

**Appeal by Baxter Construction Ltd concerning a planning application for sand and gravel extraction and inert waste backfill on land at Bourbles Lane,
Preesall**

Proof of evidence of Richard Sharples – Lancashire County Council

Planning Issues and compliance with the policies of the Development Plan

Contents

	Page no.
1. Qualifications and experience	1
2. Summary	6
3. Introduction	8
4.The proposed development and site description	10
5. Consultation responses to the planning application	11
6. Planning Policy	12
7. Alternative sources of supply	26
8. Inert waste landfill position	30
9. Compliance with policies of development plan	32
10. Overall balancing exercise	43

1. Qualifications and Experience

1.1 My name is Richard Sharples. I am Principal Planning Officer with Lancashire County Council within the Environment and Regulatory division.

1.2 I have a BSc in Environment Analysis, a Masters in Civic Design, MA in Environmental Impact Assessment and Management and a Post Graduate Diploma in Surveying (Minerals)

1.3 In my role I am principally responsible for the review of the Lancashire Minerals and Waste Local Plan, the production of Local Aggregate Assessment reports and other monitoring reports for minerals and waste matters within the County. I attend the meetings of the North West Aggregate Working Party and also input into a number of other planning policy related matters.

1.4 I have been employed by the County Council in this role for more that 20 years and before then I worked in the minerals extraction and waste management industry.

1.5 I am familiar with the proposed development, the application site and its surroundings.

Declaration

1.6 The evidence which I have prepared and provided in this Proof of Evidence is correct and I confirm that the opinions expressed are my true professional opinions. I also confirm that I have not made use of any artificial intelligence applications in the production of this evidence.

2. Summary

2.1 The proposal is for the extraction of approximately 500,000 tonnes of sand and gravel with restoration of the site using imported inert backfill materials.

2.2 The Development Plan for the site comprises the Joint Lancashire Minerals and Waste Core Strategy (CD7.01), Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan (CD7.02) and the Wyre Borough Local Plan (CD7.04).

2.3 Little weight can now be attached to the restriction on new permissions presented in policies CS3, CS4 and M1 given that it was based on a supply position that has evolved since they were adopted, and which has reduced considerably in the amount of quarries and quantum of output. None the less, the CS4 policy apportionment for sand and gravel is a reasonable indication of need, when compared to up to date monitoring information. The benefits of the proposal on aggregate supply within the context of this need are recognised and given great weight.

2.4 The proposal is in conflict with Policy DM2 of the Lancashire Minerals and Waste Local Plan (CD7.02), and Policy CDMP1 and Policy CDMP6 of the Wyre Local Plan (CD7.04) by reasons of significant impacts on highway safety and significant impacts on local amenity arising from dust and noise emissions.

2.5 These impacts are not capable of being controlled to satisfactory levels through mitigation measures, planning conditions or other controls. Where impacts are not capable of being eliminated or reduced to acceptable levels, minerals and waste developments are not supported by Policy DM2 of the Lancashire Minerals and Waste Local Plan (CD7.02).

2.6 The aggregate supply position weighs heavily in the proposals favour: supply is limited to a small number of active sand and gravel quarries and a majority of the permitted reserve is contained in one inactive quarry. However, the proposals contribution to aggregate supply is limited by its small potential output and its remote location. Balanced against the predicted impacts on amenity and highway safety, the proposal conflicts with the Development Plan when read as a whole, and would represent an unsustainable use of land in this location.

2.7 It is considered that the impacts on highway safety and local amenity are sufficient to significantly and demonstrably outweigh the benefits of the proposal in terms of minerals supply, economic benefits and new recreation and ecological opportunities.

2.8 As such the proposal should be refused for the following reasons:

1. The development would have unacceptable impacts on highway safety which cannot be adequately mitigated and the development therefore conflicts with paragraph 116 of the National Planning Policy Framework, policy DM2 of the

Lancashire Minerals and Waste Local Plan and Policy CDMP6 of the Wyre Local Plan

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

3. Introduction

3.1 This proof of evidence addresses the planning policy issues relating to the proposed development at Bourbles Lane, Preesall, Lancashire. My evidence primarily covers the development plan background and an assessment of the need for the mineral and inert landfill tipping space. Whilst evidence on the environmental impacts of the development, particularly in relation to traffic, noise and dust will be provided by other witnesses, my evidence will also examine how the environmental impacts of the development relate to planning policy and provide my assessment of the overall balance of the benefits and impacts of this development.

3.2 The evidence will make reference to the Core Documents (CD) and to any additional evidence provided in support of and attached to this proof.

3.3 The appeal concerns a planning application 'Land off Bourbles Lane, Preesall, Lancashire (LCC/2023/0030) (CD1)

3.4 The application was considered by Lancashire County Council's Development Control Committee on 15th October 2025. The report to the committee (CD6.02) recommended that the application be refused for the following two reasons:

1. The development would have unacceptable impacts on highway safety which cannot be adequately mitigated and the development therefore conflicts with

paragraph 116 of the National Planning Policy Framework, policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy CDMP6 of the Wyre Local Plan

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

3.5 In the Inspector's Pre Case Management Conference note, he set out that the main issues in the appeal would be likely to be:

- The effect of the development on highway safety and the free flow of traffic
- The effect of the proposed development on the living conditions of the occupants of nearby residential properties with regard to noise and dust.

