFL has determined that there were insufficient workable mineral reserves at Peak Pasture and its objections to the Order were withdrawn. On 3 September 2015, I informed the Planning Inspectorate that BIL's objection to the prohibition of mineral working was also withdrawn.
7. Accordingly, BIL's objections are now confined to the specifics of the restoration requirements which are confined to two areas, respectively the land at Wagers Flat at the western and at Backdale Quarry, Hassop at the eastern extremes of the land to which the Prohibition Order relates.

8. Under its present ownership, I have been involved on behalf of BIL in protracted discussions with the National Park Authority with a view to a mutually agreed position being established with regard to the restoration requirements of the Order. BIL has consistently stressed that it is not a mineral operator and that it does not wish to pursue mineral extraction within the area to which this Prohibition Order relates. As part of a local group of companies, BIL takes its custody of land within the Peak District National Park seriously and it has invested very heavily in meaningful environmental improvements within the area to which the Order relates. It is party, for example, to a Countryside Stewardship Scheme over a significant part of the site and it is committed to proactive land management with a view to enhancing the valued characteristics of the area comprising its ownership within this part of the National Park.

Wagers Flat

9. Allegedly unauthorised mineral extraction at Wagers Flat, a previously open area of predominantly agricultural land, had taken place a considerable period of time prior to the acquisition of BIL by its current owner in 2012. Indeed, I note that the National Park Authority's Statement of Case, at paragraph 26, advises that mineral extraction at Wagers Flat had ceased as long ago as 2007.
10. It is not my intention to refer to the long planning history with regard to mineral workings at Longstone Edge East. Suffice it to say that I accept, on behalf of BIL, that the mineral extraction at Wagers Flat resulted in a significantly adverse impact on the landscape at Longstone Edge, primarily arising from the widespread prominence of the spoil mounds associated with these operations, which could be clearly seen from several miles away.
11. Prior to the service of the Prohibition Order, BIL had advised the National Park Authority that, under its new ownership, there was a commitment to restore this area by backfilling of the void and that it would work very closely with the National Park Authority to secure mutually agreed objectives. BIL made it clear, in the course of these discussions, however, that there was, in its opinion,

insufficient backfill material available to restore Wagers Flat to its pre-existing contours.

12. The drawings accompanying the Prohibition Order, made on 23 December 2013, contain specific requirements as to the restoration of Wagers Flat. Paragraph 2.9 of the Statement of Objection made reference to the developing situation, arising from BIL's decision, prior to the service of the Order, to commence restoration works. These works were, as anticipated, completed by early February 2014, with the exception of the seeding of the adjacent grassland to the north, east and west of the void. The attached plan (drawing: JCP/MSE/3411-1 dated April 2014), attached as Appendix A, shows the newly created topography, with the void back-filled with materials drawn from the stockpile. The drawing also shows a graded access into the remaining area of the void and its perimeter fencing.
13. Subsequently, a number of site meetings were held with the Authority's Officers, as a result of which it was agreed that a specific methodology and programming of the re-seeding for the recreated pastureland would be implemented. The proposals have been implemented with the intention that the newly enlarged pasture should be lightly grazed initially to encourage a species-rich grassland, the development of which is being monitored by Weddle Landscape Design annually, each September, for an initial five years' period.
14. The first monitoring stage has been completed and, where necessary, a number of "panels" of grassland have been re-seeded to an appropriate lay forming part of a specification provided by the National Park Authority. It is understood, as a consequence, that the Authority approves of the revised restoration methodology and the resulting topography and that it will provide confirmation to that effect in writing before the Public Inquiry. The objectors proposals are, therefore, seen as a viable, agreed alternative to the requirements contained on drawing: PPWFSV0711 (Version C) that formed part of the Prohibition Order.

Backdale Quarry

15. Since BIL's submission of his objections to the restoration requirements in respect of Backdale Quarry there have been three significant developments:
 1. The issue of a Certificate of Lawful Existing Use or Development under the provisions of Section 191 of the Town & Country Planning Act 1990 in respect of the former mineral processing plant at the quarry for the purposes of the manufacture of slaked lime products. Appendix B forms the Authority's decision notice dated 30 January 2014.
 2. On 17 March 2015, an outline planning application, with all matters except vehicular access reserved, was submitted on behalf of BIL Ltd proposing the redevelopment for employment purposes of the plant at Backdale Quarry. The Authority's application code: NP/DDD/0315/0239 refers. The indicative layout (see drawing number CL.206312 105E, attached as my Appendix C) provided for a new building of approximately 3600 square metres, the north-eastern part of which would occupy the site of the plant's existing building and then extend in a south-westerly direction across a generally level plateau of open land between the Quarry's spoil heaps and Hassop Road. I make further reference to considerations in respect of this undetermined application, below with particular reference to the location of a fossil of a shark, discovered, and subsequently removed by the University of Cambridge, within an area adjacent to Bramley Lane. Clearly, this discovery has important palaeontology implications for the requirements of the Order.
 3. The Prohibition Order's Restoration Proposals, set out on GWP consultant's drawing: PPBKRES1308 version B show, within an area edged blue, the former route of a public footpath (Parish of Hassop FP10) along a new spoil buttress, leading to Bramley Lane, a public highway which leads from Hassop Road (B6001), through the area of the Prohibition Order towards Deep Rake from where it runs to the north of Bleaklow Farm along the boundary with High Rake. Following close cooperation between BIL and the National Park Authority, the Authority, on 24 November 2015 confirmed the Footpath No10 (Part) Parish of Hassop Diversion Order 2015, the implications of which to the restoration

requirements of the Prohibition Order I set out below. A copy of the Diversion Order is attached as my Appendix D.

