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

Mytax Farm, 4 Bourbles Lane, Poulton-Le-Fylde, FY6 0PE

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"

Appeal Ref. 6002168

Proof of Evidence of Liam Toland BA

(Hons) MSc, MRTPI – Planning

March 2026

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1 Introduction and Background to Appeal

1.1 Personal Details

1.1.1 My name is Liam Toland. I hold a Bachelor of Arts degree in History and Geography having graduated in 2003 and a MSc in Regional and Urban Planning having graduated in 2006. I am a Member of the Royal Town Planning Institute (MRTPI) since 2008. I have over nineteen years' experience in planning obtained through employment in the private consultancy sector.

1.1.2 From June 2013 to September 2022, I was employed by Heatons, being promoted to Planning Director in 2021. My work with Heatons has predominantly been in connection with the minerals and waste sectors, preparing planning applications and project managing EIAs for a range of developments including new and extensions to quarries covering a wide range of mineral types.

1.1.3 Since October 2022, I have set up my own company Liam Toland Planning, predominantly providing planning services to the minerals and waste sector. Since September 2024, I have been Director of Kedd Limited, a Multi-disciplinary Consultancy of Planners, Landscape Architects and Ecologists. As such, I have good experience in the issues that are relevant to this Inquiry.

1.1.4 In preparing this evidence for the re-determination of the appeal I have reviewed all the previous documentation.

1.1.5 I have visited the Appeal Site and the surroundings and have examined the relevant plans and documents for the purpose of this Inquiry. I shall be giving general planning evidence covering various issues relating to National and local planning policy, and in particular need considerations of the Appeal.

1.2 The Appeal Scheme

1.2.1 Full details of the proposed operations, including proposed phasing, are provided in the Environmental Statement (CD1.08) and the Statement of Common Ground (SoCG) agreed with the Council on 13th February 2026.

1.2.2 With regard to the scheme and the phasing and operational timings, I defer to Mr Simon Rees Proof of Evidence which details in full the proposed development scheme.

1.3 The Appeal Site and Surroundings

1.3.1 This is described in Section 3 of the SoCG.

1.3.2 Whilst I was aware that the landowner of part of the site with whom the Appellant is contracted had undertaken some works of tipping, I had understood that none of it was on any part of the Appeal Site and that the works were tolerably minor, albeit that they were referenced in some of the third party objections.

1.3.3 As a result of a recent site visit it has come to our attention that the landowner of the Appeal Site has been undertaking further tipping operations in the area, this time where the proposed haul road is to traverse in order to connect to the Phase 1 area. As soon as I became aware of this, I contacted the Planning Officer via email (Appendix 1 of this Proof of Evidence) in relation to these activities. The Officer informed us that the Council was indeed aware of the operations, which they understood to involve the excavation of ash type waste which was deposited into a previous void along with the importation of waste concrete to construct a farm access track. The Council have discussed this with Wyre Borough Council regarding the access track where it is considered that it would be covered possibly by Permitted Development rights afforded to agricultural operations. The Planning Officer states that a site visit was undertaken confirming some restoration works had been carried out on the disturbed land as they had requested.

1.3.4 It was also discussed with the Council if the Environment Agency would get involved, but it was confirmed that this would be unlikely.

1.3.5 So far as I am aware, at the time of writing, no enforcement action has been intimated or is pending.

1.4 Planning History Relevant to the Appeal

1.4.1 The planning history of the Appeal Site is described in Section 3 of the SoC.

1.5 Planning Policies relevant to the Appeal

1.5.1 The relevant development plan policies can be found within the SoCG in Section 5.

1.6 Reason for Refusal

1.6.1 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."

1.7 Declaration

1.7.1 I can confirm that the evidence which I have prepared and provide for this Appeal Reference 6002168 in this Proof of Evidence to be true, and that the opinions I have expressed represent my true and complete professional opinion, and complies with the RTPI Code of Professional Conduct, irrespective of by whom I am instructed.

2 Scope of my evidence

2.1.1 My Proof of Evidence covers planning policy relating to minerals and mineral and waste need.

2.1.2 The following elements are considered:

- Planning Policy Considerations (Section 3);
- The need for Sand and Gravel (Section 4);
- The need for inert waste disposal (section 5);
- Comments on Issues Raised by Rule 6 Parties and Other Interested Parties (Section 6);
- Planning Balance and Conclusions (Section 7).

2.1.3 In preparing my evidence I have also had regard to the evidence provided by:

- Mr Jim Budd on transport matters;
- Dr Robert Storey on noise matters;
- Ms Katrina Hawkins on Dust and Air Quality matters; and
- Mr Simon Rees on scheme details, phasing and timings.

3 Planning Policy Considerations

3.1 Planning Policy – Tilted Balance Considerations

3.1.1 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.

3.1.2 The analysis of Development Plan policy indicates clearly that the most important mineral planning policy documents are beyond their timescales – i.e. that individual policies do not meet up to date guidance, and that the Local Plan fails to identify sufficient sites in order to meet up to date needs. Accordingly, the most important policies in relation to these proposals are considerably of date in terms of the specifics that could be applied to the planning decision.

3.1.3 LCC's adopted minerals planning framework consists of:

- 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 I, adopted 2013; and
- The Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part 2, adopted 2013.

3.1.4 These documents were intended to cover the plan period to 2021, meaning the adopted plan is both time expired and now significantly more than five years old. It is long overdue being reviewed.

3.1.5 LCC confirms on their website that:

- The Local Plan review timetable is out of date; and
- A revised Minerals & Waste Local Plan is under review, with further consultation anticipated in summer 2025 prior to submission in winter 2025/26.

3.1.6 This means that, as of 2026, Lancashire does not have an up-to-date minerals local plan.

3.1.7 The NPPF "tilted balance" (paragraph 11(d)) has rarely been considered in mineral planning appeals as mineral development is usually governed by up-to-date Minerals Local Plans. However, In Lancashire, we are in a position where 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. Furthermore, the evidence base that informed the policies in the Plan pre-dated the adoption. This means that they are over 5 years "out of date" and the Core Strategy was even adopted 3 years before the publication of the NPPF. In my view the tilted balance is indeed engaged, especially in the context where identified sources for securing minerals within the County are seriously depleted for reasons I address below.

3.1.8 The Joint Lancashire Minerals and Waste Development Framework Site Allocation and Development Management Policies Plan Document itself includes a policy that mirrors the NPPF presumption:

- Policy NPPF1 – Presumption in Favour of Sustainable Development.

3.1.9 This states that if relevant policies are out of date, permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.

3.1.10 This effectively replicates in the statutory development plan the "tilted balance" in NPPF.

3.1.11 The NPPF was recently consulted upon with regard to proposed changes to the planning system. Whilst there are proposed changes throughout the NPPF document, the core principle of promoting sustainable development through a plan led system which is responsive to meeting development needs remains. Due to the early stage of the NPPF consultation, this can only be afforded limited weight.

3.1.12 It is considered that the following form among the most important policies in the Development Plan and all are clearly out of date both in terms of age and outdated evidence:

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 approach should now be given little to no weight. However, it does confirm the approach, in principle, 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 now be given little to no weight. However, in the context of CS8, the Appeal site will nevertheless 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.

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

- Policy M1 – Managing Mineral Production
  - Policy M1 sets out that *"Development will not be supported for any new extraction of sand and gravel, limestone, gritstone or brickshale"*. However, once again this Policy is now seriously 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, and North West Aggregate Working Party Annual Monitoring Report 2025. The LAA 2023, at Section 4.4, shows an acute problem for the

County in sustaining sufficient sand and gravel supply in 2022 and into the future, with a shortfall calculated based on sub-regional forecast, 10-year average sales and housing delivery forecast. Consideration of the mineral need is addressed in Section 4 of this Proof.

3.1.13 It is accepted that an expired plan period does not automatically make policies out-of-date, but it is an important material factor in the planning judgment, and courts and Planning Inspectors have accepted policies can become out-of-date where circumstances or evidence have changed. The evidence base of the Plan that informed its preparation pre-dates 2013 and its "shelf-life" was to 2021 and no longer comes close to meeting up to date development needs.

3.1.14 LCC itself concludes the LAA to state that *"it is prudent to address these through the review of the Minerals and Waste Local Plan".* This is in reference to the assessment between supply and demand indicating that there is a projected shortfall, both in capacity and supply of mineral. However, it is self-evident that it also needs to be addressed through development management decisions when the plan led system has failed so badly.

3.1.15 This is strong and compelling evidence that the most important policies are now to be judged out-of-date for the purposes of paragraph 11(d).

3.1.16 It is my professional opinion that it is credible and realistic to assess that the "tilted balance" applies to mineral development proposals in Lancashire in 2026 for the following reasons:

- The out-of-date Minerals & Waste Local Plan (period ended 2021). The nature of the development plan being out of date is not consistent with the NPPF requirement for a plan-led system;
- The evidence base of the Local Plan dates from before 2013;
- The almost non-existent Local Plan review and demonstrable absence of any progress. The most recent consultation on the draft revised Local Plan was carried out in September-November 2018, on a Regulation 19 Plan. This consultation document is over 7 years old, and produced on an evidence base which is even older, such as the Local Aggregate Assessment 2017 (using 2016 data) and the Local Waste Assessment 2016 (using 2015 data). This document therefore carries no weight in the determination process;

- A Local Plan policy (NPPF1) explicitly activates the presumption in favour of sustainable development where policies are out-of-date;
- The proposal does not fall within any of the NPPF Footnote 7 constraints (e.g. SSSI, Green Belt, heritage assets, irreplaceable habitats, flood zones)—as these would disapply the tilted balance;
- Any environmental impacts can be readily and effectively mitigated such that the proposal would avoid causing "significant and demonstrable" harm. This is as set out in the evidence of Mr Budd, Ms Hawkins and Dr Storey; and
- It is accepted that the policies contained within the Wyre Local Plan 2011-2031, adopted 2019 are relevant, however, these are not mineral specific policies and were not prepared with mineral operations that are County Matters in mind.

