

Proposed Sand and Gravel Quarry, Land off Bourbles Lane

Planning Permission reference: LCC/2023/0030

Statement of Common Ground: Dust

1 Introduction

1.1. This is a Statement of Common Ground (SoCG) made between the following parties:

- Baxter Group Ltd (“the Appellant”); and
- Lancashire County Council (“the Council”).

1.2. This Statement of Common Ground on Dust and Air Quality matters has been prepared to assist the appeal against the refusal of the planning application LCC/2023/0030 for a minerals extraction and reinstatement scheme at Mytax Farm, Poulton-le-Fylde.

1.3. Reason for Refusal 2 is given as:

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

1.4. The Statement of Case provided by LCC (CD11.01) states: *In terms of dust and air quality impacts, the County Council will demonstrate that there would be likely unacceptable impacts at particular stages of the quarrying and backfill operations due to the close proximity of residential properties to the site boundary and active areas of the site, the requirement to move excavated minerals and backfill materials on unsurfaced haul roads and the difficulties of providing adequate and effective mitigation measures particularly in instances where operations take place in such close proximity to sensitive development.*

1.5. This Topic Specific Statement of Common Ground (TSoCG) has been prepared jointly by Katrina Hawkins, Smith Grant LLP for the Appellant (Baxter Group) and Matthew Edwards, AtkinsRéalis for Lancashire County Council (LCC).

1.6. It sets out the agreed matters in relation to dust and air quality.

2 Relevant Guidance

2.1. Principal relevant guidance relevant to the assessment of dust and air quality in relation to the Proposed Development is:

- Planning Practice Guidance: Air Quality: last updated 1st November 2019 (CD12.6);
- Planning Practice Guidance: Minerals: Paragraphs 023-032, last updated 17th October 2014 (CD12.4);
- Institute of Air Quality Management (IAQM), Guidance on the Assessment of Mineral Dust Impacts for Planning v1.1, May 2016 (CD12.7);
- IAQM Guidance on the Assessment of Dust from Demolition and Construction, 2024 (version 2.2) (CD12.8);
- IAQM Land-Use Planning and Development Control: Planning for Air Quality, 2017, v1.2 (CD12.x);
- AEA, Management, Mitigation, and Monitoring of Nuisance Dust and PM₁₀ Emissions arising from Extractive Industries: an overview, 2011 Issue 1 (CD12.9).

3 Areas of Agreement

3.1. The Appellant and the Council are agreed that:

- DEFRA modelled background data suggests that existing local air quality is likely compliant with the relevant National UK Air Quality Objectives and Standards for NO₂, PM₁₀ and PM_{2.5};
- The Site and nearby local road network are not located within an Air Quality Management Area (AQMA);
- In the event the appeal is allowed the waste import, handling and placement operations would be subject to regulation by the Environmental Agency under an Environmental Permit in accordance with the Environmental Permitting Regulations 2016;
- The potential air quality impacts from road traffic emissions associated with the Proposed Development are likely to be considered not significant subject to projected HDV movements stated within the Air Quality Assessment (Vibroek 2024) as being below the 2-way IAQM screening criteria (100 AADT);
- The disamenity dust assessment adopts appropriate methodology set out in IAQM Minerals Dust Guidance save in so far as set out in the 'disagree' section below;
- There are no UK statutory standards that define the point when deposited dust causes annoyance or disamenity. Instead, a number of "custom and practice" thresholds are typically referred to in conjunction with other criteria such as the frequency of occurrence;
- Submission to and agreement of a Dust Management Plan (DMP) with the Council, and subsequent adherence to, can be made the subject of a planning condition to any granted permission;
- The scale and nature of dust mitigation measures applied should be commensurate to the risk of dust impact from a site;