3.6 The Inspector also set out that consideration will need to be given to the need for the proposed development with particular regard to the demand, supply and landbank position for sand and gravel and the need for inert waste disposal in the County. Any benefits of the proposed development will also need to be considered that could be weighed in the overall planning balance.

4. The Proposed Development and Site Description

4.1 The proposal is for the extraction of approximately 500,000 tonnes of sand and gravel with restoration of the site using imported inert backfill materials. A full description and plans of the development and proposed working phases form Core Documents CD1.

4.2 A description of the site is set out in paragraphs 7 – 13 of the County Council's Committee report (CD6.02) and is also contained in the General Statement of Common Ground.

5. Consultation Responses to the Planning Application

5.1 The consultation responses that were received to the planning application are set out in the report to the County Council's Development Control Committee dated 15th October 2025 (CD6.02).

6. Planning Policy Background

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration that should be given appropriate weight in the decision-making process.

6.2 The National Planning Policy Framework affirms that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

6.3 Achieving sustainable development means that the planning system has three overarching objectives (economic, social, environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

6.4 Paragraph 11c of the NPPF requires that development proposals that accord with an up to date development plan should be approved without delay. Paragraph 11d requires that where there are no relevant policies or the policies which are the most important for determining the application are out of date, planning permission should be granted unless;

- The policies in the NPPF which protect areas or assets of particular importance provide a strong reason for refusing the development or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

6.5 The Development Plan for the site comprises the Joint Lancashire Minerals and Waste Core Strategy (CD7.01), Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan (CD7.02) and the Wyre Borough Local Plan (CD7.04).

6.5 The following paragraphs set out the development plans which are of most relevance for determining this appeal and also discusses the weight that should be attached to those policies in terms of paragraph 11c of the NPPF.

Wyre Local Plan

6.7 The policies of the Wyre Local Plan (CD7.04) of most relevance to the appeal proposals are considered to be as follows:

Policy CDMP1 – Environmental protection

Policy CDMP3 – Design Policy

CDMP6 – Accessibility and transport

6.8 The Wyre Local Plan (CD7.04) was adopted in 2023 and therefore these policies are considered to be up to date for the purposes of decision making.

The Joint Lancashire Minerals and Waste Core Strategy and Local Plan

6.9 The Core Strategy (CD7.01) provides an overall strategic framework for minerals and waste planning across the Plan area taking into account national policy, and other plans and strategies including the need to reduce carbon emissions. The Joint Lancashire Minerals and Waste Local Plan (CD7.02) provides site specific policies and allocations and detailed development management policies for minerals and waste planning within the overall framework provided by the Core Strategy (CD7.01).

6.10 The Joint Lancashire Minerals and Waste Core Strategy (CD7.01) and Local Plan (CD7.02) had adoption dates of February 2009 and September 2013 respectively with the plan period for both documents running until the end of 2020.

6.11 The following policies within the Core Strategy (CD7.01) and Local Plan (CD7.02) are considered to be relevant to the appeal proposals:

Joint Lancashire Minerals and Waste Core Strategy (CD7.01):

Policy CS3 – Meeting the demand for new minerals

Policy CS4 – Identifying sites and areas for mineral extraction

Policy CS8 – Identifying Capacity for Managing our Waste

Joint Lancashire Minerals and Waste Site Allocation and Development Management

Policies Local Plan (CD7.02):

Policy DM1 – Management of waste and extraction of minerals

Policy DM2 – Development Management

Policy WM1 – Capacity of Waste Management Facilities

Policy M1 – Managing Mineral Production

6.12 Given the adoption date of both documents and the associated plan periods, it is necessary to consider whether any of these policies are now out of date for the purposes of decision making and therefore whether the tilted balance within paragraph 11c of the NPPF (CD12.01) should apply.

6.13 It should be noted that paragraph 232 explains that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF. Due weight should still be given to them according to the degree of consistency with the NPPF.

6.14 A judgement on whether individual policies are out of date for the purposes of paragraph 11c therefore revolves around the degree of conformity with the current NPPF (see Gladman Developments Ltd v Secretary of State for Housing Communities And Local Government & Anor 2019 EWHC 127) and whether the policy has been overtaken by events that have occurred since its adoption (see Peel Investments

(North) Ltd v Secretary of State for Communities and Local Government [2020] EWCA Civ 1175). If any of the policies which are considered to be the most important for determining the application and which are also considered to be out of date, the provisions of paragraph 11c of the NPPF would apply.

6.15 Policy CS3, CS4 of the Core Strategy (CD7.01) and Policy M1 of the Local Plan (CD7.02) deal with the provision of minerals over the plan period. Similarly, policy CS8 of the Core Strategy and policy WM1 of the Local Plan (CD7.02) deal with waste management provision over the plan period.

6.16 The Core Strategy (CD7.01) was found to be in general conformity with the relevant Planning Policy Statements and Minerals Policy Statements at examination prior to its adoption. The Local Plan (CD7.02) was found to be in general conformity with the NPPF at examination prior to its adoption. National policy, as far as it relates to minerals planning and waste planning, has not changed significantly since this time.

6.17 The relevant sections of national policy that deal with these issues are as follows:

Aggregate capacity policies

6.18 Section 17 of the NPPF (CD12.01) provides a framework of policies in relation to facilitating the sustainable use of minerals.

