



Department for
Communities and
Local Government

PEAK DISTRICT NATIONAL PARK AUTHORITY	
ALLOCATED: GROUP OFFICER	LEG
DATE REQ'D	13 AUG 2015
ACKNOWLEDGEMENT: REPLY: FILE ALLOCATION: COPIED TO:	

835

Peak District National Park Authority
Democratic Services
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

Please ask for: Mr M.Ellis
Tel: 0303 44 48079
Email: mick.ellis@communities.gsi.gov.uk

Your ref:

Our ref: NPCU/PROH/M9496/73265

For the attention of Joanna Bunting

Date: 12th August 2015

Dear Madam,

Town and Country Planning Act 1990 Section 102(8) and Schedule 9 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
Prohibition Order – Land at Deep Rake, Hassop, (Longstone Edge East) Derbyshire

Further to previous correspondence, and the Planning Inspectorate's letter of 27 July 2015, you will be aware that a public inquiry has now been arranged in respect of the above order for 19 January 2016.

As a matter of completeness, and for the avoidance of doubt, I am now enclosing copies of all representations received in respect of the order. I appreciate that you may already have received some of these representations and previously commented on them, however if you have any further comments to make I would be grateful if you could forward them to this office by 2 September 2015.

Any further comments you wish to make will be copied to all parties that have made representations.

Yours faithfully

M. Ellis

Mr M.Ellis
Planning Casework Officer

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

Tel: 0303 44 48050
npcu@communities.gsi.gov.uk

British Fluorspar Limited

Town and Country Planning Act 1990

Environmental Impact Assessment (England and Wales) Regulations 1999 as amended

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

PINS reference NPCU/PROH/M9496/73265

Comments on Peak District National Park Authority Statement of Case

Comments on Peak District National Park Authority Statement of Case

1. Introduction

1.1 These comments on the Peak District National Park Authority (PDNPA) Statement of Case have been prepared on behalf of British Fluorspar Limited (BFL). These comments concern only the land in which BFL has an interest and do not make reference to the Bleaklow Industries Limited land.

1.2 These comments have been divided into two parts for reasons of clarity. These are the planning history of the BFL land and the quantity of ore assumed to be present.

2. Planning History

2.1 Paragraph 10 of the PDNPA statement of case refers to a consolidating application in 2001. It is assumed that the application referred to is a consolidation and exchange application submitted by Glebe Mines Limited on the 14th November 2000. This application is PDNPA reference DDD1100473 and was determined on the 25th March 2004.

2.2 Paragraphs 18 and 19 of the PDNPA statement of case detail the attempt made by Glebe to progress the Review of Old Minerals Permission (ROMP) application. In response to the 2010 PDNPA request for information to inform an updated screening opinion Glebe provided phased working/restoration plans for their interest in the site, a geological assessment and a consideration of potential environmental impacts. The information supplied by Glebe was insufficient for EIA purposes. The information requested was to inform an up to date screening opinion for the ROMP application. The PDNPA correspondence in 2010 indicated that further information on access arrangements and ancillary development be provided. The PDNPA also required that the Glebe ROMP submission also include the area of Wagers Flat, which is outside of the Glebe/BFL land. The correspondence covering the Glebe attempt to progress the ROMP application covers the period from the 29th October 2010 to the 6th January 2011. Information was supplied by Glebe to the PDNPA on the 29th October and 9th December 2010.

2.3 Paragraph 72 of the PDNPA statement of case refers to the Tearsall section 106 agreement in the context of intention to work the BFL land. The PDNPA state that the section 106 agreement was to allow time for the ROMP to be concluded or pursue a permanent solution threat of working in the area of the 1952 consent. The letter from Glebe to the PDNPA of the 19th December 2008 sets out the approach to the area in question clearly. This letter is published on the PDNPA website as part of the Tearsall planning application and is appended to this response.

3. The Quantity of Ore

3.1 The PDNPA statement of case makes reference to evidence submitted on behalf of Bleaklow by Kevin Walton, a geotechnical engineer and geologist. This evidence concerned, amongst other things, an inference of ore in the Peak Pasture area based upon trial trenching undertaken by Laportes. Kevin Walton was not acting on behalf of Laportes and was interpreting information on ore reserves on behalf of Bleaklow alone.

