



Appeal Decision

Inquiry opened on 22 April 2008

Site visit made on 9 May 2008

by **Edward A Simpson JP BA(Hons)**
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
13 August 2008

Appeal Ref: APP/Q2371/A/07/2035175

Proposed Runshaw Quarry on Land at Euxton, Nr Chorley, Lancashire PR7 6HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tarmac Limited against the decision of Lancashire County Council.
- The application Ref 09/05/0319, dated 23/03/05, was refused by notice dated 2/11/06.
- The development proposed is extraction and processing for sale of approximately 4.32 million tonnes of high grade sand from a total area of 68ha including the construction of a new access road, and processing plant with associated stockpiling areas, weighbridge and office building; with progressive restoration to agriculture and conservation areas.

Decision

1. I allow the appeal, and grant planning permission for extraction and processing for sale of approximately 4.1¹ million tonnes of high grade sand from a total area of 68ha including the construction of a new access road, and processing plant with associated stockpiling areas, weighbridge and office building; with progressive restoration to agriculture and conservation areas on land known as Runshaw Quarry to the west of the M6 at Euxton, Nr Chorley, Lancashire in accordance with the terms of the application, Ref. 09/05/0319, dated 23/03/05, and the plans submitted with it as modified by the plans referred to in paragraph 2 below, and subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. Section 3 of the Statement of Common Ground (SCG)² describes the proposed development and the changes to plans as a result of discussions with officers prior to the determination of the application by Lancashire County Council (LCC) and further amended drawings, agreed by LCC to be minor amendments, submitted in March 2008 shortly before the opening of the inquiry. A general description of these changes, together with a list of revised plans which now constituted the appeal drawings, were set out in a letter to the Planning Inspectorate dated 3 March 2008³.

¹ See paragraph 3 below

² Docs. CD12/1 - /3

³ Doc.CD1/15

3. The changes included (i) a revised access alignment onto the A581 Dawbers Lane and a revision to the site boundary to include that part of Runshaw Lane under which the conveyor tunnel would be constructed; (ii) a reduction in the height of the plant from 17.2m to 9.7m to take advantage of improvements in technology since the submission of the application; (iii) screen planting to footpath EU33 and silt lagoon 1; (iv) advanced planting proposed in the vicinity of the Jim Fowler Memorial Playing Field and reinstated (after previous omission from revised plans) at Nixon Hillock and Runshaw House; (v) Bunds 6 and 8 amalgamated, redesigned and re-sited as Bund 6, and a new bund created alongside a diverted footpath; (vi) amendments to Drawing No.R54/59b to include omitted but previously submitted details of the GCN⁴ mitigation scheme. The effect of these changes would reduce the exploitable reserve at the appeal site from 4.32m tonnes to 4.1m tonnes.
4. I am satisfied that the matters relating to the conveyor tunnel formed part of the application consultation and the resultant committee report and that any alteration to the appeal site boundary (Drawing No.R54/90B) to include that part of the highway (Runshaw Lane) under-cut by the conveyor represents a clarification rather than the material inclusion of additional land within the appeal site and I have determined the appeal on this basis.
5. The application included an environmental statement⁵ and I have taken this environmental information into account in determining the appeal.
6. The inquiry sat for 11 days between 22 April and 8th May. An evening session was also held on 30th April. An additional accompanied visit was made on 16th May to Crown Farm Quarry, Oakmere, Cheshire to view the locations of the instruments used for the air quality monitoring study, and to observe mobile plant of the type proposed to be used at the appeal site.

Main issues

7. The main issues in this case are:
 - (a) whether the proposal would constitute inappropriate development by adversely affecting local landscape distinctiveness, the condition of the landscape and by being visually intrusive from the local footpath network;
 - (b) whether site operations would lead to an unacceptable loss of residential amenity due to visual impact; noise; or additional vehicles on the highway network, particularly A581 Dawbers Lane, A581 Balshaw Lane and A49 in Euxton;
 - (c) whether the proposal would have an unacceptable impact on air quality; and,
 - (d) whether the need for continuing supplies of high quality sand outweighs any harm associated with the proposed mineral extraction.

Reasons

8. In view of the significance of the issue of the need for the sand in arriving at a judgment in this case I shall deal with issue (d) first.

⁴ Great Crested Newt

⁵ Docs.CD1/3 and /5 - /8

Issue d) Need

9. Emerging policy for the supply of sand and gravel in Lancashire has evolved with the aim of ensuring that future permissions for the supply of sand and gravel should concentrate on the provision of high quality sand. LCC and the appellant agree that there is limited availability of permitted reserves of high quality sand. Regional policy seeks the provision of a quantity of aggregate in the form of sand and gravel. National policy seeks land-banks for sand and gravel of some 7 years, and that policy applies generally to undifferentiated resources of sand and gravel. However, Mineral Policy Statement (MPS) 1 also notes that where there are distinct and separate markets for a specific type or quality of aggregate, separate land-banks may be appropriate⁶. In the light of LCC placing emphasis and priority on the need to provide high quality sand (see below), for the national policy to be effective in this context it is to be anticipated that there would be known and available resources of high quality sand of the order of some 7 years. While there is some disagreement between the appellant and LCC as to the precise calculation of the current land-bank of permitted reserves of high quality sand⁷, the range is in the order of 4.6 years (LCC figure) and 3.5 years (Tarmac figure) and thus well below the level to be anticipated.
10. Together with the imbalance between the supply of low grade and high quality sand, this lack of high quality reserves was raised as a concern in the LMWLP⁸ and policies emphasising the need for additional high quality sand (Policy 48), and an effective embargo, except in specific limited circumstances, on the release of additional land for low grade sand for aggregate purposes (Policy 49), were adopted. It is to be noted that while the regional apportionment to Lancashire anticipates an annual production of sand and gravel of some 0.51m tonnes, LCC's assessment of the land bank (see above) reflects recent sales (2006 and 2007) at some 0.38m tonnes p.a. This generally explains the difference in land-bank assessments between LCC and the appellant.
11. The submission draft Lancashire Minerals and Waste Development Framework Core Strategy (LMWCS) continues this emphasis. It notes that *recent changes in production are expected to bring a drop in annual production....and with it a fall in the production of high quality sand. To maintain recent proportions the shortfall in sand and gravel to 2021 should be addressed by high quality reserves. Based on the position at the end of 2005, provision will be made for the release of additional land for the extraction of not less than 4.1m tonnes of high quality sand by 2021*⁹.
12. EPC and a number of interested persons referred to the fact that the regional apportionment is for sand and gravel, that it does not differentiate between low and high quality sand and that if low grade sand was included there were sufficient permitted reserves to meet that apportionment. However, the fact that reserves are permitted does not mean that they will be exploited, particularly if there is little demand for that particular material.

⁶ MPS1 – para.4.5

⁷ Doc.TARL6/4

⁸ Doc.CD7/3 – para.s7.20-7.25

⁹ Doc.CD7/14 – para.6.3.6

13. For EPC it was also argued that if there was a need to differentiate between the various sand and gravel resources, then there would be reference to this in the RSS and point to the fact that in Cumbria such an approach has been made with respect to the very high skid resistance road stones at Ghyll Scaur Quarry. I am not persuaded by that argument. That resource is one that is of national, rather than just regional importance in that it is the only such resource in England. It therefore differs from the position in Lancashire. More importantly, taking into account and exploiting reserves that are not in demand, such as low quality sand, conflicts with national and local policies for a sustainable approach to the winning and working of minerals as set out in MPS1 and the draft LMWCS.
14. I am satisfied, with respect to arguments as to prematurity, that a decision on this proposal at this time will not pre-empt decisions on the allocation of sites more appropriately taken in the context of the emerging development framework. Surveys¹⁰ commissioned by LCC in the light of the recommendation of the Inspector following the inquiry into objections to the LMWLP have sought to establish the availability of reserves of high quality sand in Lancashire. These have not revealed the existence of available site-specific resources elsewhere within the county despite the opportunities given to the industry to bring forward such sites. The Stage-2 study notes that, with the exception of Lower Brockholes (0.95m tonnes), Runshaw (the appeal site) and Sandons Farm (0.6m tonnes), *no other site contains proven high quality sand in excess of 1m tonnes with no higher tier planning constraints or higher tier planning constraints that could not be overcome*, and that *no other areas would meet the necessary criteria of a Category A site that could be considered as a site specific allocation*¹¹. Since the preparation of that report more details of the Lower Brockholes site estimate that only some 50% of that reserve is high quality sand¹².
15. It is to be noted that some current supplies of high quality building and construction sand consumed in plant in Lancashire are being supplied from a soon to be exhausted quarry at Pilsworth¹³ near Bury in Greater Manchester. It is also to be noted that this resource was itself a 'windfall' site. Without this site meeting some of Lancashire's current requirements, demands placed on existing resources of high grade sand in the county would have been higher. Information on the quantity of sand from Pilsworth consumed in Lancashire is not available. However, as this replaced sand won prior to 1999 from Myerscough Quarry near Garstang, the more recent records of sales in Lancashire 2006+07 of 760,000 tonnes are likely to be an underestimate of what would have been sold had further reserves been available, although it is not possible to quantify that difference on the information available.
16. The prospect of alternative supplies coming by road from Cheshire does not accord with national guidance on a sustainable approach to meeting the need for high quality sand¹⁴. Unnecessarily lengthy journeys result in both a waste of fuel and added cost of production/supply. This part of Lancashire is currently the subject of major proposals for regeneration and redevelopment,

¹⁰ Docs.CD7/6 and 7/7 – LMWDF Sand and Gravel Study Stages 1 and 2

¹¹ Doc.CD7/7 pg.24

¹² Doc.TARL6/4

¹³ Doc.TARL5/2 – Fig.1

¹⁴ MPS1 – para.15

and where there will be a continuing demand for high quality sand for these developments as well as general consumption generated by existing communities.

17. A number of objectors point to the current economic climate, the slow-down in the housing market and its impact on the construction industry, and argue that this will affect the need for high quality sand. While this may well be the case in the short term, no one was suggesting that longer-term development proposals for this part of Lancashire and more widely within the region would not ultimately take place. In any event, the proposed sand quarry would not come on stream before 2010.
18. In the light of the above I conclude that there is a demonstrated need for the release of further reserves of high quality sand in Lancashire and that, in the absence of other proven high quality sand reserves, this amounts to a very strong argument in favour of the appeal proposal.
19. In arriving at this conclusion I have considered the suggestion made on behalf of LCC when presenting its landscape evidence that there might be a smaller scheme, based on the southern half of the site, which might be visually acceptable. For a number of reasons I find that suggestion unconvincing.
20. Setting aside the fact that the appeal proposal is an integrated scheme and no such lesser scheme has been suggested by the appellant, or previously by officers of the MPA, there is no technical basis for suggesting that a lesser scheme, with more limited materials available for its restoration, would be acceptable. Moreover, such an approach would be likely to result in the sterilisation of much of this sand resource. The appeal proposal is for sand extraction and phased restoration. To limit the extraction as suggested would, after restoration, remove both the access and the plant site which would otherwise be used to win the sand in the northern area. Runshaw Lane is clearly inappropriate as a main access to and from a quarry on that northern part of the site and therefore this northern resource could not be extracted in an acceptable manner. In view of the limited reserves of high quality sand in Lancashire, such an approach would clearly conflict with the aims of MPS1¹⁵ with respect to both the safeguarding of mineral resources and the avoidance of unnecessary sterilisation, which would be the effect of partial extraction.