4 The Need for Sand and Gravel

4.1 Introduction

4.1.1 The Appellant is a significant, independent, family-owned building and construction company based in Lancashire. They are acutely aware of the limited supply of local sources of aggregates and therefore intend to operate the site primarily to supply its own local construction business as well as to also supply a number of local concrete businesses and building merchants on a contract basis. The Appellant therefore has a direct understanding of the need for a sufficient mineral supply and the relationship between development and mineral demand. Because the markets are local there will be a significant saving in terms of the distance aggregates would otherwise have to travel in order to meet these local needs.

4.1.2 NPPF paragraph 222, states:

> *"It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long term conservation"*.

4.1.3 Paragraph 224 of the NPPF goes on to state:

> *"When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy"*.

4.1.4 The NPPF at paragraph 224 provides that great weight is to be afforded to mineral extraction, noting the contribution that the minerals sector makes to the UK economy.

4.1.5 This is of significant note given how the NPPF describes sustainable development in paragraph 8 whereby the economic objective is to help:

> *"build a strong, responsive and competitive economy"*

and a social objective seeking to:

> *"support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations"*.

4.1.6 Without an adequate supply of minerals, the "homes" (as referred to under paragraph 8 of the NPPF under sustainable development) cannot be built.

4.1.7 The NPPF at paragraph 226 indicates that

> *"minerals planning authorities should plan for a steady and adequate supply of aggregates"*.

4.1.8 A key tool for doing this is the maintenance of landbanks, which for sand and gravel is one of "at least 7 years".

4.1.9 This places an emphasis on:

- Preparing an LAA to forecast future demand based on 10 years sales data, other relevant information and assessment of supply options;
- Involvement in Aggregates Working Party;
- Taking account of national/sub-national guidelines on future provision;
- Using landbanks to monitor security of supply and additional provisions needed;
- Maintaining a landbank of a minimum of 7 years of sand and gravel; and
- Being aware of issues of landbanks bound up in very few sites.

4.1.10 There are two important points that flow from paragraph 222:

1. Minerals can only be worked where they are found; and
2. 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.

4.2 Landbank/Productive Capacity Position in Lancashire

Landbank

4.2.1 The NPPF at paragraph 226 requires Mineral Planning Authorities to maintain a landbank of at least 7 years for sand and gravel as an absolute minimum.

4.2.2 Due to the Local Development Plan being so grossly out of date, the most reliable information with regard to sand and gravel reserves, landbank and future need are contained within the Local Aggregate Assessment (LAA) 2023 (CD7.05) which uses 2022 data, and the North West Aggregate Working Party Annual Monitoring Report 2025 (AMR) (using 2024 data) (CD7.07). It is noted that at the time of this Appeal, the LAA is

based on data which is already three years old.

4.2.3 Section 4 of the LAA (CD7.05) provides an overview and assessment of the Council's position with regard to sand and gravel reserve, landbank and future forecast demand.

4.2.4 The LAA sets out that at end-2022, Lancashire held ~4.46 Mt of permitted land-won sand and gravel reserves with the LAA noting that the minimum 7-year landbank could begin to erode from 2026 in the absence of timely additional provision. Paragraph 65 of the committee report states that:

> *"The current position is that the landbank of sand and gravel reserves in Lancashire is around 4.3 million tonnes; at or slightly above the minimum landbank requirement of seven years."*

4.2.5 The graph included in the table at section 4.1 of the LAA illustrates a significant fall in sales of sand and gravel indigenous to Lancashire from 2018 to 2022 (latest year of data). This is identified to be due to closure of Lower Brockholes (2015), St Annes Foreshore (2019), Clayton Hall (2019), Sandons Farm (2021) and Sharples (2022). As set out in 4.1 of the LAA and paragraph 66 of the Committee Report (CD6.02), production capacity is significantly reduced with the remaining operational sites not capable of producing at the level required to meet the sub-regional aggregate apportionment of 440,000 tonnes per annum. According to Table 7 of the AMR (CD7.07), there is only one operational sand quarry within Lancashire – Bradleys Quarry with an end date of 2029.

4.2.6 As stated in 4.2 of the LAA and paragraph 65 of the Committee Report, the Council will not be in a position to support anything like a sufficient landbank in 2026 if no further reserves are permitted.

4.2.7 Lancashire currently relies on a small number of quarries, with the LAA (CD7.05) identifying four quarries in 2022, two of which were inactive. Runshaw Quarry is identified to hold a majority of the permitted reserve (4.1mt of the around 4.3mt of sand and gravel reserves – paragraph 65 of the Committee Report), however at the time of the LAA this site was inactive. Regardless of the status of Runshaw Quarry, the fact that the vast majority of the Council's landbank is bound in a single site is itself contrary to the principle of paragraph 226(g) of the NPPF. Furthermore the AMR, which identifies 4.57mt reserve in 2024 (Table 3) across Lancashire and the authorities of Blackburn and Blackpool. Of this, 4.1mt would be attributed to Runshaw Quarry.

4.2.8 Paragraph 67 of the Committee Report confirms that even if Runshaw Quarry was to

commence production, it would be limited on annual output and not capable of meeting the annual apportionment.

4.2.9 Runshaw Quarry is controlled by Appeal Permission Ref: APP/Q2371/A/07/2035175NWF. Condition 2 of the permission states *"The mining operations authorised by this permission shall cease not later than 15 years and 6 months from the date of commencement of development as notified under the provisions of Condition 3 below. The site shall be progressively restored and shall be restored in its entirety within 16 years and 6 months from the commencement of development or within a period of 1 year from the cessation of mineral working as defined in this permission, whichever is the sooner."*

4.2.10 Condition 3 of the permission required *"written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement."*

4.2.11 As confirmed in correspondence with the Planning Officer (Appendix 2), it is the Council's position that the development commenced in January 2011. On this basis, the 15 year 6 months of the permitted operational quarry life would cease in July 2026.

4.2.12 There is no application that has been made that would support continued mineral operations at the quarry beyond July 2026. Indeed, there has been no effort at all to date from Tarmac to extend the life of the quarry. The Appellant has undertaken discussions actively with Tarmac, confirming that a decision will be undertaken in March 2026 as whether to recommence operations at the Runshaw Quarry or to allow the permission to lapse. It is also the Appellants understanding that Tarmac's lease of the site also runs out alongside the permission for the site. If Tarmac decide to recommence operations at the site after the July 2026 end date for extraction, then they will need to submit a new planning application. It should also be noted that the permission at the site was secured at an Appeal therefore any new planning permission cannot be guaranteed. Due to the nature and scale of the operations, any future application for the working of Runshaw Quarry would require the preparation and submission of an Environmental Impact Assessment and it should be noted that the Runshaw permission was secured through Appeal after the Council refused it.

4.2.13 Whilst information as to why Runshaw Quarry has not become commercially available, it is understood in the industry that the site does not contain concreting sand, with the reserve being of very fine sand which would require blending in order to produce a saleable product. Additionally, it is understood that there would be potential difficulties

in working of the site as a result of the excessive overburden present.

4.2.14 In any event, irrespective of the above timescales regarding the end date for extraction and restoration at Runshaw Quarry, when Condition 2 is looked at as a whole, it is apparent that no mineral extraction operations have taken place for a sustained period of time, therefore the final part of Condition 2 should apply – *"The site shall be progressively restored and shall be restored in its entirety within 16 years and 6 months from the commencement of development or within a period of 1 year from the cessation of mineral working as defined in this permission, whichever is the sooner".* The definition of 'cessation of mineral working' as set out within the Appeal Permission is *"no mining operations having been carried out for a continuous period of one year".* This is apparent in this case, as the Planning Officer confirmed mineral extraction commenced in August 2011 (Appendix 2); however the LAA (CD7.05) confirms that the site is inactive as of 2022, and it is also evident upon reviewing the site on aerial imagery that no mineral extraction operations have taken place beyond the very early stages sufficient to initiate a lawful commencement.

4.2.15 With the removal of Runshaw from the landbank, this leaves the Council in the somewhat indefensible position of having only 0.20mt of permitted reserves. Based on the 10 year average sales rate identified in the LAA of 0.37mt, this leaves the Council with a 0.5 year landbank. The 10 year average sales figure included within the latest AMR of 0.29mt leaves the Council with a 0.69 year landbank. If The North West Regional Aggregate Working Party sub regional apportionment for sand and gravel supply in Lancashire of 0.44mt per year is used, this leaves the Council with a 0.45 year landbank.

4.2.16 This position has been confirmed via liaison with a number of Concrete Plant operators within Lancashire. Appendix 3 contains correspondence with Tarmac Trading Limited, Moore Readymix, Holcim UK Limited and Breedon Group, all of whom state that their plants within Lancashire rely on imports from regions such as Cumbria and Cheshire. The correspondent for Holcim UK Limited stating that *"as far as we're concerned, there is no sand supply in the Lancashire region"* (Appendix 3) Moore Readymix also show interest in benefiting from a supply more locally (Appendix 3).

4.2.17 With regard to applications for additional sand and gravel reserves, paragraph 68 of the Committee Report (CD6.02) states:

> *"In terms of other planning applications for sand and gravel extraction, there are current applications at Lower Hall Farm, Salmesbury nr Preston and Gale Moss*

near Chorley. However, both applications were submitted a considerable time ago and are undetermined due to unresolved planning issues."

4.2.18 It is noted that Lower Hall Farm (LCC/2021/0012) remains undetermined. However, the Gale Moss (LCC/2021/0007) application has been withdrawn. Whilst the formal reason for withdrawal of the planning application is not published into the public domain, it is understood that the application received significant public objection with regard to impacts on noise, dust and traffic. As matters stand, therefore there is only one undetermined application for additional sand and gravel reserve in Lancashire totalling ~3 million tonnes of reserve to be worked at 150,000tpa over 20 years, in addition to the Appeal scheme.

4.2.19 In terms of the application at Lower Hall Farm, from a review of LCC's planning application portal, the planning application was validated on 24th March 2021. A subsequent Regulation 25 request was made on 18th May 2021, with the applicant providing a response on 30th November 2023. A number of consultees have maintained their objections with requests for further information on a range of matters including highways, ecology, impacts on Ancient Woodland and Rights of Way to name a few. The latest correspondence recorded on the LCC application portal is regarding Ecology comments from the Council's ecological advisor dated 9th April 2024, which raises a number of issues including effects to ancient woodland, updated ecological surveys and assessments and updated arboricultural report. Therefore, it is considered that the application, which has been under determination for some 5 years appears to have a number of issues and constraints to overcome.

