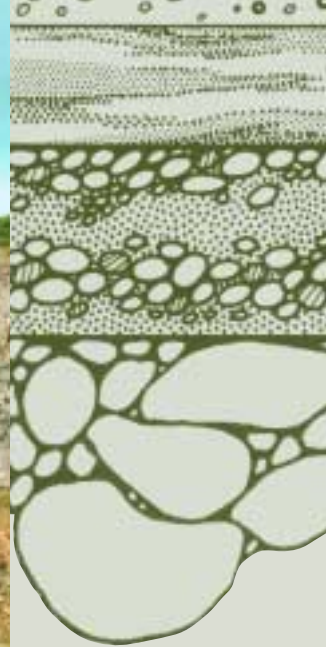


Ticking timebombs?



The threat of old
mineral permissions
in National Parks

THE COUNTRYSIDE AGENCY AGGREGATES LEVY SUSTAINABILITY FUND GRANTS PROGRAMME

The Aggregates Levy, which came into effect from April 1st 2002, is a tax of £1.60 per tonne on certain aggregates. It will raise approximately £350 million every year. A proportion of the money raised by the levy goes to make up the Aggregates Levy Sustainability Fund (ALSF), part of which is intended to fund projects which address the impact of past, present and future aggregates extraction.

In 2002 The Countryside Agency was asked to manage an ALSF funded grant programme, initially for 2 years. Our scheme has focused on addressing the impacts of extraction on landscapes and communities in England and within this context we are pleased to have been able to support the Council for National Parks and Friends of the Peak District project 'Aggregates Extraction: Addressing the Legacy for National Parks' (grant no. 26436).



THE COUNCIL FOR NATIONAL PARKS

The Council for National Parks (CNP) is the national charity which works to protect and enhance the National Parks of England and Wales and areas that merit National Park status and promote understanding and quiet enjoyment of them for the benefit of all. CNP is an umbrella of 47 environmental and amenity groups and aims to give the voluntary sector a shared vision and voice on all National Park issues.

CNP works to further its objectives through a range of activities including lobbying decision-makers at Westminster, Whitehall and in Wales; undertaking and publishing research; commenting on changes to planning guidance; monitoring planning applications and reacting when appropriate; providing information and educational materials; discussing environmental improvements with companies; promoting good practice relating to National Park issues.

Reg. charity no.295336
Company no.2045556



FRIENDS OF THE PEAK DISTRICT

Friends of the Peak District (FPD) is the registered national park society for the Peak District. It is represented by the Peak District and South Yorkshire Branch of the Campaign to Protect Rural England (CPRE). Originally begun as the Sheffield Association for the Protection of Local Scenery in 1924, it soon became affiliated to the Council for the Preservation of Rural England which was founded shortly afterwards.

The Branch has played a seminal role in protecting key areas of the Peak District and surrounding areas and was instrumental in lobbying for the Peak District to become the first National Park in 1951. The issue of minerals extraction in National Parks has long been a concern and an area of expertise within the organisation.

Reg. charity no.1094975
Company no.4496754



National Parks and the impact of geology

National Parks are the jewels in the crown of England's fine landscapes. They have been designated to cover substantial tracts of countryside and managed to protect their beauty and to promote their opportunities for public enjoyment. National Parks are living landscapes where economic activity, dominated by tourism, agriculture and forestry, sustains the special qualities they offer.

The emphasis in National Parks is on conservation and quiet, unobtrusive enjoyment, but there are many threats and challenges to the character of each individual Park. One of the most significant is mineral working: the geology which

made Parks beautiful has in many areas also made them rich in the minerals which society needs. Easily the most extensively worked mineral in the Parks is rock for construction aggregates. There are also various small quarries producing natural stone or slate distinctive to an area which help to sustain local vernacular building traditions. Minerals are also worked for a variety of industrial end uses. Examples are china clay found on the fringe of Dartmoor, vein minerals (mainly fluorspar, but also barytes, calcite and lead) largely confined to the Peak District and high purity limestone used for its chemical properties (mainly in the Peak District and Lake District).



The challenge of quarries new and old

The incompatibility of most mineral working with National Parks purposes has been recognised from the outset, and in some places Park boundaries were carefully drawn to exclude pre-existing quarries. There are tight controls nowadays on the principle and practice of new or extended quarries in National Parks, with proposals needing to demonstrate a special case for being in such sensitive locations based primarily on the lack of alternative means of meeting a proven national need. Nevertheless there is a special problem with established quarries, addressed in this report.

China clay workings, Lee Moor, Dartmoor. In July 1947 the Report of the National Parks Committee (the Hobhouse Report) commented: *"The china clay workings on the south-western edge of the Moor, with their great conical spoil heaps, form a fantastic feature in the landscape. Those that are worked out may respond to planting.... Active workings will present a more serious problem in landscape treatment"* (p96).