Issue a) Impact on the landscape

21. The site falls within an area of designated green belt. However, as noted in PPG2¹⁶ mineral extraction need not be inappropriate development '*provided that high environmental standards are maintained and that the site is well restored*', guidance more recently re-affirmed in MPS1¹⁷. It is to be noted that while LCC's landscape witness objected to the principal of the proposal, particularly the final landform of that part of the site north-east of Runshaw Lane, there was no criticism of the approach to the restoration programme and there were no suggestions as to ways in which this particular proposed restoration scheme's implementation could be improved. Landscape matters agreed between the appellant and LCC are set out in the SCG (Doc.CD12/3).

¹⁵ MPS1 para.13

¹⁶ Planning Policy Guidance Note 2 – Green Belt – para.3.11

¹⁷ Mineral Policy Statement 1 – Para.14 - November 2006

22. The proposal is for a temporary use of this land, albeit that some 16 years is a considerable period of time. I am mindful that this is particularly so for school children and more elderly members of the community. Objection on the basis that this will result in an apparent loss of open land separating Leyland and Euxton is not justified. In addition to the fact that this would be a temporary loss, and unlike previous proposals, there are no proposals for additional longer-term activities linked to the plant site, the land comprising the appeal site (other than the plant site whose plant would now be reduced in height) will remain open; albeit with voids created and progressively remodelled and restored over the life of the extraction. As PPG2 notes, the most important attribute of a green belt is its openness, and I am satisfied that this will be maintained here.
23. The plant site, a potentially obtrusive feature in the landscape, would be established on a terrace cut into the rising land on the north side of Chapel Brook Valley. Other than from the causeway directly in front of the haul road access to the plant site, it would be screened by planting to south and west, and by bund 9 to the east. It would also be screened from views from the north-east by bund 6. In longer distance views from the north from footpaths EU28 and diverted EU27¹⁸ the plant and site buildings would be seen mainly against the backdrop of the screen planting to the south. In this regard it is to be noted that the proposed plant design has been modified to take advantage of recent improvements in plant specification which provide for considerably lower processing structures now only some 9.7m in height.
24. A number of local residents are clearly concerned that the grant of permission for the appeal proposal would be likely to result in proposals for a concrete batching plant and/or the filling of the resultant voids with waste. However, no such proposals are before me, the appellant company explicitly confirmed that it was not their intention to have a concrete batching plant on this site, and the form of the progressive reclamation scheme is predicated on reliance on the use of materials on and from the site and no other materials.
25. The appeal proposal would result in a major alteration to the existing land form. That is an inescapable outcome of extracting sand from a resource of such a quantity and form. Available data indicate an average depth of sand of some 12.2m restricted to a maximum depth of 6m below the water-table and with some boreholes showing a 30m depth of sand¹⁹. To remove a resource of this scale without the subsequent importation of fill material is going to leave a void. However, that will be true of all proposals for sand extraction not involving restoration through the import of materials – a feature that will become increasingly significant given the emphasis in national waste policy on both reducing the amounts of waste materials going to landfill generally and ensuring that those inert materials that do arise are, where possible, reclaimed for use as secondary aggregates; a policy included in the LMWCS. The form of restoration proposed for the appeal site is recognised in a Target Recommendation of the Landscape Strategy for the Coastal Plain. The strategy is to *'restore completed sand and gravel workings' 'to a mosaic of wetland habitats including appropriate informal recreation'*²⁰. What is of importance in

¹⁸ Drawing No. R54/88A dated Feb 2008

¹⁹ Doc.CD7/7 – Appendix 2 pg.1

²⁰ Doc.CD12/3 – Appendix 2 item (x)

these circumstances is the form and appearance of the final landform and whether the nature of the change is such that it is so unacceptable as to justify a refusal of planning permission.

26. The open agricultural land in this part of the coastal plain is for the most part, like much of the West Lancashire countryside, visually attractive. It is not a landscape protected by any particular national or local designation although, as noted in PPS7²¹ all countryside is worthy of protection for its own sake. The appeal proposal would result in visual change. The appeal site is currently gently undulating pasture and arable land which slopes towards and is divided by the east-west orientated Chapel Brook Valley²². The area to the north-east of Runshaw Lane, other than that being cropped for domestic turf, is in arable production and, while containing a few field trees that would be lost and a copse that would be unaffected by the appeal proposals, is relatively uninteresting when compared with the mainly pasture land to the south-west with its more prevalent hedge-row trees. The restoration concept²³ provides, in that part of the site south-west of Runshaw Lane, for a generally north-east to south-west trending valley, the centre of which would be a seasonally wet swale linking through to Chapel Brook and providing both a wildlife habitat and water management facilities. The remainder of this southern area would revert to agricultural use. Valley-side slopes would be similar to those that occur in that part of the Yarrow Valley immediately to the south of Euxton west of Pincock Bridge. There is general agreement between the landscape witnesses for LCC and the appellant on the acceptability of this part of the restoration scheme.
27. To the north-east of Runshaw Lane the restoration scheme provides for a somewhat wider and more extensive valley feature containing two lakes; permanent water features whose levels would be controlled and linked by pipes through to the swale to the south-west. Some 40% of this area would be restored to agriculture. The remainder would comprise lakes with wetland and marginal vegetation, and species rich grassland. While the restoration concept plan indicates that some of the area restored to agriculture would be to conditions capable of achieving agricultural land classification 2 or 3a a major part of the area north-east of the lane currently graded 2 or 3a would be permanently lost to agriculture.
28. The wetland restoration clearly accords with the 'Target Recommendation' of the landscape Strategy referred to above and the new topography would clearly differ markedly from its current form. Runshaw Lane would be left elevated on an embankment with land falling away from either side. Although an artificial feature I do not accept that it would be totally and unacceptably out of character with other landforms in the locality. The Yarrow Brook to the east of Pincock as seen from the elevated crossing of the A49 has the appearance of a steep sided and relatively wide valley floor. I saw that on its northern side this valley floor also contains an elongated water feature with wetland fringes, albeit very much smaller than the features proposed for the appeal site.

²¹ Planning Policy Statement 7 – Sustainable Development in Rural Areas – para.15

²² Drawing No. R54/66A dated Feb 2008

²³ Drawing No. R54/59C dated Feb 2008

29. The computer generated landforms prepared on behalf of LCC, while indicative of the scale of the change, do not represent views that would be available from any natural viewing point either within or outside the site. Moreover, they neither show nor take account of the impact post-restoration vegetation would have on the appearance of this new landform. For understandable reasons the 3-dimensional effect of the computer generation is limited to the appeal site and is unable to represent the surrounding countryside in similar terms. As a result, the contrast between the predicted form of the appeal site and the surrounding countryside is artificially stark, and to a degree unrealistic.
30. I have already noted that the approach to restoration is of a high standard and, setting aside the fact that this form of restoration met with officer approval at application stage, no suggestions for its improvement have subsequently been suggest on behalf of LCC. While I have accepted that this will be a significant change to the appearance of this locality I have no doubt that the lakes and wetland fringe areas of the appeal site, together with their woodland fringe to the motorway, will in time become features of interest within this landscape which will not appear inappropriate or unacceptably out of character. I conclude that this change in landscape form would not be such as to amount to a harm constituting inappropriate development in the Green Belt and justifying a refusal of planning permission.
31. For the appellant, reference was made to other water features in the wider area to the west including Delph Dive Centre and Lostock Bridge Fishing Lakes. However, as these are also artificial features I am not persuaded that the characteristics or locations of these other lakes are such as to allow me to draw specific conclusions relevant to this proposal other than to note the fact that they are water features in the landscape.

Public Footpaths

32. EPC and others have done much to publicise the footpath network in this part of Euxton²⁴. They and the local branch of the Ramblers Association are understandably concerned that the appeal proposals might disrupt that network while the activity associated with quarrying operations would make walks on the remaining footpaths less relaxing and thus less enjoyable. I accept that there would be some loss of the peaceful and quiet contemplation currently afforded to users of some of the footpaths in the immediate vicinity of the proposed quarry and note that most of Footpath EU27 would be diverted for the duration. However, routes through the area from west to east would not be lost. Views across the site, particularly from EU28 and EU41, would be interrupted by various screening mounds, but this would not have a seriously detrimental impact on their use or general amenity, and these wider views, albeit changed in final form, would be reinstated.
33. The footpaths running along Chapel Brook (EU34 and EU29) would be affected to some degree by the haul road access to and presence of the Plant Site, although the latter would be well screened. It is also to be noted that the M6 is already an intrusive noise source here due to its elevated position and the gap in its cutting where it crosses the brook; a factor I noted to be all too readily apparent when walking along EU29 from west to east.

²⁴ Doc.EPC0/6

34. Surveys undertaken by the appellant at times when these paths could have been anticipated to be used by walkers²⁵ did not reveal heavy usage despite their promotion by EPC. I am satisfied that the impact of the appeal proposals on the use and enjoyment of these paths would not be sufficient to justify a refusal of planning permission.
35. In response to concerns as to the lack of access, post restoration, to that part of the appeal site north-east of Runshaw Lane the appellants proposed a new footpath. It would run from north to south through proposed woodland just to the west of the motorway, linking Footpath EU1 from a point close to its crossing of the M6 to Runshaw Lane, again at a point close to that lane's M6 crossing²⁶. Footpath EU27 would also be extended along a short length of the south-western side of Runshaw Lane to a point opposite the end of the proposed new path. The alignment and provision of the new footpath is provided for in a signed agreement.
36. For practical reasons this path would not be provided until the latest restoration phase. It would, however, represent an improvement in the local footpath network. Being set within woodland below the edge of the motorway embankment it would be shielded from motorway noise while giving opportunities at viewing points on the fringe of the woodland for wider views across the two water bodies with their associated wildlife habitats. National Policy notes the importance of providing improved access to the countryside around urban areas²⁷ and this path would bring a positive benefit in that regard.
37. I conclude that the impact of the proposals on the use and enjoyment of this landscape by users of the local footpath network, when weighed against the need for the mineral, would not be sufficient to justify a refusal of planning permission.

Issue b) Impact on residential amenity

Visual Impact

38. It is a feature of the appeal site that it is not extensively overlooked from existing residential development. It is separated from Euxton by the M6. Although in cutting, views into the site from the residential properties to the east of the motorway are restricted by the trees and other vegetation now established alongside the motorway embankment. There are obviously views of the site from some of the properties that front the rural lanes through the area; particularly the cluster of dwellings in the vicinity Nixon Hillock. However, phases 3 – 5 of the development, which are those that come closest to these properties will be screened by advanced planting, in place from the start of phase 1 and sited from south-west to east of these properties.
39. I accept that this planting would initially have only limited impact. However, it would be several years before phase 3 extraction is undertaken and I am satisfied that this would give time for the advanced planting to become established. Other properties fronting Runshaw Lane are located somewhat

²⁵ Doc.TARL1/2 – Appendix F

²⁶ Doc. .1/14 - Drawing No.R54/129 dated April 2008

²⁷ PPS7 - para.26

- further from the appeal site and views into the workings would be at a somewhat greater distance, would be filtered through the various hedgerow trees, while views of the plant site would be screened either by existing and proposed planting, or limited to views of plant and sand stockpiles against a backdrop of existing trees reinforced by additional planting.
40. The development in the vicinity of Runshaw Hall is already well screened from views to the east and the northern part of the appeal site by existing mature woodland and will not have views into the site. Properties in the vicinity of Runshaw House would be protected by advance planting, soil mounds, together with existing woodland located further to the east. I conclude that the appeal proposal would not result in an unacceptable loss of visual amenity for the occupiers of the generality of properties which front the rural lanes through the area.
41. There will also be views from properties fronting A581 Dawbers Lane in the vicinity of the access, although these views would be mainly limited to vehicles travelling to and from the plant site and main access along the haul road.
42. Oak Tree Lodge (also named on some plans as Long Butts) is a residential property sited particularly close to the boundary of the appeal site. Due to the alignment of that boundary, this property has views, partially screened by vegetation, to the south, west and north-west over the appeal site. In the submitted application proposal Bund 6 would have been located immediately adjacent to the site boundary, and would have been constructed with steeply sloping sides some 3.5m high. Although affording protection from quarry operations in Phases 1 (A-C) and 2, a bund of that height and shape so close to this property would have been so overbearing as to have resulted in a serious loss of amenity for the occupiers of that property.
43. The revised proposals (Drg.Nos R54/49C, 50C and 51C) place bund 6 somewhat further away from the boundary. Moreover, although still some 3.5m high, it's outer (easterly) face would have a slope of no more than 1 in 6. This would allow for an agricultural form of management and maintenance, and as such would not have an overbearing impact when viewed from Oak Tree Lodge. Views from this property would clearly change and the bund would be in place for the duration of quarry operations and remain until final restoration. At some 16 years this is a relatively long period of time, and occupiers of the property would not have views over the appeal site and the countryside beyond for this period of time. However, the size and shape and location of the now proposed Bund 6 would not be such as to have an unacceptably overbearing or otherwise detrimental impact on the use and occupation of Oak Tree Lodge and its garden. The impact of noise and disturbance on Oak Tree Lodge during construction of the bund would also be reduced when compared with the original proposal.
44. Concerns that noise from the M6 would be reflected back from the bunds towards this property are not substantiated. The likely effect of such a shallow, vegetated slope would be to either increase ground absorption or reflect noise up and away from the property.