- There are no UK established or recommended ambient air quality standards for Respirable Crystalline Silica (RCS), but there is a Health and Safety Executive workplace exposure level (WEL) for RCS.
- There is a typographical error in the LCC Report to the Development Control Committee Officers (CD6.02), in that the final sentence of paragraph 132 should have read '*In summary, it is considered that risk of exposure to Respirable Crystalline Silica dust cannot be a reason for objection to the proposal*'. This was confirmed in an e-mail from Jonathan Haine, Head of Development Management and Planning Policy Environment and Regulatory Service, Lancashire County Council to Liam Toland, Kedd Ltd on 3rd December 2025. RCS impacts are therefore not a matter for further consideration.
- The IAQM Minerals guidance states that *large dust particles (greater than 30 µm), which make up the greatest proportion of dust emitted from minerals workings, will largely deposit within 100 m of sources*. The Proposed Development is located in close proximity to a number of highly sensitive residential properties within 100m of the site boundary, some are much closer.

4 Areas of Disagreement

- The Council do not agree with the Appellant that the Proposed Development meets the air quality, dust and amenity requirements of national and local policy and guidance. The Council's position is that the Proposed Development *by reason of proximity to residential properties would have unacceptable dust impacts that could not be satisfactorily mitigated* contrary to: Paragraph 198 of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy CDMP1 of the Wyre Local Plan.
- The Council disagree that the Proposed Development is appropriate for its location or an acceptable use of the land due to the proximity of existing highly sensitive residential receptors to operational and restoration activities. The Appellant has not demonstrated or evidenced that the proposed development can operate in a manner so as not to result in loss of amenity due to dust effects beyond the site boundary.
- While agreeing that the adopted methodology for assessment of dust impacts (IAQM Minerals Guidance 2016) is suitable (as presented within Air Quality Assessment, Vibrock 2024), the Council do not agree with the assessment findings regarding the magnitude of dust source emissions and pathway effectiveness for some activities. The Council position is that the magnitude of dust source emissions and pathway effectiveness, and thus the dust impact risk and resultant magnitude of dust soiling effects at some receptor locations are underestimated by the Appellant.
- Given the close proximity of the Proposed Development to highly sensitive residential receptors, the Council do not agree with the Appellant that mitigation during operations including mineral extraction, on-site transportation and backfilling can be effective so as

not to cause disamenity to residents when there is limited spatial scope for interruption of pathway effectiveness.

- While agreeing that proposed mineral extraction and restoration operations will not be continuous, the Council do not agree with the Appellant that the proposed campaign basis for extraction serves as a mitigation measure to reduce dust generation and associated disamenity effects. The intermittent nature of dust raising activities does not reduce the magnitude/duration of dust impacts and disamenity that may be experienced at sensitive residential receptor locations when proposed operations give rise to generating dust emissions.
- Given the close proximity of the Proposed Development to highly sensitive residential receptors, the Council do not agree with the Appellant that dust raising from on-site traffic using unsurfaced haul roads can be effectively controlled by the suggested mitigation measures, in all weather conditions, so as not to cause disamenity to residents when there is limited spatial scope for interruption of pathway effectiveness.
- The Council do not agree that the baseline dust deposition monitoring undertaken by the Appellant, as reported in the Air Quality Assessment (Vibroch 2024) is adequate in demonstrating the current conditions and amenity experienced by sensitive receptors that may be adversely affected by the Proposed Development. The monitoring did not align with the recommendation in the IAQM Minerals Guidance (2016) for a minimum of 3 months monitoring of baseline conditions. The monitoring also serves no purpose in estimating future conditions in operation.
- The Council do not agree that implementation of a dust management plan, to include mitigation, would necessarily control dust impacts to acceptable levels given the proximity of residential properties.

5 This Statement of Common Ground: Dust is agreed between:

Signed:

Name: Katrina Hawkins

On behalf of: Smith Grant LLP

Date: 06.03.26

Signed: Jonathan Haine

Name: Jonathan Haine

On behalf of: Lancashire County Council

Date: 6th March 2026