4.2.20 The Planning Policy Guidance for Minerals ID Paragraph states that low landbanks may be an indicator that a suitable application should be permitted as a matter of public 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.

4.2.21 The Appeal scheme would provide for ~500,000 tonnes of sand and gravel, which based on either the 10 year sales average figure of 0.37mt, 0.29mt or The North West Regional Aggregate Working Party sub regional apportionment of 0.44mt per year would add more than one year's additional landbank.

4.2.22 The most important point is that the Appeal site will add in excess of 100,000 tonnes of sand and gravel to annual supply for a period of just less than 5 years. In that regard, I would point out that maintenance of a 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 in a sustainable location (i.e. near to where it is needed).

Supply and Productive Capacity Position

4.2.23 In terms of supply adequacy, given that the LAA and the Committee Report confirm that the MPA is consistently undersupplying sand and gravel, very significant planning weight should therefore be given to the additional 100,000+ tonnes of sand and gravel that the Appeal site could rapidly contribute to the Lancashire supply system. In that regard, I would point out that a small-scale, short-term operation as set out in the Appeal proposals can be delivered more quickly than a large-scale site as it will require much less lead time and far less infrastructure delivery.

4.2.24 Having regard to the clear overall annual shortfalls in sand and gravel supply, significant positive weight should therefore be given to the Appeal proposals. The 100,000 tonnes per annum proposed at the Appeal site accounts for only a fraction of the annual provision required to meet demand. Therefore, whilst the scheme could be accelerated to provide for additional productive capacity annually, the environmental considerations of the operation deem 100,000tpa an appropriate annual output.

4.2.25 Lancashire desperately needs to permit additional sand and gravel quarrying in order to provide a steady and adequate supply of this aggregate mineral (see para 226 of the NPPF 2024). In my judgment, significant planning weight should therefore be given to the positive effect of permitting the Appeal proposals which would deliver 500,000 tonnes of additional supply for 5 years. Importantly, the Appeal site would not simply give the benefit of an improved landbank figure but would practically deliver 500,000 tonnes of additional supply which is needed at a time of rising potential demand for aggregate in this locality.

4.2.26 Furthermore, as set out in the LAA, the latest figures show that the Council is a net importer of sand and gravel. It is reported that this is likely a response to the reduction in the number of quarries in the plan area, as imports from neighbouring areas have replaced extraction within the plan area; they mainly come from Salford, with much smaller quantities coming from Liverpool, Cumbria, Cheshire, and further afield. This is not a sustainable position for any Council to maintain, which will likely be exacerbated by the end of Runshaw Quarry.

4.2.27 Housing and infrastructure delivery are key aspects of Government policy. Such

delivery will require a steady and adequate supply of sand and gravel.

4.2.28 In the absence of any specific site allocations or indeed any up to date policy, the Council is reliant on maintaining adequate sand and gravel supply through the determination of planning applications.

4.3 Housing Need

4.3.1 Appendix 2 and 3 of the LAA (CD7.05) indicate that economic activity is expected to increase during the forecast period (2021-2036). The graph at Appendix 2 demonstrates correlation between past housing completions and total aggregate sales. It predicts, based on plan area housing forecast, a higher than previous housing requirement annually, and in turn a higher annual requirement for sand and gravel reserve.

4.3.2 The LAA (CD7.05) at Section 4.4 includes a table forecasting the demand for sand and gravel across a 15-year period (2021-2036). In each scenario, other than the 3-year land supply, there is a demonstrable shortfall in sand and gravel reserves across the 15-year period. However, it is noted that parties agree the 3-year average figure should not be used to calculate the LAA rate as it is artificially suppressed as a result of low sales figures because of the closure of a number of quarries. The forecast housing need results in a higher annual apportionment required to be demonstrated (570,000tpa) than the sub-regional annual apportionment of 440,000tpa. Based on this housing forecast, there is anticipated to be a shortfall in supply across the forecast period (2021-2036) of some 4.1 million tonnes. This is a matter of agreement between the parties (paragraph 6.9 of the SoCG).

4.3.3 Looking beyond the forecast future housing demand in the 2023 LAA (CD7.05), the NPPF was updated in December 2024, alongside which an updated standard methodology for calculating housing need was published (CD10.01). Under the previous methodology Wyre Council 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.

4.3.4 The local authorities within the County of Lancashire have an increased annual housing delivery target of 2,824 dwellings per annum (dpa). In addition to the Lancashire authorities, the closest suburbs of Blackpool are located only ~10km from the Appeal site. The authority of Blackpool also saw an increase in housing delivery required as a result of the updated standard methodology, from 147 dpa to 585 dpa. Looking further afield (~31km), Blackburn and Darwen Council see an increase in annual apportionment from 134 dpa to 506 dpa.

4.3.5 In the recent appeal decision at Hamble Airfield in Hampshire (Appeal Ref: APP/Q1770/W/24/3355894) (CD8.01), the Inspector accepted the Mineral Products Association figure of a typical new house requiring on average around 200 tonnes of aggregates and associated mineral products[1]. In the context of an additional 2,824 dpa based on the new standard methodology across Lancashire, application of this methodology would result in a total demand aggregate increase of up to 564,800 tonnes each and every year over and above the existing demand. Importing all of this aggregate into the County is the antithesis of sustainable development.

4.3.6 In considering this, it is agreed that the shortfall in sufficient sand and gravel reserve and associated need demonstrated within the LAA (CD7.05) is worsened significantly by the updated standard methodology for housing delivery (CD10.01) and the shortfall of 4.1mt identified for housing delivery will be increased further. Additionally, it is noted that a key component in housing development is concreting sand, in respect of

[1] https://www.mineralproducts.org/Mineral-Products/Aggregates.aspx

which, it is our understanding, that Lancashire does not have any demonstrable reserve.

4.4 Locational and Sustainability Benefits

4.4.1 A key consideration to the need for supply of sand and gravel reserve is the number of proposed and permitted large-scale schemes in close proximity to the Appeal site.

4.4.2 The Appeal site is located to the east / north east of the settlements of Fleetwood (~3km), Thornton (~5km), Cleveleys (~6km) and Poulton-Le-Fylde (~8km) all of which are at the top of the Wyre Local Plan settlement hierarchy, classed as 'Urban Town' within Policy SP1. These locations (along with Normoss – a suburb of Blackpool), are to facilitate a planned 48.6% of all residential housing delivery during the plan period to 2031 totalling 4,285 dwellings. The nearest settlement of Knott End/Preesall (~1.5km west) falls within the third rung on the hierarchy 'Rural Service Centres', which alongside the other identified centres are to accommodate 18.5% of all residential delivery to a planned total of 1,626 across the plan period.

4.4.3 This identifies the Appeal site to be within very close proximity to the areas of planned growth within Wyre, and this accounts only for the planned housing of the adopted Local Plan, which pre-dates the increase need in the area resulting from the Standard Methodology (CD10.01) detailed in Section 4 above which sees an increase in housing delivery required annually from 280 dpa to 582 dpa.

4.4.4 The Appeal site is also only located ~10km north east and ~18.8km north west of the northern suburbs of Blackpool and Preston respectively. Both of these authority areas are also subject to significantly increase annual housing delivery requirements from the Standard Methodology. Blackpool increasing from 147 dpa to 585 dpa (297% increase) and Preston increasing from 269 dpa to 590 dpa (119% increase).

4.4.5 The Appellant, is a local construction company and is confident that market demand, growth projects in the area, increased housing demand would support the need for sand and gravel extraction at the Appeal site over and above that permitted for the life of the site. The Appellant has confirmed (See Appendix 4) that the primary focus of the sand and gravel extracted will be to sell to a concreting company based in Lancashire to process into a concrete to be used within the housing development business. At least 30% of the mineral resource at the Appeal Site will be utilised by themselves as part of their housebuilding operations, with the rest supporting local concrete plants and operators.

4.4.6 The majority of the quarries currently supplying Lancashire are generally located in the Crewe and Winsford area that is about 110km south of Wyre district area. Assuming the Bourbles Quarry becomes operational at the assumed output of 100,000 tonnes per annum, that equates to some 5,000 HGV annual movements. With aggregate markets located within 25km of the proposed quarry site this would equate to a reduction of 85km on each and every loaded HGV sourced from Cheshire, or 170km assuming two way travel.

4.4.7 Based on UK government and industry standards (Google search), a 20-tonne rigid tipper truck typically produces around 0.9 kg of CO2 per km when loaded. It should be noted that this will vary by fuel efficiency, load factor, and driving conditions. The inferred reduction of travel distances by 85km will therefore have an assumed net CO2 reduction of 76.5kg per journey. For the 5,000 HGV's delivering aggregates per annum this could equate to an annual CO2 reduction of 385,500 kg (385.5 tonnes per annum). If two way travel by HGVs is considered then self-evidently this figure would double.

4.4.8 For the proposed Bourbles minerals development over 5-years, a total CO2 reduction of some 1,912 tonnes may be achieved by not transporting aggregates from Cheshire to Lancashire, but utilising aggregates sourced from Bourbles Quarry.

4.5 Conclusions

4.5.1 In summary therefore based on the evidence that I have presented above, I conclude the following:

1. There is a critical shortfall in sand and gravel supply in Lancashire, with the MPA being a net importer of sand and gravel mineral which is not a sustainable strategy;
2. There is demonstrable demand for a sand and gravel supply from within Lancashire for operators who currently import from outside of the county. A local supply would result in sustainability benefits;
3. The Appeal Site is sustainably located to provide for the large increase in housing delivery required within the key settlements of Wyre Council, Blackpool and wider Lancashire area;
4. The shortfall will be exacerbated with the cessation of the Runshaw planning permission in mid-2026;

5. In the absence of any specific site allocations the Council is reliant on maintaining adequate sand and gravel supply through the determination of planning applications;
6. Housing and infrastructure delivery are key aspects of Government policy. Such delivery will require a steady and adequate supply of sand and gravel; and
7. This Appeal proposal meets that immediate need.

4.5.2 These factors combine to show a compelling case on need for the Appeal site now.

5 The Need for Inert Waste Disposal

5.1 Introduction

5.1.1 To restore the site and help create restoration formation levels, the Appellant is proposing to import approximately 220,000 cubic metres of inert restoration material. The imported inert material would consist of clean excavated materials consisting of clays, overburden and soil making material. The use of inert material within the proposed development is a recognised 'recovery' operation in the restoration of the site. The proposal does not constitute landfill.