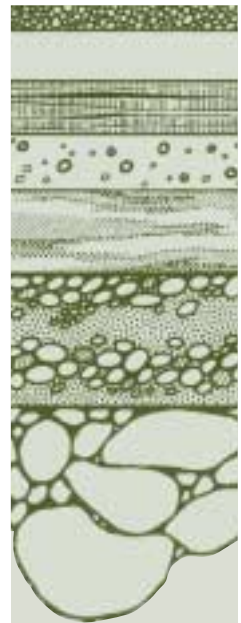
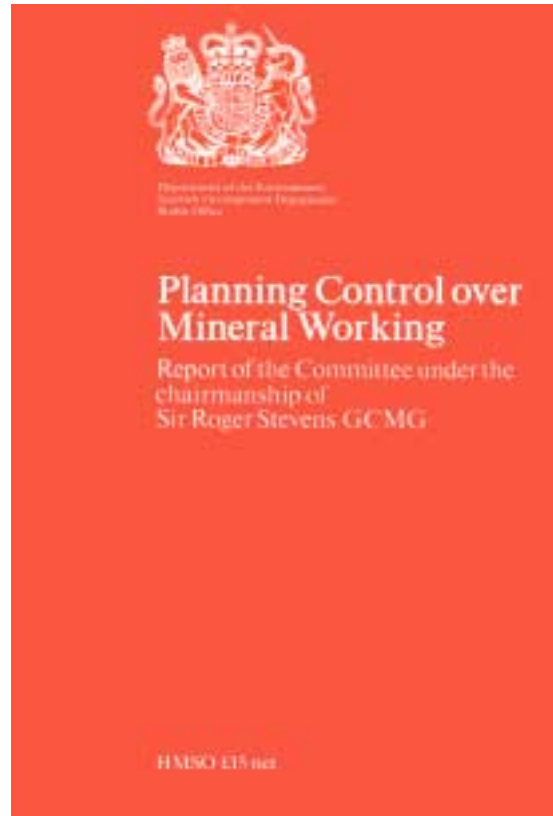


Photo: CIP

Quarries are temporary in that eventually all the mineral in a site with planning permission will be worked out or the permission expires. However, some of the permissions originally granted before or soon after National Parks were designated have such large areas or are so rich in minerals to great depths that they have lasted many decades and in some cases still have more to run. In the period since permission was granted, the technology for excavating and processing minerals has been transformed, often from men with primitive mechanisation to gigantic equipment, allowing landscapes to be altered quickly on a remarkable scale. At the same time, concerns for the protection of these special areas has increased, as their distinctive qualities become more prized in a progressively more developed world.

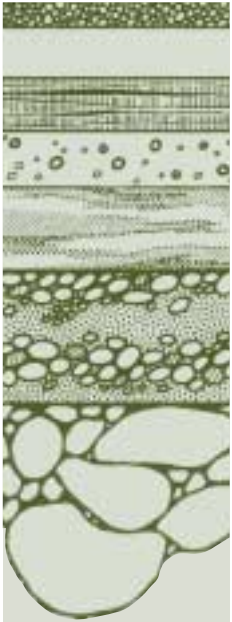
Updating controls on old quarries

Permissions granted in the early years of planning control had few, if any, constraints on their operation. By modern standards these controls were wholly inadequate. Legislation has been passed on three occasions to allow the conditions controlling these old quarries to be modernised by Mineral Planning Authorities (MPAs). The Town and Country Planning (Minerals) Act in 1981 aimed to allow old permissions to be updated, but there is a wide consensus that little was achieved by this legislation, mainly due to the risk of MPAs having to pay possibly large amounts of compensation to achieve effective regulation. Powers to register pre-1948 quarries which existed lawfully by virtue of Interim Development Orders (IDOs) and to update conditions on them were introduced in the Planning and Compensation Act 1991. Then in the Environment Act 1995 broadly similar powers were introduced to register and update permissions granted between 1948 and 1982*. This report outlines the experiences of using the 1991 and 1995 Acts in the National Parks, where each National Park Authority (NPA) is the Mineral Planning Authority.