Highways/Traffic

45. It is apparent from the Lancashire Minerals and Waste Local Plan²⁸ (LMWLP) that the definition of the strategic road network for the purposes of Policy 37 of the plan²⁹ includes primary and other main routes³⁰ and is wider than the definition of Strategic Road Network as shown on the key diagram of the 2005 approved Joint Lancashire Structure Plan (JLSP). I am satisfied that, for the purposes of LMWLP Policy 37 the A581 Dawbers Lane is a main route and that the appeal site has direct access to a main route. In this respect the proposal accords with Policy 37.
46. The route distribution for loaded HGVs is anticipated to be some 18% north via A581/A49/M6; 64% east via A581/M61; 4% east via A581/A6; 6% south via A581/A6 and 8% west via A581/A59 (%ages rounded). Although some local residents expressed concern that drivers might chose to use Euxton Lane in preference to Balshaw Lane at peak times, there was no issue between LCC and the Appellant on this anticipated distribution.
47. The SCG notes that neither LCC nor the Highways Agency has raised concerns regarding the impact of the quarry traffic on the capacity of the local highway or trunk road network and LCC and the appellant agree that the proposals would not have a material impact on the capacity of the highway network. This is unsurprising given that, other than for Dawbers Lane, the percentage increase in traffic flow on all links both peak, off-peak and 24-hour would be less than 2%, while for A581 Dawbers Lane from the site to A49 would be 3% off-peak, 2.2% afternoon and 2% am peak.
48. Increases in the percentage of HGVs would be somewhat higher, although again except for Dawbers Lane these would be less than some 20% in the context of existing 2-way peak hour HGV flows of 55 vehicles or less per link. On Dawbers Lane the increases would be 35.5% off peak and 34.3% am peak. While these appear large increases they would be against relatively low current HGV flows of 32 and 33 vehicles per hour respectively³¹.
49. Local residents understandably do not wish to see any increase in traffic flows through the area. However, while referring to congestion on the local highway network in support of their concerns, particularly during the morning peak, my observations during this period suggest that the levels of congestion on these main roads are neither extensive in duration nor untypical of these types of urban road and I saw nothing to suggest that LCC and the Highways Agency were in some way wrong to conclude that the proposals would not have a material impact on highway capacity.
50. Concern was also expressed that drivers of those loaded HGVs from the site currently expected to travel further east along A581 (Balshaw Lane) and B5252 (West Way) towards J8 of the M61 would choose instead to travel further up the A49 to its traffic light controlled junction with Runshaw Lane/Euxton Lane before then turning right into Euxton Lane to rejoin B5252. This road passes, via a pronounced dip, under the railway before widening at a new traffic light controlled junction which provides access to the major development areas

²⁸ Doc.CD7/3 – para.5.21

²⁹ A 'saved' policy for the purposes of the Act

³⁰ Doc.TARL 0/6

³¹ Doc.CD12/2 – Appendix 5 – Tables T4 and Doc.TARL4/2 – Appendix 2 – Tables T10

associated with Buckshaw Village³². I note the suggestion that use of this route might occur at times of peak hour congestion on Balshaw Lane, and that this would increase the risk to school children walking to school on the pavements alongside the A49. However, this period would also coincide with peak hour congestion on A49. Moreover, I saw that there can be considerable delay to traffic trying to turn right into Euxton Lane due to the priority to traffic on the A49 and in reality this alternative route is unlikely to prove attractive when compared with the intended route which, due to the presence of the various roundabouts, gives the drivers of HGVs priority on that intended route. In drawing this conclusion I have taken into account the fact that peak hour congestion associated with the build-up of traffic on the A581 into Chorley can restrict traffic flows through the A581/B5252 island junction.

51. Local residents, and the head teachers of the local primary and junior schools, have both general concerns as to the impact of the additional traffic on road safety and specific concerns as to impact of additional HGV traffic on the effectiveness of the walking strategies that they have, or are trying to implement. I saw that not inconsiderable congestion is being created both on the main roads and the respective side roads by parents who choose to bring their children to school by car, and walking strategies which achieve a reduction in the numbers of children arriving by car will both reduce this congestion and increase healthy activity amongst children.
52. While it is suggested that the increase in HGVs will make it more difficult to successfully implement these walking strategies the accident records for the local road network³³ do not reveal examples of or indicate a particular propensity for pedestrian/vehicle accidents. Any accident, particular to a child, is greatly to be regretted and wherever possible avoided. However, this is not a particularly unsafe locality in which to be a pedestrian. Morning peak pedestrian surveys³⁴ show moderate flows along both sides of A49 Wigan Road. Safe crossing is achieved by a light-controlled pedestrian crossing at the Bank Lane/School Lane junction with A49. There are similar flows along A581 Balshaw Lane in the vicinity of Highways Avenue and Talbot Drive³⁵ where there is also a pedestrian crossing. There were particular concerns raised in relation to the narrowness of the footpath along Dawbers Lane near its junction with A49. Between A49 and Fieldside Avenue it has a footpath only on its northern side and, in parts, is only some 1.25m wide. In assessing pedestrian fear and intimidation from the additional HGV movements the appellant acknowledges that there would be an impact here, albeit they assess that as slight³⁶. While I accept that pedestrians wishing to pass one another at this point would have to take care, particularly while vehicular traffic was passing, the pedestrian surveys by both LCC and the Appellant indicate limited use of this section of pavement at peak as well as at off-peak times.
53. In arriving at my conclusions on impact on pedestrians I have taken into account variations in footpath widths alongside the various sections of A581 and A49³⁷ and note that a number of these footpaths have widths less than

³² Doc.TARL4/2 – Figs.1 + 2

³³ Doc.CD12/2 – SCG Appendix 5 – T3

³⁴ Doc.TARL4/2 – Appendix 3

³⁵ Referred to as Talbot Rd in Doc.TARL4/2 Appendix 3

³⁶ Doc.TARL4.2 – Fig 6

³⁷ Doc.CD12/2 – SCG Appendix 5 – T1 Figs 9A-D

would be specified in current standards, and that there are places where there is a footpath only on one side of a section of road. These are not unusual circumstances but, as noted below, some improvements in footway widths have been agreed between LCC and the Appellant and provision made for funding. Moreover, with respect to general highway safety, it is to be noted that the accident records reveal very few accidents involving HGVs³⁸. While this will be due in part to the low percentage of HGVs using the network, this also indicates that it is not a network that is vulnerable to accidents when used by HGVs.

54. LCC has addressed the issue of appropriate highway improvements to be undertaken in connection with this development. In circumstances where a highway authority considered there to be significant highway safety problems as a result of a development proposal it would be expected that that authority would be seeking significant contributions towards highway works to overcome those problems. Major improvements are not sought here. A list of measures that LCC as highway authority would wish to see undertaken has been agreed³⁹, and a S.106⁴⁰ agreement entered into with regard to funding in accordance with LCC estimates. This 'Road Safety and Traffic Management Improvement Sum' amounts to £40,000 index-linked⁴¹ and includes improvements in road markings and highway signage, footway widths, and pedestrian/vehicle separation.
55. Residents and EPC also drew attention to the fact that Packhorse Bridge, which takes the A49 under the west coast main line north of Euxton, is a narrow bridge and that the carriageway here has no pavement. However, in addition to the sharp changes in horizontal alignment requiring vehicles to slow, I observed that vehicle flows at this bridge are traffic-light controlled; the resultant queues further slowing traffic flows in the vicinity. Additional road width reduction is achieved by line markings and hatching which provide space for pedestrians to walk between the lengths of pavement either side of the bridge. While not an ideal situation I did not find, as a pedestrian, that it was an unduly hazardous manoeuvre. It is to be noted that the only traffic accident recorded there was as a result of a car failing to stop at the red traffic light⁴².

Site access

56. It is accepted that in order to provide visibility splays at the access to the site some trees currently the subject of protection by a TPO would need to be removed. For the appellant it was argued that the scale of this impact could be reduced by reducing the normal set back (x distance) from the edge of the highway from 4.5m to 2.4m. The detailed decision here is a balance between amenity and highway safety. As the access is on the inside of a slight bend it is most important that drivers of vehicles already on the highway should have a clear and early sight of vehicles about to emerge, while drivers of emerging vehicles should have clear and early sight of approaching vehicles; particularly those approaching on the near side from a westerly direction. While the loss of some mature oak trees from within this copse would be regrettable, the

³⁸ Doc.CD12/2 – SCG Appendix 5 – T3 Fig.2 + Schedules

³⁹ Doc.TARL4/5

⁴⁰ Doc.I/14

⁴¹ Sec.106 Agreement – Definitions 1.19 and Schedule 1 – Developer's Obligations – 3.1

⁴² Doc.CD12/2 – SCG Appendix 5 – T3 Schedules – No.46

majority of trees within the copse would be retained⁴³. The harm to amenity as a result of their loss would not be sufficient to justify refusal of the scheme, nor would it justify a reduction in the normal visibility standards that should be applied.

57. In reaching this conclusion I have taken into account the elevated and forward driving position of drivers of HGVs. However, as noted in the SCG⁴⁴, there would be some 9 staff employed on site with 10 visitors also expected daily. Many of these are likely to be car drivers who are seated both lower and further back within the vehicle and who also need to see and be seen.
58. Local residents consider this length of Dawbers Lane to be an unsafe location for the access, and note the proximity of this access to the access to a commercial garden/horticultural centre which also attracts HGV traffic. However, this and the proposed access are not immediately opposite one another, and are on opposite sides of the road. Moreover, as vehicles using these accesses would be slowing to enter or accelerating upon leaving these HGV speeds would be low. In any event, visibility for the proposed access complies with required standard and the road is a main (A) road expected to carry this type of traffic.