6.19 Paragraph 223 of the NPPF (CD12.01) requires that planning policies should:

- a) provide for the extraction of mineral resources of local and national importance;
- b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and mineral waste would make to the supply of materials before considering extraction of primary materials whilst aiming to source minerals supply indigenously;
- f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.

6.20 Paragraph 224 of the NPPF (CD12.01) requires that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁷⁹, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;

6.21 In relation to maintenance of supply of aggregate minerals, paragraph 226 of the NPPF (CD12.01) requires that MPA's should plan for a steady and adequate supply of aggregates by:

- a) Preparing an annual Local Aggregates Assessment either individually or jointly for forecast future demand based on a rolling average of 10 years' sales data and other relevant local information and an assessment of all supply options (including marine dredged, secondary and recycled sources)
- b) Making provision for the land won and the other elements of their Local Aggregate Assessment in their mineral plans
- c) Taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates
- d) Using landbanks of aggregate mineral reserves principally as an indicator of the security of aggregates minerals supply and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in minerals plans.
- e) Maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised
- f) Ensure that large landbanks bound up in very few sites do not stifle competition and

6.22 The Development Plan does not provide policy support for new releases of sand and gravel aggregates. Policy CS3 (CS7.01) sets out a provision for a quantum of

minerals for aggregate, and, together with Policy CS4 (CD7.01), provides policy support for the release of 4.1 million tonnes of sand and gravel by 2021. Policy M1 (CD7.02) does not provide any support for new releases of aggregates, including sand and gravel, due to planning permission having been granted for sand and gravel extraction at Runshaw Quarry sufficient to meet the need identified in Policy CS3 (CD7.01).

6.23 This policy position is based on a supply and demand position that has moved on since the Plans were adopted. It is necessary to consider how this relates to the current position. This is set out in the reports described below.

6.24 The Council produces a Local Aggregate Assessment (CD7.05), the purpose of which is to forecast future demand. The most recent LAA was ratified by the NAWWP in October 2023 and is based upon 2022 data. The permitted reserve figure for 2022 is 4.46Mt. Based upon the average of the last 10 years sales data (0.37Mt) the landbank was approximately 12 years.

6.25 The North West Aggregate Working Party also publishes annual reports looking at sales and reserve data for aggregate minerals across the North West planning region. The most recent NW AWP annual report was published in 2025 based upon 2024 data (CD7.06). This report therefore contains the most recently available data on aggregate mineral permitted reserves and sales. The report also contains information on imports and exports of aggregates including from marine sources and contributions from secondary and recycled aggregates.

6.26 The NW AWP 2025 annual report (CD7.06) provides data on permitted reserves for sand and gravel in Lancashire. The permitted reserve figure for 2024 is 4.57 Mt. Based upon the average of the last 10 years of sales data (0.29Mt), the landbank is approximately 15 years.

6.27 Demand in the Core Strategy is predicted at approximately 0.5Mt of sand and gravel per year during the plan period. The most recently published Local Aggregate Assessment (CD7.05) seeks to forecast demand using a range of methods on page 8. This sets out that the Core Strategy policy position is approximately 0.5Mt per year, the Sub-regional apportionment is 0.44Mt per year. Projections based on up to date evidence using the 10 year average of sales are 0.37Mt per year, and projection using forecast housing delivery is approximately 0.57Mt per year.

6.28 In terms of supply, the NW AWP 2025 (CD7.06) report notes that the reserve figure includes sand and gravel reserves within Runshaw Quarry near Chorley which is currently non-operational and therefore not contributing towards supply. The reserves within this site are estimated at 4.1 Mt based upon figures in the 2005 planning application. The other remaining reserves are contained in operational sites at Bradleys Sandpit near Preston, Lydiate Lane near Leyland and Sandons Farm near Chorley. There are also some permitted reserves within another inactive site at German Lane also near Chorley. The remaining reserves at the existing operational sites are very limited and would be unlikely to meet forecast demand levels at anything above the short term period.

Runshaw Quarry

6.29 Runshaw Quarry received planning permission on appeal in August 2008. A copy of the Inspector's decision letter is CD8.03. Condition 2 of the planning permission for Runshaw Quarry requires that mining operations cease not later than 15 years 6 months from the date of commencement of the development with the site progressively restored within 16 years and 6 months of the date of commencement or within one year of cessation of mineral working whichever is the earlier.

6.30 The Runshaw quarry development included construction of an access road of significant scale off the A581. The date provided by Tarmac for the purposes of condition 3 (commencement of development) was 2nd August 2011 and related to the commencement of mineral extraction. The County Council considers that the actual commencement date for the purposes of condition 3 should have been the construction of the access road and junction with the A581. The County Council estimates that these works commenced in January 2011. Under the provisions of condition 2, it is therefore considered that the permitted end date for mineral extraction is July 2026 and July 2027 for completion of restoration of the site.

6.31 To date Tarmac have not made any planning application for a time extension to allow them to work the minerals from this site. For the purposes of landbank calculations, it is considered that the Runshaw reserves will fall away by July 2026 unless a further planning permission is granted prior to this date. This is considered unlikely given that any planning application will probably need to be accompanied by

an Environmental Statement. However, it is considered that the planning permission will still be extant up until July 2027 and therefore Tarmac (or any other operator) would have until this date to make a planning application to amend condition 2 to provide additional time for the working of sand and gravel reserves within this site.