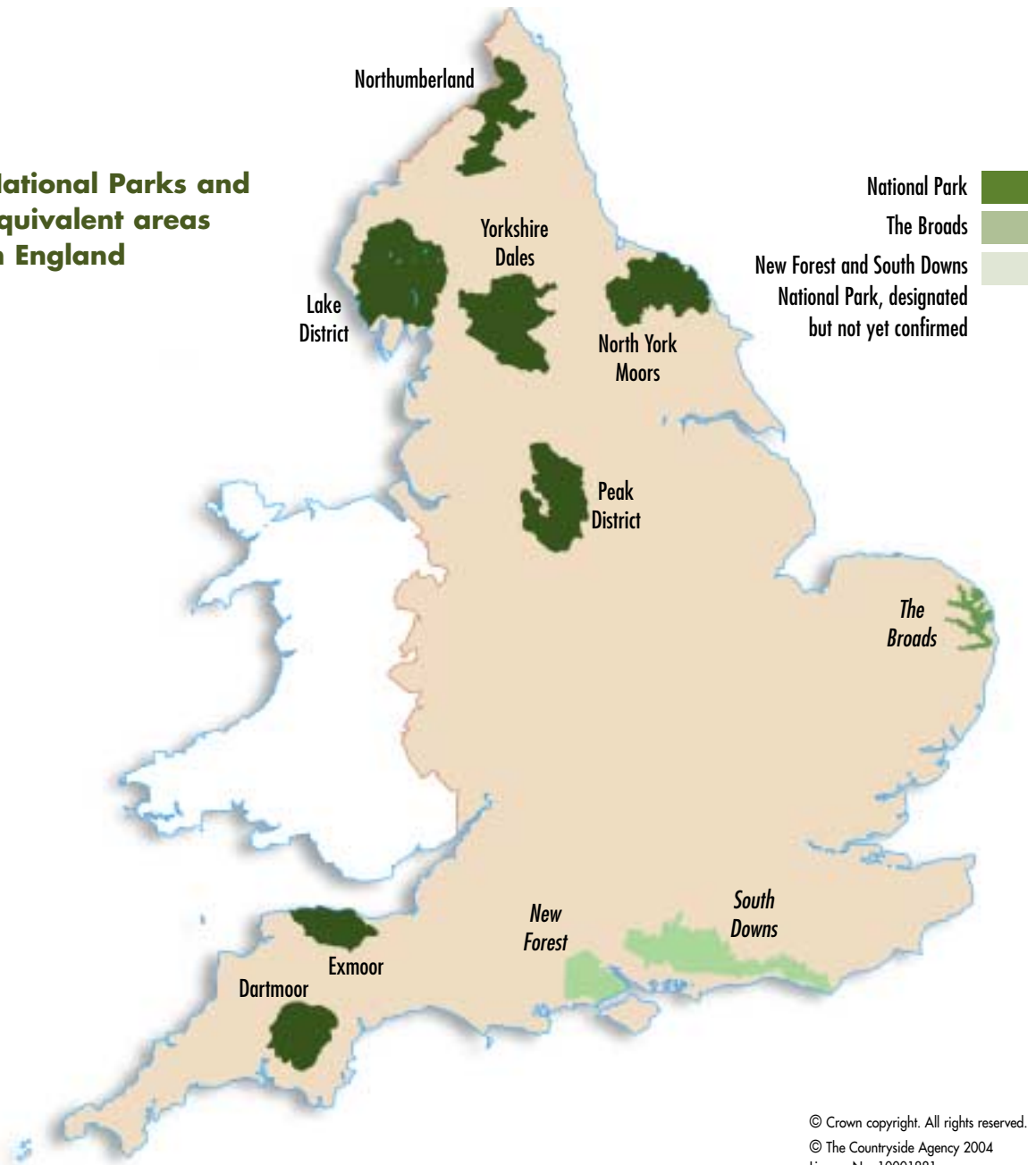


The 1976 Stevens Report on Planning Control over Mineral Working highlighted the issue of uncontrolled old permissions and their environmental impact. Nearly thirty years on, some old permissions are still not subject to modern standards.

* Government policy, interpreting the legislation, is set out in Minerals Planning Guidance (MPG) notes, principally: MPG 9 *Planning and Compensation Act 1991: Interim Development Order Permissions (IDOs) – Conditions* (1992) and MPG 14 *Environment Act 1995: Review of Mineral Planning Permissions* (1995).



National Parks and equivalent areas in England



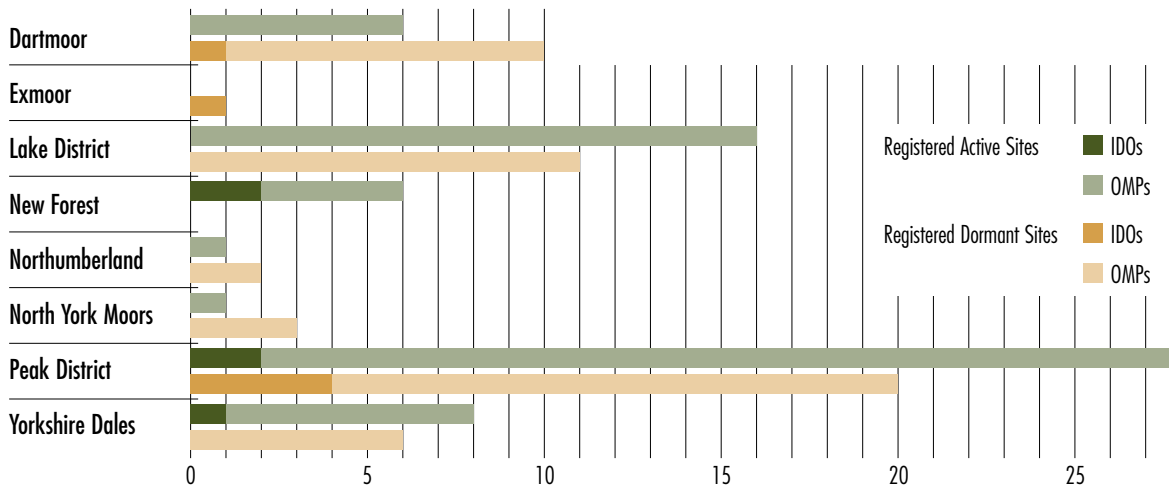
There are 7 National Parks in England. The Broods is a member of the National Parks family, designated by separate legislation in 1989.

Updating controls on old quarries

Both the 1991 and 1995 Acts required authorised mineral workings to be registered by dates fixed shortly after the legislation came into effect. This distinguished between longstanding sites which were active at the time of registration and those which had been worked in the past but were now dormant. The intention was that dormant sites would not be allowed to recommence working until the MPA had imposed full modern conditions on them. However, revised conditions could only be imposed on active sites (without liability to pay compensation) if these did not unreasonably prejudice either the economic viability of working the site or its asset value.

Once dormant sites had been registered, the review process would only take effect if or when there was a proposal to recommence working. At active sites timetables were introduced for reviewing conditions. If mineral companies or landowners failed to submit revised schemes of conditions by the specified dates, then the permission would be lost. Under the 1995 Act, old permissions were to be reviewed in two phases. Phase 1 aimed to tackle sites likely to be problematic by virtue of their age (the main permission was granted before 1969) or location (at least partly within a National Park, Area of Outstanding Natural Beauty or Site of Special Scientific Interest). Phase 2 dealt with the remaining post-1969 permissions up to 1982.

National Park





Reviews of active sites

Proposed conditions

The first stage of the review process at any site is for the mineral operator or landowner to submit proposed revised conditions to the MPA. Government policy is specific in that “In all cases, it is expected that applicants will seek to submit conditions which provide environmental protection and ensure that future operations are carried out to a high standard” (MPG 14, para. 74). Unfortunately, the legislation gives those submitting conditions a perverse incentive to submit weak proposals. This arises because, if the MPA wishes to impose tighter conditions which further restrict working rights (see Box), the MPA must then acknowledge this and state also whether it considers this restriction would be such as “to prejudice adversely or to an unreasonable degree (i) the economic viability of operating the site or (ii) the asset value of the site”. Many changes to conditions (other than restoration or aftercare) can be expected to restrict working rights, and the economic consequences could risk exposing MPAs to paying compensation. In effect, the weaker the conditions the applicant submits, the less the chance of the MPA restricting working rights.