Road Noise

59. Sections 8.48-50 of the SCG set out the agreed position with respect to road traffic noise. Estimated changes in the $L_{A10, 1\text{hour}}$ noise levels based on 2010 and including the effect of traffic from committed development elsewhere in the locality indicates increases with the appeal proposal of less than 1dB on all local links of A49 and A581. Other than Dawbers Lane east of the site access, these increases would be less than 0.3 dB, and those for Dawbers Lane would be 0.5dB a.m. peak and 0.7dB off-peak⁴⁵. While it is generally accepted that a change of 3dB(A) is the minimum perceptible under normal conditions⁴⁶, for LCC it was pointed out that increases of the order of 1dB or less had produced dissatisfaction responses. However, I also note LCC's evidence that in those cases the dissatisfaction was as a result of noticing the change in traffic flow and the nature of the traffic rather than the changes in noise level. While I accept that an increase in HGV flows may well be noticed, the increases in noise levels set out in the SCG are so low as to be unlikely to have any materially detrimental impact on residential amenity.
60. One source of vehicle noise that is difficult to control is the percussive sound of the bodywork of empty wagons, particularly when running over poorly maintained roads. From my own site visits and the photographs submitted with the documentation⁴⁷ I am satisfied that the main road links (A49 and A581) in Euxton are generally well maintained and that the relatively modest increases in HGV flows, against a background of a relatively low percentage of HGVs, is unlikely to result in a material increase in disturbance from this source. In arriving at this conclusion I accept that those mini-roundabouts with raised centres that are intended to be run over by longer vehicles can be a

⁴³ Tree/access plan Doc.TARL4/4

⁴⁴ Doc.CD12/1 – para.11.28

⁴⁵ Doc.12/2 – Appendix 3 - Table 22

⁴⁶ PPG24 – Planning and Noise - Glossary

⁴⁷ TARL4/2 – Appendix 2 – Photos 1-60

cause of such impact noise. However, to the extent that such events do occur on the A581 the increase in HGV traffic as a result of the appeal proposal is unlikely to materially exacerbate the existing situation.

Site noise

61. Levels of likely site noise at various receptor properties resulting from the appeal proposal are agreed⁴⁸. For the appellant it is recognised that, without specific measures to control noise, particularly during bund and screening mound creation operations, normally acceptable levels of noise experienced in residential properties in the vicinity of the site will not always be maintained. However, the appellant also recognises that such normal standards should be achieved and maintained and that in those situations where these standards might otherwise be breached, specific measures, including the ways in which the works are undertaken and the scale of plant used would have to be modified to ensure compliance. These matters are addressed by way of the proposed conditions.
62. I refer below to the site visit I made to the appellant's sand quarry at Crown Farm. I also visited a neighbouring quarry⁴⁹ to observe the operation of a conveyor system similar to that proposed for the appeal site bringing sand from the point of excavation to that quarry's preparation plant. Like the appeal site this was a partially wet site including extraction below the water table. While virtually all of the sand to be extracted from the appeal site would be conveyed to the plant site by the conveyor system, particular concern as to the impact of activities in phases 3 - 8 were raised by occupiers of properties in the vicinity of Nixon Hillock. These concerns related, in part, to possible noise and disturbance associated with the filling of the feed hoppers supplying the conveyor with excavated sand. These specific concerns are in my view not supported. I observed the similar activity of filling feed hoppers on mobile plant screening sand at Crown Farm. There were no special characteristics or particular impacts associate with the noise of this activity and the general sand screening activity was much quieter than that normally associated with the screening of crushed rock or reclaimed inert materials.
63. During the various phases of development soils, sub-soils and overburden will need to be moved to reveal the sand resource and to provide material for screen mounds/bunds and soils for progressive restoration of earlier phases of the development. However, unlike hard-rock quarry or demolition arisings, these materials are not ones where loading or unloading is likely to generate sudden and disturbing impact noises. In considering this matter I have taken particular account of the concerns raised by Mr Wood, a resident of Nixon Hillock, with respect to the personal circumstances of his family and well-being of his young daughter⁵⁰.

Issue c) Impact on Air Quality

64. The appeal site lies upwind of and to the west of the M6 and Euxton. The potential impact of quarrying operations on Air Quality, particularly the generation and transmitting of fine dust particles – PM10 and smaller – is a

⁴⁸ Doc.12/2 – Appendix 3 – Tables 1-21

⁴⁹ Fourways Sand Quarry

⁵⁰ Doc.1/5

- concern raised generally by EPC and local residents, and specifically by the head teachers of those schools located on the western side of the village at Primrose Hill and towards the centre of the village west of the A49.
65. Baseline dust deposition monitoring carried out at locations around the site was reported in the ES⁵¹. This concluded that in the absence of mitigation the risk of adverse impacts at Oak Tree Lodge and Rothwells Farm would be high; initially high at Woodside, Five Acres and Peacock House Farm – becoming low as advanced planting matured – ; and high but short lived at Runshaw House. The risks would be medium at Primrose Hill and Primrose Hill School.
66. In the light of the above and concerns also raised by LCC and Chorley Borough Council (CBC) further air quality monitoring was undertaken at an additional site to the east of the appeal site⁵² and at 4 locations around Crown Farm Quarry, Oakmere, Cheshire. This latter quarry was a similar type of sand quarry, albeit a fully dry operation, also operated by the appellant company. CBC, as the authority responsible for local air quality, and with the advice of AEA, agreed the methodology, instrumentation and extent of this monitoring.
67. Following a relatively extensive period of monitoring of some 31 weeks a dust action plan and PM₁₀ monitoring scheme (DMSAP)⁵³ have been prepared by the appellant and agreed with LCC. It is LCC's position that in the light of the mitigation measures proposed in the ES, and subject to the implementation of the DMSAP, planning permission should not be refused on grounds of unacceptable impact on air quality. By letter dated 11 April 08⁵⁴ LCC also indicated that it would not present evidence in support of its Reason for Refusal (1) based on impact on air quality and that that reason for refusal should be considered to be withdrawn.
68. I have noted the continuing concerns raised on behalf of EPC and local residents and their wish to ensure the maintenance of appropriate air quality standards, particularly with respect to those primary schools which lie down-wind of the prevailing wind over the appeal site. Following the close of the inquiry I visited that Cheshire site to view the locations chosen for the further PM₁₀ monitoring there and observe the operation of mobile plant of types proposed to be used at the appeal site. I took the opportunity to observe the extent to which there was sand/dust/visible particles either wind blown on surrounding land or distributed on the highway by vehicles leaving the site. In this latter regard I noted that the length of the access track from the main quarry area to the public highway was similar to that proposed for the appeal site, albeit that the site offices, weighbridge etc. for that Cheshire site were, unlike the appeal proposal, located immediately adjacent to the public highway.
69. The conclusions from the further monitoring study, accepted by both LCC⁵⁵ and CBC, indicate that air quality objectives (AQO) of the National Air Quality Strategy (NAQS) would not be exceeded as a result of the appeal proposal. I saw nothing to indicate that the conclusions drawn as a result of the further monitoring study were in any way suspect. The monitoring results are

⁵¹ Doc.CD1/6 - Environmental Statement Appendix 2A

⁵² Doc.CD12/2 – Appendix 3 – maps AQ3+4

⁵³ Doc.CD12/2 – Appendix 4 – AQ5

⁵⁴ Doc.I/3

⁵⁵ Doc.CD12/1 – Section 9 – Air Quality

considered to be robust when applied to the appeal site because the Crown Farm site includes some dust-producing activities not replicated at the appeal proposal. These include sand screening close to the working face by mobile plant, the haulage of excavated sand through the site by wheeled vehicles rather than a conveyor system, and the operation of a bagging plant. This is a conclusion with which I concur.

70. I also note that due to the proximity of Oak Tree Lodge and Rothwell's Farm to phases 1C and 2, the DMSAP for the appeal site has been drawn up to address the specific potential impacts on those properties from dust and fine particles during extraction above the water table. It also aimed to reassure pupils and staff of Primrose Hill Primary School that potential impacts would be adequately monitored and controlled⁵⁶.
71. For EPC it was pointed out that local records indicate above national average levels of various respiratory complaints and illnesses and that air quality standards should not be allowed to decline to the dis-benefit of those sufferers. However, as pointed out in the SCG, while local authorities are required to review air quality within their areas to identify potential vulnerable properties or areas at risk of exceeding AQOs, CBC has not declared any Air Quality Management Areas (AQMA) with a view to achieving a specific improvement in air quality at specific receptors.⁵⁷
72. The dust monitoring scheme of March 2008⁵⁸ included a list of proposed monitoring sites. While 3 of those would be on the site or at the site boundary the 4th would have been at Primrose Hill Primary School. As use of that location would be subject to authorisation from the school, and is therefore not in either a place generally accessible to the public or otherwise under the control of the appellant, it is an inappropriate location. A revised location was proposed on the eastern site boundary some 150m north-east east of Rothwell's Farm and some 200m west of the school⁵⁹. While I note the claim on behalf of EPC that as the school is 'Council owned' *access and power requirements should not pose an insuperable difficulty*, governors and head teachers have considerable autonomy and, in the absence of any prior agreement, access could not be guaranteed.
73. Euxton Villa Football Club is based at The Jim Fowler Memorial playing field located off Runshaw Hall Lane to the north-east of the appeal site. The club is extremely active. It supports some 13 teams - 1st, 2nd and under 7's to over 35's⁶⁰ as well as making pitches available for local college/school use. It is obviously important that activities on the appeal site – particularly dust generation – should not impinge on the use of these sports pitches which are such an important facility for all ages within the community.
74. These playing fields were identified as a potential receptor in the original Air Quality Assessment⁶¹. While the playing fields do not lie downwind of the prevailing wind from the appeal site there will be occasions when southerly or

⁵⁶ Doc.CD12/1 – Section 9 – para.9.40

⁵⁷ Doc.CD12/1 – Section 9 – para.9.15.1

⁵⁸ Doc.CD12/2 – Appendix 4 – AQ5

⁵⁹ Doc.TARL2/3 para.5.3.1 #4

⁶⁰ Doc.I 6

⁶¹ Doc.CD12/2 – Appendix 4 - AQ5 – 2.1.4

south-easterly winds would blow over them. The DMSAP⁶² provides for the modification or suspension of any operation or process causing 'serious' or 'major' visible dust until such time as the situation has been resolved; 'serious' being events where visible emissions settle within the appeal site within 100m of the boundary, while 'major' events are where visible dust crosses the site boundary. I conclude that these concerns have been appropriately addressed.

Other Matters

75. EPC drew attention to the advice in MPS1 that a large existing land-bank bound up in a very few sites should not be allowed to stifle competition⁶³ and argued that granting permission for this site would place Tarmac in a largely monopolistic position. Where there is a single large resource under the control of an operator, as in this case, that must be a potential risk. However, the absence of competition in this case would be due primarily to the lack of alternative sources of high quality sand rather than the size of the land-bank preventing competing resources getting a share of the market.
76. Factors come into play here which will, in part, reduce the monopoly effect, but which also prevent a radically different approach. The programme of extraction is for a period of some 15-16 years starting in 2010. At that rate the annual output from Runshaw would be below the current county-wide apportionment and so other resources will need to be found once those that make up the current land-bank have been exhausted. Although the appellant would be much the largest supplier of high grade sand in Lancashire, Tarmac do not expect to be in an entirely monopolistic situation.
77. In the absence of other known and permitted reserves for the longer term this position could only be addressed by this site being exploited by more than one operator and, setting aside the fact that Tarmac Limited is the operator with the appropriate agreements with landowners, the complex continuous extraction and restoration scheme envisaged could not be practicably or successfully undertaken other than under the control of a single operator. I conclude that in the particular circumstances of high quality sand resources in Lancashire this objection is without merit.
78. Chorley and District Natural History Society (CDNHS) raised concerns about the impact of the proposal on the colony of Banded Demoiselle (*Calopteryx splendens*) found in Chapel Brook⁶⁴. While the presence of this species is as a recent arrival in Chapel Brook, there have also been sightings⁶⁵ further west along the Yarrow, of which Chapel Brook is a tributary, and north along the River Lostock, also a tributary of the Yarrow. More importantly, the appeal proposals do not involve significant change to or operations within the Chapel Brook valley other than its crossing by the access causeway, and those parts of Yarrow Brook where, according to records submitted by CDNHS, this species has been sited would remain undisturbed.