6.32 It is therefore accepted that little weight can now be attached to the restriction on new permissions presented in policies CS3, CS4 and M1. None the less, the CS4 policy apportionment for sand and gravel is a reasonable indication of need, when compared to up to date monitoring information.

Waste capacity policy

6.33 In terms of waste management provision, national policy is contained in the National Planning Policy for Waste (published October 2014). This document was therefore published after the Core Strategy and Local Plan were adopted. In terms of provision of waste management facilities, the national policy is relevant as follows:

- Paragraph 2 requires that waste planning authorities should ensure that planned provision of new capacity and its spatial distribution is based upon robust analysis of best available data and information
- Paragraph 3 requires that waste planning authorities should drive waste management up the waste hierarchy, recognising the need for a mix of types and scales of facilities and that adequate provision must be made for waste disposal. Paragraph 3 also states that WPA's should consider the extent to which the capacity of existing operational sites would satisfy any identified need

- Paragraph 7 requires that applicants should only be expected to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up to date local plan.

6.34 Policy CS8 and WM1 do not impose any restrictions on waste management capacity and they are considered to broadly conform with the approach to identifying capacity and waste management needs set out in the national policy. I therefore consider that policies CS8 and WM1 are still up to date and relevant for the purposes of determining this appeal.

Generic policies

6.35 As well as provision levels, there are other policies of both plans that deal with the consideration and assessment of environmental impacts arising from minerals and waste proposals, including policies DM1 and DM2 of the Local Plan. I consider that these policies are still up to date and are relevant in terms of decision making for minerals and waste management proposals. I come to this conclusion after an examination of national policy relating to transport, amenity and environmental impacts. In particular :

- They do not impose any undue restrictions on new permissions that are informed by a supply position that has subsequently changed.
- They are generic in nature and are generally consistent with national policy as set out below:
- paragraph 115 of the NPPF deals with transport impacts and requires b) that safe and suitable access to the site can be achieved for all users and d) any

significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree through a vision – led approach

- paragraph 198 of the NPPF requires that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects including cumulative effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- paragraph 223 of the NPPF states that planning policies should set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health.
- Paragraph 224 of the NPPF requires that when determining applications it should be ensured that any unavoidable noise, dust and particle emissionsare controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

6.36 For that reason, I am of the view that these particular policies of the development plan are still up to date for the purposes of decision making.

6.37 The issues regarding the environmental impacts arising from the appeal proposals, particularly in terms of traffic and noise and dust are dealt with in the evidence of Ryan Derbyshire of LCC Highways and David Gray and Matthew Edwards of Atkins Realis. I also consider these impacts in terms of the relevant development plan policies and the overall balancing exercise in section 8 and 9 of this proof.

7. Alternative Sources of supply

7.1 The planning application supporting statement (CD1.02) contains information summarising the geological investigations and the quality of the sand and gravel resource. Paragraph 3.2.1 of the statement confirms that the deposit is 36% gravel, 60% sand with the remainder being silt. The applicant maintains (paragraph 3.2.4) that the site contains a high quality mineral deposit that following washing and grading can be used in a range of concrete products, drainage aggregates and other high specification construction materials. In appendix 2 of the Planning Statement, the applicant presents the results of the laboratory testing of the borehole samples which confirms that the mineral resource could be processed to create a range of concreting aggregates comprising a sharp sand and 10 mm and 20mm gravel products with a 40mm product also possible if required for use in piling, drainage and other construction uses.

7.2 Aggregate production from land won resources in Lancashire is from three sources: sand and gravel, Carboniferous Limestone and Carboniferous gritstones / sandstones. For many construction applications that might use gravel such as bulk fill, drainage and larger size concreting aggregates there will be a degree of interchangeability between sources particularly in relation to Carboniferous limestone aggregates which are generally of a high quality and suitable for a wide range of uses.

7.3 The landbanks of limestone and gritstone hard rock resources in Lancashire are considerable. In terms of limestone the existing landbank of permitted reserves is approximately 45Mt (figures from Local Aggregate Assessment (CD7.05)). Since the

draft was produced a further 40 Mt has been granted planning permission at Back Lane Quarry, Carnforth with a further 26 Mt at Leapers Wood Quarry, Carnforth having approval subject to the signing of section 106 agreements. With regard to gritstone, the permitted reserves amount to around 74Mt. Whilst the limestone aggregate quarries in particular concentrate production on larger size aggregate materials, crushed rock fines are a by-product of aggregate production particularly at the limestone quarries and such materials are used in the manufacture of concrete and other construction materials as a substitute for sand and gravel. Therefore, there are other supply options within Lancashire for construction applications where the gravel from the Bourbles Lane site might be used. Approximately 40% of the mineral resource at Bourbles Lane is gravel (exceeding 4mm size) and therefore approximately 200,000 tonnes of the deposit would comprise minerals which can be readily supplied from existing hard rock quarries in Lancashire.

7.4 The objective of paragraph 226 of the NPPF (CD12.01) is to ensure a steady and adequate supply of aggregates to the construction industry. In paragraph 226 a) it is clear that the Government intends that sources of supply are not confined to land won aggregates and that aggregate materials can also be sourced from marine dredged, secondary and recycled sources. In paragraph 223 b) the policy sets out that the contribution of recycled materials to the supply of materials should be considered as far as practicable before considering extraction of primary materials.