3.2 In light of the differing opinion of ore reserve, BFL are currently undertaking an assessment informed by trial trenches and boreholes. The assessment covers Strawberry Rake, Brandy Bottle



Registered Office: Cornwall Ltd.
 Fluorspar Ltd., Hope Valley, Derbyshire
 S32 4TJ - United Kingdom
 Tel: +44 (0)1433 620842
 Fax: +44 (0)1433 620826
 Email: info@britishfluorspar.com
 www.britishfluorspar.com

John Scott
 Director of Planning
 Peak District National Park Authority
 By Email

9th July 2015

Old Mineral Permission at Deep Rake, Hassop (Longstone Edge East)

Dear John,

Following our recent meeting with Sarah Fowler, I now write to confirm that British Fluorspar Ltd removes it's remaining objection to the Prohibition Order served by the Authority in December 2013 which prevents further mineral extraction from Longstone Edge East.

The reason for this decision is that recent exploratory work concluded that there was insufficient evidence of an economically viable fluorspar resource within the area covered by the Prohibition Order.

I trust that makes the Company's position clear but if you require any further information please do not hesitate to contact me.

Your sincerely

Gary Goodyear
 General Manager
 British Fluorspar Ltd
 Email: g.goodyear@britishfluorspar.com

CC: Sarah Fowler, CEO PDNPA
 Peter Robinson, Chairman BFL

From: John Church <mail@johnchurchplanning.co.uk>
Sent: 02 May 2014 14:17
To: Mick Ellis
Subject: Town & Country Planning Act 1990, Section 102 (a) and Schedule 9. Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. Prohibition Order - Land at Deep Rake, Hassop (Longstone Edge East) Derbyshire. H110B

H110B

Mr Ellis:

I refer to your letter dated 24 April 2014 advising of the intention of the Secretary of State to hold a public local inquiry with regard to the above Prohibition Order and to the timetable for submissions set out in your letter.

This E-Mail comprises a brief response on behalf of Bleaklow Industries Ltd to the Statement of Case submitted by the Peak District National Park Authority enclosed with your E-Mail sent on 9 April 2014. British Fluorspar Ltd will be submitting a separate reply direct with regard to its interests.

No reason is seen to dispute the background facts and associated considerations set out in paragraphs 1 – 21 of the Statement of Case. Insofar as paragraphs 24 – 28 relate to Bleaklow Industries Ltd land, there are no comments. However, insofar as paragraph 35 is concerned, clarification is considered necessary. The Statement of Case makes reference to the Authority's "impression gained by Officers (was) that Bleaklow was not interested in further mineral extraction at the Site". For the avoidance of doubt, Bleaklow Industries Ltd's position is that it is not a mineral operator. Coverland UK Ltd is one of an associated group of Companies (see paragraph 36) and the correspondence to which reference is made did not discount "the potential for some mineral recovery". Insofar as British Fluorspar Ltd makes a detailed case in that respect, Bleaklow Industries Ltd, as surface owner of the Peak Pasture land, supports its representations. No further comments are made in respect of paragraphs 29 – 61, accordingly.

Paragraphs 62 – 64 comprises a brief resume of what is stated to be the up-to-date situation, particularly as to Backdale Quarry. Bleaklow Industries Ltd confirms that it is likely that application will be made comprising a scheme both as to the future restoration and after use of Backdale Quarry in the near future. Reference is made below to considerations in respect of the separate area at Wagers Flat. Otherwise, no comments are submitted in respect of paragraphs 65 – 85. The Inspector will appreciate that, since July 2010 (paragraph 86 refers), ownership of Bleaklow Industries Ltd has changed hands and that, pursuant to the new ownership, endeavours were made to cooperate with the Peak National Park Authority on matters of mutual concern with regard to its land and future intentions for development. This is evidenced from the copy correspondence provided by the Authority and the details set out in paragraphs 88 – 92.

This now leads to brief comments on the ensuing paragraphs. These relate specifically to the requirements for the restoration and aftercare of two distinctly separate areas and to the requirements contained in the Prohibition Order which Bleaklow Industries Ltd considers to be neither "appropriate" nor "proportionate".

As a first consideration, the Company has, during late 2013/early 2014, restored land at Wagers Flat in a manner that is considered environmentally sensitive. Evidence will be submitted to the

effect that these operations, insofar as they are at variance with the inappropriate requirements of the Prohibition Order, are nevertheless a highly satisfactory solution to the problems at Wagers Flat and that they are such that modifications to the Prohibition Order are both appropriate and necessary.