Conditions

⁶² Doc.CD12/2 – Appendic 4 - AQ5 – 5.1.5

⁶³ MPS1 – para.4.1

⁶⁴ Doc.I/9

⁶⁵ Doc.TARLO/5

79. A draft set of conditions, drawn up jointly but without prejudice by the Appellant and LCC formed the basis of discussions at the conditions session of the inquiry. Those discussions addressed the appropriateness of the imposition of each suggested condition in the context of the appeal and against the guidance on the imposition of conditions set out in Circular 11/95. Following those discussions a revised list was produced and these form the basis of the schedule of conditions attached to this decision. I consider below those matters that remained at issue at the close of the inquiry.
80. I have already considered above the issue of the appropriate visibility splay for the access to Dawbers Lane (Condition 21).
81. Condition 27 requires details of the means of safe crossing of Runshaw Lane by quarry vehicles moving overburden etc from the northern to the southern parts of the site, in accordance with the phased extraction and restoration, to be submitted to LCC for approval prior to the commencement of works (Phase 4) associated with the extraction of sand from that part of the site north-east of Runshaw Lane.
82. For EPC it was argued that, for safety reasons, that crossing should be in the form of a vehicle under-pass. LCC as highway authority have not and do not seek the provision of such a tunnel. Moreover, this would constitute a significant change to the design of the scheme, and result in a permanent new feature in the landscape which would clearly appear unnatural following the restoration of the site. More significantly, the removal of overburden will not be a continuous process but will be undertaken at appropriate stages within phases 4 - 8; extracted sand being delivered to the preparation plant by conveyor rather than by wheeled vehicles. While Runshaw Lane is relatively well used I am not satisfied that it is so heavily trafficked that an at-grade crossing would cause such severe disruption to that passing traffic as to require an alternative solution, and that that solution should be determined now. I am satisfied that proposed condition 27 will provide the necessary safeguards for ensuring the provision of a safe and appropriately designed crossing.
83. LCC questioned the application of the temporary higher construction noise standard to the construction of the plant site as this did not appear to be an activity that could be said to contribute to longer term environmental benefits. While I accept that it differs from a feature such as a bund or screening mound, the plant site is to be set into the landform at some 28m AOD; the land to the north beyond the silt and clean water lagoons rising in a north-easterly direction. This will have the effect of setting the plant lower, and making it less visually prominent within the landscape. This will have a beneficial visual impact for the duration of the sand extraction. I conclude that its inclusion within condition 29 is appropriate.
84. EPC wished to be involved in the process of approval of the annual review of the dust monitoring scheme and action plan (DMPASA). I note that the DMSAP provides for the review process to include liaison with LCC and the Quarry Liaison Committee, and that would be an independent process⁶⁶. However, it would not be appropriate to make that a requirement of condition 33B. It is LCC as MPA who have the responsibility to consider and approve the DMSAP.

⁶⁶ Doc.CD12/2 – Appendix 4 – AQ5 – Paras.9.1+2

It is also for LCC to decide to what extent it would be appropriate to consult both EPC and the wider local public.

85. EPC also proposed a series of detailed changes to the DMSAP in terms of both trigger levels, locations of monitors, and to whom the data should be released⁶⁷. With respect to trigger levels, it is agreed by the principal parties that national AQOs would not be exceeded and I conclude that it would not be appropriate to impose trigger levels more onerous than those required by nationally agreed standards without clear evidence to the contrary, particularly in circumstances where the Borough Council, as the authority responsible for air quality matters, has not drawn attention, through an AQMA or other means, to the existence of particular air quality problems in this locality which require to be controlled.
86. While the request for additional locations for the various dust monitors is noted, the sitings chosen reflect an approach based on protecting the closest and most vulnerable properties. Such an approach will clearly also protect properties located further away from the quarry site. I have already concluded that it would not be appropriate to give EPC automatic access to the data as they are not the authority with the duty to enforce compliance with the terms of any planning conditions, agreements or the DMSAP.

Overall Conclusions

87. In relation to the issues set out in paragraph 7 above I have concluded that the proposal would result in a significant change in the appearance of the appeal site, particularly that area to the north-east of Runshaw Lane. However, it would not adversely affect local landscape distinctiveness or the condition of the landscape so as to constitute inappropriate development in the Green Belt. I also conclude that, as a temporary feature, the quarry would not be visually intrusive to an unacceptable degree when viewed from the local footpath network.
88. Without measures to ameliorate the impacts, site operations would lead to an unacceptable loss of residential amenity due to visual impact; noise; and additional vehicles on the highway network, particularly A581 Dawbers Lane, A581 Balshaw Lane and A49 in Euxton. However, measures to ameliorate these impacts by way of the conditions to be imposed and works to be undertaken and funded through the S.106 agreement would reduce these impacts to acceptable levels.
89. The site has the potential to have a detrimental impact on local air quality. However, as indicated by LCC, these matters are capable of being adequately addressed by the Dust Monitoring Scheme and Action Plan and I am satisfied that, taking account of the mitigation measures proposed in the ES, and subject to the implementation of the DMSAP, the proposal would not result in an unacceptable impact on air quality.
90. I am also satisfied that there is a need for additional supplies of high quality sand in Lancashire and that despite extensive studies undertaken on behalf of LCC there are currently no other proven resources in the county that could substitute for the resource available at the appeal site. This is a strong

⁶⁷ Doc.EPC0/7

argument in favour of the appeal proposal and is sufficient to outweigh any residual harm.

91. For the reasons given above I conclude that the appeal should be allowed.

Edward A Simpson

Schedule of Conditions to Appeal Decision

Ref: APP/Q2371/A/07/2035175

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.
2. 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, which ever is the sooner.
3. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

Working Programme

4. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application dated 23 March 2005 and supplementary information included in the undated letter from Tarmac Limited received on 7 February 2006, letter from Tarmac Limited dated 10 May 2006 and letter from Knight & Sons dated 3rd March 2008
 - b) Submitted Plans:
 - Drawing No. R54/90B – Application Area
 - Drawing No. R54/110 – Revised Access and Road Alignment
 - Drawing No. R54/49C – Initial Works/Phases 1A and 1B Extraction
 - Drawing No. R54/50C – Phase 1C Extraction
 - Drawing No. R54/51C – Phase 2 Extraction
 - Drawing No. R54/52C – Phase 3 Extraction
 - Drawing No. R54/53C – Phase 4 Extraction
 - Drawing No. R54/54C – Phase 5 Extraction
 - Drawing No. R54/55C – Phase 5 Extraction
 - Drawing No. R54/56C – Phase 6 Extraction
 - Drawing No. R54/57C – Phase 7 Extraction
 - Drawing No. R54/58C – Phase 8 Extraction
 - Drawing No. R54/59C – Restoration Concept
 - Drawing No. R54/82A – Plant site layout

- c) All schemes and programmes approved in accordance with this schedule of conditions.

Site Management

- 5. A copy of the conditions, and all documents referred to in Condition 4 shall be made available at the site office at all times throughout the development.
- 6. No development shall commence until details of the location, design, colour and specification of the sand and gravel washing and screening plant, all other buildings and associated lighting have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Site Operations

- 7. The mining operations and restoration shall be worked in the order of phases shown on drawing nos. R54/49c to R54/58c. The working and restoration shall be phased in accordance with the following:
 - a) There shall be no stripping of soils in Phase 1b until the soil screening mounds labelled bund 5 and bund 7 have been fully constructed in the locations and to the dimensions shown on drawing no. R54/49c.
 - b) There shall be no stripping of soils in Phase 1c until the soil screening mounds labelled bund 6 and bund 8 have been fully constructed in the locations and to the dimensions shown on drawing no. R54/50c.
 - c) There shall be no stripping of soils in Phase 3 until Phase 1b has been restored (save as is necessary for the minerals conveyor) in accordance with the scheme and programme of restoration approved under Condition 43.
 - d) There shall be no stripping of soils in Phase 4 until Phase 1c has been restored (save as is necessary for the minerals conveyor) in accordance with the scheme and programme of restoration approved under Condition 43.
 - e) There shall be no stripping of soils in Phase 5 until Phase 2 has been restored (save as is necessary for the minerals conveyor) in accordance with the scheme and programme of restoration approved under Condition 43.
 - f) There shall be no stripping of soils in Phase 7 until Phase 3 has been restored (save as is necessary for the minerals conveyor and internal

access track) in accordance with the scheme and programme and restoration approved under Condition 43.

8. The provisions of Part 19 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.
9. No minerals shall be stockpiled outside the areas labelled 'stockpiles', 'building sand', 'concrete sand' and 'asphalt sand' on drawing no. R54/82A. Stockpiles within such areas shall not exceed 6 metres in height.
10. No development shall commence until a scheme and programme for the advance planting and habitat creation works shown on drawing no. R54/49C has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall provide for the following:
 - a) Details for the planting of the advance tree planting areas shown on drawing no. R54/49C including details of numbers, types and sizes of species, spacings, planting techniques and protection measures.
 - b) Details for the strengthening of existing hedgerows with new planting including location of planting works and details of numbers, types and sizes of species, spacing, planting techniques and protection measures.
 - c) Details for the management of the planting undertaken in accordance with a) and b) above including management of the hedgerows forming the boundaries of the site.
 - d) Details for the creation of the new field ponds and surrounding habitat areas including depths and contours of ponds, landscaping works and habitat development works.

The approved advance planting and habitat creation works shall be undertaken in the first planting season following the commencement of the development and shall thereafter be maintained for a period of five years in accordance with the Lancashire County Council Environment Directorate specification entitled 'Tree and Shrub Planting with grass seeding and protective fencing'.
11. No minerals shall be sold direct to the general public from the site.
12. No waste materials shall be imported into the site.

13. No development shall commence until a scheme and programme for the construction of the access road across the Chapel Brook valley has been submitted to and approved in writing by the County Planning Authority, and until the access road has been constructed in accordance with the approved scheme and programme. The scheme and programme shall include details of the following:
- a) Details for the stripping of soils from the Chapel Brook Valley Biological Heritage site and their storage for use in the restoration of the site.
 - b) Details for the culverting of the Chapel Brook including design of the culverts and access road crossing the Chapel Brook.

Soils and Overburden

14. No movement of topsoil or subsoil shall occur during the period from 1 October to 30 April (inclusive) without the prior written approval of the County Planning Authority. At other times the stripping, movement and respreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.
15. No development shall commence until a scheme and programme for the stripping of the Grade 2 and 3a soils, their storage and their use in the restoration of the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include the following:
- a) Details for the stripping of topsoils and subsoils and their storage in separate mounds on the perimeter of the site.
 - b) Details for the marking of these soil mounds to ensure that they are retained for the restoration of the site and not mixed with lower quality materials or removed from the site.
 - c) Details for the replacement of the soils in the areas to be restored to agriculture including depths of restoration, ripping and other measures to relieve compaction and promote drainage.
16. All available topsoil and subsoil shall be stripped from each part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site.

17. No topsoil mound shall exceed a height of 3.5 metres and no subsoil mound shall exceed a height of 5 metres. All such mounds shall be graded within one month of their construction and shall thereafter be seeded and kept weed free to produce a full grass sward over the full extent of the mounds throughout the development.

Hours of Working

18. No site development, mining operations, or restoration shall take place except between the hours of:

0700 to 1830 hours, Mondays to Fridays (except Public Holidays)

0800 to 1230 hours on Saturdays

No site development, mining operations, or restoration shall take place at any time on Sundays or Public Holidays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

19. Notwithstanding Condition 18, no topsoil or subsoil stripping and or restoration operations including screening mound formation or removal shall take place except between the hours of:

0800 to 1700 hours, on Mondays to Fridays (except Public Holidays)

0900 to 1230 hours on Saturdays

No such operations shall take place at any time on Sundays or Public Holidays.