Restriction of working rights

Working rights are restricted at a mineral site if any of the following are restricted or reduced:

- (a) the size of the area which may be used for the winning and working of minerals or the depositing of mineral waste;
- (b) the depth to which operations for the winning and working of minerals may extend;
- (c) the height of any deposit of mineral waste;
- (d) the rate at which any particular mineral may be extracted;
- (e) the rate at which any particular mineral waste may be deposited;
- (f) the period at the expiry of which any winning or working of minerals or depositing of mineral waste is to cease; or
- (g) the total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on, the site.

Mineral companies have no incentive to make concessions themselves in the interest of good practice, and many problems have arisen. National Park Authorities have complained of proposed conditions sometimes being potentially unenforceable or unlawful in some other way. Some operators have used the opportunity of the review to attempt to extend existing sites

in ways which go beyond the original planning permission, such as by seeking to work different minerals, authorise waste disposal, or extend the life of a quarry. National Park Authorities and other MPAs have had to devote considerable staff time to redrafting proposed conditions to achieve the objectives of the legislation.



Photo: Richard Bate



Spaunton Quarry, North York Moors. Permission for mineral working expires in 2007. Following a test case public inquiry in 1997, the Council for National Parks successfully persuaded the Secretary of State to refuse RMC's application for an extension (into the area illustrated). RMC's proposed conditions for the review of the original permission included a revised cessation date of the end of 2010. The NPA resisted this.

Reviews of active sites

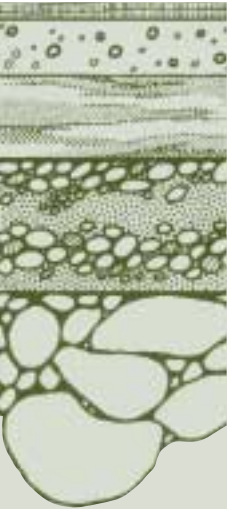
Reliance on goodwill

The implementation of the review legislation depends heavily on the goodwill of mineral companies and landowners. This affects matters like the speed of reviews, the quality of information provided to MPAs, and the process of negotiating improved practices.

Active sites are allowed to continue operating under their old conditions until revised ones have been agreed. MPAs must have all the infor-

mation they need properly to determine proposed revised conditions, and are entitled to ask mineral companies to provide this. However, there is no time limit in law within which the information accompanying reviews commenced before 2000 must be provided. As a result there have been many sites in National Parks where information has taken a long time to be supplied, and many where it is still awaited (particularly sites requiring an Environmental Impact Assessment [EIA]). Some National Park Authorities identified this as the principal defect

in the legislation. The Government has not achieved its policy objective that “The purpose of the initial review is to ensure that in a relatively short period of time all valid permissions for the winning and working of minerals or the depositing of mineral waste ... will be subject to conditions appropriate to the land use planning circumstances” (MPG 14, para. 77).



One National Park Authority said *“It is the active ones where they just keep on working that are the problem... it’s six years now since we had the applications which is quite a long time.”*

Shire Hill Quarry, Peak District. Revised conditions were accompanied by an EIA, but the NPA sought additional information. The operator would not supply some of this, believing that potential problems could be dealt with by condition. An impasse remains.



National Park Authorities have frequently been disappointed by the information provided by applicants in support of revised conditions, particularly the quality of Environmental Impact Assessments. Authorities are then faced with the unsatisfactory options of either asking for more information (and risking further delay or

still inadequate information), or proceeding to determine conditions on the basis that they do have enough information. Deciding cases accompanied by an Environmental Statement but without sufficient environmental information is unlawful.



Horton Quarry in the Yorkshire Dales began working before planning controls existed. It has inadequate operating conditions but sufficient reserves to last until its permission ends in 2042. An EIA to accompany the proposed revised conditions is still awaited, over 6 years since the operator was asked to supply one. The review of conditions has therefore not been completed.

Reviews of active sites

Legal agreements

Modern planning permissions for mineral workings often involve not just formal planning conditions but legal agreements between applicant and authority. These regulate matters such as: off-site access improvements and other issues on land not under the applicant's control; payments of money where actions like highway improvements are best carried out by someone

other than the applicant; and positive actions like ongoing land management and contributions to local amenities. Reviews of conditions on old permissions, however, are precisely that and no more. Topics which can only be covered by legal agreement are outside the scope of the review. Some companies have nevertheless cooperated in raising operating standards by signing legal agreements, but MPAs cannot insist on this. Significant difficulties can remain.

Ibsley Quarry, New Forest. Hampshire County Council aimed to achieve hydrological management sympathetic to the site's ecological importance as an SSSI, part of a European Special Protection Area for birds and an internationally designated Ramsar wetland. This was largely achieved by encouraging the landowner (Bournemouth & West Hampshire Water) and Hampshire Wildlife Trust to enter into a separate management agreement, as a legal agreement could not be secured with the operator through the review of mineral planning conditions.



Photo: Richard Bene

Compensation

Compensation is payable by a Mineral Planning Authority to a mineral company or landowner if revised conditions fundamentally affect the economic structure of operations. MPAs do not have budgets for this and have been very wary of imposing conditions which expose them to this risk. The Government likewise is clear in

policy guidance that proper protection ought to be achievable without compensation being payable and that, if necessary, MPAs should moderate the restrictions they impose in order to avoid it. This policy is being implemented. However, it is clear that in some cases standards of operation are being improved only to a point just below the threshold for paying compensation, not to full modern standards.



Dale View Quarry, Peak District. The NPA approved revised conditions in 1997 which included a limit of 60 lorry movements daily. Although it wished to reduce the lorry movements significantly for environmental reasons, the Authority was constrained from doing so as this volume of activity had been achieved in the past and further restriction could have exposed a liability to pay compensation.



