

**Town and Country Planning Act 1990 – Section 78 Town and County Planning
(Development Management Procedure) (England) Order 2015 Town and
Country Planning (Inquiries Procedure) (England) Rules 2002**

Appeal by Baxter Group Ltd

Land off Bourbles Lane, Preesall

Against the refusal of planning permission by Lancashire County
Council for Application No. LCC/2023/0030

“The extraction and processing of sand and gravel including the
construction of new site access roads, landscaping and screening
bunds, minerals washing plant and other associated infrastructure
with restoration to leisure end-uses, agricultural land and biodiversity
enhancement, using imported inert fill”

Statement of Case

December 2025

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Appendices

Appendix 1 - Justification for a Public Inquiry

1 Introduction

1.1.1 This Statement of Case is prepared on behalf of the appellant Baxter Group Ltd against the following planning application refused by Lancashire County Council (LCC):

- The extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end-uses, agricultural land and biodiversity enhancement, using imported inert fill (Planning Application No. LCC/2023/0030).

1.1.2 In light of LCC's decision to refuse planning permission, the purpose of this Statement is to demonstrate that the proposed development is acceptable in planning terms and should proceed subject to appropriate planning conditions.

1.1.3 The Appellant is firmly of the view that a Public Inquiry is the most appropriate procedure in which to test the matters in dispute between the main parties. Justification for this request has been provided separately, in accordance with the PINS Procedural Guidance (Annexe K – March 2021).

1.1.4 This Statement of Case is supported by a draft Core Documents list which currently comprises the original planning application documents, supplementary documents that were submitted during the determination stage (including the Regulation 25 Submission), statutory consultee responses (it should be noted that only one consultee response is now publicly available on the Council's website, therefore the Appellant does not have access to all consultee responses received by the Council), the Officers Report, the Decision Notice, relevant policy documents and other relevant decisions/judgements. The Appellant will seek to agree a final Core Documents list with the Council.

1.1.5 The Appellant has also prepared a draft Statement of Common Ground (SoCG).

2 The Reason for Refusal

2.1.1 This section details the reason for refusal and the main issues that were raised by Lancashire County Council's Development Control Committee leading to the refusal of the proposal.

2.1.2 Planning application (ref: LCC/2023/0030) was considered at Development Control Committee on 15th October 2025 with officer recommendation for refusal in the committee report (**CD6.02**) for the following reasons:

“(i) The development would have unacceptable impacts on highway safety which cannot be adequately mitigated and the development therefore conflicts with Paragraph 116 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP6 of the Wyre Local Plan.

“(ii) The development by reason of proximity to residential properties would have unacceptable noise and dust impacts that could not be satisfactorily mitigated contrary to Paragraph 198 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP1 of the Wyre Local Plan”.

2.1.3 In arriving at the recommendation for refusal, the Planning Officer identified 13 key issues within **CD6.02** to be considered in determining the application, which are discussed below with a summary of the issues discussed for each issue:

- Need for the development;
 - Paragraph 70 of **CD6.02** sets out that “... the proposal would meet a pressing and demonstrable need for new sand and gravel reserves in Lancashire to which significant weight should be attached”.
- Inert waste backfilling;
 - Paragraph 72 of **CD6.02** sets out “There is a need to import material to allow the effective restoration of the site, and to permit the restoration of high quality agricultural land. The waste importation aspects of the development are considered to be acceptable in terms of the broad policies for waste management”.
- Highways;
 - Paragraphs 89 of **CD6.02** discusses the transport assessment and that access and transport issues have been the subject of considerable discussion between the applicant and Lancashire County Council

Highways. Issues around access design put forward by the Appellant along with dimensions of the visibility splays are discussed at paragraphs 81 to 83 with disagreement with LCC highways on the correct approach and what can be achieved.

- Paragraphs 84 to 88 discuss Lancaster Road where the LCC highways agree that there is no highways capacity with the issue relating to the ability of traffic (particularly heavy goods vehicles) to pass on this section of highway. Paragraph 85 sets out that *“Highways therefore consider that the use of Lancaster Road would create highway safety issues that cannot be overcome through any highway improvements or use of planning conditions”*.
- Paragraph 89 states that *“A number of mitigation measures for these impacts have been investigated by the applicant. However, Lancashire County Council Highways consider that they would either not address the impact, would be unworkable or cannot be delivered on land within the applicant's control. Highways therefore object to the proposal”*.
- Paragraph 90 concludes that *“It is considered that the development would result in unacceptable impacts on safety at a number of locations and given the inability to provide satisfactory mitigation, the impacts would be severe. The highway objection to the development is therefore considered to be justified in terms of Paragraph 116 of the National Planning Policy Framework and there is a conflict with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP6 of the Wyre Local Plan”*.
- Landscape Matters;
 - Paragraph 100 of **CD6.02** states that the proposal is *“... considered to be acceptable in landscape/visual amenity terms...”*.
- Impacts on agricultural land;
 - Paragraph 104 of **CD6.02** states that *“Taken as a whole, it is likely that the impact on best and most versatile agricultural land quality would be minor and would be outweighed by other considerations”*.
- Archaeology;

- Paragraph 109 of **CD6.02** states that *“Given the likely absence of significant archaeological interest within the site, the proposal is therefore considered to be acceptable in relation to Policy CDMP5 of the Wyre Local Plan”*.
- Local Amenity (Noise and dust);
 - Paragraphs 110 to 117 of **CD6.02** discuss the noise and air quality assessments carried out for the application along with local and national policy guidance in relation to noise and air quality. Paragraph 116 and the table at paragraph 117 set out that *“Although the application site is located in a rural area, there are a number of residential properties located close to various parts of the proposed working area”*. Furthermore paragraph 116 states that *“A distinctive feature of the proposal is that rather than the site being comprised of one large working area as is common to many quarry sites, this site is split into a number of isolated phases divided up by the various existing properties and connecting roads that are located across the mineral resource area”*.
- Noise Impacts;
 - Paragraphs 118 to 125 of **CD6.02** discuss the amended noise assessment submitted and sets out at paragraph 122 that the applicant's noise assessments shows that *“... the proposed operations can meet the 55 dB(A) level at all locations. However, at all of the above locations bar one, predicted noise levels would be above the background +10 dB(A) level. At four locations, Ourome, Woodlands, Red Lea and Bourbles Farm, the background would be exceeded by +10dB(A) level or greater and noise levels would be close to the 55 dB(A) limit. This is primarily due to the relatively quiet existing background noise levels and close proximity of the working area to these particular properties”*.
 - Upon review of the table included at paragraph 121 of CD6.02, it is unclear how the Officer formed the conclusion that *“at all of the above locations bar one, predicted noise levels would be above the background +10 dB(A) level”*, as the table demonstrates that only 3no. receptors (out of 12) would actually exceed +10 dB(A). A point which is further confused by the Officer's next sentence which identifies four locations as exceeding the background +10 dB(A) level. Again, this is incorrect as

only the receptors – Woodlands (+13), Red Lea (+12) and Bourbles Farm (+13) would exceed the +10 dB(A) figure.