Insofar as requirements for Backdale Quarry are concerned, the objections to the Prohibition Order are to the effect that the restoration scheme ignores the Company's commitment to a diversion of the public footpath that previously crossed the site that has been informally agreed with the Authority and the Derbyshire County Council, as Local Highway Authority, and where publication of a Diversion Order is imminent. The Statement of Case makes no reference to this ongoing situation and detailed submissions in that respect will be made at the public local inquiry. Having regard to the implications of the grant of a Certificate of Lawful Existing Use and Development, to which brief reference is made in the Statement of Case, and in respect of the implications relating to continuing employment development of the site and the associated requirements in respect of restoration, the requirements of the Prohibition Order are neither appropriate or proportionate. This justifies further modification.

In summary, the case on behalf of Bleaklow Industries Ltd is that the Peak National Park Authority, having been presented with options and proposals for the restoration of areas at Backdale Quarry and Wagers Flat, had alternatives to a Prohibition Order with a view to securing practical and sustainable restoration of those areas. The Authority made it clear to the objector during various meetings that the principal objective in terms of the Longstone Edge area was to "secure restoration of Wagers Flat and Backdale Quarry areas". Regrettably, the restoration schemes that form part of the Prohibition Order failed to take account of subsequently changing circumstances of which the Authority, in making the Order, was aware. These relate particularly to the restoration works carried out at the Wagers Flat site, the continuing opportunities for mineral processing operations at Backdale Quarry and the likelihood of applications being submitted for future developments at Backdale Quarry, associated with reclamation works.

With regards

John Church
2 May 2014

John Church Planning Consultancy Limited
Victoria Buildings
117 High Street
Clay Cross
Chesterfield
Derbyshire
S45 9DZ
Tel: 01246 861174
Fax: 01246 861097
E-mail: mail@johnchurchplanning.co.uk

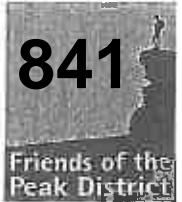
This e-mail and files or other data transmitted with it are confidential and intended solely for the use of the individual to whom it is addressed. If you are not the intended recipient, disclosure, dissemination, forwarding, printing or copying is strictly prohibited and you must not take any action in reliance upon it. Please notify the sender immediately and delete the message. Thank you.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.



South Yorkshire
Campaign to Protect Rural England



31 March 2014

7 APR 2014

37 Stafford Road
Sheffield S2 2SF

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

Tel: 0114 279 2655
mail@friendsofthepeak.org.uk
mail@cpresouthyorks.org.uk

Dear Mr Ellis,

TCPA 1990, s.102(8) and s.9 TCP(EIA)(E&W) Regs 1999; Prohibition Order -
Land at Deep Rake, Hassop (Longstone Edge East), Derbys.

I refer to your letter of 24 February 2014 to the Peak District National Park Authority giving notice of a public local inquiry into the above order and the matters for consideration.

We are writing in support of the above order and would ask you to register our interest in the case and that we intend to make representations as a third party (as Friends of the Peak District), following the general practice of rules for planning public inquiries. We have had a longstanding interest in this case and were Rule 6 participants in the previous enforcement appeals. However we are unlikely to press for this status in relation to the forthcoming inquiry.

You have set out a proposed schedule of actions for the MPA and Interested Parties (presumably the objectors?) based on the relevant date of 24 February. Please could you also advise us of submission deadlines for any evidence that we would wish to submit? We would be happy to be bound by the proposed date of 5 May if we were to receive the MPA's statement of case by 14 April.

We would also be pleased to be notified of the proposed date and duration of the inquiry once this is agreed.