Reviews of active sites

Sites without Environmental Impact Assessment

When legislation was introduced in 1991 and 1995 to review conditions respectively on Interim Development Order sites and old mineral permissions, little regard was paid to the requirement for Environmental Impact Assessments (for which provision was made in a European Directive from 1985). Reviews were completed on many sites without an EIA having been prepared by the applicant or requested by the MPA. However, following prolonged litigation over a site in Wensleydale in North Yorkshire, the Courts ruled in 1999 that an EIA

should be undertaken in review cases where one would ordinarily have been merited.

Unfortunately, the 1991 and 1995 Acts gave MPAs no means of compelling the applicant to submit an EIA. MPAs were often caught on the horns of a dilemma: decide conditions without an EIA (which would be unlawful), or wait for an EIA to be submitted (resulting either in the applicant's conditions being deemed to be approved for want of a decision by the MPA within 3 months, or an EIA perhaps never emerging from the applicant). If or when the MPA receives an EIA, and the quality of it, are largely matters of the operator's goodwill, as



described above. In effect, the European Directive on EIA was not properly implemented in UK law. To remedy this, the Government introduced new EIA Regulations in 2000 specifically to deal with review cases. Whilst the law is now both clearer and tighter, it has left behind a legacy of sites caught in a legislative loophole from the 1991-2000 period. However, the recent 'Wells' judgement at the European Court of Justice suggests that such permissions can now lawfully be suspended until an EIA is provided.

The review process had started on all active IDO sites (under the 1991 Act) before the EIA rules were amended. Also, under the 1995 Act, all

active sites in National Parks fell into Phase 1 of the review process, and these too were often caught in the legislative loophole. The result in National Parks has been large numbers of sites where revised conditions were issued without an EIA having been prepared. In many more, EIAs have been requested but have not yet been supplied by companies, who are still operating sites under the old and often unsatisfactory conditions. At many sites, EIAs have been prepared by operating companies but are considered by the NPA to be inadequate. At some sites, the review process has been completed, but problems remain due to deficiencies which could have been avoided if an EIA had been prepared.



Shap Blue Quarry, Lake District. This site is on the boundary with Cumbria County Council with most of the excavations inside the National Park. An EIA was requested by the NPA in 1998 but has not yet (June 2004) been submitted.

Reviews of active sites

Key case study: Shap Beck

Shap Beck is one of 19 key case study sites analysed in the research report *Old Mineral Permissions and National Parks*. It illustrates well the difficulties facing Mineral Planning Authorities in reviewing the conditions on active sites which require an Environmental Impact Assessment before they are determined, but where the review process started when the law could not insist on a full EIA being supplied promptly (before 2000). Furthermore, Shap Beck is a cross-boundary site where two MPAs have control over development.



Quarry traffic is frequently one of the key issues when conditions on planning permissions are reviewed.

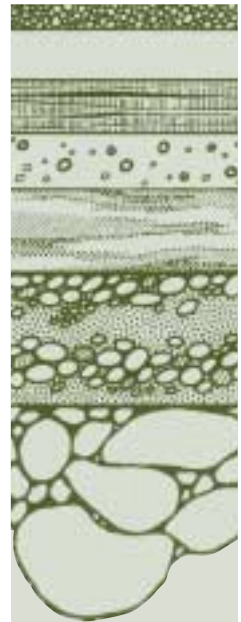
Photo: CIP

The part of the site regulated by Cumbria County Council is covered by a 1947 IDO permission which was subject to revised conditions in 1993. Within the National Park there are three contiguous old permissions from 1957, 1962 and 1967 which cover the main current and future extraction areas. These were registered as Active Phase 1 in April 1996. The quarry extracts limestone for use in steel making and as aggregate. In 1997, the then operator (ARC) submitted proposed conditions for review, but determination was deferred pending the submission of an EIA. The current operator Hanson Aggregates submitted the EIA in May 2002 but the NPA asked for additional information and a further extension of time for supplying this has been sought until July 2004.

Stringent planning conditions will be needed to limit future impacts, but securing effective control over this active site is impeded by the weakness of legislation and practice. Traffic generated by the site is regarded locally as problematic, but the access point is outside the National Park and Cumbria CC did not impose controls on vehicle movements in 1993.

End dates

Many quarries which began before 1948 and were authorised to continue under the planning system by Interim Development Orders are still active today. The legislation in 1991 to review these sites introduced an end date for sites which did not already have one. It required that mineral working cease not later than the expiration of 60 years from 22nd February 1982, i.e. in 2042. The term “not later than” was widely assumed to allow end dates before 2042 to be agreed, but the Court of Appeal ruled in the ‘Earthline’ test case that it meant “only 2042 and no later”. This thwarted one of the real benefits being achieved by the review process, of bringing to a prompt end quarries without time limits which had already existed for half a century or more. This retrospectively affects all IDO reviews already determined where working was intended to cease earlier.

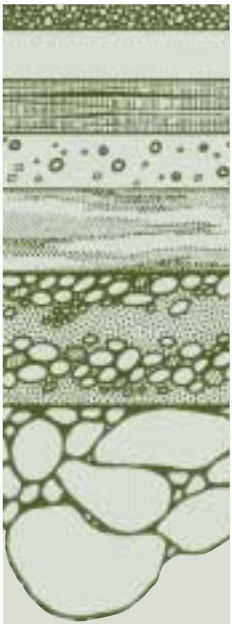


Topley Pike Quarry, Peak District. Revised conditions in 1994 included cessation of quarrying in 2007, as volunteered by the mineral company. However, in 2003 a Certificate of Lawful Use putting back the end of the IDO permission on the site to 2042 had to be issued following the ‘Earthline’ judgement.