- Paragraphs 123 discusses the campaign basis of the operations and therefore noise impacts from the mineral working phases would not be continuous over the full duration of the development. However, paragraph 123 goes on to state that *"...during campaigns activity levels would be significant with dump trucks running continuously from working phases to the plant site"*.
- Paragraphs 125 discusses that extraction and backfilling operations would take place concurrently on occasions and due to the layout of the site and location of the properties, some of these noise impacts would affect more than one property façade at any one time. Paragraph 125 concludes by stating that *"Due to the existing background low noise levels, it is considered likely that noise impacts from the site as experienced at many properties around the site would be considerable and intrusive compared to the existing position and would exceed the significant observed effect level"*.
- In terms of the paragraph 125 conclusion, the Appellant considers that as paragraph 5.3.6 of the updated noise assessment prepared by Vibrock states *'Based on the above assessment and with reference to the noise exposure hierarchy outlined in PPG-Noise which supports the NPPF and NPSE, it is suggested that potential impacts are considered to be at or below the 'Lowest Observed Adverse Effect Level' (LOAEL) at the majority of noise-sensitive premises with the potential for effects marginally above the LOAEL but significantly below the 'Significant Observed Adverse Effect Level' (SOAEL) at Woodlands, Red Lea and Bourbles Farm.'*, this statement is clearly demonstrated to be the case within the assessment and is accepted by the author of paragraphs 118 to 125 of **CD6.02** with the acceptance of all site noise levels for routine operations being below the 55 dB(A) limit at the dwellings. As such, the statement that the site *"would exceed the significant observed effect level"* is incorrect and therefore there is no justification to state that *"the noise impacts from the site as experienced at many properties around the site would be considerable and intrusive compared to the existing position"*.

- It should be noted that this section on noise does not refer to any technical consultee objections, as there are none. Furthermore, it is not abundantly clear that this section has formed a clear objection in terms of noise for it to form a part of a reason for refusal.
- Dust/air quality;
 - Paragraphs 127 of **CD6.02** discusses and comment on the air quality assessment, its assessment of impacts from Respirable Crystalline Silica and analysis of weather data including rain fall and wind speed as key factors affecting dust emissions.
 - Paragraphs 128 and 129 discuss the risk of dust impacts and sets out that the aspects of the operation with the most significant risks of dust emissions are the operations to strip and store soils and the haulage of sand and gravel and imported restoration materials between individual phase areas and the processing plant. Paragraph 129 concludes by stating that *“Dust from quarry sites is usually larger size particles therefore meaning that impacts reducing impacts reduce quickly from source. However, at the application site there are a number of properties that are located very close to individual working phases or proposed haul routes where there is no mitigation through distance from source and which are therefore at considerable risk of dust impacts. Mineral working and backfill campaigns would be more likely during summer months given ground conditions and water management issues and which are the times of the year when dust issues could be more prevalent”*.
- Impacts of dust on health;
 - Paragraph 130 of **CD6.02** discusses the findings of the air quality assessment in terms of human health, which included an assessment of fine particulates (Pm10 and Pm 2.5, with the findings being that that exposure to either of these particulates would not exceed the relevant Air Quality Objectives. Furthermore, paragraph 130 discusses that *“The site would not add heavy goods vehicles to areas of existing congestion or generate levels of heavy goods vehicle traffic that would be significant in terms of air quality impacts”*.

- Paragraph 131 of **CD6.02** discusses Respirable Crystalline Silica (RCS) and sets out *“The applicant has considered the representations on this matter and notes the Health and Safety Executive guidance which states that silicosis is a disease that has only been encountered in employees in industries where there might be significant exposure to silica dust such as in quarrying, stonemasonry, construction and foundries. No cases have been documented among members of the general public indicating that environmental exposure levels are not sufficiently high to cause this disease”*.
- Paragraph 132 goes on to state it is unlikely that there would be environmental exposure to Respirable Crystalline Silica at a level that would cause wider health impacts. However, despite the above and as is somewhat contradictory to paragraphs 130-132, it is stated that *“...it is considered that risk of exposure to Respirable Crystalline Silica dust can be a reason for objection to the proposal”*.
- In conclusion paragraph 133 of **CD6.02** sets out that *“...on amenity impacts, whilst this site is relatively small scale in terms of many sand and gravel workings, it is located very close to a number of residential properties. In relation to noise, the existing background levels are low and therefore at certain properties the noise increases due to the development would be significant. The separation distances are such that there is very limited scope to implement effective mitigation measures in terms of noise and dust impacts. It is considered that the potential impacts of noise and dust would be harmful to the amenity of local residents and would be contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP 1 of the Wyre Local Plan”*.
- The Appellant notes that this conclusion is on the basis of no technical consultant objections on noise and dust.
- Water Environment/Flooding;
 - Paragraph 144 of **CD6.02** states that *“...it is considered that the ground and surface water and flooding impacts of the development are acceptable in terms of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies CDMP2 and CDMP 4 of the Wyre Local Plan”*.

- Ecology; and
 - Paragraph 144 to 155 of **CD6.02** discuss the ecological assessments carried out along with comments from Natural England and the LCC ecologist. Overall ecology wasn't something the Council raised as an objection or contrary to local and national policy guidance.
 - Restoration and Afteruse.
 - Paragraph 156 of **CD6.02** discusses the restoration proposals and sets out that *"...it is considered that the site restoration proposals for the mineral working areas are acceptable"*.
 - Paragraphs 157 to 160 go on to discuss the proposal for 12 holiday lodges to be used in association with the fishing facility. It is set out at paragraph 160 that Wyre Borough Council has raised objection to the application on the ground that no business plan has been submitted with the application to support the proposed holiday units therefore conflicting with Policy EP9. However, LCC *"... considered that the number of accommodation units is relatively small and could be justified within a business plan in relation to the existing and proposed fishing facilities. Although the applicant has not provided a business plan as required by the policy, this needs to be considered in the context of the other impacts of this proposal"*.
- 2.1.4 In terms of the considerations above, it is noted that highways and amenity impacts are the areas where the main issues are raised in the committee report but it is only highways where there is a technical consultee objection.
- 2.1.5 The decision notice issued by LCC on 20th October (**CD6.01**) refused the application for the following reasons:
- "1. The development would have unacceptable impacts on highway safety which cannot be adequately mitigated and therefore conflicts with Paragraph 116 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP6 of the Wyre Local Plan.*
- 2. The development by reason of proximity to residential properties would have unacceptable noise and dust impacts that could not be satisfactorily mitigated contrary to Paragraph 198 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP1 of the Wyre Local Plan."*

- 2.1.6 This Statement of Case sets out the Appellant's case that the proposal will not (contrary to the opinion of the Council) conflict with the Development Plan, indeed that it draws support from the local plan, the NPPF and other important material considerations. In preparing this Statement, regard has been given to PINS Guidance¹. Given the nature of the issues in this Appeal, it is considered likely that the Appeal will proceed by way of a public inquiry so that proofs of expert evidence will be produced in due course. This Statement of Case is written on this basis.
- 2.1.7 The reasons for refusal fail to factor in all the benefits of the Appeal Proposal and consequently fails to provide a balanced assessment of the proposed development. The weight to be given to the benefits arising from the Appeal Proposals will be set out in evidence. It will be demonstrated that any potential impacts are clearly outweighed by the identified benefits and accordingly, the overall planning balance clearly lies in favour of the Appeal being allowed.
- 2.1.8 As such, it is established that the proposed developments should not be refused on the grounds argued at committee and set out within the 2 reasons for refusal.