16. Paragraphs 2.5 – 2.8 of BIL’s representations summarised its objections to the National Park Authority’s requirements in respect of Backdale Quarry. Clearly, there are now a number of emerging matters that I believe reinforce BIL’s objection. Mr Higgins will deal in his evidence with the objections that the requirements of the Prohibition Order exceed what is necessary to secure an effective scheme of restoration, including the massing and design of the proposed continuous spoil mound, along which the re-instated FP10 would have run. BIL remains of the opinion that the design of this spoil mound was driven more by the (then) desire to see the public footpath re-instated on, or close to, its original route than the practical provision of providing an effective screen along the forefront of the existing quarry in the interests of the enhancement of the landscape of the area.
17. It also remains BIL’s case that the Authority was unjustified in doing so because a less intrusive, but at least equally effective, alternative exists. It is reinforced in that view now that the permanent diversion of FP10 has been agreed following a different but mutually accepted route on land lying wholly within BIL’s ownership. Subject to there being no legal challenge to the Diversion Order, it is anticipated that, weather and associated matters permitting, works on creating the new line of the footpath will be underway before the commencement of the Public Inquiry.
18. Accordingly, I consider that BIL is justified in submitting for consideration to the Public Inquiry a revised scheme for the restoration of Backdale Quarry which differs from the requirements of the Prohibition Order in that it:
 1. has regard to the amended provisions in respect of FP10 and
 2. recognises the potential for an employment development at Backdale Quarry in replacement of the existing plant, whilst providing additional floor space for the appropriate relocation of local companies who are seeking a sustainable location at which to expand and recognises the need to ensure that

palaeontology interests are not prejudiced. The BIL scheme is not considered to impact on the rock horizons that are understood to have contained the fossil referred to above. However, the latest comments from Natural England were not forwarded to BIL until 7 December 2015, leaving no opportunity for them to be given adequate analysis. It should, however, be borne in mind that the shark fossil remains have been known about from 2005, leaving the University of Cambridge, Natural England and the National Park Authority with ample opportunity to assess and register their importance. That opportunity has now been afforded to the sites current or previous owner.

19. Appendix E comprises a series of drawings prepared, respectively, by Weddle Landscape Design and James Associates showing BIL's proposals. These are as follows:

Prepared by Weddle Landscape Design:

- Landscape Masterplan BDQ 04D
- Landscape Restoration Phase 1 BDQ 05D
- Landscape Restoration Phase 2 BDQ 06

Prepared by James Associates:

- Proposed Restoration Design-Phase 1 JA 175 001 005.1
- Proposed Restoration Cross Sections JA175 001 006.2

20. A series of meetings have been convened between BIL and the National Park Authority in the context of both the outline planning application for the employment development at Backdale Quarry and the implications of the Prohibition Order. BIL has stressed, and reiterated, that it believes its revised restoration proposals are practical and that they should not be seen to be prejudicial to the National Park Authority's wish to secure a beneficial restoration of the Quarry or its determination of the planning application. In simple terms, its revised suggested restoration proposals are considered capable of effective implementation, with or without a grant of planning permission in respect of the current planning application.

21. Mr Higgins will set out details of the manner in which final contours achieve this effective solution, including utilising fully the available materials on-site. The BIL proposals avoid the need to lose established trees and they can be implemented without impact on the marine bands at the Quarry that might contain further fossils of significant importance. He will also set out relevant quantities of materials to be employed to create the finished profiles shown on BIL's suggested restoration plans.

22. The Authority has stressed, in the course of several meetings, that it wishes to ensure that newly re-contoured slopes be the subject of natural re-vegetation. Whilst, originally, BIL had tabled detailed proposals for the landscaping of the south-facing slopes of the frontage screen mound, this intention has been discontinued in favour of the approach preferred by the National Park Authority, as can be seen by the plans prepared by Weddle Landscape Design. The above drawings therefore reflect the intentions for both re-grading and future landscaping with only existing tree groups that can be retained without prejudice to other intentions shown to be retained.

23. On behalf of BIL, I therefore consider that an effective alternative restoration strategy is being promoted. It is against this background that I ask that the Prohibition Order be modified to the extent that it reflects the National Park Authority's agreement on the satisfactory nature of the operations that have been executed at Wagers Flat and in accordance with BIL's suggested amended proposals in respect of Backdale Quarry.

LIST OF APPENDICES

1. Appendix A - Land at Wagers Flat as restored: drawing JC/MSE/3411-1
2. Appendix B - Certificate of Lawful Use or Development, Backdale Quarry – decision notice.
3. Appendix C - Backdale Quarry – Layout of Proposed Employment Development
4. Appendix D - Peak District National Park Authority Footpath Number 10 (part) Parish of Hassop Public Path Diversion Order 2015
5. Appendix E - Backdale Industries Ltd's Restoration Proposals – drawings as listed in paragraph 19 of the Proof of Evidence

John Church

7 December 2015