Highway Matters

20. Other than the provision for the crossing of Runshaw Lane between the part of the site to the north of Runshaw Lane and the part of the site to the south of Runshaw Lane, the sole access to and egress from the site shall be from the A581 Dawbers Lane as shown on drawing no. R54/110.
21. No development shall take place until visibility splays measuring 4.5 metres by 160 metres on either side of the junction of the site access road and the A581 Dawbers Lane have been provided. On completion of the works, the visibility splay shall be maintained free from all obstructions above a height of one metre measured above carriageway level for the operational life of the site.
22. No development shall commence until details for the location and design of wheel cleaning facilities have been submitted to and approved in writing by the County Planning Authority. Thereafter, the approved facilities shall be

installed prior to the development of the plant area and thereafter maintained in working order and be used by all HGVs leaving the site throughout the development to ensure that no mud, dust or other deleterious material is transferred onto the public highway by vehicles leaving the site.

23. Any internal haul road or private way between the wheel cleaning facilities and the A581 Dawbers Lane shall be metalled and drained and kept clear of debris along its entire length throughout the development.
24. No more than 60 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays inclusive. No more than 30 heavy goods vehicles shall leave the site on Saturdays.
25. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles. Such records shall contain the vehicles' weight and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative on request at any time. The records shall be retained at the site for a period of twelve months.
26. All vehicles transporting minerals from the site shall be securely sheeted.
27. No development shall take place in Phase 4, as shown on drawing no. R54/53c, until details for the crossing of Runshaw Lane have been submitted to and approved in writing by the County Planning Authority. The details shall include:
 - a) Details for the design and construction of the conveyor tunnel including details for the reinstatement of the road carriageway and traffic management measures along Runshaw Lane during the period of construction.
 - b) Details of the lengths of hedgerow to be removed to allow the construction of the conveyor tunnel and details for its replacement including sizes, numbers and types of species, planting methods, and protection measures and timing of planting to ensure that the approved planting works are undertaken in the first planting season following construction of the tunnel.
 - c) Details for the formation of a surface crossing for plant including location of crossing and details of traffic management on Runshaw Lane during the periods of use of the crossing.

Noise and Dust

28. Noise emitted from the site shall not exceed 55dBLAeq (1 hour) (free field), as defined in this permission at the position of any window to a habitable room of Oak Tree Lodge, Rothwell's Farm (when workings are south west of Runshaw Lane), Runshaw House or any dwelling in Nixon Hillock. The noise level at the above properties shall be determined in accordance with paragraph 2.22 of Annex 2 of MPS2 and the monitoring scheme approved under condition 32.
29. The noise limits set out in condition 28 above shall not apply during (i) the stripping of soils and overburden on the site, (ii) the construction of storage mounds for these materials and their re-spreading during restoration of the site, and (iii) the construction and removal of the processing area, the haul road and the tunnel under Runshaw Lane. Noise from any of these activities shall not exceed 70db(a)LAeq (1 hour) (free field) as defined in this permission at the position of any window to a habitable room of any dwelling. The noise level at the potentially affected properties shall be determined in accordance with paragraph 2.22 of Annex 2 of MPS2 and the monitoring scheme approved under condition 32. This condition shall not apply for more than 45 days in any one calendar year unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates when these activities are occurring and shall be made available to the County Planning Authority on request.
30. All plant, equipment and other machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment, or sound proofing equipment to a standard of design set out in the manufacturer's specification and shall be maintained in good condition in accordance with the specification at all times.
31. No mining operations shall take place until a scheme and programme describing the types of reversing alarms to be fitted to mobile plant on the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall provide for the fitting of low noise or non-audible reversing systems and shall include details of alternative measures that will be adopted should these warning systems fail to operate or be unsuitable. Following the written approval by the County Planning Authority the measures contained within the approved scheme shall thereafter be utilised at all times during the development.
32. No development shall take place until a scheme and programme for the monitoring of noise at the dwellings referred to in condition 28 during routine works and at the dwellings located within a 100 metres of works carried out under the temporary works provisions set out in condition 29 has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of the following:

- a) the frequencies, locations and duration of monitoring,
- b) the equipment to be used for noise monitoring
- c) the information to be recorded and
- d) the arrangements for the submission of results to the County Planning Authority

Following the written approval by the County Planning Authority the scheme and programme shall be implemented in its entirety on commencement of the development and the measures contained within the approved scheme shall thereafter be implemented at all times during the development.

- 33. Measures shall be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.
- 33A Subject to condition 33B, the development shall be carried out in accordance with the dust monitoring scheme and action plan (DMSAP) (ref R765-RO3 dated March 2008 as amended by the revised section 5.3 ref R765-RO3A dated April 2008).
- 33B The DMSAP shall be independently reviewed in accordance with its terms and a revised DMSAP shall be prepared annually within 2 months of the anniversary of the commencement of the development. The review DMSAP shall be submitted to the County Planning Authority within 1 month of its completion for approval in writing. The development shall be carried out in accordance with the latest approved DMSAP.

Water Resources

- 34. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.
- 35. All foul drainage shall be discharged to a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site completely.
- 36. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container's or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been first approved in writing by the County Planning Authority.

37. Repair, maintenance and fuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site.
38. No development shall take place until a scheme and programme for the monitoring of groundwater during the development period has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall provide for the following:
- a) Details for the construction of boreholes around the boundary of the site to allow for the monitoring of ground water levels. The details shall include information on the location of boreholes to be drilled and method of construction including depth and strata to be monitored.
 - b) Details for the monitoring of water levels within the boreholes and within the quarry excavation including frequency of monitoring information to be collected and submission of results to the County Planning Authority.

The monitoring required by this condition shall commence not later than six months before the commencement of any mineral extraction at the site.

Archaeology

39. No development shall commence until a scheme and programme including a timetable, of archaeological investigation, researching and mitigation has been submitted to and approved in writing by the County Planning Authority.

Ecology

40. No trees shall be felled until a bat survey to identify the presence of bats within any trees that are proposed to be removed as part of the development has been submitted to and approved in writing by the County Planning Authority. In the event that the presence of bats is identified, no development shall commence until the details of the measures to be taken to protect bats during the felling of trees and details of the replacement of bat roosts elsewhere within the site have been submitted to and approved in writing by the County Planning Authority.
- 40A. The ecological mitigation measures, surveys and monitoring proposed in Section 4 of the Ecological Assessment Report (Wilkinson Associates, March 2005) as updated by the Supplementary Ecological Information Report (Wilkinson Associates, September 2006) shall be undertaken throughout the duration of the development and restoration and aftercare periods.

Landscaping

41. Any trees along the site boundary or those that are shown on the plan approved under the requirements of Condition 43 below that are damaged, become diseased or which die at any time during the development and restoration shall be replaced during the first available planting season as, defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.
42. No development shall commence until a plan showing the location of the trees and hedgerows that are to be retained throughout the development has been submitted to and approved in writing by the County Planning Authority.

Restoration

43. No mining operations shall take place until a scheme and programme for the final restoration of the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall be based upon drawing no. R54/59c and shall include details of the following:
 - a) Details for the contours of the restored land.
 - b) Details for the replacement of topsoils and subsoils and their treatment to a level suitable for the proposed afteruse.
 - c) Details for the seeding of restored areas including the seed mixes to be used on different areas of the site and rates of application.
 - d) Details for the planting of woodland and hedgerows including location of planting, species, sizes and spacings of plants, planting methods and protection measures.
 - e) Details for the creation of water features including the lakes to the north of Runshaw Lane and the stream valley to the south of Runshaw Lane including design of lake margins and stream valley.
 - f) Details for the measures to be used to control the level of water in the lakes to the north of Runshaw Lane and methods for controlling outflow.
 - g) The habitat creation measures to be undertaken on the margins of the lakes and along the stream valley including planting of marginal vegetation and landscaping measures and creation of new field ponds.
 - h) Details for the restoration of the processing plant and stockpile area including the removal of all internal haul roads and hard-standing areas and regrading of the land to the contours shown in a) above.

- i) Details of the measures to be used to control surface water drainage including discharges to Chapel Brook
- j) The restoration of the site access road including removal of the Chapel Brook crossing and reinstatement of the stream banks, breaking out of the access road and junction with Dawbers Lane and restoration of the land occupied by bunds 1, 2, 3 and 4.
- k) Details of the footpath to be constructed linking Footpath 1 Euxton to Runshaw Lane
- l) The measures to be undertaken to the reinstatement of the Public Right of Way including gates and styles.

The approved scheme and programme shall be carried out in its entirety.

Aftercare and Monitoring

44. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration in Phase 1b, a scheme and programme of aftercare to promote the agricultural after-use of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall include details of:

- a) The management of the agricultural land including details of seeding, grazing, cultivation, operations to improve fertility and cropping.
- b) Details of any further works required to relieve compaction or regrading to alleviate surface ponding.
- c) Details of any measures required to control noxious or invasive weeds.
- d) Details for the maintenance of the tree and shrub planting including weed control, replacement of failures, thinning, and general maintenance.
- e) An annual inspection, to be undertaken in conjunction with representatives of the County Planning Authority, to assess the aftercare works that shall take place in the following year.

The approved aftercare works shall be carried out for a period of five years on each phase following the certification in writing that the works of restoration in that phase are complete.

45. A monitoring report shall be submitted to the Mineral Planning Authority annually by 31 December until the end of the aftercare period.

The report shall include:

- a) Any operations carried out on the land during the previous 12 months in respect of mineral extraction.
- b) A topographical survey of the site undertaken within 2 months preceding the date of the report of this permission consisting of a plan drawn to a scale not less than 1:2500 identifying all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum over all the land where mineral extraction has been undertaken.
- c) Measures taken to implement the landscaping, progressive restoration and habitat creation.
- d) Measures taken to implement the aftercare provisions.
- e) Intended operations for the next 12 months.

Definitions

For the purposes of this permission the following expressions shall mean:

Date of Commencement: The date that the applicant confirms the commencement of the development in accordance with Condition 3 to this permission.

Cessation of Mineral Working: No mining operations having been carried out for a continuous period of one year.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Planting Season: The period between 1 October in any one year and 30 March in the following year.

Free Field: At least 3.5 metres away from the facade of a property or building.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily.