Reviews of dormant sites

Dormant mineral workings are the environmental time bombs of National Parks. Reactivating any of the 33 registered sites is in the hands of landowners and mineral companies. Mineral Planning Authorities are then

expected to impose 'full modern conditions' on these operations. They may do so without liability to pay compensation, even if this would compromise the sites' economic viability or affect their asset value.



Endcliffe and Lees Cross Quarries, Peak District. Endcliffe Quarry appears as a roughly circular open field on the side of Stanton Moor (far hillside, centre-left) largely surrounded by woodland.

Lees Cross Quarry comprises the woodland behind it up to the skyline. A proposal for reopening this long-dormant site awaits determination by the National Park Authority.



The key difficulty in giving effect to these powers in some cases is that there are no 'modern conditions' which could satisfactorily control the site: a planning application submitted afresh today would be refused. However, it is not clear to what extent MPAs may apply the review provisions. If conditions were imposed which had the practical effect of preventing the reopening of a site, would that amount to a revocation of the planning permission by stealth? Revocation attracts compensation.

Just this dilemma has arisen at one of the very

few dormant quarries proposed for reopening within a National Park. The Peak District NPA is concerned that Endcliffe and Lees Cross Quarries could not be properly regulated in environmental terms if they were to recommence working. It identified fundamental objections on grounds of: traffic, unsuitability of the accesses and the local road network; the detrimental effect on the designated landscape and on the cultural heritage and wildlife of the site and area; the potential detrimental effect on the water table, associated springs and water supplies; and the impacts on footpaths and the area's amenity.



Old Ingleton Quarry, Yorkshire Dales. Significant environmental damage would arise if this dormant quarry was reopened. There is currently no formal submission, though Hanson Aggregates received approval in 2003 for drilling exploratory boreholes.

Aggregates working at vein mineral operations

Old planning permissions for working vein minerals (see box) often raise a specific problem which modern conditions need to address. This is the quantity of host limestone which may be removed in association with the excavation of the vein mineral. As their name indicates, the mineral deposits are narrow and often run over long distances in 'rakes', but can change direction, depth and quality in unpredictable ways. Operations are correspondingly long, narrow and deep, and usually opencast (though permis-

sions exist for two underground mines in the Peak District).

Vein minerals are bound up in the limestone so the excavation of a modest quantity of the host rock is unavoidable. The minerals are processed at the only plant for the purpose, at Cavendish Mill near Stoney Middleton in the Peak District National Park, and some waste limestone is sold for use as construction aggregate. As opencast workings progress to greater depths, the

Vein minerals comprise principally the following minerals:

- *fluorspar* (source of the chemical fluorine, used in steel-making and with a wide range of applications in the chemical industry);
- *barytes* (mostly used as a filler in paints and plastics and as a weighting agent in the oil drilling industry);
- *calcite* (found principally in the Peak District and used both as a decorative aggregate known locally as Derbyshire Spar and as a white filler in ceramics); and
- *galena* (the ore of lead, a heavy but soft metal with a variety of end uses including roofing and pigments).

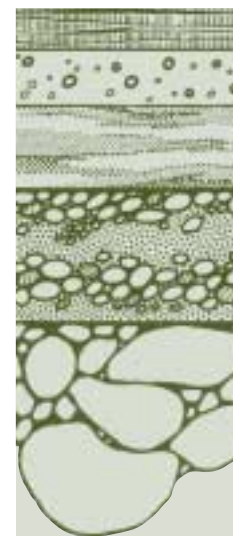
Fluorspar is easily the most significant of these minerals in England in both quantity and value. It is found mainly as vein infillings in limestones of Carboniferous age. Almost all the national output is from within the Peak District National Park, marking it out as a mineral which raises particularly awkward competing interests.

sidewalls must be battered back for safety, releasing substantially more limestone, while other limestone may need to be removed for access roads and other operational reasons. The Peak District National Park Authority aims for waste limestone to be retained on site for use in restoration, though the stockpiles can be visually intrusive in the intervening period.

Limestone for construction aggregates is also a valuable mineral, and at a number of sites is now sold in far greater quantities than the vein minerals. This may not only compromise the proper restoration of the workings, but also bring into question the true purpose of quarrying and create much larger scars on the landscape than are strictly necessary. Conditions on old permissions are sometimes poor at controlling the use of excavated materials, but even when their purpose is obvious their wording may remain open to differing interpretations in law, a special problem at Backdale Quarry (illustrated on the report cover).

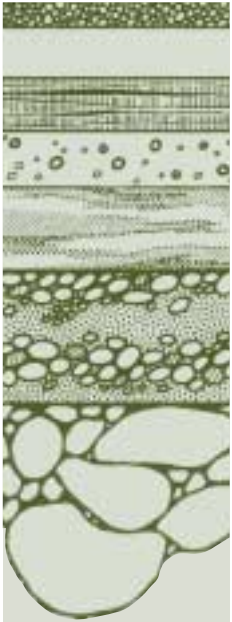
The review of old permissions provides an opportunity to impose precise conditions at vein mineral sites regulating the quantities of each mineral which can be removed. The option is

also available for operators to submit new planning applications to consolidate existing permissions, which will be judged against development plan policies. Glebe Mines successfully secured a modern planning consent this way on Longstone Edge (see page 21).



Permission was granted in 1952 at Backdale “for the winning and working of fluorspar and barytes and for the working of lead and any other minerals which are won in the course of working these minerals”. This has been subject to different interpretations by the landowner, Bleaklow Industries, and the MPA, the Peak District National Park Authority.

Bow Rake, Peak District. A large scale vein mineral working in the National Park.