Yours sincerely

Dr Andy Tickle
Director

Cc: Reg Cooper, John Scott, Jane Newman (PDNPA)
Jonathan Harris, Save Longstone Edge Group

President: Julia Bradbury

CPRE South Yorkshire and Friends of the Peak District are run by the Campaign to Protect Rural England, Peak District and South Yorkshire

for the countryside, for communities, for the future

www.friendsofthepeak.org.uk · www.cpresouthyorks.org.uk

Registered Charity No. 1094975 Registered Company No. 4496754

842

TOWN AND COUNTRY PLANNING ACT 1990

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 1999

**PROHIBITION ORDER - LAND AT DEEP RAKE HASSOP
(LONGSTONE EDGE EAST), DERBYSHIRE**

NPRCU/PROH/M9496/73265

INITIAL REPRESENTATION

Andrew Tickle, BSc PhD

Director

FRIENDS OF THE PEAK DISTRICT

May 2014

Introduction

1. This representation is made on behalf of Friends of the Peak District (FPD), the national park society for the Peak District National Park (PDNP), which is also a registered charity (no.1094975). FPD represents the views of the Campaign to Protect Rural England in the wider Peak District (PDNP, High Peak and the northern parishes of NE Derbyshire). It has over a thousand members, drawn from local communities, nearby conurbations and further afield. It therefore represents the views of many local people and visitors who have an active concern in protecting amenity and landscape in the Peak District.
2. The organisation has had a long term involvement in this particular old mineral permission (OMP) and in OMPs in National Parks more widely. FPD were the lead authors in the ground-breaking study '*Old Mineral Permissions in National Parks*' published in June 2004. This study, funded by the Countryside Agency through the Aggregates Levy Sustainability Fund, brought the issue of 'stalled' ROMPs to national prominence and catalysed the introduction of the 2008 Regulations under which this Prohibition Order has been made.
3. In relation to this old mineral permission itself, we have been one of the main third parties to take an active interest in the case, notably in the clarification and enforcement of what is now the allowed scope of extraction. We were 'Rule 6' participants in the 2007 public inquiry (along with the Save Longstone Edge Group, SLEG) and had input into the subsequent Court cases. Although the site ceased working in 2009, we continue to monitor the site and the progress of the ROMP.
4. At their Board meeting on 11 March 2014 the Trustees of the organisation authorised Andrew Tickle, Director of FPD, to make representations and appear at any inquiry to be held.
5. This is an initial holding/skeleton representation, requested by DCLG NPCU by 5 May, comprising comments (A) on the PDNPA's Statement of Case by one of the interested parties. We also comment briefly (B) on the initial representations on behalf of Bleaklow Industries Ltd (BIL) and British Fluorspar Ltd (BFL), before outlining the public interest case (C) for upholding the order. We anticipate that we will submit a further response following receipt of other interested parties' comments and/or proofs of evidence.

(A) The case put forward by the PDNPA

6. We fully support the Statement of Case made by the PDNPA on 7 April 2014. FPD also strongly supported the decision, taken by the Authority's Planning Committee on 15 November 2013, to serve a prohibition order, based on their conclusion that work had permanently ceased, as defined in statute. We wish to add the following initial comments.
7. The NPA, in paras 33-35 of their statement of case, states they gained the impression that neither BFL nor BIL were interested in mineral extraction at the site. Because of our longstanding interest in Longstone Edge, FPD (together with SLEG) requested and met jointly with both BFL and BIL (on 28 June 2012 and 10 July 2012 respectively) to discuss their plans for the site. Both parties made clear that they did not anticipate working the permission in the future.
8. The NPA case provides detailed evidence on the quality and quantity of mineral, albeit recognising that the information base is poor. We concur with their conclusions. In the 2007 public inquiry we were the main party disputing evidence of mineral reserves submitted by Kevin Walton on behalf of BIL. We would also look to make representations on this topic again should disputable evidence be raised by the objectors (BIL and BFL).
9. BFL have recently started an exploratory trenching and drilling programme (under planning application NP/GDO/0314/0241) in the area covered by the 1952 permission (1898/9/69). Assuming that this is (at least in part) aimed at supporting their objection to this order, and further data is submitted to the inquiry in support of their intention to work, we will argue that this is, in essence, 'too little, too late'.
10. We concur with the PDNPA's conclusions on genuine intention to work the site, either by BIL and BFL. Like them, we draw a strong distinction between various statements, sometimes contradictory, made by either BIL or BFL about the future use of the site versus the progression of the required ROMP paperwork, particularly following the 2008 Regulations coming into force. We deal below with our expectation of what the 2008 Regulations mean in terms of the Government's intention to penalise non-compliance with EIA requirements for stalled ROMPs.
11. We will not comment substantively on the restoration requirements made in the Order. We are aware that restoration work has been undertaken by BIL in recent months and that is the subject of discussion between BIL and the PDNPA. However we take an interest in the impact

of such works on the network of public rights of way on Longstone Edge and we may wish to make our views known of the acceptability of any permanent changes to them.

