

Rebuttal to the Proof of Evidence – ‘Document- L Toland POE 17.03.26 FINAL’

1. Introduction

This rebuttal responds to the planning evidence of Mr Toland, in particular Sections 3 and 4 of his Proof of Evidence. It focuses on the Appellant’s interpretation of planning policy, the claimed application of the “tilted balance”, and the asserted need for sand and gravel extraction.

2. Tilted Balance and Policy Position (Section 3.1)

2.1 Tilted Balance (Para 3.1.16)

The Appellant’s conclusion that the tilted balance applies is not accepted.

The position advanced at paragraph 3.1.16 is internally inconsistent and relies on speculative assumptions. The Appellant dismisses both the adopted development plan and the most recent draft Local Plan as carrying little or no weight, yet simultaneously invites reliance on a future policy position for 2026 which does not exist.

This inconsistency is compounded by paragraph 3.1.11, where emerging changes to the National Planning Policy Framework are afforded only limited weight, despite those changes indicating a shift away from a purely supply-led approach to minerals. In particular the draft NPPF includes the ‘Removal/softening of the wording that it is “essential” to maintain a steady and adequate supply of minerals and there is:

Greater emphasis on:

- environmental limits
- climate considerations
- local impacts and constraints

The Appellant cannot reasonably rely on a future policy context while dismissing emerging national policy that is materially relevant.

Accordingly, the tilted balance is not engaged. There is no justification for departing from the plan-led system.

2.2 “Out-of-date” Policy Does Not Equal Policy Failure (Paras 3.1.2, 3.1.7, 3.1.15)

The Appellant repeatedly asserts that the Minerals & Waste Local Plan has “failed” or is “considerably out of date”. However, no substantive evidence is provided to demonstrate actual policy failure.

The continued existence of permitted reserves, operational sites and live applications demonstrates that the system continues to function. The age of a plan does not render it

irrelevant, particularly in the context of minerals planning where long-term horizons are inherent.

2.3 Selective Use of Policy Weight (Para 3.1.12)

The Appellant attributes “little to no weight” to multiple policies (CS3, CS4, CS8, M1), yet simultaneously relies on elements of those same policies where they support the case for supply.

This selective approach is inconsistent and undermines the reliability of the conclusions reached.

2.4 Footnote 7 and Harm Assessment (Para 3.1.16)

The Appellant relies on the absence of Footnote 7 constraints to justify application of the tilted balance. This is a misinterpretation of national policy.

Significant and demonstrable harm is not limited to designated constraints and can arise from highways impacts, residential amenity, and effects on vulnerable road users. These are central issues in this case and have not been adequately addressed.

3. Landbank and Supply (Section 4.2)

3.1 Landbank Position (Paras 4.2.4 – 4.2.8, 4.2.15)

The Appellant presents the landbank position as critical, yet acknowledges that the majority of permitted reserves (4.1 million tonnes) are located at Runshaw Quarry.

The attempt to discount these reserves on the basis that the site is inactive is not justified. The existence of permitted reserves is the relevant planning consideration; whether they are currently worked is a commercial matter.

3.2 Speculative Assumptions (Paras 4.2.11 – 4.2.13)

The Appellant’s conclusions regarding Runshaw Quarry are based on speculation, including assumptions regarding lease expiry, commercial viability and future operations.

Planning decisions must be based on evidence, not conjecture. There is no certainty that these reserves will not come forward.

3.3 Alternative Supply (Paras 4.2.17 – 4.2.19)

The Appellant acknowledges the existence of alternative sources of supply, including the Lower Hall Farm application (~3 million tonnes), yet seeks to dismiss these due to delays or unresolved issues.

These sites remain material considerations and undermine the claim of an acute or immediate shortfall.

3.4 Approach to Supply (Para 4.2.5)

The assertion that only one operational quarry exists presents a snapshot view of current activity and does not reflect the full supply position, including permitted reserves and emerging proposals.

This does not demonstrate systemic failure of the policy framework.

4. Need and Demand Arguments (Section 4.3)

4.1 Over-reliance on Housing Growth (Paras 4.3.1 – 4.3.5)

The Appellant relies heavily on projected housing growth to justify need. However, this is a generalised argument and does not demonstrate that:

- Existing or permitted supply cannot meet demand; or
- This specific site is required to address any shortfall

5. Sustainability and Transport Claims (Section 4.4)

5.1 One-sided Sustainability Assessment (Paras 4.4.6 – 4.4.8)

The Appellant places weight on theoretical reductions in HGV mileage. This is a partial assessment of sustainability.

No meaningful weight is given to:

- Local highways impacts
- Safety of vulnerable road users
- The constraints of the local rural road network

These are significant and demonstrable harms which outweigh any theoretical benefits.

6. Reliance on Mitigation (Section 3.1.16 and Section 6)

The Appellant repeatedly asserts that impacts can be mitigated, relying on specialist evidence.

However, mitigation is presented in theoretical terms and there is no robust evidence demonstrating that such measures would be effective in practice, particularly given the characteristics of the local road network.

Mitigation does not equate to absence of harm.

7. Overall Conclusion

The Appellant's case is characterised by:

- Internal inconsistency in policy interpretation
- Reliance on speculative future policy positions
- Selective use of evidence
- Overstatement of supply shortfall
- Failure to properly assess local impacts

There is no clear evidence of policy failure that would justify application of the tilted balance.

The decision should therefore remain firmly plan-led, with full weight given to the significant and demonstrable harms identified, particularly in relation to highways safety and local amenity