

Statement of Case of Lancashire County Council

Section 78 of the Town and Country Planning Act 1990

Appeal by Baxters Construction Ltd against decision of Lancashire County Council to refuse to grant planning permission for 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 of leisure end uses, agricultural land and biodiversity enhancement using imported fill

Land off Bourbles Lane, Preesall, Lancashire

LPA Ref: LCC/2023/0030

Appeal Ref:6002168

1. Introduction

- 1.1 This is the statement of case of Lancashire County Council as minerals and waste planning authority in response to the Appellant's appeal.
- 1.2 The Appellant seeks planning permission for the extraction of sand and gravel on land off Bourbles Lane, Preesall and its restoration to leisure uses, agriculture and biodiversity enhancement including imported inert fill material.
- 1.3 The planning application was submitted to the County Council on 17th August 2023 ref LCC/2023/0030. The application was accompanied by an Environmental Statement, the need for which was established through an EIA screening process. Subsequent to the screening decision, an EIA scoping opinion was issued by the County Council setting out the topic areas that an ES should consider.
- 1.4 Further environmental information under Regulation 25 of the EIA Regulations and amended planning application details were submitted by the appellant on 3rd December 2024.
- 1.5 The planning application was reported to the County Council's Development Control Committee on 15th October 2025 following a committee site visit on 22nd September 2025.
- 1.6 The Council' s Committee report included a full description of the site and surrounding area (paragraphs 7 -13), the proposed development (paragraphs 1-6) and a summary of the representations received (paragraphs 38 – 49).
- 1.7 The Committee report recommended that planning permission be refused for reasons relating to impact on highway safety and the impacts of noise and dust on local residents. The Development Control Committee refused planning permission in accordance with the recommendation.

2. Planning history

- 2.1 A summary of the planning history of the appeal site is set out in paragraph 18 of the Committee report. Although there has been historic sand and gravel extraction to create the existing fishing lakes on parts of the site and two other previous decisions in the 1970's in relation to mineral extraction, both of which were refused, none of the history is considered to be directly relevant to the current proposal.

3. The Proposal

- 3.1 The proposed development is for the extraction of approximately 500,000 tonnes of sand and gravel at a rate of approximately 100,000 tonnes per year. It is proposed that the site would be restored to agriculture, leisure / tourist activities and biodiversity gain / nature conservation. Restoration would require the importation of

inert backfill materials in order to allow suitable restoration contours to be attained. Full details of the proposals can be found in paragraphs 1 – 6 of the County Council's Committee report.

4. Determination process

- 4.1 This section of the SoC summarises the determination process from pre application stage to determination of the planning application by the County Council.
- 4.2 The applicant requested pre application advice from the County Council on 26th January 2022. The advice was provided on 31st March 2022.
- 4.3 The planning application was received by the County Council on 17th August 2023. Amended drawings were submitted by the applicant on 3rd September 2023 to correct an error in the initial documents relating to the planning application boundary and associated ownership boundaries.
- 4.4 The planning application was publicised in accordance with the procedures in the General Development Management Procedure Order 2015 and Environmental Impact Assessment Regulations 2017 including press and site notices and letters to local residents living around the planning application site.
- 4.5 Further information was requested by the County Council on 27th March 2024. This included a request under Regulation 25 of the EIA Regulations to deal with issues arising from the Environmental Statement.
- 4.6 The applicant made a further submission on 3rd December 2024 to address the issues raised in the County Council's letter of 27th March 2024. The further submission included revised drawings and phasing plans and updated information with respect to noise, air quality, ecology and transport / highway matters. The Regulation 25 information was consulted upon and subject to a publicity exercise in accordance with the EIA Regulations.
- 4.7 Representations : Approximately 2000 representations were received in response to the planning application and Regulation 25 consultation. The representations received are summarised in paragraphs 38 – 49 of the County Council's committee report.
- 4.8 Committee report – The officers report to the County Council's Development Control Committee has been provided as part of the appeal questionnaire.
- 4.9 Prior to the Committee meeting members of the committee visited the site and surrounding area on 22nd September 2025.
- 4.10 The planning application was reported to the meeting of the Development Control Committee on 15th October 2025. The recommendation was that planning permission should be refused for two reasons:-

- 1) *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 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 Lancashire Minerals and Waste Local Plan and Policy CDMP1 of the Wyre Local Plan.*

The Committee resolved to refuse planning permission for the reasons recommended.

5. Relevant Documents

5.1 The County Council will seek to agree a list of Core Documents with the Appellant.

5.2 The County Council are likely to rely upon the following documents for this appeal. Please note that this is not an exhaustive list and the County Council may refer to other documents as it develops its case.

- Lancashire Minerals and Waste Core Strategy
- Lancashire Minerals and Waste Local Plan
- Lancashire County Council Local Aggregates Assessment published 2023. At the time of writing a draft Local Aggregates Assessment covering 2024 is in preparation and the draft will be submitted to the NAWWP to be ratified before the public inquiry.
- Wyre Borough Local Plan
- National Planning Policy Framework
- Planning Practice Guidance – particularly those sections relating to minerals, air quality, noise and transport
- National Planning Policy for Waste
- Manual for Streets 1 and 2

5.3 The Council is in the process of updating and reviewing the Lancashire Minerals and Waste Core Strategy and Local Plan. It is anticipated that a new draft plan will be subject to consultation in spring 2026. However, for the purposes of this appeal it is acknowledged that the review plan will carry limited weight due to the early stage of preparation.