5.1.2 As stated in Section 4 above, the Appellant is a significant local construction and building operator. They have extensive expertise in the delivery of development which produce quantities of inert waste and therefore understand the process required to deal with arisings.

5.1.3 The Environment Agency define Inert Waste as "*waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter that it comes into contact with, in a way likely to cause environmental pollution or harm to human health.*"[2]

5.1.4 In 2019, the Minerals Products Association published 'From waste to resource a UK Mineral Products industry success story'[3]. The following Key Facts are published within the report based on 2014 data which was most recently available:

- 120MT of Construction, Demolition and Excavation Waste (CDEW) is produced in the UK in a typical year, of which 12MT represents navigational dredging spoil disposed offshore and hazardous waste. From the remaining balance of 108MT;
- 76% of all Construction, Demolition and Excavation Waste is currently recycled or recovered in the 'chain of utility' and directly contributes to the Circular Economy;
- 90% of hard Construction & Demolition Waste (CDW) is recycled as aggregates. Together with a further 9MT of recycled soft Excavation Waste (EW), this contributes 60MT to the construction materials supply chain;
- 57% of soft Excavation Waste (EW) is beneficially used, mainly in backfilling operations to restore land, often following mineral extraction; and,

[2] https://www.gov.uk/guidance/landfill-operators-environmental-permits/landfills-for-inert-waste
[3] https://www.mineralproducts.org/MPA/media/root/Publications/2019/MPA_Inert_Waste_Feb2019.pdf

- Only 26MT of the remaining Construction, Demolition and Excavation Waste (CDEW) waste stream is actually sent for disposal, of which a proportion is likely to be used beneficially.

5.1.5 EW plays an important role in the delivery of quarry restoration. Once separated from the CDEW waste stream, EW can be recycled into soils for use on the site of production, transferred to another site or as a product in its own right. MPA Members who produce recycled and secondary aggregates will, wherever possible, recover EW alongside these processes. 17.5% of EW is currently recovered for other uses, excluding backfilling.[4]

5.1.6 One of the most significant end-uses of EW is in the phased restoration of mineral workings once extraction activities have ended. Mineral excavation is a temporary land use, with site restoration a critical element to ensure that land is available for restoration to future generations. In many cases, site restoration can result in the delivery of valuable new habitats, contributing towards national biodiversity targets and wider 'net gain' ambitions.

5.1.7 Defra data indicates that 39.3% of all EW is currently recovered for use as backfill. Consequently, the mineral products sector represents a significant end-user of EW, activity which generates substantial benefits by returning land previously subject to mineral extraction back to beneficial and productive use.

5.2 Policy Context

5.2.1 The Joint Lancashire Minerals and Waste Core Strategy (February 2009) (CS7.01) and Local Plan (September 2013) (CS7.02), whilst being out of date, are the development plan documents for waste management considerations. Policy CS7 of the Core Strategy is the strategic policy for managing waste as a resource across the plan period up to 2020. This included the aim of reducing the quantity of C&D waste 'recovered' (i.e. used within restoration operations) from 42% down to 35% by the end of the plan period.

5.2.2 Policy CS8 focused on the process of identifying capacity for the management of waste across the plan period. In relation to inert waste, the policy states that:

> *"The capacity and distribution of existing and planned provision for the use and disposal of inert waste in landfill and quarry voids will be assessed as part of the site selection process, to ensure an adequate, available and accessible capacity of sites to handle inert waste."*

[4] https://www.mineralproducts.org/MPA/media/root/Publications/2019/MPA_Inert_Waste_Feb2019.pdf

5.2.3 The subsequent Site Allocation and Development Management Policies document (CS7.02) provided detailed policies to the spatial strategy set out within the Core Strategy. Policy DM1 of this document stating that:

> *"… developments would be supported in accordance with the site specific policies contained within this plan for:… provision of a network of new waste management facilities based on strategic locations and local sites."*

5.2.4 Policy WM1 of CS7.02 is the development plan policy with regard to construction, demolition and excavation waste arising to be dealt with in the Joint Local Plan area. This includes for a table detailing the plan period, reproduced below:

Period	Annual Average Arising (tonnes)	Recyclable	Residual / Landfill
2006-11	2,358,500	1,151,000	1,207,500
2011-15	2,479,000	1,314,000	1,164,500
2016-20	2,605,000	1,512,500	1,093,500

5.2.5 This identifies that within the most recent five years of the plan period, an anticipated 1,093,500t was to be managed though recovery / landfill operations of the type proposed here, equating to an average of 218,700 tonnes per annum.

5.2.6 The final detailed policy of note with regard to waste, is Policy LF2 on sites for inert landfill. As noted in paragraph 5.1.1, the proposed development is a recovery operation and not landfill. Policy LF2 supports development of disposal of inert waste at Scout Moor Quarry and Land to south of Jameson Road Landfill only where the waste cannot be recycled or recovered.

5.3 Restoration Scheme

5.3.1 In order to achieve the restored landform, the importation of restoration materials is required as there is insufficient quarry material to achieve this and provide a preferred final landform. To achieve a satisfactory standard of reclamation, it is necessary to import a quantity of suitable material. In addition to being the minimum necessary to achieve the restoration objectives, the volumes proposed for importation are considered to be available and are based on discussions and interest shown from earthworks contractors operating within the surrounding area.

5.3.2 An Environmental Permit will need to be secured from the EA for the importation of inert waste.

5.3.3 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 enhanced habitat diversity with generally noticeable and local biodiversity benefits.

5.3.4 The form of the proposed restoration will be determined at the discharge of condition stage. It is not presently intended to involve significant land raising but will be such as to facilitate an agricultural after-use. That said, the landowner of the working area of the scheme has an aspiration to create a beneficial after use. It is therefore presently expected that any final scheme will involve a landform appropriate to accommodate a lodge leisure development as part of the restoration scheme. However, such an after-use is not part of this scheme and would necessarily require planning permission. This will be sought separately from Wyre BC.

5.4 Major Projects and Future Demand

5.4.1 As set out in paragraphs 4.3.1 and 4.3.2 above, there is a significant increase to the number of homes required within Wyre Borough, and the surrounding authorities following the publication of revised Standard Methodology on 12th December 2024.

5.4.2 The latest Local Aggregate Assessment (CD7.06) published in October 2023 provides a list of major infrastructure projects and key developments within the county which could influence aggregate demand but also the need for waste capacity. This states:

> *"There is a significant level of investment in Lancashire's transport network through the Lancashire City Deal, enabling the delivery of several items of infrastructure set out in the Central Lancashire Highways and Transport Masterplan, including the Preston Western Distributor, the Fylde Heyhouses/M55 Link, the A585 bypass, and the East-West Link Road. This in turn will unlock sites for the delivery of housing and commercial developments as part of the Central Lancashire Core Strategy.*
>
> *Other sites coming forwards through the City Deal and the Lancashire Enterprise Partnership's growth agenda will result in an increased demand for aggregates, such as the Cuerden Strategic Site and the large number of housing developments proposed.*

Neighbouring areas are also experiencing similar investments as part of their growth deals, and similar future aspirations for growth such as contained in the Northern Powerhouse aspirations and the Greater Manchester Joint Development Plan."

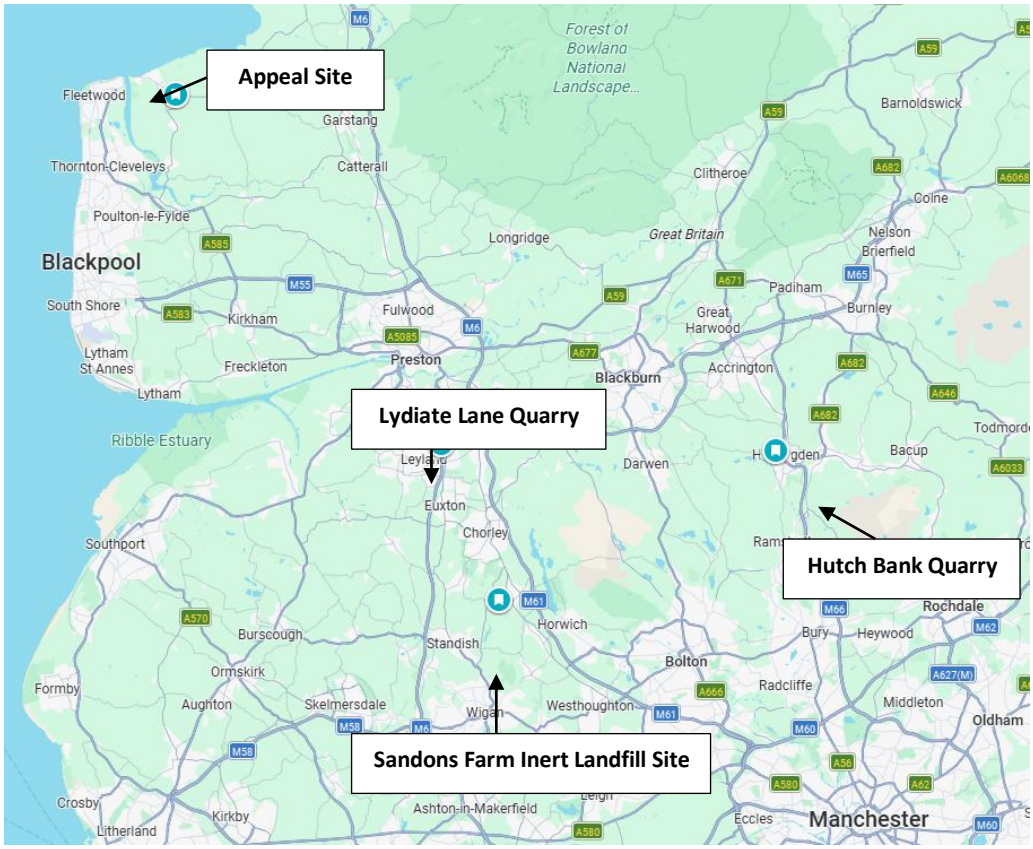
5.4.3 The proximity of the Appeal site to planned development is explored below.