7.5 In terms of sand and gravel aggregates, there are other supply options from recycled sources. There are a number of inert waste management sites in Lancashire

which have installed washing and processing plants to allow high quality aggregates to be produced from inert waste materials including sand grade products that meet the required quality standards for concrete and other building applications. The County Council has requested information from the operators of such sites to ascertain output types and uses.

This information is shown in the table 1 below:

Table 1 – Recycled Aggregate Sites in Lancashire incorporating washing / processing plants

Site operator	Location	Outputs	Quantity	Source of info
CCC	Simonswood Ind Estate, West Lancashire	Washed and screened aggregates 0-20mm, 20 – 40mm and 40 mm up	150,000 tonnes per year	Planning application
Kealshore	Simonswood Ind Estate, West Lancashire	Sand, pipe bedding stone and other aggregates	75,000 tonnes per year	Planning application
Ruttles	Chorley	Fine sand, grit sand, pipe bedding sand	Approx 250,000 tpa	Pers com
JA Jackson	Bradleys sandpit, Fulwood, Preston	Washed and graded aggregates including sand and 10mm and 20mm aggregates		Planning application and pers com
JA Jackson	Lydiate Lane, Leyland	Washed and graded aggregates 0 – 2mm fine sand, 2 –	Approx. 400,000 tonnes per year maximum output	Planning application

		4mm course sand, 4 – 10 mm, 10 -20 mm, 20 – 40mm and 40 mm+ aggregates		
MJ Teale	Poulton le Fylde	Aggregates between 0 – 40 mm including 2mm soft sand and 4mm coarse sand. 20 / 40 mm aggregate products	112,000 tpa.of sand and stone products including 80,000t of 0-20 mm and 32,000t of 20mm+. Permit variation submitted for increase to 250,000 tpa which would allow increase in production	Email
JN Civils	Blackpool	Concreting aggregates	Approximately 5000 t per week	Email

7.6 It is also possible to source sand and gravel aggregates from marine sources. The 2025 NW AWP (CD7.06) report confirms that there is a wharf facility on the River Mersey within Liverpool City Council's administrative area that exists for the landing of sand and gravel. Heidelberg have confirmed to the County Council that they source their sand and gravel materials to supply their ready mixed concrete plants in Lancashire from the Liverpool wharf together with other aggregates from their hard rock quarries.

8. Inert waste landfill provision in Fylde coast / Preston area

8.1 The County Council in its committee report noted that the inert waste backfill materials were required to allow a high quality of restoration. If such materials were not to be imported it would be difficult to achieve a satisfactory restoration within the confines of the existing application area as it would not allow side slopes of the excavation to be regraded to acceptable gradients. The County Council therefore did not raise an issue in terms of the need for the inert waste landfill provision. However, this is an issue that was raised by the Inspector as part of his pre inquiry note and the County Council accepts that the need for inert landfill capacity is capable of being a factor in favour of the development in certain circumstances.

8.2 The table shows that there is considerable provision of inert waste tipping capacity in the Fylde, Wyre and Preston borough areas. Some of the facilities listed would have lifespans exceeding that of the appeal site. The table also includes Ellel Quarry, which although in the Lancaster City area is a similar distance from the appeal site as the other landfill facilities listed in the table.

Table 2 – Inert Waste Landfill Capacity – Lancaster, Fylde, Wyre and Preston Boroughs

Site Name	Location	Current planning permission	End date	Remaining capacity	Distance from appeal site (by road)	Comments
Jameson Road	Jameson Road,	LCC/2018/0059	31/12/2034 for restoration	880,000m ³	18km	Site is a non inert landfill but

Landfill Site	Fleetwood					inert materials required for engineering and restoration purposes
Ream Hills Farm	Mythop Road, Weeton	LCC/2021/0061	Landfilling to finish within two years of date of commencement	120,000m ³	17km	Site is yet to commence. Pre commencement conditions have been signed off
Clifton Marsh Landfill Site	Preston New Road	LCC/2014/0162	31/12/2036 for restoration	1.5 million m ³	28km	Site is a non inert landfill but inert materials required for engineering and restoration purposes
Lytham Green Drive Golf Club	Ballam Road, Lytham	LCC/2024/0008	Within 2 years of date of commencement (7/12/2027)	188,000m ³ (at commencement). Approximately 90,000m ³ remaining	26km	Approx half of site filled at Feb 2026 from pers com with operator
Westby Landfill site	Annas Road, Westby	LCC/2018/0019	1/06/2028	224,000m ³	23km	
Bradleys Sandpit	Lightfoot Lane, Fulwood, Preston	LCC/2021/0059	31/12/2031	Unknown	31km	
Ellel Quarry	Bayhorse Road, Galgate	LCC/2019/0030 and 0040	30/06/2038	1.6 M m ³ at time of application. Tipping is yet to commence in extension area	17km	

9. Compliance with policies of the Development Plan

9.1 The County Council's reasons for refusal of the planning application relate to the impacts on highway safety, and on local residents adjacent to site by reason of unacceptable noise and dust impacts. The policies of the Development Plan that are relevant to the consideration of such impacts are as follows:-

Joint Lancashire Minerals and Waste Site Allocation and Development Management

Policies Local Plan (CD7.02):

Policy DM2 – Development Management

Development for minerals and waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards.