Practical steps

Imposition of modern conditions without compensation

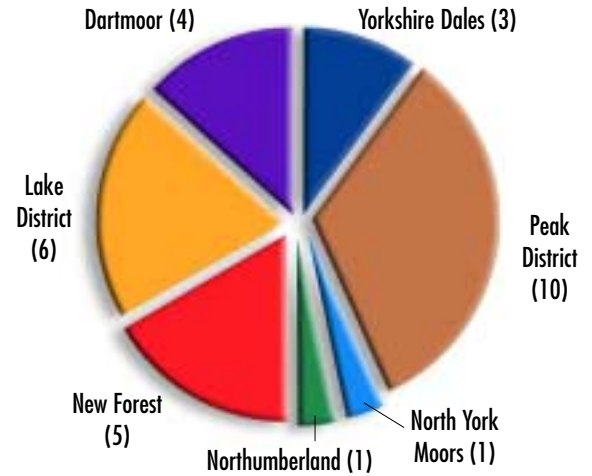
This is the primary mechanism for review of old permissions for which the legislation makes provision. It can be achieved best where mineral companies co-operate with the MPA to achieve modern standards of operation, agree where appropriate to enter into legal agreements, and relinquish working rights in the interests of improved operational standards. The extent of practical improvement possible on the ground varies from one site to another, often depending on how much damage has already been done and how much opportunity remains for working within which improvements can be effected.



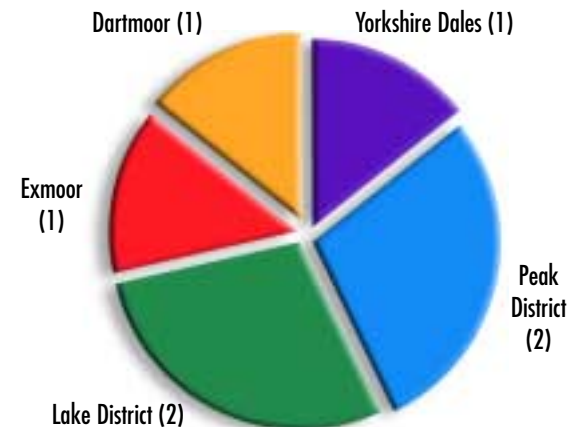
Elterwater Quarry, Lake District. An acceptable modern scheme was agreed at this sensitively located slate quarry.

Photo: Friends of the Lake District

Reviews completed in each National Park



Working sites (30)



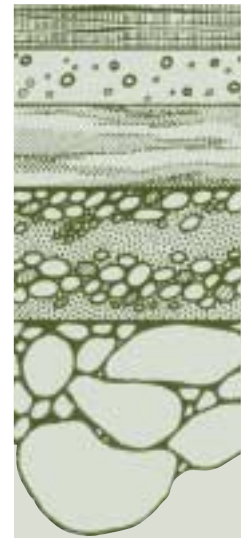
Sites not working (7)

New permissions instead of reviews

The National Park Authorities are clear that higher standards of environmental control at quarries can be achieved if operators seek new planning permissions rather than if old permissions are subjected to formal review. This is practicable where co-operative mineral companies are prepared to negotiate replacement permissions. This usually involving tighter controls than reviews could require:

- end dates can be better controlled, especially if there was none before;
- fully satisfactory EIAs and other information will be provided promptly to enable a decision to be reached;

- legal agreements can be used to cover matters outside the scope of conditions;
- conditions can be agreed restricting working rights without fear of compensation;
- the lottery of appeals (against conditions imposed under a review of conditions) is avoided.



Arthurton West pit, Peak District. Glebe Mines submitted an application consolidating several old permissions for vein mineral working over a substantial area of Longstone Edge. This successful approach to a complex patchwork of sites included a restoration bond and here at Arthurton West the relinquishing of working rights on a Site of Special Scientific Interest and a Scheduled Ancient Monument on Longstone Moor (on the ridge beyond the workings).



The dormant remains of Carrock Fell (far right) wolfram (tungsten) mine, Lake District. The National Park Authority was advised to serve a Prohibition Order on this site in 1992 but no action was taken. The prospect of its reopening remains remote.

Kelly Mine, Dartmoor (below right) was a source of micaceous haematite between the late eighteenth and mid-twentieth centuries. Found in thin veins within granite, its uses included the manufacture of rust-resisting paint. Following the serving of a Prohibition Order in 1990, the site is now managed for its industrial archaeological interest by the Kelly Mine Preservation Society.

Practical steps

Prohibition Orders

Legislation allowing MPAs to prohibit the resumption of mineral working at dormant sites was introduced in 1981. Prohibition Orders may be served where no substantial extraction has taken place anywhere on the site for at least two years, and also the resumption of working to any 'substantial' extent is 'unlikely'. The planning authority must consider that mineral working has 'permanently ceased'. No compensation is payable for loss of mineral value, and the mineral owner bears the first £7,800 of any loss or abortive expenditure incurred as a result of the Order.



Photo: Dartmoor National Park Authority



Prohibition Orders terminate mineral working completely at dormant sites. This is particularly environmentally advantageous at sites which could not be operated under 'full modern conditions' if reopened. Serving such Orders is also ideal when the likelihood of reworking a site is remote, as there is a small risk that circumstances may change in future and the opportunity pass. Numerous Prohibition Orders have been served successfully in the Peak District, Dartmoor and Yorkshire Dales National Parks, and this project has identified additional suitable sites.

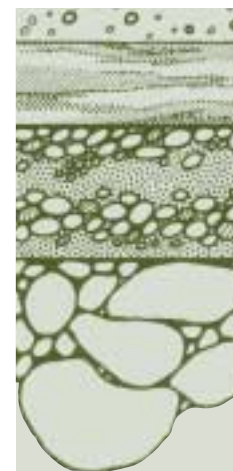
Quarry Products Association Four Point Plan

In June 1998 the Quarry Products Association (QPA), the principal trade association for the minerals industry in Britain, initiated a 'Four Point Plan for National Parks'. This significant environmental initiative committed its member-companies to ease uncertainties over the threat of quarrying in National Parks. The first commitment was to "work with the Government and the National Park Authorities to identify dormant planning permissions in National Parks which will not be reactivated and respond positively to initiatives by appropriate authorities to seek Prohibition Orders." The QPA also committed member-companies not to enter into new agreements to operate dormant sites owned by third parties.