5.5 Locational and Sustainability Benefits

5.5.1 As stated at Section 4.4 above, a further key consideration is the number of proposed and permitted large-scale schemes, in close proximity to the Appeal Site, including both infrastructure and housing delivery. Large quantities of inert waste would arise from these large-scale schemes and the potential transport to and use of this material in the restoration scheme, aligns with the ethos of achieving sustainable development.

5.5.2 Three sites within Lancashire have been identified to provide for inert waste recovery / landfill operations. These being – Hutch Bank Quarry, Sandons Farm Inert Landfill Site and Lydiate Lane Quarry. Figure 5.1 below illustrates the locations of these sites in comparison to the Appeal site.

Figure 5.1 – Locations of Inert Waste Recovery / Landfill Sites in Lancashire



5.5.3 Figure 5.1 demonstrates that the existing waste management facilities for inert waste are located within a single cluster to the southern extent of Lancashire to the south of settlements of Preston, Chorley and Blackburn. The Appeal site, as noted in detail within Section 4.4 is located within very close proximity to Fleetwood, Thornton, Cleveleys and Poulton-Le-Fylde all of which are top of the settlement hierarchy for Wyre Council. In addition, the Appeal site provides for the closest inert waste facility for the major settlement of Blackpool, and the northern Lancashire towns of Lancaster, Morecombe and Carnforth.

5.5.4 The 220,000m^3 of capacity located within the Appeal site would be a sustainable destination for these central and northern areas of Lancashire. By virtue of the Appeal site being both a mineral extraction and waste recovery operation, there are further benefits in the capability of the site to provide a destination for waste and supply development with mineral. The Appellant, Baxter Group Ltd, are a housebuilder within Lancashire. As set out in Appendix 5, they calculate that ~30% of the inert waste to be placed within the Appeal Site will be sourced from their own operations. The remainder will be brought into the site by contractors whom they work with in the local area that carry out mass "muck shifting" work of inert waste for other developers. The inert waste will therefore be locally sourced, primarily within the West Lancashire area (Blackpool, Chorley, Fylde and Wyre). The contractors and their drivers will all be known and ascertainable by the Appellants.

5.6 Conclusions

5.6.1 The importation of inert materials as part of the restoration of the site will allow for the site to be restored to agriculture and a variety of wildlife habitats including lakes/pond and other ecological features be established. The restoration proposal would deliver enhanced habitat diversity with generally noticeable and local biodiversity benefits.

5.6.2 Looking at future demand, the LAA includes for a list of major projects which will require both mineral and waste management operations. Additionally, the revised Standard Methodology which was published in December 2024 resulted in a significant increase in housing demand across the region in comparison to the previous methodology. As detailed at Section 4.4 Wyre Council Authority area have seen an increase in annual delivery of homes from 280 dpa to 582 dpa which equate to an 107% yearly increase. Additionally, Blackpool and Preston have increased in housing required

by 297% and 119% respectively. The demand therefore for inert waste void capacity is only expected to increase.

5.6.3 In addition to housing delivery, the LAA has identified a number of major infrastructure projects planned within the MPA area which will require the need for inert waste management. With regard to planning policy, whilst the development plan is considered out of date, the principle of the policies seeking to divert inert waste from landfill sites into recovery operations supports the aim of the proposed development.

5.6.4 The greatest benefit of the Appeal site in providing for inert waste capacity is its location to the development market. The site is an anomaly when compared to the other potential destinations of Lancashire as illustrated in Figure 5.1. The Appeal site provides the only inert waste recovery operation north of Preston to serve the entire mid – north Lancashire market. Furthermore, it is anticipated that the Appellants own housing development sites will contribute ~30% of the total inert waste to be managed onsite (See Appendix 5).

5.6.5 I submit that significant planning weight be given to the benefits of the Appeal scheme to providing capacity for inert waste within Lancashire in a location with locational and sustainability benefits.

6 Comments On Issues Raised By the Rule 6 Party and Other Interested Parties

6.1.1 I recognise that the Appeal has generated objections from local residents and other interested parties, and these concerns will be articulated at the inquiry by the Rule 6 parties. The concerns raised by Rule 6 and interested parties have been addressed through the preparation of Proofs of Evidence by relevant specialist consultants. I defer to their evidence for full consideration of each respective topic. This includes for Ms Katrina Hawkins for Air Quality & Dust, Dr Robert Storey for Noise, and Mr Jim Budd for Highways matters.

6.1.2 I set out below the general issues that have been raised and where they have been addressed.

Impact on Health – Respiratory Health from Dust

6.1.3 Ms Katrina Hawkins, in producing her evidence, has considered the work undertaken in relation to the planning application, and subsequent information produced in support of the Appeal. She has also produced a Draft Dust Management Plan (DMP) for the proposed operations. I therefore defer to Ms Hawkins Proof of Evidence (PoE) for undertaking full assessment of potential air quality impacts.

6.1.4 It is acknowledged that the Rule 6 Party have submitted a number of documents relating to impacts to health from dust emissions from the proposed development. This includes for a document titled 'Adverse Effects on Health', a Technical Note provided by DustScanAQ dated October 2023 reviewing the Air Quality Impact Assessment (AQA) (CD1.22), and AQ Mesh Pod 'Particulate Matter Study'.

6.1.5 In summary, it is understood that the information submitted by the Rule 6 Party comprises the following detail:

- 'Adverse Effects on Health' – Document which draws information from a number of sources with regard to health impacts resulting from exposure to PM_{10} and $PM_{2.5}$ emissions, concerns regarding silica dust, and makes direct reference to both the DustScanAQ and AQ Mesh Pod submissions;
- DustScanAQ Technical Note – This Technical Note was produced in October 2023 and provided a review of the original Air Quality Assessment submitted in support of the initial planning submission (CD1.22). Subsequently, as part of the

Regulation 25 submission an updated AQA (CD3.06) was submitted to address comments raised by Aktins on behalf of the County Council. No further review was undertaken by the Rule 6 Party of this updated assessment; and

- AQ Mesh Pod 'Particulate Matter Study' – AQ Mesh installed a 'pod' onsite at the rear of Bourbles Farm Garden for a three week period (19/9/23 – 12/10/23) which records 24hr PM_{10} and $PM_{2.5}$ concentrations.

6.1.6 The section below considers the main queries raised by the Rule 6 Party within their submissions.

Health Studies

6.1.7 Firstly, with regard to the content of the 'Adverse Effects on Health', I draw attention to Section 2.5 of the updated AQA produced by Vibrock as part of the Regulation 25 Submission (CD3.06). Here, detail is provided as to the health impact studies which have been undertaken to investigate the impact of dust arising from mineral workings and public health, the findings of which have failed to identify a direct link between the two.

6.1.8 It is noted that the health concerns raised by the Rule 6 Party are addressed directly by Mr A Buroni at Appendix KEH12 of Ms K Hawkins Proof of Evidence. I therefore defer to this appendix for this matter.

PM_{10} & $PM_{2.5}$

6.1.9 Section 6 of the updated AQA (CD3.06) and Ms Hawkins PoE provides an assessment of PM_{10} and $PM_{2.5}$ data. The IAQM Guidance on mineral dust (CD12.11) advises that where the long-term background PM_{10} concentration is less than 17 µg/m^3 there is little risk that additional contributions from a mineral site would lead to an exceedance of the annual mean air quality objective. Defra data predicts annual mean background concentrations of 8.47-9.61 µg/m^3 in the locality of the Site, i.e., well below the recommended screening value of 17 µg/m^3 (at 50-57%). On this basis no further consideration of potential PM_{10} impacts from Proposed Development would be required.

6.1.10 With regard to $PM_{2.5}$, it is stated at paragraph 6.1.31 of Ms Hawkins PoE that *"Current predicted background $PM_{2.5}$ concentrations in the area are well below all these future targets already at 4.77-5.39 µg/m^3, 48-54% of the more stringent target of 10 µg/m^3. Assuming a contribution of 10.5 µg/m^3 as discussed in paragraph 6.1.29 [of Ms Hawkins*

PoE] to background concentrations total annual mean $PM_{2.5}$ concentrations remain well below these targets."

6.1.11 Mitigation measures specific to air quality and dust emissions are discussed below in paragraphs 6.1.17-6.1.19, and considered in detail within Ms Hawkins evidence. At paragraph 6.1.33, Ms Hawkins notes that *"taking into account the nature of the sand and gravel quarry, the proposed mitigation measures, and background air quality, as discussed above with regards to disamenity dust, no further assessment is deemed necessary"*. I defer to Ms Hawkins Proof of Evidence for full consideration of $PM_{2.5}$ and PM_{10} emissions.

Respirable Crystalline Silica (RCS)

6.1.12 Specific reference is made by the Rule 6 Party with regard to 'respirable crystalline silica' (RCS) dust. Within the updated AQA provided by Vibrock, consideration was provided as to RCS exposure. It was confirmed that "*the quarry operator will be required to routinely monitor the exposure of its employees to RCS through regular occupational health monitoring. Given that the levels of RCS will be controlled and monitored within the immediate working area of the quarry for its employees, any exposure to RCS outside the site boundary is considered unlikely as a result of the dilution and dispersion of particulates over increased separation distances"* (Paragraph 6.2.5 of CD3.06). Furthermore, it is stated by Ms Hawkins within her PoE (Paragraph 7.2.13) that the *"in-design measures that would serve to substantially reduce the potential for generation of dust, along with PM_{10} and $PM_{2.5}$, would equally serve to reduce the potential for emissions of RCS."* The implementation of dust suppression measures in accordance with the DMP would further serve to minimise the risk of any RCS emissions from the site (Paragraph 7.2.14 of Ms Hawkins PoE). I defer to Section 7.2 of Ms Hawkins PoE for appropriate consideration of potential impacts regarding RCS.

Fugitive Dust Emissions

6.1.13 Ms Hawkins within her evidence has undertaken further detailed assessment to that provided within the Vibrock AQA in relation to fugitive dust emissions, by splitting the activities onsite into the temporary operations (i.e. soil stripping / bund construction), normal operations (i.e. extraction & processing) and internal haulage.