¹ Procedural Guide. Planning appeals – England. Planning Inspectorate September 2024

3 Site Context

3.1 Introduction

3.1.1 The section of the Statement sets out an overview of the Appeal Site, planning history and the geology of the site.

3.2 Appeal Site and Surrounding Area

3.2.1 A full description of the Appeal Site and its surroundings is set out in the draft Statement of Common Ground for agreement with the Council. Further details on the site context are provided in the Environmental Statement (**CD1.08**) and the Planning Statement (**CD1.02**).

3.3 Planning History

3.3.1 Two previous planning applications for sand and gravel extraction in the general area of the current Appeal were submitted in 1972 and 1976. Both applications were refused. Planning permission for a course fishery on land off Bourbles Lane was granted by Wyre Council in 1985 (ref 84/1699).

3.4 Geology

Geological Investigation

3.4.1 The published geological maps of the Preesall area indicate that the land is underlain by a mixed spread of Glacial deposits, comprising mainly Tidal Flat deposits of Quaternary age. These comprise mainly soft dark grey silty clays and that are occasionally consolidated. However, in a narrow zone of land between Bourbles Farm and Knott End, comprising mainly sands and gravels. The historical sand and gravel workings in this area of the Wyre District appear to be located in this mapped zone of Storm beach deposits, including the lakes present at Bourbles Farm.

3.4.2 There have been two phases of geological and hydrogeological borehole drilling on the site, with the borehole locations shown on Plan PA23-3 and the borehole summary given in Appendix 2 of the Planning Statement (**CD1.04**). These investigations involved the drilling of shell and auger boreholes and also rotary auger boreholes to collect bulk samples for analysis and testing. Standpipes were installed in a number of exploration boreholes to enable monitoring of the groundwater levels across the site.

- 3.4.3 The boreholes were drilled proved sand and gravel comprising brown, good quality medium to coarse Sand & Gravel with some cobbles, overlain by thin soils which are generally less than 0.5m thick.
- 3.4.4 The mineral proved in the boreholes ranges from around 1.5m to over 6m in thickness, having mean thickness of around 2.8m. The sand and gravel deposit is mapped to be present in a general zone trending north-west to south-east across the areas, as shown by the historical lakes where historical extraction has taken place. Areas of very thin mineral and “barren” ground were also proved when moving away for the main mineral zone, thus the proposed processing plant has been located in the central part of the site where only nominal mineral is present.
- 3.4.5 In the western (Phase 1 area), the mineral deposits proved are generally thicker (around 4.5m to 6m) with the basal 3m lying below the water table. In this area it is assumed that the upper part of the mineral (above the water table) will be extracted first with the underlying mineral worked “wet” without any de-watering.

Mineral Quality

- 3.4.6 The laboratory testing of borehole samples confirms that the sand and gravel proved on the Site is a high quality mineral deposit, that following washing and grading, can be used in a range of concrete products, drainage aggregates and other high specification construction materials for the building and construction sectors.

4 The Appeal Proposal

- 4.1.1 This section of the Statement of Case sets out an overview of the proposed development, which is set out in detail in the Planning Statement (**CD1.02**).
- 4.1.2 The summarised proposed development below is detailed within the Committee Report (**CD6.02**), Planning Statement (**CD1.02**) and Environmental Statement (**CD1.08**).
- 4.1.3 The Appellant seeks planning permission for the extraction and processing of just under 500,000 tonnes of saleable sand and gravel over a period of circa 5 years with 2 years of restoration on completion of mineral extraction. The level of output from the site is expected to average some 100,000 tonnes per annum extracted within four separate phases.
- 4.1.4 The Appeal proposal includes proposals for the construction of a new access road into the quarry site off the B5270. The proposals also include landscaping and screening bunds, mineral processing plant and other associated quarry infrastructure. The proposed restoration scheme for the site requires the importation of some 220,000m³ of inert backfill to return the majority of the site to original levels for agricultural and restoration objectives.
- 4.1.5 The area of the planning application comprises some 20.86 hectares, with a proposed mineral extraction area of about 11.9ha. The application area comprising mainly large arable and grazing fields with a large duck breeding pen present within the site.
- 4.1.6 The Appellant will operate the site to supply its own local construction business and also supply some local concrete businesses and building merchants.
- 4.1.7 An integral part of the proposed restoration scheme following mineral extraction will therefore afford the opportunity to provide a “small-scale” leisure lodge facility of 10 to 12 high quality lodges for use in conjunction with fishing holiday breaks. It is proposed that the leisure lodges development will add high quality tourism benefits to the local economy, albeit on a small scale, that diversify the agricultural operations whilst also removing the need to re-instate the duck breeding pens that have been present on the site for many years.
- 4.1.8 The individual phases of the development are as follows:
- Site enabling works/Phase A (six months duration) - This would include the creation of a new access point off the B5270 Lancaster Road together with an access road leading into the proposed quarry. The access road would be

partially hard surfaced and would include wheel cleaning facilities. Soils and the underlying sand and gravel would then be extracted from Phase A to a relatively shallow depth of two metres with the sand and gravel being stockpiled for later processing. The soils would be used to form screening bunds along the southern boundary and western side of Phase A. Imported inert backfill material and a concrete slab would then be used to raise this area of the site for the siting of quarry processing plant, offices, weighbridge and other site infrastructure. Phase A would also include the excavation of silty clay material beneath the sand and gravel to form a clean water lagoon to provide water for the processing plant to use to wash excavated sand and gravel. The silty clay material would be stockpiled for use in the restoration of Phase 1.