Quarries relinquished by QPA members, 1998

Furness Quarry	Peak District
Hartington Quarry	Peak District
Hartshead Quarry	Peak District
Isle of Skye Quarry	Peak District
Coolscar Quarry	Yorkshire Dales
Helwith Bridge Quarry	Yorkshire Dales
Ribblehead Quarry	Yorkshire Dales

Within a year, QPA members announced commitments to close or not reactivate seven quarries in English National Parks (see left box), with discussions under way at further sites. In addition, the two china clay companies working on the edge of Dartmoor National Park voluntarily agreed in June 2001 to relinquish their permissions within the Park. The current project has identified a number of other dormant sites which appear as suitable candidates for Prohibition Orders under the QPA Four Point Plan (see right box).



Andrew Dougal, Chief Executive of Hanson plc (left) presenting the deeds of Ribblehead Quarry, Yorkshire Dales to David Arnold-Foster, Chief Executive of English Nature following conclusion of a Prohibition Order. The site is managed as a nature reserve as it hosts a limestone pavement of European nature conservation importance and the remains of a Viking settlement. The planning permission contained 23 million tonnes of limestone reserves.

Photo: Lorne Campbell/Guzelian Photography

Potential future relinquishments

Old Ingleton Quarry	Yorkshire Dales	(Hanson Aggregates)
Yatt's Brow Quarry	North York Moors	(RMC Aggregates)
Cawdor Quarry*	Peak District	(Tarmac Central)
Hillhead Quarry*	Peak District	(Tarmac Central)

* Cross-boundary permission with Derbyshire County Council with minor part of the site in the National Park .



Reform: changes needed to legislation and practice

There is no doubt that the legislation to register and review all old mineral workings has achieved environmental benefits and has done so without significantly affecting the economic interests of mineral owners. The greatest benefits have usually been achieved at sites where the mineral owner made a positive contribution to the process, taking steps beyond the legal minimum to bring operational practices up to modern standards.

Nevertheless, so much more could have been achieved, and still could be, if the law was tightened (see box opposite). There has been a gap between the aspirations set out in Government policy (and therefore the expectations of local communities and the wider public) and the powers available to Mineral Planning Authorities in law. In part improvement is a matter of insisting that all mineral owners adopt the same standards as the best. In part also there is a need for greater clarity to allow the objectives of the review process to be achieved more reliably in practice.

Without waiting for change to the law, MPAs should press harder for environmental improvements through the review process. Their fear of paying compensation is over-stated: there have been few appeals against MPAs' proposed conditions, and the Secretary of State has made clear that, if compensation would be payable, an opportunity would be given to the MPA to amend its conditions to bring them below the compensation threshold. Some in the minerals industry have also been somewhat surprised by the less than vigorous approach of some MPAs.

One mineral company said: "MPAs appear to be increasingly aware of the potential for the challenge of their decisions through the Courts. This in turn is leading them to be over-cautious in some cases resulting in delay in dealing with review applications"

THE COUNTRYSIDE AGENCY AGGREGATES LEVY SUSTAINABILITY FUND GRANTS PROGRAMME

The Aggregates Levy, which came into effect from April 1st 2002, is a tax of £1.60 per tonne on certain aggregates. It will raise approximately £350 million every year. A proportion of the money raised by the levy goes to make up the Aggregates Levy Sustainability Fund (ALSF), part of which is intended to fund projects which address the impact of past, present and future aggregates extraction.

In 2002 The Countryside Agency was asked to manage an ALSF funded grant programme, initially for 2 years. Our scheme has focused on addressing the impacts of extraction on landscapes and communities in England and within this context we are pleased to have been able to support the Council for National Parks and Friends of the Peak District project 'Aggregates Extraction: Addressing the Legacy for National Parks' (grant no. 26436).



THE COUNCIL FOR NATIONAL PARKS

The Council for National Parks (CNP) is the national charity which works to protect and enhance the National Parks of England and Wales and areas that merit National Park status and promote understanding and quiet enjoyment of them for the benefit of all. CNP is an umbrella of 47 environmental and amenity groups and aims to give the voluntary sector a shared vision and voice on all National Park issues.

CNP works to further its objectives through a range of activities including lobbying decision-makers at Westminster, Whitehall and in Wales; undertaking and publishing research; commenting on changes to planning guidance; monitoring planning applications and reacting when appropriate; providing information and educational materials; discussing environmental improvements with companies; promoting good practice relating to National Park issues.

Reg. charity no.295336
Company no.2045556



FRIENDS OF THE PEAK DISTRICT

Friends of the Peak District (FPD) is the registered national park society for the Peak District. It is represented by the Peak District and South Yorkshire Branch of the Campaign to Protect Rural England (CPRE). Originally begun as the Sheffield Association for the Protection of Local Scenery in 1924, it soon became affiliated to the Council for the Preservation of Rural England which was founded shortly afterwards.

The Branch has played a seminal role in protecting key areas of the Peak District and surrounding areas and was instrumental in lobbying for the Peak District to become the first National Park in 1951. The issue of minerals extraction in National Parks has long been a concern and an area of expertise within the organisation.

Reg. charity no.1094975
Company no.4496754





*Cover photograph: Backdale Quarry and
Longstone Edge, Peak District National
Park (Nick Denton/FPD)*

This report was written by Green
Balance on behalf of the Council for
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