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18 MAR 2013

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Your ref:

Our ref: NO/GH

Date: 14 March 2013

Dear Colin Sharpe

PLANNING APPLICATION NO: 3/2013/0189
PROPOSAL: OUTLINE APPLICATION FOR THE ERECTION OF 2NO. OPEN
MARKET DWELLINGS AND 3NO. SOCIAL HOUSING DWELLINGS
LOCATION: FORMER GISBURN DINER STRAWBERRY FIELDS MAIN STREET
GISBURN LANCS

This planning application has been brought to the County Council's attention as Minerals Planning Authority for the area. I refer you to the development plan for the area, specifically the *Lancashire Minerals and Waste Development Framework Core Strategy* and emerging *Site Allocation and Development Management Policies Local Plan*, and the *National Planning Policy Framework*.

The application is in a Mineral Safeguarding Area as defined by Policy M2 of the *Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies Local Plan* and the *Policies Map*.

The National Planning Policy Framework, paragraph 144, states:

"Local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes"

The adopted Lancashire Minerals and Waste Core Strategy Policy CS1 states:

"Mineral resources with the potential for extraction now or in the future will be... protected from permanent sterilisation by other development.... Extraction of mineral resources prior to other forms of development will be encouraged."

Policy M2 from the Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan states:

Within these mineral safeguarding areas identified planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the minerals planning authority that:

- *The mineral concerned is no longer of any value or has been fully extracted.*
- *The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.*
- *The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.*
- *There is an overarching need for the incompatible development that outweighs the need to avoid sterilisation of the mineral resource.*
- *That prior extraction of minerals is not feasible due to the depth of the deposit.*
- *Extraction would lead to land stability problems.*

The mineral safeguarding area indicates that economic mineral resources of limestone may be present.

To accord with national policy, the Core Strategy and Policy M2 of the Site Allocation and Development Management Policies Local Plan, the applicant must be able to demonstrate that the development meets the criteria set out above. Given the nature of this development, and its potential to permanently sterilise resources in its vicinity, you should request from the applicant a site survey that is carried out by a competent geological consultant.

This site survey should form the basis for a technical assessment by the applicant as to the size and nature of any workable mineral deposits (limestone). Developers should submit Minerals Resource Assessments, which evaluate the acceptability of the size and nature of the proposed surface development; the quality and quantity of the mineral that would be recovered; the practicability of extraction including proposed working methods; and the environmental impacts of mineral extraction. The requirement for a developer / applicant / landowner to identify the full extent of the mineral resources available would be no more unreasonable than for identifying the extent and value of other scarce resources such as heritage assets (including archaeology), nature conservation and biodiversity (including protected species), water, etc.

If there is shown to be workable deposits of high quality affected by the proposed development, consideration should first be given to whether the deposits could be extracted prior to the development taking place. Should that be demonstrated to be not practicable or desirable, for example, because of the prospect of subsequent flooding or land stability issues that would preclude the proposed development taking place, then the Borough Council will need to make a judgement as to whether the importance given to the development outweighs the need to avoid the sterilisation of the mineral resource for reasons of its high quality, scarcity, or demand for its use now and reserves for use into the future.

If you have any further queries please let do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, consisting of a stylized 'M' followed by a horizontal line.

Marcus Hudson
Head of Planning