- Phase 1 (approximately 18 months) – Excavation of sand and gravel to around 4.5 – 6 metres in depth. Mineral would be excavated to the depth of the water table in a 12 metre wide strip in two areas parallel to Bourbles Lane and adjacent to a property called Red Lea. Mineral would be transported to an area adjacent to the processing plant and stockpiled to a maximum height of 10 metres. The clay from the clean water lagoon would then be used to backfill the excavated strip to original ground levels following which the previously striped soils would be used to form screening bunds over the worked areas. The minerals within the remainder of Phase 1 would then be worked. Some of the mineral in Phase 1 would be worked below the water table but the mineral would be worked in wet conditions with no pumping undertaken. Following completion of extraction, the void would be infilled using the remainder of the basal clay material and the stored soils respread over the phase.
- Phase 2 (approximately six months) - Soils would be stripped from the Phase 2 area and stored on eastern and north western sides of the phase. The mineral would be worked in a single campaign of about 4–6 weeks. Only very limited dewatering of the excavation would be required due to the shallow depth of the deposit in this phase. Any extracted water would be pumped into the silt lagoon and either soak away or recirculate into the clean water lagoon. Restoration of this phase would be to agriculture and a lake feature. Some imported fill materials may be required in this phase to create the proposed restoration contours.
- Phase 3 (approximately 18 months) – this phase is crossed by gas and water mains and the excavation and backfilling works would be designed and phased

to provide protection to these pipelines. Soils would be stripped and stored in screening bunds and the mineral transported to the processing plant stockpile. Restoration would be achieved using imported inert fill.

- Phase 4 (12 months) – Soils would be stripped and stored in a bund on the northern boundary adjacent to Bourbles Lane. Mineral extraction would then proceed in a southerly direction towards the plant area with backfilling taking place behind.
- Phase 5 (site restoration – approximately two years) – this includes removal of the plant, offices, weighbridge, completion of backfilling and respreading of soils across backfilled areas of the site.

4.1.9 Importation of backfill materials would take place continually across the project and either deposited directly into worked areas or temporarily stored in a stockpile adjacent to the processing plant in the event ground conditions prevent access to backfill areas. Each mineral extraction phase would be restored to agriculture and a variety of wildlife habitats including lakes/pond and other ecological features. The restoration proposal would deliver a biodiversity net gain well above the statutory 10% gain compared to the value of the existing site. Following completion of restoration, the processing plant area would be used to provide a small accommodation lodge facility (up to 12 lodges) for use in conjunction with the existing fishing facility.

5 Planning Policy

5.1 Introduction

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

5.1.2 The analysis of Development Plan policy indicates clearly that the most important mineral planning policy documents are beyond their timescales and that important policies in relation to these proposals are well out of date in terms of the specifics that could be applied to the planning decision. Some of the generality of the out-of-date policies is helpful in outlining the general approach to aggregate/sand and gravel supply and it is this approach that points the Inspector towards both the National Planning Policy Framework – NPPF – 2024 and the latest Joint Lancashire Local Aggregates Assessment – LAA – 2023 (based on 2022 data) **(CD7.05)** for the latest policy and need aspects in relation sand and gravel supply and site delivery requirements in Lancashire.

5.1.3 These two documents are therefore material planning considerations of considerable weight in the determination of this planning application and will demonstrably outweigh the aggregate supply/need for sites policy content set out in the now out-of-date Development Plan.

5.1.4 It is important to confirm at this stage that there are no draft replacement mineral planning policy documents out to consultation and that, in the absence of such documents, it will most probably be the NPPF and the LAA that provide the planning policy and need/supply framework for the making of the decision on the proposals.

5.1.5 Reference to National Planning Practice Guidance on Minerals is also undertaken that provides some useful guidance on the approach to planning for mineral development.

5.2 Local Policy

5.2.1 The Planning and Compulsory Purchase Act 2004 defines the Development Plan as the Development Plan documents (taken as a whole) which have been adopted or approved in relation to that area.

5.2.2 The relevant statutory Development Plan for the appeal comprises:

- The Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, adopted 2009;

- The Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part 1, adopted 2013;
- The Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part 2, adopted 2013; and
- The Wyre Local Plan 2011-2031, adopted 2019.

The Joint Lancashire Minerals and Waste Core Strategy and Local Plan

- 5.2.3 As the nature of the proposed development involving mineral extraction and site restoration, the policies of the Lancashire Minerals and Waste Core Strategy and the Local Plan are considered of particular relevance. However, the Joint Lancashire Minerals and Waste Core Strategy and Local Plan had adoption dates of February 2009 and September 2013 respectively with the plan period for both documents running until the end of 2020.
- 5.2.4 As a consequence of the plan being “out of date”, some of the policies and supporting material, particularly those concerning aggregate/sand and gravel supply needs and planning for the provision of further sand and gravel supply sources are out of date.
- 5.2.5 As these are clearly important policy areas relating to the determination of a planning application of this kind it will be necessary to place greater emphasis, and planning weight, on policies and evidence contained in documents that are considered further on in this chapter as “Material Considerations”.
- 5.2.6 These include the National Planning Policy Framework (NPPF) 2024 and the Joint Lancashire Local Aggregates Assessment 2023 **(CD7.05)**.
- 5.2.7 A judgement on whether individual policies are out of date for the purposes of Paragraph 11d revolves around the degree of conformity with the current National Planning Policy Framework and the topic area and wording of the policy.
- 5.2.8 For this Appeal, it is considered that the following relevant policies are out of date and should be given little to no weight:

The Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, adopted 2009 (CS7.01)

- Policy CS3 - Meeting the demand for new Minerals
 - Policy CS3 sets out the provision of minerals to be made between 2001-2021, which is some 4 years out of date with no weight to be attributed to these outdated figures.

- Policy CS4 - Identifying Sites and Areas for Mineral Extraction
 - Policy CS4 sets out that *“Based on the position at the end of 2005, specific sites and/ or preferred areas will be identified for the extraction of not less than 4.1 million tonnes of sand and gravel by 2021”*. It goes on to state that *“In identifying sites, preference will be given to the release of sand and gravel reserves which provide for the maximum practicable contribution of high-quality sand”*.
 - Given the dates considered within the policy, this should be given little to no weight. However, it does confirm the approach of seeking to sustain sufficient sand and gravel supply and an intent to maximise the supply of high-quality sand. Given the policy is out of date it is necessary to focus on and attach weight to the LAA for Lancashire 2023 and the NPPF 2024 supply policies as these are specifically relevant material planning/policy considerations.
- Policy CS8 – Identifying Capacity for Managing our Waste
 - Policy CS8 sets out details in terms of the provision of waste management capacity over the plan period until 2021. As above, given the dates and timings, this Policy should be given little to no weight. However, in the context of CS8, the Appeal site will provide phased capacity for the use of inert waste (excavation material, clays, soils) which will facilitate and enable backfilling, reclamation and restoration of the sand and gravel working areas to positive end-uses.

The Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part I, adopted 2013 (CS7.02)

- Policy M1 – Managing Mineral Production
 - Policy DM1 sets out that *“Development will not be supported for any new extraction of sand and gravel, limestone, gritstone or brickshale”*. However, this Policy is now out of date and can be given no weight. It is not compliant with the NPPF 2024, was based on supply figures pre-dating 2013 and is therefore not reflective of the latest evidence on sand and gravel (aggregate) supply circumstances set out in the latest Lancashire Local Aggregates Assessment (LAA) 2023. The LAA 2023 is showing an acute problem for the County in sustaining sufficient sand and gravel supply in 2022 and into the future.

