

**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

Summary Proof of Evidence of Liam Toland BA

(Hons) MSc, MRTPI – Planning

March 2026

Qualifications

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.

Appeal Proposal

2. The Appeal is in respect to the refusal by Lancashire County Council to grant planning permission for a proposed sand and gravel quarry with progressive restoration using inert fill to agricultural land and biodiversity enhancement, with the scope for leisure end-uses. A total of 500,000 tonnes of saleable sand and gravel over a period of ~5 years, with the site being restored using 220,000m³ of imported inert fill material. Restoration is to be completed over a further two years.
3. The site is to be worked in five phases (Phase A – 4) with a final restoration phase to follow. The phases are of various sizes and therefore varying timescales of operation. Mr Simon Rees in his PoE includes for full detail on the Appeal scheme. In summary, the operations will be undertaken as follows:
 - Phase A (6 months) – the plant and site access (1.6ha) + Phase 1 Bunds;
 - Phase 1 (18 months) – located in the north-western part of the site (2.4ha);
 - Phase 2 (6 months) – located to the north of Bourbles Lane (1.1ha);
 - Phase 3 (18 months) – located to the east of Bourbles Lane (4.9ha);
 - Phase 4 (12 months) – located north of plant /the duck pen area (1.9ha); and
 - Restoration Phase (24 months).
4. The whole operation is therefore undertaken quickly, with the area of disturbed land being minimised at all times through the phased working and progressive restoration approach.

Scope of Evidence

5. In my evidence, I have covered planning policy relating to minerals, mineral and waste need, consideration of issues raised by Rule 6 Party and other interested parties and the planning balance.

Planning Policy Considerations

6. In my evidence, I consider the validity of the most important planning policies relevant to the proposed development, having regard to the Minerals and Waste Local Plan (both the Core Strategy & the Site Allocations and Development Management Policies Plan). 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. Therefore, as of 2026, Lancashire County Council do not have an up-to-date plan. It is also noted that the plan review is almost non-existent with the most recent consultation being held on a Regulation 19 Plan in 2018.
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, due to the out-of-date nature of the Minerals and Waste Local Plan, especially considering the Core Strategy was adopted three years prior to the publication of the NPPF, it is my view that the “tilted balance” principle is engaged. Importantly, it is noted that 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”.
8. Further to this, 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). It is considered that the following policies form among the most important, and are all considered to be out of date – Policies CS3, CS4 & CS8 of the Core Strategy and Policy M1 of the Site Allocations and Development Management Plan.
9. 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.

The Need for Sand and Gravel

10. 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.
11. 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 which uses 2022 data, and the North West Aggregate Working Party Annual Monitoring Report 2025 (AMR) (using 2024 data). It is noted that at the time of this Appeal, the LAA is based on data which is already three years old.
12. The LAA identified that at the end of 2022 there were ~4.46 million tonnes of sand and gravel reserves, however these were held at two inactive sites, including for ~4.1 million

tonnes being within Runshaw Quarry which was inactive. 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.

13. The Planning Officer confirmed (Appendix 2 of my Proof of Evidence) that permission commenced in January 2011 at Runshaw Quarry. Based on the time limits included at Condition 2 of Runshaw Quarry's Appeal Permission (APP/Q2371/A/07/2035175NWF), the permitted operational would life of the quarry would cease in July 2026. In any event, irrespective of the above timescales regarding the end date for extraction and restoration at Runshaw Quarry, I consider that the latter element of Condition 2 applies which requires the restoration of the site in its entirety within a period of 1 year from the cessation of mineral working as defined within the permission.
14. 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.
15. The lack of mineral reserve within Lancashire is corroborated via a number of Concrete Plant operators (see Appendix 3 of my Proof of Evidence), who rely on imports from regions such as Cumbria and Cheshire and are seeking a more local supply.
16. The Planning Officer, in their Committee Report, referenced two undetermined planning applications within Lancashire for sand and gravel resource (Lower Hall Farm and Gale Moss). It is noted that since the determination of the application subject to this Appeal, the Gale Moss application has been withdrawn, leaving only
17. The Lower Hall Farm site totals ~3 million tonnes of reserve to be worked at 150,000tpa over 20 years, in addition to the Appeal scheme. However, 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.
18. A review of the housing need within Lancashire authorities (and relevant neighbouring authorities) from the updated standard methodology has identified a significant increase in annual residential dwellings required to be delivered to the previous standard methodology. The Appeal site is located within 8km of settlements which the Wyre Local

Plan identifies 5,911 dwellings are to provided over the plan period (2031), however this pre dates the increased delivery required by the updated standard methodology.

19. The Appellant has identified that they would utilise ~30% of the sand and gravel reserve from the Appeal Site within their own housing developments, with the rest supporting local concrete plants and operators.
20. Finally, consideration has been provided to the climate benefits of the scheme. It is assessed that 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.
21. Great weight is to be attached to the benefits of mineral extraction.