APPEARANCES

FOR THE MINERAL PLANNING AUTHORITY:

Giles Cannock of Counsel	instructed by Ian Blinkho, Legal Officer, Legal Services Group, Lancashire County Council, PO Box 78, County Hall, Preston PR1 8XJ
He called	
Dani Fiumicelli MSc MIEH MIA	Technical Director, Faber Maunsell Ltd.
Robert I Greenwood IEng FIHIE	Principal Engineer, Sanderson Associates (Consulting Engineers)Ltd.
Susan A Dodwell MA BSc(Hons) MLI	Director, Woolerton Dodwell Associates Ltd, Lanscape Consultants
Christopher J Ballam BSc MPhil FIQ	Director, The Land and Development Practice, Chartered Surveyors and Town Planners

FOR TARMAC LIMITED (The Appellant):

Martin Kingston QC	instructed by Andrea Bruce of Knight & Sons, Solicitors, The Brampton, Newcastle Under Lyme Staffordshire. ST5 0QW
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Robin J Smithyman BSc(Hons) DipLA MLI DipTP	Director, Pleydell Smithman Ltd. Landscape, Architectural and Design Consultants
Alexander D Grant BSc(Hons) MSc CEng MIMMM FIQ	Partner, Smith Grant LLP, Environmental Consultants
Michael Breslin BSc MIOA	Acoustics Consultant
David L Wallbank BEng(Hons) CEng MICE	Director, PSA Design Ltd., Consulting Engineers
Jeremy Hilliard MCIB MIQ	Area Director Aggregate Products, Tarmac Limited
Graham Jenkins BA(Hons) MRTPI MIQ	Regional Director, White Young Green Planning

FOR EUXTON PARISH COUNCIL (Rule 6 Party):

Eric Owen of Counsel	instructed by Aaron & Partners LLP, 5-7 Grosvenor Court, Foregate Street, Chester CH1 1HG
He called	
Mr B Carlin	Local Resident
Mr G Ind BSc MICE	Local Resident
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Mr A Whatmough BSc BA CEng	Local Resident
Cllr. S Newall	Member of EPC

FOR CHORLEY BOROUGH COUNCIL:

Cllr.P Goldsworthy Euxton South Ward and Executive Leader,
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Mr Paul Whittingham Development and Building Control Manager
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INTERESTED PERSONS:

Lindsay Hoyle MP House of Commons, London SW1A 0AA
Mr C Shields Head Teacher, Euxton Primrose Hill Primary
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Mrs N Morton 28 Meadowcroft, Euxton, Chorley, PR7 6BU
Mr I Wood 3 Nixon Barn, Runshaw Lane Euxton, Chorley
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PR7 6EF
Ms L Carlin 1 Village Croft, Euxton Chorley PR7 6NH
Mr B Smith 29 The Croft, Euxton, Chorley PR7 6LH
Mrs D Miller Castle Cottage, Old Dawbers Lane, Euxton
Mrs I Crabtree 31 Chruch Walk, Euxton Chorley PR7 6HL
Mrs B Levis 62 Firbank, Euxton, Chorley PR7 6HP
Mr G Storch BEd(Hons) Head teacher Euxton Church of England Primary
PG Dip.Psych NPOH School, Bank Lane, Wigan Road, Euxton, Chorley
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DOCUMENTS

INSPECTOR DOCUMENTS

Doc.I/ 1 Lists of persons present at the inquiry
Doc.I/ 2 a) Notice of Inquiry and b) list of addressees
Doc.I/ 3 Letters received following notice of appeal

- Doc.I/ 4 Copy of e-mail from LCC to PINS dated 11/4/08 re: Reason for Refusal 1 - Air Quality
- Doc.I/ 5 Documents submitted by Mr I Wood
Photograph of Sophie Wood and medical assessment, details of Syncope Trust (STARS), copies of 2 newspaper articles
- Doc.I/ 6 Euxton Villa Football Club Handbook 2007/8
- Doc.I/ 7 Photographs of traffic and road alignments – Dawbers Lane submitted by Mrs N Huddy
- Doc.I/ 8 Photographs of former gateway, gatepost and hedgeline carriage drive to former west entrance to Euxton Hall
- Doc.I/ 9 Letter and enclosure from Chorley and District Historic Society dated 1 May 2008
- Doc.I/ 10 Letter dated 6/5/2008 from Mrs C M Glover and attached photographs
- Doc.I/ 11 Letter from Mr I D Smith dated 7/5/2008 and enclosures
- Doc.I/ 12 Letter from Mr N Ambrose dated 7/5/2008 with attachments
- Doc.I/ 13 Letter from Mr R Redfern with attachments.
- Doc.I/ 14 Agreements under S.106 of the Town and Country Planning Act 1990 between Tarmac Limited, the various landowners and associated parties, and Lancashire County Council.

CORE DOCUMENTS

CD1 The Tarmac Proposal and Environmental Statement and Additional Documents

- Doc.CD1/ 1 Tarmac Planning Application 23.3.05
- Doc.CD1/ 2 Planning statement March 2005
- Doc.CD1/ 3 Environmental Statement - Non-Technical Summary - March 2005
- Doc.CD1/ 4 Planning Application - Appendix - Drawings - March 2005
- Doc.CD1/ 5 Environmental Statement - App 1 - Drawings - March 2005
- Doc.CD1/ 6 Environmental Statement - App 2A - March 2005
- Doc.CD1/ 7 Environmental Statement - App 2B - March 2005
- Doc.CD1/ 8 Environmental Statement - App 2C - March 2005
- Doc.CD1/ 9 Runshaw Quarry: Proposed extraction of high-grade sand from land near Euxton, Chorley – Consultation Responses dated 27 January 2006
- Doc.CD1/ 10 Planning application 9/05/319 – Proposed extraction of high-grade sand from land near Euxton, Chorley – amendment to the Planning Application to provide for a revised access location – dated 10 May 2006
- Doc.CD1/ 11 Runshaw Quarry Euxton – Rebuttal No 1 – Response to White Young Green report (March 2006) – PSA Design Ltd
- Doc.CD1/ 12 Letter from John Bradshaw, Tarmac Ltd to Lancashire County Council dated 5 July 2006 together with document re air quality - Smith Grant Environmental Consultancy r765-n12 document dated 23.6.06
- Doc.CD1/ 13 Great Crested Newt Mitigation Plan – Final Report – Wilkinson Associates Environmental Consultants – dated October 2006

- Doc.CD1/ 14 Supplementary Ecological Information – Final Report – Wilkinson Associates Environmental Consultants – dated September 2006
- Doc.CD1/ 15 Letter from Knight & Sons to the Planning Inspectorate dated 3 March 2008, including drawing list and all appeal drawings
- Doc.CD1/ 16 Drawing no. T513/006 showing revised access position and impact on TPO trees

CD2 Extracts from Consultation Responses.

- Doc.CD2/ 1 Review of Air Quality Assessment - Runshaw Quarry – Report produced for Chorley Borough Council – Ref: netcen/ED05367001/2304/ Issue 1 – August 2006
- Doc.CD2/ 2 Euxton Residents Against Sand Extraction: ERASE – comments on the Tarmac Consultation Response – March 2006
- Doc.CD2/ 3 Euxton Residents Against Sand Extraction: ERASE – further comments by ERASE – August 2006
- Doc.CD2/ 4 Consultation responses received to planning application
- Doc.CD2/ 4/1 Letter from Chorley Borough Council dated 29th June 2005 and memoranda from Chorley BC dated 18th April 2006 and 7th September 2006
- Doc.CD2/ 4/2 Letter from South Ribble Borough Council dated 18th August 2005
- Doc.CD2/ 4/3 Letters from the Environment Agency dated 24th May 2005, 23rd June 2005 and 4th April 2006
- Doc.CD2/ 4/4 Letters from English Nature dated 29th April 2005, 8th August 2006, 20th September 2006 and 26th October 2006 (letter from Natural England)
- Doc.CD2/ 4/5 Letter from Highways Agency dated 18th May 2005.
- Doc.CD2/ 4/6 Memorandum from Section Manager (Traffic and Safety) dated 10th August 2005.
- Doc.CD2/ 4/7 Letter from DEFRA dated 20th April 2005.
- Doc.CD2/ 4/8 Letter from Government Office North West dated 20th April 2005
- Doc.CD2/ 4/9 Letter from Countryside Agency dated 6th April 2005
- Doc.CD2/ 4/10 Letter from Euxton Parish Council dated 29th April 2005
- Doc.CD2/ 4/11 Letter from Astley Village Parish Council dated July 2005
- Doc.CD2/ 4/12 Letter from Croston Parish Council dated 20th July 2005
- Doc.CD2/ 4/13 Letter from Eccleston Parish Council dated 20th July 2005
- Doc.CD2/ 4/14 Letters from The Ramblers Association dated 18th April 2005 and 16th June 2005.
- Doc.CD2/ 4/15 Letter from Lancashire Wildlife Trust dated 22nd April 2005
- Doc.CD2/ 4/16 Memoranda from LCC Specialist Advisory Services (Ecology) dated 27th April, 8th June, 20th September, 31st October 2006 and undated response in relation to original planning application
- Doc.CD2/ 4/17 Email from LCC Specialist Advisory Services (Archaeology) dated 13th April 2005
- Doc.CD2/ 4/18 Memoranda from LCC Specialist Advisory Services (Landscape) dated 13th May 2005 and 7th April 2006
- Doc.CD2/ 4/19 Letter from United Utilities dated 19th April 2005.
- Doc.CD2/ 4/20 undated letter from CPRE (received by email)

CD3 Lancashire County Council Committee Reports and Minutes

- Doc.CD3/ 1 Report to Development Control Committee (DCC) 21.9.06
- Doc.CD3/ 1a Slides shown to the DCC on 21.9.06
- Doc.CD3/ 2 Minutes of the DCC meeting held on 21.9.06
- Doc.CD3/ 3 Report to DCC 1.11.06
- Doc.CD3/ 4 Minutes of the DCC meeting held on 1.11.06
- Doc.CD3/ 5 Update sheet to DCC held on 21.9.06

CD4 The Decision Notice

- Doc.CD4/ 1 Refusal notice 28.9.06 – not available
- Doc.CD4/ 2 Revised refusal notice 2.11.06

CD5 Planning Appeal

- Doc.CD5/ 1 Planning appeal form dated 11.1.07

CD6 Copies of representations received to Planning Application

CD7 The Development Plan (DP) and Emerging DP Documents

- Doc.CD7/ 1 Regional Planning Guidance - North-West (RPG 13) March 2003
- Doc.CD7/ 2 Joint Lancashire Structure Plan 2001 - 2006 adopted March '05.
- Doc.CD7/ 3 LCC Minerals and Waste Local Plan 2006 adopted 28.12.01
- Doc.CD7/ 4 Chorley Borough Local Plan – adopted August 2003
- Doc.CD7/ 5 Inspectors Report - Public Inquiry into Objections - Lancashire Minerals and Waste Local Plan (LMWLP) 2006 – 29.10.1999.
- Doc.CD7/ 5/1 LMWLP 2006 – Responses Document 2000 – Response of the Joint Authorities to the recommendations of the Inspector
- Doc.CD7/ 6 LCC Minerals & Waste Local Plan Sand and Gravel Study. Stage 1 - November 2004.
- Doc.CD7/ 7 LCC Minerals & Waste Local Plan Sand and Gravel Study. Stage 2 - June 2006.
- Doc.CD7/ 8 LCC Minerals & Waste Local Plan 2006 - Monitoring Report 1 (01.01.2001 to 31.03.2003) published December 2005
- Doc.CD7/ 9 LCC Minerals & Waste Local Plan 2006 - Technical Report No.17 - Monitoring of Aggregate Production, Reserves and Landbanks 1999 (2nd edition) - May 2000.
- Doc.CD7/ 10 Joint Lancashire Minerals and Waste Development Framework (JLMWDF) - Core Strategy Issues and Options - January 2006
- Doc.CD7/ 11 Minerals and Waste Development Scheme - Lancashire 2006-10
- Doc.CD7/ 12 NOT USED
- Doc.CD7/ 13 JLMWDF Sustainability Appraisal Report - November 2006
- Doc.CD7/ 14 LCC Minerals & Waste Development Framework – Submission Draft Core Strategy - June 2007
- Doc.CD7/ 15 JLMWDF – Annual Monitoring Report 2004-2005 (published December 2005)
- Doc.CD7/ 16 JLMWDF – Annual Monitoring Report 2005 – 2006 (published December 2006)
- Doc.CD7/ 17 JLMWDF – Annual Monitoring Report 2006 – 2007 (published December 2007)
- Doc.CD7/ 18 JLMWDF – Submission Draft Core Strategy. Responses Report