5.2.9 Policies of relevance to the Appeal are as follows:

- The Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, adopted 2009 **(CS7.01)**
 - Policy CS1 – Safeguarding Lancashire's mineral resources;
 - Policy CS5 – Achieving sustainable minerals extraction; and
 - Policy CS7 - Managing our Waste as a Resource.
- The Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part I, adopted 2013 **(CS7.02)**
 - Policy DM1 – Management of waste and extraction of minerals;
 - Policy DM2 – Development Management;
 - Policy DM3 – Planning obligations;
 - Policy WM1 - Capacity of Waste Management Facilities; and
 - Policy LF2 - Sites for Inert Landfill.
- The Wyre Local Plan 2011-2031 **(CS7.04)**
 - Policy SP2 - Sustainable Development;
 - Policy SP4 – Countryside Areas;
 - Policy CDMP1 – Environmental protection;
 - Policy CDMP2 – Flood risk and surface water management;
 - Policy CDMP3 – Design;
 - Policy CDMP4 – Environmental Assets;
 - Policy CDMP6 – Accessibility and transport; and
 - Policy EP9 – Holiday accommodation.

5.3 Material Considerations

Joint Lancashire Local Aggregates Assessment October 2023 (with 2022 data) (CD7.05)

5.3.1 As previously stated, it is an important material consideration in this case due to the main areas of aggregate policy being out of date, including the evidence on sand and gravel supply and demand. Its content needs to be considered in conjunction with the points set out above on the policies of the NPPF 2024, particularly those concerning the maintenance of aggregate/sand and gravel supply.

5.3.2 The appellant will demonstrate that the Council cannot demonstrate a 7 year landbank as required by the NPPF. The Appellant will also demonstrate the lack of productive sand and gravel sites within the County and uncertainty over the contribution to supply that from the permitted sites, suggesting potentially serious issues in the County meeting the needs of the construction industry and the complying with the requirements of the NPPF.

National Planning Policy Framework (NPPF) (December 2024)

5.3.3 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied, and is a material consideration in the determination of this Appeal.

5.3.4 The Appellant will demonstrate that, having regard to the proper application of the Framework, the Appeal Proposal meets the three overarching objectives of sustainable development under paragraph 8 and benefits from the presumption in favour of sustainable development under paragraph 11 of the Framework.

5.3.5 Paragraph 222 of the NPPF re-states the long established concept that minerals “*can only be worked where they are found*”. Paragraph 224, sets out that “*when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy*”. Paragraph 226 adds that minerals planning authorities should plan for a steady and adequate supply of aggregates by inter alia maintaining sufficient reserves (landbank) of at least 7 years for sand and gravel, whilst ensuring that any aggregate materials of a specific type or quality which have a distinct and separate market are not compromised.

National Planning Practice Guidance (PPG)

5.3.6 PPG which are of particular relevance to this Planning Appeal include:

- Minerals – Published October 2014. National Planning Policy for Waste (NPPW) (2014).

5.3.7 On the 30th July 2024, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government Angela Rayner, made a Written Ministerial Statement entitled “Building the homes we need”. The statement is organised into seven sections – Restoring and Raising Housing Targets, Building in the Right Places, Moving to Strategic Planning, Delivering More Affordable Housing, Building Infrastructure to Grow the Economy, Supportive Local Planning & First Step of a Bigger Plan.

5.3.8 The Appellant may refer to other planning applications, appeal decisions and case law where relevant to the Appeal Proposal. These will be agreed with the Council and copies will be provided as Core Documents (where not already included).

6 Appellant Response to the Reasons for Refusal

6.1 Introduction

- 6.1.1 This section of the Statement of Case sets out the Appellant's position in relation to the Council's Reasons for Refusal.
- 6.1.2 Whilst the Inspector is, of course, entitled to determine the Appeal anew it is emphasised that the Council is required to clearly state the reasons why it refused planning permission. Section 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) states that: "(b) where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision".
- 6.1.3 Accordingly, it is inferred that the Council raises no other technical or policy objections to the Appeal Proposal.
- 6.1.4 As set out in Section 2 of this Statement, the Council has put forward two reasons for refusal. These reasons are taken in turn in this section for the Appeal, with the Appellant's case put forward as to why the reason is incorrect. Based on this analysis, it is the Appellant's case that no material reason for refusal has been substantiated, the Appeal should be allowed, and permission should be granted for the development scheme as submitted to the Council.

6.2 Reason for Refusal 1

"The development would have unacceptable impacts on highway safety which cannot be adequately mitigated and therefore conflicts with Paragraph 116 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP6 of the Wyre Local Plan".

- 6.2.1 With regards Reason for refusal 1 (unacceptable impacts on highway safety which cannot be adequately mitigated), it will be demonstrated that the highway safety matters considered by the highway authority are either:
- i. If relating to the proposed access arrangements would not exist as the access has previously been agreed with the Highway Authority, with the development providing effective signage which would deal with the current illegal driving on Lancaster Road which the Highway Authority are aware of

but have no proposals to take action over. Contrary to the development being assumed to create a highway safety issue, the development will actually improve an existing illegal and unsafe situation, at no cost to the public purse; and

- ii. Or elsewhere the so called safety issues relate to existing points on the highway network which are already considered unsafe by the Highway Authority. Again the Highway Authority have no plans to take any action which would warn existing Highway users of the danger.

6.2.2 The proposed development would provide warning signs to address this situation. It is not possible to carry out physical improvement works to address these situations but by warning users of the highway of the deficiencies an improvement in highway safety will result, directly from the development.

6.2.3 It would be a very serious matter for the Courts if after acknowledging these highway deficiencies, which are now a matter of public record, and having no plans to erect even the most simplest warning signs or even painting SLOW on the carriageway, an accident should happen which could be considered associated with the acknowledge highway deficiencies.

6.2.4 It will be demonstrated that all the proposed signage can be provided within the highway or by using existing Highway Authority powers.

6.2.5 It should be noted that there are no traffic volume and traffic environmental issues which form the refusal. These will be covered in a Statement of Common Ground agreed with the Highway Authority.

6.3 Reason for Refusal 2

“The development by reason of proximity to residential properties would have unacceptable noise and dust impacts that could not be satisfactorily mitigated contrary to Paragraph 198 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP1 of the Wyre Local Plan”.

6.3.1 With regards Reason for refusal 2 (unacceptable noise and dust impacts that could not be satisfactorily mitigated), noise and dust response are set out separately as follows.

Noise

6.3.2 Based on the proposed development’s compliance with the requirements of the latest Government guidance in relation to noise from mineral sites, the Appellant considers

that it has been clearly demonstrated that the noise emissions from the Appeal site do comply with the requirements of Paragraph 198 of the NPPF in avoiding noise giving rise to significant adverse impacts on health and quality of life.