Wyre Local Plan (relevant parts of policies) (CD7.04)

Policy CDMP1- Environmental protection

Development will be permitted where in isolation or in conjunction with other planned or committed developments it can be demonstrated that the development:

a) *Will be compatible with adjacent existing uses or uses proposed in this plan and it would not lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses and for occupants or users of the development itself with reference to noise, vibration, odour, light, other pollution or nuisance. Applications will be required to be accompanied where appropriate by relevant impact assessments and mitigation proposals*

Policy CDMP3 – Design

All development will be required to be of a high standard of design and appropriate to the end use. Innovative design appropriate to the local context will be supported and will be expected to demonstrate an understanding of the wider context and make a positive contribution to the local area. Development will, in particular be assessed against the following criteria:

c) *development must not have an unacceptably adverse impact on the amenity of occupants and users of surround or nearby properties and must provide a good standard of amenity for the occupants and users of the development itself*

Policy CDMP6 Accessibility and Transport:

1. *Development will be permitted provided it meets the requirements of the Core Development Management Policies and it has been demonstrated that :*

b) *road safety and the safe efficient and convenient movement of all highway users including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced*

d) appropriate provision is made for vehicular access, off street servicing and parking in accordance with the council's standards set out in Appendix B unless it is demonstrated to the satisfaction of the LPA in conjunction with the Local Highway Authority that different provision is justified taking into account local circumstances.

3. Where a development has an adverse impact on the existing highway network developers or operators will be required to provide or contribute to such works to the transport network including sustainable travel measures as are necessary to mitigate these impacts.

Impacts on Highways Safety

9.2 As set out in the Council's highways evidence, the site would lead to a number of highway impacts. In terms of such impacts, policy DM2 of the Lancashire Minerals and Waste Local Plan (CD7.02) and policy CDMP6 of the Wyre Local Plan (CD7.04) are relevant.

9.3 The evidence of Ryan Derbyshire has shown that the proposal would lead to a considerable increase in the frequency of HGVs using Lancaster Road between the site access and the junction with the A588 and that this section of highway is of insufficient width to allow two HGVs to pass safely.

8.4 Whilst the appellant states that it may be possible to provide some minor road widening as mitigation to increase passing clearances, the effect of such widening would be to remove any refuge areas for the vulnerable users that use this section of

highway. Any mitigation measures proposed by the applicant in this regard would therefore have other unacceptable impacts including on vulnerable road users contrary to Policy CDMP6 of the Wyre Local Plan (CD7.04).

9.5 The applicant has proposed a number of traffic management measures to reduce the incidence of HGVs having to pass on Lancaster Road or to avoid the times when HGV's might conflict with other vulnerable road users, in particular school children.

9.6 However, it is questioned how feasible, practicable and enforceable these measures would actually be. For example, it is unlikely that all HGVs associated with the export of minerals or import of backfill materials to the site would be in the control of the operator so how would drivers know to wait on the highway at distance from the site to avoid passing manoeuvres on Lancaster Road.

9.7 Furthermore, in any event it is not apparent that there are any locations on the local highway network where HGVs could wait in locations where they would not cause a hazard to other road users or result in delay or obstruction. Therefore the mitigation measures put forward by the appellant are not considered to meet the tests with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (CD7.02) as the impacts are not capable of being eliminated or reduced to acceptable levels.

9.8 There are also issues relating to the design of the access onto Lancaster Road and the provision of visibility splays to the west of the site access that are sufficient in

terms of the speed of traffic on the road. Provision of visibility splays of the required distance would require land that is not in the control of the applicant and therefore could not be the subject of an enforceable planning condition that would meet the tests in paragraph 55 of the NPPF (CD12.01). As such impact on highway safety could not be mitigated to acceptable levels, there would be conflict with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (CD7.02).

9.9 There are also highway impacts at two locations on the wider highway network. The impacts at these locations are not capable of being resolved by any widening or other improvement works to the highway given the lack of any highway verge which could be utilised. Any improvements to provide greater carriageway widths would have to utilise land occupied by third parties.

9.10 The appellant has also proposed a signage strategy at both these locations to improve safety. However, due to the restricted width of the highway at both of these locations there are concerns about the ability to erect the signage within highway land. There would also be issues about the effectiveness of the signage in affecting driver behaviour and therefore if it would actually be effective in addressing the highway impacts at this location.

9.11 As the proposed mitigation measures would not be effective or could not be implemented the harm at these locations would not be reduced to acceptable levels and therefore the proposal would have unacceptable impacts on highway safety which cannot be satisfactorily mitigated and the development therefore conflicts with

paragraph 116 of the NPPF (CD12.01), policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (CD7.02) and policy CDMP6 of the Wyre Local Plan (CD7.04).

9.12 Therefore the planning application was rightly refused on the basis that:

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

Impacts on Local Amenity:

9.13 The County Council's second reason for refusal relates to impacts on local amenity. Although the appeal site is situated in a largely rural location where there are not large numbers of residential properties, there are several properties that are located very close to the Site boundary. Moreover, as will be immediately apparent on a site visit, the Site is very flat and exposed such that there is a real risk of impact to amenity as there are no natural geographic buffers containing the site.