(B) Initial objection by BIL and BFL

12. These are initial comments by FPD. We would expect to make a further response once we see the objectors' statement of case/proofs of evidence. At para. 2.2. of their joint objection (letter dated 17 January 2014), it is stated that '*it was inappropriate for the Mineral Planning Authority to pursue prohibition in the absence of a firm, mutually agreed intention not to pursue the extraction of minerals [...]*'. We do not recognise the notion of any requirement for mutual agreement stemming from either the requirements for making prohibition orders, either under Sch.9 of the TCPA 1990, or the 2008 Regulations. This claim, presumably made on behalf of BIL, is therefore irrelevant. It is the case that prohibition orders may sometimes be served (and voluntarily not objected to) as part of mutually agreed planning agreements. In all other situations, mutual agreement is not a statutory requirement.
13. The second strand of their objection (para. 2.3) relates to the s.106 agreement in respect of the Tearsall permission and this being evidence of BFL's intention to work the site. This is also explored in more detail in BFL's separate letter (13 January 2014) of objection, appended to the joint BIL/BFL representation of 17 January. We concur with the PDNPA that, for the purposes of the legislation (and especially that of the 2008 Regulations); this does not amount to a genuine intention to work the site.
14. We dispute the suggestion made by BFL that efforts to produce an Environmental Statement in such circumstances would be abortive and unnecessary. It is clear from the 2008 Regulations that if the required outstanding ES information is not provided for a prolonged period, the operator risks a prohibition order being served. We would also observe that the process of gathering data for an ES, its satisfactory submission and the time taken thereafter to finalise modern working conditions and then approve any ROMP application can often take upwards of two years. Although the length of time taken to complete this process may be regarded in some quarters as unsatisfactory, such delays are well known in the minerals industry and should be factored into the thinking of a diligent operator. Therefore if BFL were genuinely intending to work the site in the future, they would have ensured that the relevant and required information was supplied.

(C)Public interest arguments

15. As was stated earlier, FPD (working together with the Campaign for National Parks, CNP) played a key role in analysing the problem of stalled ROMPs in the report '*Old Mineral Permission and National Parks*' (FPD/CNP, 2004). Expert legal advice, commissioned for the report, showed that suspension of pre-2000 stalled sites would be lawful pursuant to the aims of the EIA Directive and could be applied without the need for further legislation. Nonetheless, we recommended the Government should legislate to put the matter beyond doubt.
16. In the wake of the FPD/CNP report being published, the Government announced its intention to amend legislation (September 2004) and in December 2006 issued a consultation paper to that effect, including the proposed sanction of prohibition orders being made after two years' suspension.
17. In the consultation response summary (published in June 2007) there was strong support (71% agree, 10% disagree) for further legislation and an overall majority (54% agree, 17% disagree) for requiring MPAs to make prohibition orders after two years suspension. The total number of respondents was 52, drawn fairly equally from MPAs, industry trade associations and operators and other organisations (Government departments, non-department public bodies plus environmental and professional bodies). It can readily demonstrated that the proposals received widespread support including a small majority of industry organisations and trade associations in favour of the requirement for MPAs to make prohibition orders.
18. After some further delay, the amending Regulations came into force on 22 July 2008. Regulation 4 made clear the duty of an MPA to make a prohibition order after two years' suspension. This was a welcome step in progressing stalled ROMP sites in the Peak District, of which there c.8 sites extant in 2008, some of which were of concern to local communities and FPD due to the inability of the PDNPA to impose modern working conditions. The local communities most impacted by stalled sites, particularly in the locale of Longstone Edge East and near Stanton Moor, together with FPD, had very clear expectations that

should operators not meet the requirements of the legislation, then the PDNPA would be under a duty to make and serve an order.