- 6.3.3 Paragraph 198 of the NPPF also requires that any development should “*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development*” and mitigation is included in the assessment in the form of stand-off distances and bunding as part of the site plan designs.
- 6.3.4 The recommendations for noise control measures to be reproduced in a noise management plan for the site also provides mitigation with a view to minimising potential noise impacts at the nearest dwellings.
- 6.3.5 Additional mitigation measures/bunding beyond those mentioned above are not included in the assessment as the author considers that the assessment demonstrates that the noise impact is minimised due to the measures outlined above.
- 6.3.6 Any further mitigation such as increased bunding/stand-offs would need to consider the available space and material as well as the costs incurred when weighed against the potential benefits.
- 6.3.7 The areas in which this might have been considered are the limited areas in which the operations result in site noise levels at some of the nearest dwellings that are more than 10 dB(A) above the representative background noise levels, but below 55 dB L_{Aeq, 1 hour free field}.
- 6.3.8 The extent of those areas in which the site noise levels are more than 10 dB(A) above the representative background noise levels can be established and it is reasonable to use a short term noise limit of 55 dB L_{Aeq, 1 hour free field} during those limited periods. Alternatively, a restriction on some operations in those areas may allow the site noise levels to comply with background noise levels plus 10 dB(A).
- 6.3.9 This approach is a possible option, but I would not consider it to be essential.
- 6.3.10 The absence of such additional measures or investigation into the areas in which the site noise levels are more than 10 dB(A) above the representative background noise levels does not have to be a defining factor in determining the validity of the conclusions of the noise assessment or the assessment’s adherence to Paragraph 198 of the NPPF.
- 6.3.11 The assessment also demonstrates that the operator will control noise emissions from the site to within levels acceptable in the context of current Government guidance and

therefore also complies with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP1 of the Wyre Local Plan.

6.3.12 It should be noted that Paragraphs 223 and 224 of the NPPF are as follows:

“223. Planning policies should ...

(e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;

(f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;

(g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction...”

“224. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should...

(c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties...”

6.3.13 These paragraphs emphasise the importance of mineral extraction to the economy and infrastructure of the country/area and refers to “unavoidable” noise and establishing appropriate site noise limits. Such limits are those recommended in Planning Practice Guidance (Minerals), the web-document that replaced the original “Technical Guidance to the NPPF” document that was issued to accompany the NPPF in 2012 and contained the same guidance.

Other Aspects

Footpaths/Bridleways

6.3.14 It is noted in the other documents recommending refusal and the comments from other bodies that concerns were also raised over the noise impact on public bridleways with a specific reference to horses.

- 6.3.15 The submitted assessment does not specifically address noise on bridleways and footpaths, but these and other rights of way are not covered by the noise guidance set out in Planning Practice Guidance (Minerals).
- 6.3.16 There is little guidance on specific or relative noise levels that are appropriate for these types of receptors mainly as the users are transient and the highest site noise levels experienced by those on the public rights of way would be only for a brief period of time when the user is at the closest possible approach to the site operations. As the user travels along the right of way, the site noise level should reduce as the distance from the site operations increases.
- 6.3.17 If considered as receptors, locations on public rights of way are considered to have “medium” sensitivity and as users will not be exposed to site noise for long periods, any adverse noise effects are normally considered not significant in the context of transitory use.
- 6.3.18 The British Horse Society (BHS) advice for Access and Rights of Way document (November 2022) gives some guidance on a horse’s response to noise, including the following:
- “Considering how similar a noise may be to a natural predator is a useful guide to whether a horse will be troubled by it. A quiet rustling is likely to have greater impact than a high speed train because the former could easily be associated with a predatory animal moving into position to attack whereas a train is a continuous steady loud noise which is not clearly a predator; it can be heard from far away and the majority of horses these days have been exposed to and accepted commonly occurring mechanical noises from their birth. There are many situations of horses unperturbed by trains or motor traffic, even for the first time, in fields or on bridleways alongside a railway or motorway. Because a human hears a sound, it is often assumed that this is what is troubling a horse, but the horse may have heard that sound long before and already dismissed it as not a threat, but could be reacting to a sound or movement that a human has not seen, possibly even behind it.”*
- 6.3.19 Note that as the plant site and to some extent, the mineral extraction/infilling operations are a relatively constant noise source, there would be no sudden loud aspect of the noise that might be expected to startle the horses or other animals on the footpath.

Ecological Receptors

- 6.3.20 It is also noted that Natural England suggested the provision of “predicted average and maximum noise levels with a noise contour map provided to show how noise would affect adjacent land used by bird species at each phase of the site”.
- 6.3.21 Maximum noise levels at the receptors in the vicinity of a sand and gravel site are normally controlled by activity close to the receptor rather than from operations on the site.
- 6.3.22 The site noise levels presented in the assessment are for a worst case scenario rather than an “average” level and are therefore more able to be considered a robust approximation of the worst noise levels that would be experienced at the receptors close to the operations.
- 6.3.23 Noise contour plots can be produced for the proposals, but this is often not the best means of demonstrating site noise from mineral operations due to the mobile nature of the operations. The calculated site noise levels at the receptors that surround the site are all in compliance with 55 dB $L_{Aeq, 1 \text{ hour free field}}$ and are closer and less shielded than the ecological areas beyond the dwellings, the site noise levels on those ecological areas will be no more than those levels.
- 6.3.24 In my experience of mineral sites in rural areas, most ecological consultants will recommend a site noise limit of no less than 55 dB $L_{Aeq, 1 \text{ hour free field}}$ at ecological receptors. As the dwellings are subject to routine site noise levels no more than that and the site noise levels at the more distant and shielded ecological receptors, this would not be exceeded in the areas of concern to Natural England.
- 6.3.25 There is not a substantial amount of research into the noise impact on birds of various species, but a report prepared for the Institute of Estuarine and Coastal Studies (IECS) and the University of Hull (Cutts et al, 2009) is one of the limited number of in depth studies into bird responses to noise and indicates that As a general rule, noise levels of 70 dB L_{Amax} were considered to be above the level that would indicate a behavioural response and below the level that initiates flight responses in most cases.
- 6.3.26 The Appellant therefore considers that the Vibrock Limited noise assessment report submitted with the application does demonstrate that the site can be worked whilst keeping noise to within environmentally acceptable levels in compliance with Paragraph 198 of the NPPF and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP1 of the Wyre Local Plan.

6.3.27 The submitted assessment also provides appropriate recommendations to ensure compliance with the latest Government advice in Planning Practice Guidance (Minerals) is maintained and that the amenity of the nearest noise sensitive dwellings is protected.

Dust/Air Quality

6.3.28 The application was supported by an Air Quality Assessment which included a dust impact assessment. The original assessment that was provided with the planning application was revised as part of the Regulation 25 submission following the receipt of comments from Atkins (acting on behalf of LCC), the LCC Public Health Team and the UK Health Security Agency (UKHSA).