6.1.14 As with the Vibrock assessment (which grouped all operations), the maximum adverse effect predicted is *moderate*. It is considered by Ms Hawkins that this will take place during the temporary operations, stating *"It should be noted however that the potential*

for some dust generation from this soil stripping and handling activities would be as associated with typical agricultural activities and would be short-lived. The subsequent extraction activities are similar to typical construction earthworks activities and can be readily mitigated using standard industry techniques" (Paragraph 5.3.28 of Ms Hawkins Proof of Evidence). Relevant industry techniques are discussed within Section 5.4 of her PoE.

6.1.15 When accounting for operational mitigation measures, a possible *slight* adverse effect remains during the initial soil stripping, and subsequent final bund removal and soil placement activities. However, it must be noted these are a very short-lived activities with soil stripping / bund creation being of 4-6 weeks duration per phase. For internal haulage all receptors would receive *negligible* impact. This is detailed within Table 2 of Ms Hawkins PoE.

6.1.16 As stated at paragraph 5.5.4 of Ms Hawkins evidence, *"The maximum residual adverse effect predicted during the subsequent extraction, processing and restoration activities (other than bund removal) in the absence of further mitigation is slight. This is only predicted at Mytex / New England Cottage due to the proximity of the as-raised stockpile, which is up to above the height of the screening bund. This stockpile would be worked throughout the year and hence may on occasion dry out. The height of the stockpile would however reduce markedly between campaigns with adverse dust risks reducing as the height lowers. In addition, the as-dug stockpile would be replenished during the extraction campaigns with freshly dug material which would have a high moisture content. Damping down the stockpiles as necessary during periods of prolonged dry and windy weather, as set out in the draft DMP, would reduce the likelihood of adverse effects. Residual adverse effects at all other receptors are negligible through the implementation of site-specific dust mitigation measures."* As referenced above, the full assessment is detailed within Ms Hawkins PoE, and I defer to her on this matter.

Mitigation Measures – In-design and Operational

6.1.17 The mitigation measures included within the assessment are a combination of 'in-design' measures and operational measures. In-design measures include for the following:

- the phasing nature of the works with progressive restoration following behind the mineral extraction as quickly as possible;

- nature of the mineral deposits which will be 'wet' or 'damp' on extraction';
- the provision of soil storage bunds on perimeters of the individual phases, which would be seeded as soon as possible on construction;
- separate HGVs to be used for on-site and off-site haulage which serves to prevent trackout;
- provision of a wheel wash;
- construction of a purpose-built access to be provided with paved surfacing between the wheel wash and public highway; this would provide at least 160m of paved surfacing from the wheel wash prior to exit to the public highway;
- provision of concrete surfacing to the processing plant; and
- provision of compacted hardcore surfacing to the internal haul roads.

6.1.18 Table 4.3 of the Dust Management Plan produced by Ms Hawkins includes for a detailed breakdown of the operational mitigation measures and techniques to be implemented onsite in order to ensure impact to receptors will be no greater than that detailed at paragraph 6.1.14 & 6.1.15 above.

6.1.19 It is noted that the DMP includes for dust deposition and soiling monitoring, for a period of 3-months prior to the on-set of the development and thereafter for the duration of the operations, subject to agreement with the MPA.

6.1.20 Ms Hawkins, at Paragraphs 6.1.35 - 37 of her PoE, details the potential for undertaking short-term PM_{10} and $PM_{2.5}$ monitoring. I defer to her PoE with regards to this.

Impact on Highways – Public Safety

6.1.21 The Rule 6 Party submitted photographic evidence of road traffic accidents and pressure points on the local highway network in proximity to the site access and haulage routing. The images provided focus mainly upon the eastern end of Lancaster Road as it bends in proximity to Vine House, and again at the junction with the A588. Full detail covering concerns raised by the interested parties are addressed within the evidence provided by Mr J Budd. I defer to Mr Budd's evidence for full assessment of impact.

6.1.22 A number of benefits to the safety of the local highway will result from the proposed development, including for legacy benefits remaining once the site has been restored.

These benefits are detailed within the Transport Statement (CD3.11), are considered in great detail within Mr Budds PoE and summarised below:

- Several signs and 'SLOW' carriageway markings will be introduced onto Lancaster Road in proximity to the site to encourage compliance with the recently introduced 30mph speed limit. Additionally, whilst not necessary to make the proposed site access acceptable, the Appellant is willing to fund a speed activated sign to be erected on Lancaster Road as a public benefit beyond the lifetime of the proposed operations;
- The hedgerow on either side of the carriageway (Lancaster Road) in immediate proximity to the site access point and continuing eastwards towards the junction with A588 will be trimmed back to allow for a 300mm widening of the carriageway on each side, with signage provided warning users that vehicles may encroach the centre line – this includes the stretch of carriageway adjacent to Vine House;
- The junction of Lancaster Road / A588 will also be subject to additional works, including the widening of the carriageway at the bend, and the existing split junction to be re-modelled to provide for a single junction;
- Additional signage is proposed to the A588 adjacent to Fold House (~2.7km east of the site) as well as re-laying centreline and edge markings and introduction of new 'SLOW' carriageway markings.

6.1.23 It is noted that the widening of the carriageway will allow for two HGV's to pass for almost the full length of Lancaster Road from the site access to the A588, with the exception of the bend by Vine House where HGV's may require encroaching the centre line. Here signage will be placed to warn road users of the potential encroachment.

6.1.24 It should be noted that the Appellant has agreed to operate managed arrivals and departures to / from the site which shall ensure no quarry associated traffic will meet on Lancaster Road. Regarding the potential a quarry related HGV would meet an unrelated HGV at this corner, it is considered that this would be a rare occurrence due to the limited use of the route by HGV's as identified by the Highway Authority survey undertaken in 2023 and included within the Transport Statement (CD3.11) which identified a peak of two HGV's in either direction along the A588 during the proposed working hours. Regardless, as outlined in Mr Budd's evidence, in practice HGV drivers can pull in their wing mirrors if required to assist with a passing manoeuvre at low

speed. Additionally, HGV wing mirrors are above the height of the hedgerows either side of the road and so they would oversail. It is noted that there have been no recorded accidents involving two large vehicle types on Lancaster Road, and therefore no evidence that HGVs meeting on Lancaster Road causes accidents. Nonetheless, improvements to Lancaster Road, including for the hedgerow management will ensure there is sufficient visibility in each direction, and in practice one vehicle would wait and give way whilst another one passed.

6.1.25 With regard to other road users (pedestrians, cyclists, horses), I submit that the improvements to the highway outlined above, in particular the speed management measures and increased visibility, will result in benefits to the safety of other vulnerable road users.

7 Planning Balance and Conclusions

7.1.1 In this Section I set out my consideration of the planning balance and in so doing, I pose the following questions:

1. Do the proposals accord with the Development Plan?
2. Is there any unacceptable impacts on highway safety which cannot be adequately mitigated?
3. Is there any detrimental effect on residential amenity?
4. Is there a need for the proposed development with particular regard to the landbank position for sand and gravel and the need for inert waste disposal in the County?
5. Are there any other benefits to the proposal?

7.1.2 In the case of the proposed developments acceptability against the policies and principles of the development plan, it is important to consider that the Minerals & Waste Local Plan is "out of date". The Minerals & Waste Local Plan period ended in 2021 and was formed on an evidence based which predates 2013. The nature of the development plan being out of date is not consistent with the National Planning Policy Framework's requirement of a plan-led system.

7.1.3 Due to the out of date plan, the NPPF provision of "tilted balance" (paragraph 11(d)) is engaged. It is acknowledged that the "tilted balance" principle has rarely been considered in mineral development, as applications are usually governed by up-to-date Minerals and Waste Local Plans. However, In Lancashire, we are in a position where 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 2021. This means that they are over 5 years "out of date" and the Core Strategy was even adopted 3 years before the publication of the NPPF.

7.1.4 It is noted that the Joint Lancashire Minerals and Waste Development Framework Site Allocation and Development Management Policies Development Plan Document itself incudes a policy that mirrors the NPPF "tilted balance" (Policy NPPF1). This policy states that *"where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account of whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole*; *or*
- *Specific policies in that Framework indicate that development should be restricted."*

7.1.5 Overall, it is the Appellant's case that the Appeal scheme is demonstrated to be acceptable and accord with the Development Plan in its entirety, including for the Minerals and Waste Local Plan policies which are considered to be out of date, therefore there are no adverse impacts which would "significantly and demonstrably outweigh the benefits". It is considered that the proposed development is consistent with, and supported by, the principles of the NPPF.

7.1.6 Nonetheless, it is submitted that the proposed development as presented for this Appeal is policy compliant.

7.1.7 Mr J Budd, in his evidence, provides and overview of the proposed development traffic, local highway network and road safety based on the information provided as part of the planning application. His PoE demonstrates that the proposed development will not result in impacts which cannot be satisfactorily mitigated. Detail of the highway benefits from the proposed scheme are included at paragraph 7.1.21 below.

7.1.8 In assessing amenity impacts, consideration has been provided to both potential noise and dust emissions. Firstly, with regard to noise, Dr R Storey in his evidence identifies relevant policy and guidance relating to assessment of noise arising from mineral workings. His PoE considers the noise impact arising from the proposed workings as determined by Vibrock in their Noise Assessment (CD3.05) and demonstrates that the submitted assessment is compliant with local planning policy and national guidance and provides all the information that would allow the determination of the application when considering the noise impact of the proposals.

7.1.9 Regarding dust and air quality, Ms K Hawkins in her evidence reviewed the original Air Quality Assessment (CD1.22), and subsequent Updated Air Quality Assessment (CD3.06), prepared by Vibrock and submitted with the planning application, and other relevant information and consultee responses. Following this, she undertook her own assessment of the potential impacts, as well as providing a Draft Dust Management Plan for the operations. Ms Hawkins concludes that with the incorporation of

appropriate mitigation, the proposed development complies with the relevant national and local planning policies in relation to dust and air quality.

7.1.10 It has been agreed with the Council, within the Statement of Common Ground (13.02.26) that the Appeal Scheme would not give rise to any significant effects to ecology, landscape, water environment / flooding, archaeology, soils and agricultural land, nor result in an unacceptable restoration and afteruse. This is corroborated by the findings of the ES.

7.1.11 In terms of heritage matters, I have had regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As set out in the ES Appendix 11, at Section 4.4, no impact to heritage assets amounts to significant .