The Need for Inert Waste Disposal

22. It is agreed at Paragraph 6.13 of the SoCG, that the proposed development provides for capacity to manage 220,000 cubic metres of inert waste (construction, demolition and excavation waste) within Lancashire. As stated at paragraph 72 of the Committee Report *“There is a need to import material to allow the effective restoration of the site, and to permit the restoration of high quality agricultural land. The waste importation aspects of the development are considered to be acceptable in terms of the broad policies for waste management.”*
23. Whilst the Minerals and Waste Local Plan is out-of-date, it is noted that the policies are positively worded to the sustainable location of inert waste management facilities at quarry voids and through the process of recovery as opposed to disposal.
24. As set out 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. In addition, there are a number of key infrastructure projects which would produce waste arisings identified within the LAA.
25. 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 of my evidence illustrates the locations of these sites in comparison to the Appeal site.
26. 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, 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.

27. The Appellant (at Appendix 5 of my evidence) calculates 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).
28. 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.

Consideration of Issues Raised by the Rule 6 Party and Other Interested Parties

29. A number of environmental matters have been raised by the Rule 6 party and members of the public. These have been fully addressed within the Environmental Statement Addendum provided. The specialist evidence provided in this appeal also makes clear that there are no unacceptable adverse effects in terms of noise, dust or transport / highways which would not be appropriately controlled and mitigated.
30. It is noted that a Dust Management Plan has been produced in support of the Appeal proposals, including for dust deposition and soiling monitoring, for a period of 3-months period to the on-set of the development and thereafter for the duration of the operations, subject to agreement with the MPA. Furthermore, Ms Hawkins in her Proof of Evidence sets out potential for undertaking short term PM₁₀ and PM_{2.5} monitoring.
31. With regards to highways, the Appeal Scheme includes for a number of legacy benefits which will remain once the site has been completed and restored. These include:
- 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.

Planning Balance

32. The Minerals and Waste Local Plan is out-of-date, with the plan period ending in 2021, and being formed on a evidence base from 2013 at the latest. 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.
33. Due to the out of date plan, the NPPF provision of "tilted balance" (paragraph 11(d)) is engaged. It is noted that the Joint Lancashire Minerals and Waste Development Framework Site Allocation and Development Management Policies Development Plan Document itself includes a policy that mirrors the NPPF "tilted balance" (Policy NPPF1).
34. It has been agreed with the Council that the Appeal Scheme would not give rise to any significant effects on landscape, agricultural land, archaeology, water environment / flooding, ecology or restoration and afteruse.
35. 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.
36. The Proofs of Evidence provided by Ms Hawkins, Dr Storey and Mr Budd regarding Air Quality & Dust, Noise and Transport respectively demonstrate that the proposed development will not result in any adverse impacts which cannot be satisfactorily mitigated by the design and mitigation measures included within the submitted Appeal Scheme.
37. 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.

38. Finally, there are factors weighing in favour of the Appeal Scheme.
39. 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. So much so, that even were the scheme to not be fully policy compliant, the benefit of the mineral reserve would outweigh potential harm.
40. 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.
41. 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 of my evidence. The Appeal site provides the only inert waste recovery operation north of Preston to serve the entire mid – north Lancashire market.
42. In considering both mineral need and inert waste capacity need, the increase in requirement for housing delivery brought about by the updated standard methodology is expected to result in a further demand for both reserve and capacity to the extant situation. Furthermore, the Appellants own operations are anticipated to utilise ~30% of the mineral reserve and provide for ~30% of the inert waste required to restore the site. The rest of the mineral reserve being used to provide for local concrete plants and operators, and the remaining inert waste being sourced from contractors the Appellant works with in the local area who carry out mass muck shifting works for other developers.
43. As covered at point 31 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 these legacy benefits I attach great weight.

44. Having regard to employment, the proposed development is expected to directly employ some 9 full time employees at the site. In addition 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. I consider great weight should be attached in line with NPPF paragraph 224.
45. Whilst it is acknowledged delivery of the potential lodge development would be subject to a separate application, the proposal would result in positive economic benefits.
46. 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.
47. I consider that each of these factors add significant weight in favour of the Appeal Scheme.
48. Accordingly, it is my conclusion that the planning balance weighs heavily in favour of the Appeal Scheme.

Conclusion

49. In summary therefore and based on the evidence that I have presented, I conclude the following:
- 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;
 - Great weight is to be given to the benefits of mineral development;
 - There is an urgent need for the release of mineral reserves in Lancashire which the Appeal Scheme would provide;
 - 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;
 - The site is in a sustainable location to serve mineral and waste needs;

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- 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;
 - 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;
 - 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
 - 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.

50. On this basis, I respectfully invite the Inspector to allow the appeal.