Doc.CD7/	19	under Regulation 28 Consultation – February 2008 (Extract) Regional Spatial Strategy for the North West – Deposit Draft Edition – January 2006
Doc.CD7/	20	NOT USED
Doc.CD7/	21	Letter from GONW to NWRA dated 25.3.08 with schedule JLSP Policies directed to be saved
Doc.CD7/	22	Schedules of saved policies – Chorley Borough LP & LMWLP
Doc.CD7/	23	Secretary of State’s proposed changes to draft North West RSS March 2008
Doc.CD7/	24	JLMWDF – Strategic Minerals Issues – November 2007
Doc.CD7/	25	JLMWDF – Submission Draft Core Strategy Minerals Topic Paper - April 2008
Doc.CD7/	26	NW Regional Aggregates Working Party – Annual Report 2007
CD8		Technical Publications
Doc.CD8/	1	BS5228: Part 1 –Noise Control Construction and Open Sites. Part 1 – Code of Practice for Basic Information & Procedures for Noise & Vibration Control (1997)
Doc.CD8/	2	Calculation of Road Traffic Noise (CRTN) (1988)
Doc.CD8/	3	Environmental Effects of Surface Mineral Workings, DoE, 1991 – NOT USED
Doc.CD8/	4	The Environmental Effects of Dust from Surface Mineral Works, DoE, 1995
Doc.CD8/	5	Local Air Quality Management, Technical Guidance TG(03), DEFRA, 2003
Doc.CD8/	6	Do Particulates from Opencast Coal Mining Impair Children's Respiratory Health?, DoH/DDETR, 1999
Doc.CD8/	7	Process Guidance Note 3/8 (04), Secretary of State's Guidance for Quarry Processes, DEFRA, 2004
Doc.CD8/	8	King AM, PM10 Survey around "Worst Case" Coal Handling Plant, Technical Report for the Environment Agency Local Authority Unit, 2001
Doc.CD8/	9	Guidance Notes No 1 – Guidelines for the Environmental Assessment of Road Traffic Institute of Environmental Assessment
Doc.CD8/	10	Design Manual for Roads and Bridges TD42/95 Geometric Design ref: Major/Minor Road Junctions – Highways Agency 1995
Doc.CD8/	11	Guidelines for the Production of Transport Assessments – March 2007
Doc.CD8/	12	IHT Guidelines – Traffic Impact Assessment 1994
Doc.CD8/	13	National and Regional Guidelines for Aggregate Provision 2001 - 2016
Doc.CD8/	14	North West Regional Aggregates Working Party Annual Report 2006
Doc.CD8/	15	Design Manual for Roads and Bridges Vol 11 Section 3 Part 5 – Landscape Effects
Doc.CD8/	16	Guideline Values for Community Noise – Ch.4

Doc.CD8/	17	Guideline Values for Community Noise (Executive Summary)
Doc.CD8/	18	Concawe Report – The propagation of noise from petroleum and petrochemical complexes to neighbouring communities. 1981
Doc.CD8/	19	BS 3740 Acoustics – Determination of sound power levels of noise sources. November 2000
Doc.CD8/	20	BS 4142 – Method for rating industrial noise affecting mixed residential and industrial areas 1997
Doc.CD8/	21	BS 8233 – Sound insulation and noise reduction for buildings – code of practice –1999
Doc.CD8/	22	Update of Noise database for prediction of noise on construction and open sites. Phase 3 Noise measurement data for construction plant used on quarries July 2006
Doc.CD8/	23	Update of noise database for prediction of noise on construction and open sites. 2005
Doc.CD8/	24	Design Manual for Roads and Bridges – Vol 11, Sec 3, Part 7- Traffic Noise and Vibration
Doc.CD8/	25	ISO 3746 Acoustics – Determination of sound power levels of noise sources using sound pressure
Doc.CD8/	26	Guidelines for noise impact assessment – consultation draft. Institute of Acoustics/ Inst. of Environmental Management and Assessment - March 2002
Doc.CD8/	27	ISO 9613-1 Acoustics – Attenuation of sound during propagation outdoors Part 1 – Calculation of the absorption of sound by the atmosphere
Doc.CD8/	28	ISO 9613-2 Acoustics – Attenuation of sound during propagation outdoors. Part 2 : General Method of Calculation
Doc.CD8/	29	Runshaw Quarry, Euxton – Traffic Surveys, September 2007 – PSA Design Ltd, October 2007
Doc.CD8/	30	Manual for Streets – Department for Transport, 2007
Doc.CD8/	31	Effects of changes in exposure to traffic noise – C. J. Baughan and L. Huddart –Transport Research Laboratory.
CD9		Local Policy Documents
Doc.CD9/	1	Lancashire Local Transport Plan 2006 – 2010 – LCC
Doc.CD9/	2	Lancashire – The Cyclist’s County – LCC August 2005
Doc.CD9/	3	LCC – Draft Cycling Strategy – October 2007
Doc.CD9/	4	LCC – Walking Strategy – November 2007
Doc.CD9/	5	LCC – Landscape and Heritage adopted SPG – April 2006
Doc.CD9/	6	LCC - A49 Cycle Audit, June 2007
Doc.CD9/	7	A Landscape Strategy for Lancashire
CD10		Other Policy Documents
Doc.CD10/	1	Planning Policy Statement (PPS)1 – Delivering Sustainable Development. Sept.2006
Doc.CD10/	2	Planning Policy Guidance Note (PPG)2 – Green Belts. Jan.1995
Doc.CD10/	3	PPS 9 : Biological and Geological Conservation. Sept.2005
Doc.CD10/	4	Minerals Planning Policy Statement (MPS)2 - Controlling & Mitigating the Environmental Effects of Mineral Extraction in

		England with Annexures 1 (Dust) and 2: (Noise) (March 2005)
Doc.CD10/	5	PPG 24 - Planning & Noise (1994)
Doc.CD10/	6	The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, DEFRA, 2007
Doc.CD10/	7	NOT USED
Doc.CD10/	8	NOT USED
Doc.CD10/	9	MPS 1 – Planning and Minerals HMSO 2006
Doc.CD10/	10	PPS 23; Planning and Pollution Control, ODPM, 2004
Doc.CD10/	11	NOT USED
Doc.CD10/	12	MPG 11 The Control of Noise at Surface Mineral Workings (1993)
Doc.CD10/	13	Development Control: Planning for Air Quality, 2006 Update, NSCA, 2006

CD11 Other

Doc.CD11/	1	SI 2000 No 928, Air Quality (England) Regulations 2000
Doc.CD11/	2	Environmental Management System, Tarmac Ltd
Doc.CD11/	3	Report R765-R03 – Draft Dust Monitoring Scheme and Action Plan, Smith Grant LLP – March 2008
Doc.CD11/	4	Guidelines for Landscape and Visual Impact Assessment – Landscape Institute and Institute of Environmental Management and Assessment – Second Edition 2002
Doc.CD11/	5	[2007]EWHC 1985(Admin) – 1) Persimmon Homes 2) SSCLG 3) Cherwell DC 4) Hallam Land Management 5) JJ Gallager Ltd

CD12 Statement of Common Ground

Doc.CD12/	1	Statement of Common Ground
Doc.CD12/	2	Statement of Common Ground – Appendices
Doc.CD12/	3	Statement of Common Ground - Landscape

MPA'S DOCUMENTS

Doc.LCC/1	3	Appendices to submitted proof of Mr James Richer (Not called)
Doc.LCC/2	3	Appendices to proof of Mr D Fiumicelli
Doc.LCC/3	3	Volume of 58 Appendices to proof of Mr R Greenwood
Doc.LCC/4	3/1	Volume 1 – Appendices 1-4 to proof of Ms S Dodwell
Doc.LCC/4	3/2	Volume 2 – Appendix 5 – Figs.SD1-5 to proof of Ms S Dodwell
Doc.LCC/4	4	Note of Meeting – 3/3/08 (see Doc.TARL1/9 below)
Doc.LCC/5	3	Volume of 15 Appendices CJB1 – 15 of proof of Mr C Ballam

APPELLANT'S DOCUMENTS

Doc.TARLO/	1	Summary of Local Consultation by Tarmac Limited
Doc.TARLO/	2	Letter to Euxton PC dated 14 March 2008 and enclosures
Doc.TARLO/	3	Summary of Tarmac Correspondence and Meetings with EPC
Doc.TARLO/	4	Note on revised plant design
Doc.TARLO/	5	Rebuttal to Written Submission by Chorley & District Natural History Society
Doc.TARLO/	6	The Strategic Road Network – Note agreed with LCC
Doc.TARLO/	7	Rebuttal of letter from Mr R D Smith
Doc.TARL1/	2	Booklet of Appendices a – f to proof of Mr R J Smithyman
Doc.TARL1/	4	Rebuttal Proof and Appendices of Mr R J Smithyman

Doc.TARL1/	5	Alternative Proposed Junction Visibility Splays Drg.No.T513/005
Doc.TARL1/	6	Copy of letter from Mr R J Smithyman to Ms S Dodwell dated 3 March 2008
Doc.TARL1/	7	Summary Table – Hedgerows removed, planted and re-established/strengthened
Doc.TARL1/	8	Summary Table – On Site Tree and Hedgerow Planting
Doc.TARL1/	9	Covering letter from Mr Smithyman and enclosed copies of correspondence and note and revised note of meeting of 8 March 2008 attended by Brerton, Dodwell and Smithyman
Doc.TARL2/	3	amendment to DMSAP – Ref. r765-r03a dated 21 April 2008
Doc.TARL3/	1	Figure 1. Noise Sample Measurement Positions
Doc.TARL3/	3	Rebuttal Proof of evidence of Mr M Breslin
Doc.TARL3/	4	Estimated Worst Case Noise Levels from Extraction and Processing taking into account Bund 6
Doc.TARL4/	2	Folder of Figures, Photographs and Appendices 1 – 4 to Proof of Mr D L Wallbank
Doc.TARL4/	4	Site Access Visibility Shadow Zones – Drg.No.T513/10 – 9/4/2008
Doc.TARL4/	5	Note – S.106 Highway Improvements Agreed with LCC
Doc.TARL5/	2	Appendices to Proof of Mr J Hilliard
Doc.TARL6/	3	Appendix to proof of Mr Jenkins
Doc.TARL6/	4	Table – Lancashire Reserves of High Quality Sand

EPC'S DOCUMENTS

Doc.EPC0/	1	Extract – Tarmac Central Overview pgs 7, 9 + 15
Doc.EPC0/	2	Report to Committee – Crown Farm – 13/7/2004
Doc.EPC0/	3	Report to Committee – Eaton Hall – 7/9/2004
Doc.EPC0/	4	Report to Committee – Pilsworth – 4/1/2006
Doc.EPC0/	5	Report to Committee – Fletcher Bank – 4/10/2004
Doc.EPC0/	6	Euxton – A Walkers Guide published by Euxton PC
Doc.EPC0/	7	Suggested alterations to DMSAP (see CD12/2 App.4 - AQ5)
Doc.EPC2/	1	Appendices 2 – 5 to proof of Mr G Ind
Doc.EPC3/	3-11	-Appendices to proof of Dr M Lewis
Doc.EPC3/	3	Descriptions of impacts from sand quarries by 4 residents living close to those quarries
Doc.EPC3/	4	Description of Runshaw Prospect and copy of borehole log
Doc.EPC3/	5	Copies of 2 TARMAC Ltd Response Documents – Feb/June 2006 and Comments by ERASE – March/August 2006
Doc.EPC3/	6	Extract – Source Apportionment of Airbourne Particulate Matter – UK January 1999
		Extract – Air Quality Strategy – February 2003
		Extract – EU Commission Working Paper SEC(2005) 1133
Doc.EPC3/	7	Sources of Dust - assessment by Mr G Ind and Comments and Correspondence relating to Clayton-le-Woods secondary aggregates recycling site
Doc.EPC3/	8	Euxton Respiratory Conditions Report and Mineralogical Report on Sand Samples – Lydiate Lane Quarry
Doc.EPC3/	9	LMWLP minerals and landfill sites and extract from Daily Telegraph 13/11/2007
Doc.EPC3/	10	FOI request to LCC and minutes of meeting of 19/6/2006
Doc.EPC3/	11	Photographs of A49 traffic, Earth works on ROF site, M1 dust
Doc.EPC5/	1	Air and Ground photographs and commentary submitted by

Doc.EPC5/ 2 Cllr.Newall
Bundle of 27 Local resident Witness Statement submitted by
Cllr.Newall