7.1.12 Overall therefore, whilst the proposals would result in some harm, I consider the harm to be minor and so acceptable and within "appropriate limits". Accordingly, policies in the Development Plan aimed at protecting the environment are complied with.

7.1.13 Finally, there are other factors weighing in favour of the Appeal Scheme.

7.1.14 Turning to the positive side of the balance, there is "great weight" to be attached to mineral developments. I also attach substantial weight to the need to release new reserves as the landbank is below the minimum of 7 years for sand and gravel, which demonstrates that there is a shortfall in supply. I consider that there is a clear mineral need for the development which carries significant weight in favour of the scheme.

7.1.15 Therefore, in terms of sand and gravel need I consider there is an established need;

- Which is not being met to the full extent required by the landbank;
- Which need would be still further under-supplied if the appeal was dismissed;
- Which can be met if the appeal is allowed; and
- And which it has been shown, can be met well within environmental limits.

7.1.16 It is submitted that the need for sand and gravel reserve is so significant that, even were the scheme to not be fully policy compliant, the benefit of the mineral reserve would outweigh potential harm.

7.1.17 In terms of the need for inert waste disposal, the importation of inert materials as part of the restoration of the site will allow for the site to be restored to agriculture and a variety of wildlife habitats including lakes/pond and other ecological features be

established. The restored quarry offers enhanced habitat diversity with generally noticeable and local biodiversity benefits.

7.1.18 Looking at future demand, the LAA includes for a list of major projects which will require both mineral and waste management operations. Additionally, the revised Standard Methodology which was published in December 2024 resulted in a significant increase in housing demand across the region in comparison to the previous methodology. As detailed at Section 4.4 Wyre Council Authority area have seen an increase in annual delivery of homes from 280 dpa to 582 dpa which equate to an 107% yearly increase. Additionally, Blackpool and Preston have increased in housing required by 297% and 119% respectively. The Appellants own housing development sites within Lancashire will provide for ~30% of the total inert waste required to fulfil the proposed operations, with the remainder being sourced from contractors the Appellant works with in the local area who carry out mass muck shifting works for other developers. The demand therefore for inert waste void capacity is only expected to increase.

7.1.19 In addition to housing delivery, the LAA has identified a number of major infrastructure projects planned within the MPA area which will require the need for inert waste management. With regard to planning policy, whilst the development plan is considered out of date, the principle of the policies seeking to divert inert waste from landfill sites into recovery operations supports the aim of the proposed development.

7.1.20 The greatest benefit of the Appeal site in providing for inert waste capacity is its location to the development market. The site is an anomaly when compared to the other potential destinations of Lancashire as illustrated in Figure 5.1. The Appeal site provides the only inert waste recovery operation north of Preston to serve the entire mid – north Lancashire market.

7.1.21 As covered in Section 6 above, a number of benefits to the local highway will result from the proposed development, including for legacy benefits remaining once the site has been restored. For reference, focusing on the legacy benefits which shall outlive the site, these are summarised as:

- Several signs and 'SLOW' carriageway markings will be introduced onto Lancaster Road in proximity to the site to encourage compliance with the recently introduced 30mph speed limit. Additionally, whilst not necessary to make the proposed site access acceptable, the Appellant is willing to fund a speed activated sign to be erected on Lancaster Road as a public benefit beyond the lifetime of the proposed operations;

- The hedgerow on either side of the carriageway (Lancaster Road) in immediate proximity to the site access point and continuing eastwards towards the junction with A588 will be trimmed back to allow for a 300mm widening of the carriageway on each side;
- The junction of Lancaster Road / A588 will also be subject to additional works, including the widening of the carriageway at the bend, and the existing split junction to be re-modelled to provide for a single junction;
- Additional signage is proposed to the A588 adjacent to Fold House (~2.7km east of the site) as well as re-laying centreline and edge markings and introduction of new 'SLOW' carriageway markings.

7.1.22 Paragraph 116 of the NPPF states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety…".* The proposed development will result in a number of highway benefits which improve the safety of the local road network for all users, including for benefits which will last beyond the cessation and restoration of the Appeal site. For these legacy benefits I attach great weight.

7.1.23 Having regard to employment, the proposed development is expected to directly employ some 9 full time employees at the site. These will comprise:

- 1no. Quarry Manager
- 1no. Supervisor;
- 2no. Admin Staff;
- 2no. Excavators Operators;
- 2no. Dumper Operators; and
- 1no. Labourer / other.

7.1.24 The operation will give rise to further employment in the use of local services to supply the needs of the quarry and administration facilities together with occasional contracts for hired in plant and equipment. The contribution to the local economy will typically involve the purchase of local services such as:

- Site staff and employees;
- Road haulage;

- Fuel and oil purchase;
- Plant and vehicle hire;
- Plant repairs and spares;
- Building contractors;
- Landscape contractors;
- Tree and shrub purchase;
- Office supplies and equipment; and
- Canteen supplies.

7.1.25 I consider that 'great weight' should be attached in line with NPPF paragraph 224.

7.1.26 Also to note with regard to economic impact, the restoration of the site to include for a landform compatible with a lodge development, will provide for a beneficial leisure afteruse of the site inclusive of potential positive economic impacts within the local area. It is acknowledged that the delivery of the lodge development would be subject to a separate planning application.

7.1.27 The restored quarry offers enhanced habitat diversity with generally noticeable and local biodiversity benefits. It should also be noted that minerals extraction is a temporary land-use and that restoration of the site provides an opportunity to create a more diverse landscape feature.

7.1.28 It can be concluded that the benefits resulting from this proposed development are substantial and wide reaching. From an ecological / biodiversity perspective it is clear that this proposal provides betterment. There is an expectation to restore to high standards, but the scheme has sought to offer biodiversity benefits and enhanced access, the latter would be phased in line with the workings. I consider the restoration and biodiversity benefits of the scheme to be a benefit of the Appeal proposal.

7.1.29 I consider that each of these factors add significant weight in favour of the Appeal Scheme.

7.1.30 Accordingly, it is my conclusion that the planning balance weighs heavily in favour of the Appeal Scheme.

7.1.31 I include below a 'Decision Tree' relevant to this Planning Appeal to provide a summary of the planning policy position of the Council and examination of material

considerations pertinent to the proposed development. The Decision Tree sets out the statutory test of Section 38(6) of the Planning & Compulsory Purchase Act 2004 which requires determination of development to be in accordance with the Development Plan unless material considerations indicate otherwise.

Stage	Question / Test	Evidence / Key Points	Decision
1A. Policy Status	Are the relevant Development Plan policies up to date?	The Joint Lancashire Minerals & Waste Core Strategy (2009) and Site Allocations & DM Policies (2013) are – • Time-expired (plan period ended 2021); • More than 5 years old; • Based on an evidence base pre-dating 2013; • Not reflective of the up-to-date LAA 2023.	The most important policies, as set out in Section 3 (CS3, CS4, CS8 & M1) are out-of-date therefore consideration is given to the principle of the "tilted balance".
1B. Development Plan Compliance	Does the proposal comply with the Development Plan policies (even considering they are out-of-date)?	Policies CS3 / CS4 – Intended to secure sand and gravel supply within the authority area. The demand calculated is wholly outdated therefore no weight is attributed. Policy CS4 in principle seeks to sustain sufficient supply, however due to being outdated, little to no weight is attributed. Policy M1 prohibits new sand & gravel extraction, but this is wholly inconsistent with the NPPF and the latest LAA, therefore carries no weight. Policy CS8 broadly supports inert material recovery as part of quarry restoration operations, however due to	I consider that the proposed development aligns with the strategic nature of the Development Plan policies and as such, the proposal is considered compliant with the development plan taken as a whole.

		being outdate this is to be given little to no weight.	
2A. Material Considerations	Do material considerations outweigh any policy conflict?	It is not considered that the proposed development is in conflict with Development Plan taken as a whole. Furthermore, even if a contrary view was taken then there are considerable benefits associated with the submitted scheme. These are summarised below and considered further in 3B. • Great weight is to be given to the benefits of mineral development; • There is a critical landbank shortage identified; • There is an identified inert waste need within the Appeal locality; • The location of the Appeal site holds sustainability benefits for both mineral and inert waste need; • We submit that all potential adverse effects are sufficiently mitigated through the submitted scheme.	I consider that the benefits of the proposed development strongly favours approval of this Appeal proposals even if the scheme is found not to comply with the development plan taken as a whole.
2B. Tilted Balance Trigger	Is NPPF 11(d) "tilted balance" engaged?	• The most relevant planning policies to the determination of this proposed development are out-of-date;	I therefore consider that the "tilted balance" principle is engaged.

		• There are no restricting policies (including footnote 7 of the NPPF as the site is not SSSI, Green Belt, heritage or irreplaceable habitat constraints); • There is a demonstrable sand and gravel supply crisis which the proposed development would aid in alleviating. This carries great weight; • Progress on an updated Development Plan is stalled, therefore updated planning policies are not forthcoming.	
3A. Weighing Harm	What are the adverse impacts?	In summary, the potential adverse impacts associated with the Appeal scheme are: • Temporary noise and dust impact during the operation of the site; • Impact on Highways safety.	The potential for harm has been assessed for all factors and subject to suggested mitigation measures included within the submitted scheme, all are controlled to acceptable limits and deliver benefits after the cessation of the working and restoration. I therefore consider that whilst the proposals would result in some harm, I consider the harm to be minor and so

			acceptable and within "appropriate limits".
3B. Weighing Benefits	What are the benefits?	The benefits associated with the scheme have been addressed where relevant in detail throughout this Proof of Evidence. In summary: • Great weight is to be given to mineral extraction due to 0.5 year landbank, and the Appeal sites ability to deliver 100,000t of sand and gravel annually for 5 years; • There is a significant demand for housing delivery within the local area and wider County authority which demands additional mineral reserve; • The Appeal Scheme will result in reduction to mileage attributed to HGV's as the Appeal site would provide for a local supply. Equally, the site provides for a sustainable location of inert waste management; • Restoration benefits through creation of ecological habitats and biodiversity benefits; • There are to be legacy highways benefits	I consider that the benefits of the proposed development are substantial and the planning balance weighs heavily in favour of the Appeal Scheme.

		through hedgerow cutting, carriageway widening, implementing signage, reconfiguring junction of Lancaster Road and A588.	
3C. Overall Test	Do harms significantly and demonstrably outweigh benefits?	I summarise that whilst the proposals would result in some harm, I consider the harm to be minor and so acceptable and within "appropriate limits". Any potential harm is significantly outweighed by the demonstrable benefits associated with the proposed development.	I consider that under Paragraph 11(d) of the NPPF, the "tilted balance" applies in favour of the submitted Appeal scheme, and therefore planning permission should be granted.