6.3.29 The assessment considered potential dust sources that may arise from the proposed site operations and assessed potential impacts and effects on nearby sensitive receptors. The assessment was undertaken in accordance with guidance provided by the Institute of Air Quality Management (IAQM) on the assessment of mineral dust. This approach takes into account the potential magnitude of the different dust sources, the prevailing wind direction, the distance and orientation of receptors to a source and presence of any screening that may be present to determine the potential for adverse impacts and effect at those receptors.

6.3.30 There are several in-design measures that serve to reduce the likelihood of dust generation from the proposed operations. This includes the inherent nature of the material to be extracted (shallow deposits of sand and gravel which will typically be damp / wet), the proposed campaign basis for extraction, mineral and inert waste processing to be sited within a designated plant area and provision of screening bunds around the site boundary. Processing will involve the use of water as part of the sand and gravel wash plant and will not require the use of large crushing plant.

6.3.31 In addition, all mineral extraction and waste management sites encompass a degree of dust mitigation as part of normal working practices. The dust assessment set out standard management mitigation measures that would be implemented and it is envisaged any granted planning permission would include conditions requiring the submission, and agreement with the MPA, of a Dust Management Plan (DMP) which would incorporate these measures. This would be in accordance with the recommendations of the LCC Public Health Team who recommended all dust control measures documented in the Air Quality Assessment should be incorporated within a DMP should planning permission be granted.

6.3.32 Furthermore, the importation, handling and placement of inert waste materials for

restoration would be regulated under an Environmental Permit by the Environment Agency (EA). This would include a standard permit ‘boundary’ condition in relation to dust and other emissions.

- 6.3.33 The assessment concluded that through the incorporation of both in-design and management mitigation measures the resulting magnitude of dust effect at each assessed receptor would be *negligible*.
- 6.3.34 The physical in-design and additional management mitigation measures would also all serve to minimise the risk of any fine particulate (PM₁₀ and PM_{2.5}) and Respirable Crystalline Silica (RCS) emissions from the site. Of particular note the proposals are for sand and gravel extraction with restoration, and no blasting or other significant breaking activities. There is no evidence therefore that the proposed development would pose a potential significant risk to the local population due to PM₁₀, PM_{2.5} or RCS.
- 6.3.35 The air quality assessment additionally included a screening assessment of HGV movements to / from the site. The site is distant from any Air Quality Management Areas (AQMAs) and HGV movements are well below thresholds provided by the IAQM that would indicate the need for an assessment of vehicle emissions. The potential air quality impacts from traffic associated with the quarry development were not considered to be significant.
- 6.3.36 The Appellant therefore considers that the proposal would not have unacceptable impacts or significant adverse effects due to dust or air pollution on residential amenity or that of human health.

6.4 Further Considerations

- 6.4.1 It is the Appellant’s view that the reasons for refusal fail to factor in and give proper consideration to all of the benefits of the appeal proposal and consequently fails to provide a balanced assessment of the proposed development.
- 6.4.2 The weight to be given to the benefits arising from the appeal proposals will be set out in detail in the appellant’s evidence.
- 6.4.3 The appellant’s main considerations will include (but are not necessarily limited to):
- The Need for Sand and Gravel – current mineral supply and inability to demonstrate a sufficient landbank consideration with the need for the release of new mineral reserves to ensure a “*steady and adequate supply of aggregates*” and the great weight that is attached to mineral extraction;

- Sustainability Benefits of Appeal Proposal;
- The Need for Inert Waste Disposal;
- Development, Growth and Economic Considerations; and
- Restoration and Biodiversity Benefits

The Need for the Sand and Gravel and Sustainability Benefits

- 6.4.4 The need for the release of new mineral reserves to ensure a “*steady and adequate supply of aggregates*” and the great weight that is attached to mineral extraction.
- 6.4.5 There is an urgent need for the release of mineral reserves in Lancashire. The Appeal Scheme would provide a much needed contribution to the Council’s landbank.
- 6.4.6 The Planning Policy Guidance for Minerals states that low landbanks may be an indicator that suitable application should be permitted as a matter of importance, and goes on at paragraph 84 to make it clear that there is no maximum landbank level and each application for mineral extraction should be considered on its own merits .
- 6.4.7 Furthermore, in some ways a more important point is that the Appeal site will add in 100,000 tonnes of sand and gravel to annual supply. In that regard, I would point out that maintenance of a 7+ years landbank is not the main objective. It is one element of a number of elements, including determining planning applications positively, that helps ensure an adequate and steady year on year supply of sand and gravel.
- 6.4.8 As set out in the committee report “*The North West Regional Aggregate Working Party sub regional apportionment for sand and gravel supply in Lancashire is 440,000 tonnes per year. The supply position was considered in the 2023 Local Aggregates Assessment which notes that sales had reduced considerably due to the closure/exhaustion of reserves at a number of existing sand and gravel quarries including Lower Brockholes, St Annes Foreshore, Clayton Hall, Sandons Farm and Tarnacre Farm. Currently, the remaining operational sites are not capable of producing at the level required to meet the sub regional apportionment.*

The remaining reserves are held in a very small number of quarries with the only active sites being Bradleys Sandpit (Preston) and Lydiate Lane (Leyland). By far the largest proportion of permitted reserves (4.1 Mt) is held in one site at Runshaw, Euxton which is non operational. Paragraph 226(g) of the National Planning Policy Framework states that mineral planning authorities should plan for a steady and adequate supply of aggregates by ensuring that large landbanks bound up in very few sites do not stifle

competition. This is particularly relevant given that most of the landbank is held at a single site which is making no contribution towards supply. Even if the Runshaw site was to commence production, it is subject to an output restriction which limits heavy goods vehicles leaving the site to 60 per day thereby limiting the ability of this site to meet the forecast demand. Furthermore, the planning permission for the Runshaw site expires in mid 2026 and it is not known at present whether the operator of the site (Tarmac) will be making a planning application to extend the time period of permission”.

6.4.9 As set out above, the MPA continues to under supply sand and gravel, which gives considerable planning weight to the need for the appeal site to be permitted to rapidly add 100,000 tonnes plus per annum for 5 years to the annual supply of sand and gravel.

6.4.10 Further to the above, the nature of the geology of the quarry with a variety of sand and gravel and solid sand, offers a wide product range for construction including building sand, concrete, mortar and drainage material from a sustainable location for supplying the site.

6.4.11 As such, the potential mineral release from the Appeal site would assist in maintaining Lancashire’s landbank and a steady supply of mineral.

6.4.12 Housing and infrastructure delivery are key aspects of Government policy. Such delivery will require a steady and adequate supply of sharp sand and gravel.