6. Relevant Planning Policies

6.1 National Planning Policies :

6.2 For the purposes of this appeal and the reasons for refusal, the following policies from the NPPF are considered to be particularly relevant: 8 (achieving sustainable development), 11 – 12 (presumption in favour of sustainable development, 116 (highway impacts) and 198 – 199 (amenity impacts and air quality). Although not

specifically referred to in the reasons for refusal, it is acknowledged that paragraphs 223 – 226 of the NPPF will also be relevant in terms of the need for minerals and control of environmental impacts arising from mineral extraction.

- 6.3 Lancashire Minerals and Waste Core Strategy and Minerals and Waste Local Plan : The policies of the LMWCS and LMWLP relevant to the planning application are as follows:-

Lancashire Minerals and Waste Core Strategy

Policy CS1 – Safeguarding Lancashire's mineral resources

Policy CS3 – Meeting the demand for new minerals

Policy CS4 – Identifying sites and areas for mineral extraction

Policy CS5 – Achieving sustainable minerals extraction

Lancashire Minerals and Waste Local Plan

Policy DM1 – Management of waste and extraction of minerals

Policy DM2 – Development Management

Policy DM3 – Planning obligations

Policy M1 – Managing Mineral Production

Note : The Committee report also included a reference to policy SA2 (Safeguarding of land for access improvements) but this reference was in error.

The Core Strategy and Local Plan were adopted in 2009 and 2013 respectively. Both documents had plan periods running until 2020. It is therefore acknowledged that the policies of the Core Strategy (CS3 and CS4) and Local Plan (M1) dealing with the provision of sand and gravel are now out of date and therefore carry little weight in the determination of the appeal. However, policy CS5 of the Core Strategy and policies DM1 and DM2 of the Local Plan are considered to be relevant and should carry full weight as they deal with the assessment of environmental impacts and accord with national policy.

- 6.4 Wyre Borough Local Plan : The policies of the Wyre Local Plan relevant to the planning application are as follows:

Policy SP1 – Development strategy

Policy SP2 - Sustainable Development

Policy SP4 – Countryside Areas

Policy SP8 – Health and wellbeing

Policy CDMP1 – Environmental protection

Policy CDMP2 – Flood risk and surface water management

Policy CDMP3 – Design

Policy CDMP4 – Environmental Assets

Policy CDMP5 – Historic Environment
Policy CDMP6 – Accessibility and transport
Policy EP9 – Holiday accommodation

- 6.5 Policies SP2 (Sustainable development), SP8 (Health and Wellbeing), CDMP1 (Environmental Protection) and CDMP6 (Accessibility and Transport) are considered to be particularly relevant to the council's reasons for refusal.

7. The Council's Case

- 7.1 The County Council will resist the appeal on both grounds stated within its reasons for refusal.
- 7.2 The first reason for refusal relates to the impact of the development on the local highway network. There are no concerns regarding the effect of the development on congestion and the reason for refusal relates to the likely impact of HGV traffic on the safety of other roads users at a number of locations on the network. In particular the County Council will present evidence to demonstrate that the proposal would lead to a significant increase in HGV traffic on Lancaster Road for the duration of the development and that this highway has insufficient width to allow HGVs to pass other vehicles and vulnerable road users with an appropriate level of safety. The safety issues on this highway are exacerbated by the horizontal alignment and associated forward visibility of the highway. There are also concerns regarding the provision of adequate visibility splays at the access onto Lancaster Road having regard to the current traffic conditions on Lancaster Road. In addition the County Council will present evidence relating to likely impacts at two locations on the wider highway network where the level of increase in HGV movements considered together with particular highway constraints at these locations would lead to significant safety impacts.
- 7.3 The developers have proposed a highway mitigation strategy along Lancaster Road and at two locations on the A588. The County Council will present evidence questioning the deliverability and mitigation value of the applicant's proposed strategy.
- 7.4 The second reason for refusal of the application has two elements relating to the likely impacts of the proposed development in terms of a) noise and b) dust. In terms of noise, the County Council will demonstrate that the development would have an unacceptable impact on the amenity of those residents living immediately adjacent to the boundaries of the application site due to noise impacts on local residents arising from the stripping of soils, excavation of minerals and backfill operations. These impacts will be demonstrated having regard to the phasing of the quarrying, processing and infill operations, ability to provide effective mitigation measures and the likely noise impacts that would be generated above the existing background levels. In terms of dust and air quality impacts, the County Council will demonstrate that there would be likely unacceptable impacts at particular stages of the quarrying and backfill operations due to the close proximity of residential properties to the site boundary and active areas of the site, the requirement to move excavated minerals and backfill materials on unsurfaced haul roads and the

difficulties of providing adequate and effective mitigation measures particularly in instances where operations take place in such close proximity to sensitive development.

- 7.5 Whilst issues around the need for the mineral do not form part of the County Council's reasons for refusal, the County Council will demonstrate that the impacts of the proposed development would outweigh any benefits that might arise from an additional source of supply of sand gravel.