9.14 Sand and gravel quarrying and backfill operations have the potential to give rise to amenity impacts through soil stripping exercises, creation of screening mounds, excavation of minerals, haulage of minerals and backfill materials on unsurfaced haul roads and crushing, screening and washing of minerals and loading of such materials into HGV's. Impacts such as noise and dust are of particular relevance to the proposed quarrying operation at the appeal site.

9.15 As set out in the Councils noise evidence, the proposed quarrying and backfill operations would lead to considerable increases in noise above the existing background level at several properties. In particular at Woodlands off Bourbles Lane, the property would be around 15 metres from the extraction boundary of Phase 1 and at Bourbles Farmhouse, the property would be 20 metres from the boundary of Phase 4. During phase 1 there would be a period of working where no perimeter screen mounding would be in place and therefore excavators and dumptrucks would be operating in very close proximity to Woodlands with no noise protection. Although a noise screening bund is proposed adjacent to Bourbles Farmhouse during phase 4, mineral extraction and backfill operations would still be very close to this property (within 35 metres). The appeal site is located in a rural area where there are no other major sources of noise such as motorways or other major roads. The background noise levels are therefore low which would make the noise from the proposed quarrying operation particularly noticeable and intrusive particularly at the properties that directly adjoin working areas.

9.16 During the planning of sand and gravel quarrying operations, it is common practice to agree standoffs from noise sensitive dwellings to reduce amenity impacts to acceptable levels.

9.17 However, at the appeal site this is not possible due to the location of the mineral deposit with respect to the residential properties. Provision of standoffs to properties,

particularly on phase 1 where the mineral is deepest, would sterilise a substantial amount of the deposit.

9.19 In relation to dust and air quality concerns, the County Council acknowledges that some parts of the proposed operation such as mineral excavation and processing would take place in wet conditions or would utilise water to process the mineral and are therefore these aspects of the proposal are unlikely to give rise to high levels of dust impact.

9.20 However, the proposal would require excavated minerals to be hauled from the extraction area to the plant site using dump trucks on unsurfaced haul roads. The same method of operation would take place with the backfill materials. Such works would normally take place during the dryer months of the year for water management and other operational reasons and therefore there is a risk of dust impacts arising from traffic on haul roads. Whilst it may be possible to reduce the likelihood of such impacts using mitigation measures such as imposing speed limits on haul trucks and using water to dampen the running surface, the County Council is concerned that such mitigation may not be applied effectively and continuously enough to prevent impacts.

9.21 At many quarries, there would be some imbedded mitigation through separation distances between the site and sensitive dwellings that would be sufficient to reduce impacts to acceptable levels. However, at the appeal site, due to their close proximity to the operational areas there are several dwellings which are at particular risk of dust

impacts that would affect their amenity should mitigation not be effective or not be applied with sufficient rigour.

9.22 The County Council wish to draw the Inspector's attention to a previous appeal decision relating to a sand and gravel extraction proposal at Ware Park in Hertfordshire; the Inspector's report and Secretary of State decision letter is CD8.02. On review of the Inspectors report, the County Council is of the view that there are many similarities between the Ware Park proposal and the proposals at Bourbles Lane particularly in terms of the separation distances between properties and the proposed mineral extraction site. The County Council wish to draw the Inspector's attention to paragraph 393 and 394 of the Ware Park decision where there is discussion about the noise impacts and likelihood for exceedance of acceptable limits particularly given the separation distances to properties. Whilst the Inspector did not find fundamental issues in relation to dust impacts, in paragraph 397 he comments that *'visible dust and the heavier airborne emissions from the operation would settle out quickly and so would largely be contained within the site or by the vegetated bunds around the excavated area'*. At the appeal site there would be some properties that would be significantly closer to operational areas than considered at Ware Park, and were there would be no significant buffer zone around the site to allow dust to settle out and the limited bunds provided are of questionable effectiveness, as the evidence on Dust and Noise explains.

9.23 Given the proximity to dwellings, there is insufficient headroom between likely impacts from the development and acceptable limits to ensure the proposal would not

at times harm the living conditions of nearby occupiers and amenity users. It is shown that the Site would give rise to adverse effects and a good standard of amenity would not be achieved.

9.24 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (CD7.02) sets out that minerals and waste development will be supported where it can be demonstrated that impacts that will cause demonstrable harm can be eliminated or reduced to acceptable levels having regard to the proposal's setting, baseline environmental conditions and neighbouring land uses together with the extent to which impacts can be controlled.

9.25 Similarly policies CDMP1 and CDMP3 of the Wyre Local Plan (CD7.04) require that development must not have adverse effects on amenity. The County Council considers that by reason of proximity to residential properties, there would be unacceptable noise and dust impacts that could not be satisfactorily mitigated and would not be satisfactorily mitigated, contrary to paragraph 198 of the NPPF, policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (CD7.02) and Policies CDMP1 and 3 of the Wyre Local Plan (CD7.04).

9.26 Therefore the planning application was rightly refused on the basis:

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.

10. Overall balancing exercise

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. This requires a judgement regarding whether the development accords with the development plan when read as a whole and a balancing exercise of the benefits and impacts of the development.

10.2 Paragraph 224 of the NPPF (CD12.01) is a material consideration; it sets out that great weight should be given to the benefits of mineral extraction.