7.1.32 In summary therefore and based on the evidence that I have presented, I conclude the following:

1. The Minerals & Waste Local Plan is out-of-date (period ended 2021). The nature of the development plan being out of date is not consistent with the NPPF requirement for a plan-led system;
2. Great weight is to be given to the benefits of mineral development;
3. There is an urgent need for the release of mineral reserves in Lancashire which the Appeal Scheme would provide;
4. The Appeal site will contribute positively by supplying an additional 100,000 tonnes per annum for 5 years at a time of increasing demand and against a background of significant housing delivery;
5. The site is in a sustainable location to serve mineral and waste needs;
6. There is a need for additional void space for inert materials within Lancashire, with the Appeal site being ideally located within close proximity to a number of settlements with planned growth;

7. There are legacy benefits to highways through improvements to carriageway widths, junction remodelling and signage as detailed within the Transport Statement and Proof of Evidence provided by Mr Budd;

8. Amenity impacts can be appropriately mitigated through planning conditions prescribing noise limits, and compliance with a Dust Management Plan. This is supported by the Proofs of Evidence produced by Dr Storey and Ms Hawkins respectively; and

9. The Appeal scheme is demonstrated to be acceptable and accord with the Development Plan in its entirety, including for the Minerals and Waste Local Plan policies which are considered to be out of date, therefore there are no adverse impacts which would "significantly and demonstrably outweigh the benefits". It is considered that the proposed development is consistent with, and supported by, the principles of the NPPF.

7.1.33 On this basis, I respectfully invite the Inspector to allow the Appeal.

Appendix 1 – Liaison with Planning Officer regarding landowner operations

Email Enquiry to Jonathan Haine from Liam Toland – Proposed Haul Route Tipping

From: Liam Toland <liam@keddltd.co.uk>
Sent: 04 March 2026 11:04
To: Haine, Jonathan <Jonathan.Haine@lancashire.gov.uk>
Cc: Callum Baxter <callum@baxterltd.co.uk>
Subject: Bourbles Lane Appeal

Morning Jonathan,

I'm just getting in touch regarding the above appeal and specifically regarding the tipping that has been taking place by the landowner in the area where the proposed haul road is to traverse in order to connect po the phase 1 area.
We have only latterly become aware of this and that whilst we think that the matter can be addressed by condition in the context of the appeal — nonetheless it is bound to be brought to the Inspector's attention (and is already flagged in the interested party representations).
We are aware that a local Councillor proposed raising this issue with the Council requesting that the EA be contacted and I'm wondering if this has been the case and if the MPA has done anything to investigate what appears to be a breach of planning control?

Appreciate your thoughts

Regards
Liam Toland

Liam Toland
Director
Kedd Limited, Regus House, 12-22 Newhall Street, Birmingham, B3 3AS
liam@keddltd.co.uk 07864297587

RESPONSE

From: Haine, Jonathan <Jonathan.Haine@lancashire.gov.uk>
Sent: Wednesday, March 4, 2026 4:24:09 PM
To: Liam Toland <liam@keddltd.co.uk>
Subject: RE: Bourbles Lane Appeal

Hi Liam, Yes we have investigated this and a letter was sent to the landowner in late 2025. The operation appears to be excavation of an ash type waste deposit that seems to have been deposited in a former mineral working void. Waste concrete was also being imported to construct a farm access track. The access track is a matter for Wyre BC and I have spoken to them about this – it would be covered possibly by agricultural pd rights.

The ash type material appears to have been pushed back into the void. As a site visit a few weeks ago it appeared that some restoration works had been carried out on the disturbed land as we had requested.

I think this is a separate issue from the appeal but there may be some overlap where the access track corresponds with your Phase 1 haul road.

Let me know if you need anything else

Regards

Jonathan

RESPONSE

From: Liam Toland <liam@keddltd.co.uk>
Sent: 04 March 2026 16:50
To: Haine, Jonathan <Jonathan.Haine@lancashire.gov.uk>
Subject: Re: Bourbles Lane Appeal

Thanks Jonathan,
That's very helpful. Do you know if the EA have ever been involved?

Liam

RESPONSE

From: Haine, Jonathan <Jonathan.Haine@lancashire.gov.uk>
Sent: 04 March 2026 16:57
To: Liam Toland <liam@keddltd.co.uk>
Subject: RE: Bourbles Lane Appeal

Don't think so.
We can't get them involved in anything of this scale so we end up having to sort it out

Jonathan Haine
Head of Development Management and Planning Policy
Environment and Regulatory Service
Lancashire County Council
T: 01772 534130
M: 07887 831159
W: www.lancashire.gov.uk

Appendix 2 – Correspondence with Planning Officer regarding Runshaw Quarry

From:	Haine, Jonathan
To:	Liam Toland
Cc:	Khalid, Saleha
Subject:	RE: SoCG DRAFT 02.02.26 Clean Copy.docx
Date:	13 February 2026 14:28:34
Attachments:	image001.png image002.png final clean version.docx

Hello Liam, This is fine. I have accepted the track changes.

With regard to Runshaw Quarry, Tarmac confirmed commencement under condition 3 of the planning permission on 2nd August 2011. However, this was commencement of sand extraction and not commencement of development. The development commenced with construction of an access off the A581 together with a long access road. No notification was ever provided of when these works commenced but I estimate that they were late January 2011.

Tarmac were advised at the time that commencement was starting mineral extraction but I don't think that was correct when the permission provided for other works that are clearly development. I have covered this issue in the draft of the LCC planning proof

I have attached a clean copy of the SOCG. Would you be able to sign and return to me to I can submit to PINs.

Thanks

Jonathan Haine
Head of Development Management and Planning Policy
Environment and Regulatory Service
Lancashire County Council
T: 01772 534130
M: 07887 831159
W: www.lancashire.gov.uk

Appendix 3 – Correspondence with Mineral Operators

BREEDON
MAKING A MATERIAL DIFFERENCE

James Macintosh
General Manager Central England & North Wales
c/o Breedon Dowlow Quarry
Sterndale Moor
Buxton
SK17 9QF
28/01/2026

Re. Concrete Sand Sourcing in Lancashire

Dear Ian

Further to our conversation earlier today, I can confirm that Breedon do use sand in the production of concrete from all of our sites.
At the current time, and for the recent history, the sand we utilise originates from Cumbria or Cheshire

Kind Regards

James

HOLCIM

27th January 2025

Baxter Homes Ltd
The Courtyard,
Marquis Street
Kirkham
Preston
PR4 2HY

To Ian Baxter

RE: Sand Supply in Lancashire

Holcim Readymix plants, in the North West, source supply from Roose in Cumbria and Eastham on the Wirral – As far as we're concerned, there is no sand supply in the Lancashire region.

Kind regards

Oli Lawson
Territory Sales Manager - Lancashire & Cumbria
Readymix Concrete Division

Moore Readymix

To whom it may concern,

We at Moore Readymix currently purchase our sand requirements from a pit in Cheshire. We would much prefer to purchase our raw materials locally and would be very keen to use a local source if available.

Yours faithfully,

Roy Moore

Chairman

Please address all correspondence to:

Moore Readymix Ltd

228A The Green,
Eccleston,
Chorley,
Lancs. PR7 5SU
Tel: 01257 451986
Fax: 01257 450607
E-mail: moore.readymix@btconnect.com

BS 5328
Licence No.
KM 68646
KM 563927

St. Annes Plant
Queensway Industrial Estate,
Snowdon Road,
St. Annes,
FY8 3DP
Tel: 01253 789089

Walton Summit Plant
Old Lemon House,
Seedlee Road,
Walton Summit,
PR5 8AE
Tel: 01772 322411

Registered in England No. 3677048

Outlook

Sand supply

From Gray, Jonny <jonny.gray@tarmac.com>
Date Wed 07/01/2026 16:55
To idbaxter@hotmail.com <idbaxter@hotmail.com>

Hi Ian,

Nice to talk to you today.

We have three concrete plants in the Lancashire area and we source all our sand from the Cheshire area.

If you require any further information please do not hesitate to contact me.

Regards

Jonny Gray
External Account Manager

M +44 7483 915249
jonny.gray@tarmac.com

Park House , Salford, Greater Manchester, M6 6JQ, United Kingdom
Bridge Road
Langley Road
www.tarmac.com

Tarmac is the UK's leading sustainable building materials and construction solutions company

Appendix 4 – Baxter Group letter confirming utilisation of mineral resource

Baxtergroup

Dear Sirs,

Re: Bourbles Sand & Gravel Extraction Site

I can confirm that the primary focus of the sand and gravel on this site will be sold to a Concreting Company based in Lancashire, who can correctly process this material to create the concrete we shall use within our housing development business.

The Baxter Group could potentially utilise at least 30% of the extracted material within our developments. However, we are extremely aware that there is an acute shortage and need for concreting sand and we are keen to support our local Concrete plants and operators. The end product from these plant will end up back on our developments as a crucial building product.

Following the completion of the extraction works, we would complete in full the works outlined within the restoration plan.

Yours Sincerely

Callum Baxter

Managing Director

Appendix 5 – Baxter Group letter confirming inert waste provision

Baxtergroup

Dear Sirs,

Re: Bourbles Sand & Gravel Extraction Site

When it comes to the tipping of inert waste at the Bourbles Sand & Gravel Extraction Site, we believe that approximately 30% of the waste will come from our own operations.

This is inert waste dug out, and tested, from housing sites that we are developing ourselves.

The remainder will be tested and brought in by Contractors that we know, in the local area, who carry out mass muck shifting works for other Developers.

All the inert waste will be local sourced from within the West Lancashire area (Blackpool, Chorley, Fylde and Wyre).

Yours Sincerely

Darren Thornhill

Head of Operations & Partnerships