19. This is clearly evidenced in correspondence (late 2012/early 2013) between the Authority and various community groups (including parish councils) who had been pressing for the making of prohibition orders once the qualifying period of two years had been met. As the PDNPA sought to resolve procedural/legal issues with the Government, the group of interested organisations, including the Save Longstone Edge Group (SLEG) was widened to include FPD, the National Trust and the British Mountaineering Council (BMC), who had all taken and continue to take an active interest in the future of the Backdale/Longstone Edge East site.
20. We have noted the outcome of the correspondence between the PDNPA and the Government (Treasury Solicitor's final letter, 25 March 2013) where it was agreed that *'it must appear to a MPA that winning, working or depositing have permanently ceased before it is under a duty to make a prohibition order'*. An important rider was then added by the Treasury Solicitor: *'However, in our view there are unlikely to be many cases in which, after two years' suspension an MPA would be acting rationally in not finding or assuming that working had permanently ceased'*. Although we understood the arguments put forward by Counsel employed by the PDNPA, we share the original view and intention of Government that (paraphrasing para.5.9 of the December 2006 consultation paper) suspension and prohibition orders were the only available remedy to prevent protracted impacts on local communities.
21. The consultation paper went on to make the Government's intentions crystal clear: *'The powers to make suspension and prohibition orders are currently permissive and have not been widely used by MPAs. However, the Secretary of State believes that incorporating them into sanctions would respectively encourage and oblige MPAs to utilise these powers when they may be otherwise reluctant to do so despite clear benefits'* (excerpted from para.5.9, p.17).
22. Paragraph 5.10 goes on to address the issue regarding the degree of certainty required to meet the tests regarding permanent cessation. The 2008 Regulations therefore allowed *'a presumption to be made that the tests had been met where suspension has continued for 2 years and the operator has failed to produce the outstanding screening or environmental information without good reason'*. As para.5.11 then states: *'...enabling the relevant tests to be satisfied more easily may*

provide additional incentives in some cases for operators to comply with the requirement to supply the outstanding information'.

23. As an organisation representing the public interest in the protection of amenity and landscape in the Peak District, FPD are left in no doubt of, and are completely supportive of, the Government's firm intention to sanction operators who were unwilling to comply with the requirements to progress stalled ROMPs and its expectation that MPAs would use these powers for clear environmental and public benefit, including the removal of planning blight for local communities.

Dr Andrew Tickle

1 May 2014

Mick Ellis

From: Jonathan Harris <jowenharris@gmail.com>
Sent: 11 June 2014 10:21
To: Mick Ellis
Cc: andy@friendsofthepeak.org.uk; John Lambert; Tynan, Jenny; Dave Moseley
Subject: Save Longstone Edge Group re Mineral call in NPCU/PROH/M9496
Attachments: SLEG Response NPCU PROH M9496 20140611.pdf

Dear Mr. Ellis,

Please see attached the response of 'Save Longstone Edge Group (SLEG)' to the the submissions made by Bleaklow Industries/Coverland and British Fluospar Ltd.

As noted in the response, I would be grateful if you will ensure that I am included in any future correspondence regarding this matter.

I note that Jenny Tynan has written to Andy Tickle to say that the inquiry is likely to be put back to the end of the year. SLEG is content that this should happen.

However, we are concerned that one of the reasons stated for the delay is that the results of the current exploratory drilling will be available by then. I would particularly draw your attention to the second-last bullet of our response. It is our position that the wording of the regulations renders this work irrelevant to the decision that the Inspector has to make, and that its introduction as evidence to the inquiry would be inappropriate and open to legal challenge.

Kind regards,

Jonathan Harris
Chairman, Save Longstone Edge Group

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

9, Cornmill Close,
Calver
Hope Valley
Derbyshire S32 3XZ

Tel: 01433 631648
email: jowenharris@gmail.com

11th June 2014

Mr Mick Ellis,
DCLG,
London
(Via e-mail)

Dear Mr Ellis,

Re: Planning Inquiry, Deep Rake, Hassop, (Longstone Edge East)
PINS Ref NPCU/PROH/M9496

I am the acting Chair of the 'Save Longstone Edge Group'.

I am writing with regard to the appeal lodged by 'British Fluospar Limited' and Bleaklow Industries/Coverland' against the prohibition order made by the Peak District National Park Authority (PDNPA) regarding Deep Rake, Hassop.

Unfortunately, I seem to have been missed off the circulation list for correspondence on this matter. I would be grateful if you will ensure that, in future, I am sent any information relating to this appeal/inquiry, as SLEG will wish to attend and, if appropriate, make representations at the hearing.

'Friends of the Peak District' has sent me a copy of the submissions made by the two organisations mentioned above. I understand that there is a deadline of the 15th June for a response to those submissions. I set out overleaf the response from SLEG.