6.4.13 The NPPF was updated in December 2024, alongside which an updated standard methodology (**CD10.01**) for calculating housing need was published. Under the previous methodology Wyre had an annual housing completion requirement of 280 dwellings per annum (dpa). Under the new adopted approach, this has been increased to 582 dpa. In addition, the bullet points below identify the updated housing requirement for the neighbouring authorities:

- Wyre – 280 dpa to 582 dpa;
- Fylde – 275 to 410 dpa;
- Preston – 269 to 590 dpa;
- Ribble Valley – 113 to 310 dpa;
- Lancaster – 415 to 619 dpa;
- South Ribble – 169 to 489 dpa;
- West Lancashire – 166 to 562 dpa;
- Chorley – 506 to 564 dpa;

- Hyndburn – 50 to 301 dpa;
- Rossendale – 179 to 321 dpa;
- Burnley – 51 to 340 dpa; and
- Pendle – 124 to 333 dpa.

6.4.14 As outlined above, there is an increase in housing targets for Wyre and its neighbouring authorities that in turn will result in an increase to the mineral requirement for Lancashire. The increase in dwellings per annum (dpa) required across Lancashire will result in a significant increase in aggregate requirement annually. Within the Inspectors Appeal Decision for the allowed Hamble Airfield Appeal (Ref: APP/Q1770/W/24/3355894), they accepted that MPA's figure of a typical new house requiring on average around 200 tonnes of aggregates and associated mineral products² which would suggest the demand for aggregates is likely to significantly increase beyond that considered within the LAA. In the context of an additional 2,824 dpa based on the new standard methodology across Lancashire, this could result in a total demand aggregate increase of up to 564,800 tonnes per annum above the existing demand. The need for sand and gravel aggregate is detailed further within the Statement of Common Ground.

6.4.15 The Appellant is a significant, independent, family owned building and construction company based in Lancashire.

6.4.16 In order to achieve Wyre Council's strategy and plan for growth there will be a need for sufficient supply of construction materials, including aggregate minerals, which include sand and gravel. Sand and gravel will be needed to produce concrete and mortar as well as providing granular material needed in construction projects. As sand and gravel tends to mainly serve local markets (which brings sustainability and environmental benefits) there is a need for reliable sources of sand and gravel supply to serve the planned delivery of development in the Wyre Council administrative area along with surrounding neighbouring authority areas.

6.4.17 In this regard the application proposals will provide a suitable supply of quality sand and gravel to serve these local market demands, particularly as the applicant, Baxter Construction, will utilise a significant proportion of the supply in their own construction projects in the locality.

The need for Inert Waste Disposal

² <https://www.mineralproducts.org/Mineral-Products/Aggregates.aspx>

6.4.18 To restore the site and help create restoration formation levels, the Appellant is proposing to import approximately 220,000m³ of inert material. The imported inert material would consist of clean excavated materials consisting of clays, overburden and soil making material. The intention is to obtain an Environment Agency (EA) recovery permit for these operations.

6.4.19 Imported inert fill will help to create the habitats and lake feature as required as part of the restoration scheme.

6.4.20 The site will also provide a facility for the recovery and positive use of clean, inert waste from the local construction industry including the applicant's own construction operations carried out in the County and will provide an additional facility in the County to meet the needs for recovery of inert wastes in site reclamation and restoration schemes.

Development, Growth and Economic Benefits

6.4.21 The Appellant will set out how the Appeal Scheme would help provide and secure jobs for people directly and indirectly employed as part of the quarry operations and which contribute to the local economy through wages, business rates, use of local suppliers, and at a national level; to the economy through aggregates levy (a tax on sand, gravel and rock) and other taxation processes.

6.4.22 In addition, the tourism aspects of the restoration scheme will provide added economic benefits to the local area, whilst removing the existing large scale duck breeding operations from the Bourbles Farm site.

Restoration and Biodiversity Benefits

6.4.23 The Appellant will demonstrate that the proposed development with a net gain in biodiversity offer restoration and biodiversity benefits.

6.4.24 The proposed restoration scheme will ensure that there will be long term benefits from the development for the local environment, including priority habitats that are of local and national significance, as included in various planning policy statements.

6.4.25 As such, it is established that the proposed development should not be refused on the grounds argued at committee and set out in the decision notice. The appeal should be allowed on that same basis.

7 Proposed Draft Planning Conditions

- 7.1.1 Discussions will be held with the MPA once a start date has been received for the Appeal with regard to suitable Planning Conditions.

Appendix 1 – Justification for a Public Inquiry

1. Need for the Evidence to be tested through Formal Questioning by an Advocate

- 1.1 The reasons for refusal fail to factor in and give proper consideration to all of the technical work and indeed the responses of statutory consultees. It is noted that none of the statutory consultees or other relevant bodies holding the necessary expertise and experience on the noise and dust matters under consideration objected to the proposals.
- 1.2 Furthermore, the Council have failed to factor in and give proper consideration to all of the need and benefits of the appeal proposal and consequently fails to provide a balanced assessment of the proposed development. The weight to be given to the benefits arising from the appeal proposals will be set out in evidence. It will be demonstrated that any potential impacts are clearly outweighed by the identified benefits and accordingly, the overall planning balance clearly lies in favour of the appeal being allowed.
- 1.3 Case law in relation to the interpretation of policies means detailed legal submissions will be necessary and a clear need for evidence to be tested through formal questioning.
- 1.4 In this case, the appellant wishes to present its expert evidence formally so that the planning authority and the Inspector fully understand the appellant's case as to: need, environment and sustainability benefits, development, growth and economic considerations and the restoration and biodiversity benefits.
- 1.5 Likewise, the appellant will call an experienced minerals planner, transport consultant, noise consultant and air quality/dust consultant to present the appellant's positive policy, highway, noise, air quality/dust, need and benefits case.
- 1.6 Further, the appellant wishes to have the planning authority's case put to its witnesses. This is an aspect of an inquiry which is sometimes omitted from consideration. Here, it is very important. The appellant is entitled to have the contrary case put to its witnesses so that it can answer that case and demonstrate why it is wrong¹.
- 1.7 The planning authority will call either a planner, highways advisor, noise and dust advisors or local councillor's in support of the member's reasons for refusal. It is essential that the appellant has a full opportunity to test whatever evidence the planning authority is able to call.

2. Complexity of Issues

- 2.1 This is an important minerals application for the County and the wider locality. The issues in the appeal require a comprehensive assessment of both the merits of the location and the interaction with the

¹ For a discussion of the benefits and purpose of cross-examination see the article by Lionel Read QC (1997) JPEL 24.

approach to minerals development to meet the need of the County. That requires formal presentation of evidence.

- 2.2 As such, it is the view of the Appellant that these matters will require cross examination to establish the extent of the evidence which underpins the Council's refusal of the planning application. This will necessarily entail significant amounts of technical data in respect of these topics.

3. Likely length of proceedings

- 3.1 It is considered that to address all matters, 3 sitting days will be required. This exceeds the single day usually reserved for a hearing (or even a two day hearing, which are understood to be used only in exceptional circumstances).

4. Summary

- 4.1 For the above reasons, the Appellant considers a Public Inquiry is the most appropriate procedure in this case.
-