10.3 In recognising that Policy CS3 and CS4 are out of date, paragraph 11d of the NPPF (CD12.01) is a material consideration; it sets out that where the policies which are most important for determining the application are out-of-date the decision taker should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

10.4 I accept that National Policy requires that great weight should be attached to the benefits of mineral working. However, such benefits are not determinative and have to be weighed against the impacts of the development.

10.5 To assist in weighing all the benefits and impacts of the proposed development I produce the following table:

Benefits	Magnitude	Weight attributed	Comment
Contribution of 300,000t of high grade sand	Moderate benefit	Great weight	Needs to be considered in context of other supply options and relatively small quantity of deposit, equating to roughly 1 years demand spread over 5 years, occurring in an area relatively remote from demand for such materials.
Contribution of 200,000t of gravel	Moderate benefit	Great weight	Other supply options already exist for this type of construction product
Provision of employment	Moderate benefit	Great weight	Proposal would only provide 11 new temporary jobs and support a further 15 temporary jobs in haulage (which would already exist)
Provision of new inert landfill capacity	Limited benefit	Limited weight	There is sufficient existing permitted capacity for the disposal of such wastes elsewhere within a reasonable distance of the appeal site.

Provision of new recreational facilities through restoration of site	N/A	No weight	<p>Planning permission is required for the proposed holiday lodges. A separate application is required. In the absence of planning permission I therefore attribute no weight to this benefit.</p> <p>The restoration of the Site is a neutral matter as it will return the Site to its current state.</p>
Provision of new ecological value on site through restoration works	Moderate benefit	Moderate weight	
Impacts			
Impact on highway safety on Lancaster Road and at two other locations on wider road network	Significant negative	Significant weight	The proposed development would give rise to a number of impacts in particular in relation to highway safety on Lancaster Road and two other locations on the local highway network. These impacts are not capable of being satisfactorily mitigated through physical alterations to the

			road network or through the application of conditions or other controls. It is considered that the risk to highway safety at these locations is significant.
Impact of noise on the amenities of properties close to the site	Significant negative	Significant weight	The active areas of mineral extraction and backfill would be located very close to a number of existing residential properties. Due to the proximity of the properties to the site, it is considered that the development would have unacceptable noise impacts that would seriously affect the living conditions and amenity of adjacent properties. These impacts could not be mitigated to a satisfactory degree due to close proximity of site to properties.
Impact of dust on amenities of properties close to the site	Significant negative	Significant weight	The active areas of mineral extraction and backfill would be located very close to a number of existing residential properties. Due to the proximity of the properties to the site, it is considered that the development would have unacceptable dust impacts that would seriously affect the

			living conditions and amenity of adjacent properties. These impacts could not be mitigated to a satisfactory degree due to close proximity of site to properties.
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10.6 The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with the law and as is proportionate. This application were it to be approved would be likely to generate a degree of impact on neighbouring properties, which would breach these rights. Although the applicant also has rights to use his land, it is considered that these rights are outweighed by the need to protect local amenity, the environment, and the safety of the local highway network. The interference has not been shown to be necessary. The interference is not considered to be proportionate because the technical noise and dust evidence demonstrates that appropriate mitigation has not been provided.

10.7 In addition, both Phases 2 and 3 of the sites are part of a wider Biological Heritage Site. The Biological Heritage Site is known as Pilling Moss/Head Dyke and covers a large area of farm land being designated for its value for over wintering birds associated with Morecambe Bay to the north.

10.8 Natural England have provided two consultation responses. In their latest response (provided following the Appellant's submission of further bird surveys) Natural England still consider that insufficient information has been provided to determine whether the likelihood of significant effects on the European wildlife site can be ruled out. In particular, this relates to noise impacts of the proposed

development and should include existing baseline noise levels and predicted average and maximum noise levels with a noise contour map provided to show how noise would affect adjacent land used by bird species at each phase of the site.

10.9 Given Natural Englands response the Council feel there is insufficient evidence to determine whether there will be any likely significant effects as required under environmental law. It is not possible to conclude that the impacts on the European site are acceptable and therefore there would be a conflict with Policy CDMP4 of the Wyre Local Plan.

10.10 In conclusion, the aggregate supply position weighs heavily in the proposals favour: supply is limited to a small number of active sand and gravel quarries and a majority of the permitted reserve is contained in one inactive quarry. However, the proposals contribution to aggregate supply is limited by its small potential output and its location. Balanced against the predicted impacts on amenity and highway safety, the proposal conflicts with the Development Plan when read as a whole, and so would represent an unsustainable use of land in this location. The benefits, whilst acknowledged, are not determinative of this appeal.

10.11 It is considered that the impacts on highway safety and local amenity are sufficient to significantly and demonstrably outweigh the benefits of the proposal in terms of minerals supply, economic benefits and new recreation and ecological opportunities.

10.12 None of the impacts identified by the County Council as significant harms are capable of being controlled to satisfactory levels through mitigation measures, planning conditions or other controls. Where impacts are not capable of being eliminated or reduced to acceptable levels, minerals and waste developments are not supported by Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (CD7.02).

10.13 As such my evidence is that the proposal was correctly refused for the following reasons and I invite dismissal of the appeal on the same basis:

1. The development would have unacceptable impacts on highway safety which cannot be adequately mitigated and the development therefore conflicts with paragraph 116 of the National Planning Policy Framework, policy DM2 of the 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.