Please let me know the date and venue of the appeal hearing and any requirements for us to make formal input into the inquiry. I should mention that our preference would be for the hearing to be held in Calver if at all possible.

I look forward to hearing from you,

Yours sincerely,

Jonathan Harris

Jonathan Harris
Chairman, Save Longstone Edge Group.

Save Longstone Edge Group (SLEG)

SLEG Response To The Appeal By Bleaklow/Coverland and British Fluospar Ltd Against The PDNPA Prohibition Order, Deep Rake, Hassop, Derbyshire.

Background

SLEG fully supports the decision taken by PDNPA to issue the prohibition order. We believe that, on the information available to the Authority at its November 2013 meeting. It was:

- bound to conclude that the resumption of 'winning and working of minerals' at the site was 'unlikely' and
- therefore under a legal duty make the prohibition order that it did.

SLEG provided oral argument to the Authority on this and we will wish to re-iterate and expand our views at the inquiry hearing.

Brief Response To The Coverland and British Fluospar Submissions

- We do not agree with BFL's assertions (their section 2) regarding the planning history. Our understanding is that previous owners of the mineral rights north of Bramley Lane sought to avoid a ROMP that might interfere with their rights under the 1952 permission. BFL would (or should) have been aware of the history when they bought the rights. In any event, if they did have an intention to resume mineral extraction, they would have been fully aware of their obligations under the ROMP regulations, obligations they chose not to fulfil.
- We do not consider that BFL's current investigation into the 'Quantity of Ore' in the prohibition area (their section 3) is in any way relevant to their appeal. The regulations clearly state that the order should be made if:

"it appears to the mineral planning authority, on the evidence available to them at the time when they make the order, that resumption of the winning and working or the depositing [for which permission is not suspended] to any substantial extent at the site is unlikely" (my underlining/italics).

Clearly, the actions of BFL since the prohibition order was issued were not, and are not, relevant to the 'evidence available ... at the time' when the order was made". It is therefore our view that the fact that BFL are undertaking this work, and/or any results that they may obtain from it, should be excluded from the inquiry as irrelevant. That would not, of course, preclude BFL from using the information gathered to make a further planning application to extract minerals from the site, but under modern conditions.

- As regards the Bleaklow/Coverland evidence, we are grateful for the restoration work that the company has undertaken recently, though we would have welcomed consultation on what has been done. We consider that most, but not all, of it is "environmentally sensitive." We do not agree with the assertion that "the Authority.....had alternatives to a Prohibition Order with a view to securing.....restoration." On the contrary, and as noted above, we believe that the Authority had a duty to make the Prohibition Order. If changes to the restoration conditions are appropriate they should be made, but these should not invalidate the Order as a whole.

From: John Lambert <john.s.lambert@me.com>
Sent: 01 May 2014 15:48
To: Mick Ellis
Subject: Re: Prohibition Order: land at Deep Rake, Hassop, Derbys

Thank you.
This is to let you know that the Save Longstone Edge Group supports the statement of case made by the Peak District National Park Authority.
Best wishes
John Lambert

On 29 Apr 2014, at 12:24, Mick Ellis wrote:

> Dear Mr Lambert,
>
> Thank you for your e.mail earlier today, the contents of which have been noted.
>
> I would be grateful if you could let me have any comments that you may wish to make on the statement of case by
> 5th May 2014
>
> Yours sincerely
>
>
> Mr M.Ellis
> Planning Casework Officer
> National Planning Casework Unit
>

> -----Original Message-----
> From: John Lambert [<mailto:john.s.lambert@me.com>]
> Sent: 29 April 2014 10:27
> To: Mick Ellis
> Subject: Prohibition Order: land at Deep Rake, Hassop, Derbys
>

> Dear Mick Ellis
> I am writing on behalf of the Save Longstone Edge Group to register our interest in this matter.
> I have the Planning Authority's statement of case, but I would be grateful if you would ensure that subsequent
> papers are sent to me. We will want to comment and to make representations to the Inspector, as we have done to
> previous Inquiries.
> Best wishes
> John Lambert
> Committee Member
> Save Longstone Edge Group (SLEG)
>

> This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership
> with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT
> Helpdesk.

> Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.
>

> *****
> Correspondents should note that all communications to Department for Communities and Local Government may
> be automatically logged, monitored and/or recorded for lawful purposes.
> *****
>

> *****
> This email and any files transmitted with it are private and intended solely for the use of the individual or entity to
> which they are addressed. If you are not the intended recipient the E-mail and any files have been transmitted to you
> in error and any copying, distribution or other use of the information contained in them is strictly prohibited.
>

British Mountaineering Council

177-179 Burton Road, Manchester, M20 2BB

t: 0161 445 6111

f: 0161 445 4500

e: office@thebmc.co.uk

w: www.thebmc.co.uk

please address correspondence to:

The Bungalow, Grindlow,
Great Hucklow, Buxton,
Derbyshire SK17 8RJhenry.folkard@bmcvolunteers.org.uk

1 May 2014

Mr M Ellis
National Planning Casework Unit
Department for Communities and Local Government
5, St Phillip's Place
Colmore Row
Birmingham B3 2PW

Your ref: NPCU/PROH/M9496/73265

*Dear Mr Ellis***Prohibition Order – Land at Deep Rake, Hassop (Longstone Edge East)
Derbyshire**

I understand that a Public Inquiry is scheduled to commence at 10.00am on 15 July at Aldern House, Bakewell concerning the above Prohibition Order.

I am writing to inform you that, whilst the British Mountaineering Council will not be making formal representation as a Rule 6 party and submitting any Statement of Case, we will, as an interested party, be seeking to make a short statement, at the Inspector's convenience, during this Inquiry.

*Yours sincerely
Henry Folkard*H L F Folkard
Volunteer Co-ordinator
BMC Peak Area

Longstone Edge Peak

working for climbers, hill walkers & mountaineers

Mick Ellis
National Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

By email to: Mick.Ellis@communities.gsi.gov.uk

18 June 2014

Dear Mick

**NPCU/PROH/M9496/73265: Prohibition Order – Land at Deep Rake
Hassop (Longstone Edge East), Derbyshire**

The Campaign for National Parks is the charity that campaigns to protect and promote National Parks in England and Wales as beautiful and inspirational places enjoyed and valued by all. It has been in existence for over 75 years.

We represent the interests of the 12 National Park Societies in England and Wales and work closely with them to ensure that National Park purposes are promoted and observed.

National Parks are the finest landscapes which have been granted the highest level of protection. The statutory purposes of National Parks are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks.
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Parks.

The Campaign for National Parks has had a long standing involvement in the old mineral permission (OMP) for the site at Longstone Edge East and in OMPs in National Parks more widely. In 2004, we produced a report jointly with Friends of the Peak District entitled 'Old Mineral Permissions and National Parks' which was the catalyst for the introduction of the 2008 Regulations under which the prohibition order for this site has been made.

We fully support the Initial Representation submitted by Friends of the Peak District in May 2014. We agree with the Peak District National Park Authority's (PDNPA's) conclusions about the applicants' genuine intention to work the site and believe that PDNPA is fully justified in concluding that work has permanently ceased at the site.

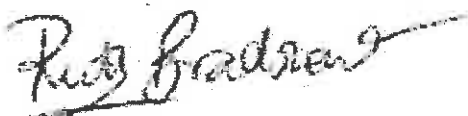
It is clear that there is strong public support locally for this prohibition order with a range of local and national organisations taking an active interest in the future of this site including local parish councils, the Friends of the Peak District, Save Longstone Edge (SLEG), the National Trust and the British Mountaineering Council.

In addition, there is widespread support more generally for requiring Mineral Planning Authorities (MPAs) to make prohibition orders after two years suspension. When the government consulted on this issue in 2007, 54% of all respondents agreed with this proposal and only 17% disagreed. The consultation document also stressed the clear benefits of encouraging MPAs to use these new powers.

The Campaign for National Parks requests that the Secretary of State confirms this prohibition order. The 2008 Regulations were introduced with the intention of addressing the legacy of problematic OMPs in National Parks and it is essential that the Regulations are properly enforced. Failure to do so will not only be very damaging for the Peak District but for every other National Park where there are OMPs.

Thank you for allowing us to submit our representation after the initial deadline for comments had passed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ruth Bradshaw', with a long horizontal flourish extending to the right.

Ruth Bradshaw
Policy and Research Manager
Tel: 020 7981 0896
Email: ruthb@cnp.org.uk