

**Rebuttal to Proof of Evidence by Dr Katrina Hawkins for the Appellant,
from Matthew Edwards, on behalf of Lancashire County Council, in respect of dust
amenity.**

1. At planning, the Applicant had not sufficiently demonstrated that the proposals were an acceptable use of the land: The original air quality assessment [CD1.22] did not adequately assess the significance of dust amenity impacts at existing sensitive receptors and thus recommendations for mitigation were not appropriate. This was the position of AtkinsRéalis upon originally providing technical advice to the Council [CD2.16] on the original planning application, prior to the Council's Regulation 25 request for further information. AtkinsRéalis services were not engaged further prior to planning decision.
2. Subsequent to the refusal, AtkinsRéalis were engaged by the Council to undertake a technical review of application document CD3.06 and maintained the opinion that the assessment remained unsuitable, assessing a scheme which was not in line with the planning submission (conducted based on incorrect bunding and phasing information) and understated potential dust effects of the proposed development.

After submission of PoEs

3. The Proof of Evidence submitted by Dr Katrina Hawkins (for the Appellant) comprises an entirely revised assessment of potential dust impacts, accompanied by a draft Dust Management Plan (DMP) for consideration by the Council and Planning Inspector.

Furthermore, the Proof of Evidence of Simon Rees (for the Appellant), presents new phasing drawings and cross sections dated March 2026.

4. This new information supersedes that upon which my Proof of Evidence was based.
5. At the request of the Council, and given the time available, I have undertaken a high level review of this new information. The stated findings of Dr Hawkins' on CD3.06 are similar to our own, coming to the conclusion that the appellant opted to revisit the assessment within the PoE.
6. My professional opinion is that the technical inadequacies pertaining to document CD3.06 have been addressed in Dr Hawkin's revised assessment which more reasonably represents the likely dust impacts associated with the proposed development. The conclusions are that that 'slight' to 'moderate' dust disamenity effects may be experienced at off-site receptors, with the greatest effects associated with short term site preparation activities, including soil stripping, initial cut and fill operations prior to and during construction of screening bunds.
7. This is in agreement with the position presented in my own PoE that dust emissions from mineral excavation and restoration activities will have the greatest impact at receptors within 100m, especially those closest to dust emissions sources.
8. It remains my opinion that it wouldn't be typical for residences to be planned within the at-risk zone for disamenity dust, commonly quoted as a distance of 100m (see Section 5.1.14 of my PoE predominantly referencing MPG 11 [CD12.05] and IAQM Guidance [CD12.11]). I note that the NPPF [CD12.01] deliberately does not provide a set buffer distance, to avoid being overly prescriptive, noting that "Any proposed separation

distance should be established on a site-specific basis and should be effective, properly justified, and reasonable” [CD12.04, Paragraph: 018].

9. This is consistent with the approach to planning guidance in Scotland, i.e. no fixed buffer distance, however in Wales a minimum buffer distance of 100m, specifically for sand and gravel quarries, is provided in the Minerals Technical Advice Note (MTAN) Wales 1: Aggregates. Planning guidance for devolved governments is not relevant to Lancashire, however this provides some further context to the distances where a dust disamenity impact may be expected to occur.
10. At present, the assessment has not been reviewed in detail, however, although some disagreements on individual classifications may be expected, the general conclusions are likely agreeable, i.e. acknowledgement of some disamenity effects at receptors even when applying standard good practices for the control of dust, and as a result additional site-specific mitigation will be required.
11. My expectation is that both I and the Appellant acknowledge that the IAQM qualitative dust risk assessment methodology is not predictive, such that it does not predict what will be experienced at receptors. It is a tool to provide broad suggestions of risks with the aim of identifying a proportionate level of additional mitigation, above and beyond good practices, when required for elevated risk activities.
12. In the Appellant’s PoE submission, we are aware of suggestions for site specific mitigations with a submitted draft DMP, which can be discussed as a planning condition.
13. The only point of disagreement is that Dr Hawkins takes the risks identified (Section 5.3.28, Table 5.1 page 38) and then provides further professional judgement to determine

significance after application of site-specific mitigation (Section 5.5.1, Table 2, page 41).

Dr Hawkins correctly identifies that the mitigations may serve to minimise offsite dust transfer but then applies an additional step to apply an arbitrary reduction of risk classification (a risk downgrade of one level, i.e. moderate to slight, slight to negligible etc.) to all receptors.

14. This is not a step promoted by the IAQM guidance [CD12.11], whereby the process finishes at suggestion of necessary site-specific mitigations proportionate to the risk classifications identified. The assessment is considered finished at this point, satisfying its aim to promote use of additional measures when the risk is identified as high. The assumption is that the mitigations represent reasonable and necessary mitigation enhancements, in excess of those considered to be good practice, however not that the mitigations will resolve all residual effects.
15. As such I suggest that neither Dr Hawkins, nor I can confirm the effectiveness of proposed mitigation, which is not at this point reviewed or accepted, only that their application will be a proportionate reaction to minimise effects.
16. Despite this, the details of mitigation are a matter for discussion at the planning condition stage, and is not relevant for discussion at this stage.

Conclusions

- Dr Hawkins' qualitative assessment of risk is an improvement to the previous submission and likely better represents subjective risks from the proposed activities.

- Although not to be discussed at this point, provision of a draft DMP presents intentions by the Applicant to apply site specific enhanced mitigation measures. I agree that such site specific measures would be required for the proposed development.
 - This can be discussed as a planning condition.
- The Council and I however maintain that a level of dust disamenity effects will occur, with disamenity dust being a concern within at least the first 100m from the activity/boundary in line with guidance.
- Neither the representatives of the appellant, nor I, can quantitatively demonstrate the severity of impacts nor describe what these may be. This is outside the purpose of the assessment chosen (IAQM), which is not predictive but serves to give guidance on appropriate mitigation.

17. With reference to relevant planning policy, the questions in relation to dust emissions and impacts remain:

- Is this proposed development appropriate for its location and compatible with adjacent existing residential land uses?
- Is short term, 'moderate' disamenity risks at off-site receptors in site preparation phases, and 'slight' disamenity risks during subsequent mineral extraction and restoration acceptable?

18. If the Planning Inspector considers that the answer to these is yes, and proceeds to grant consent (I note there are other issues in the case aside from disamenity dust), the requirement for and content of a DMP (e.g. to secure specifications for solid boundary

fencing, requirements for maintenance of screening bunds to ensure their efficacy in interrupting pathway, application of best practice mitigation measures and agreement of a programme of dust emissions monitoring), can be made by condition, and the details therein subject to further consideration and agreement by the Council. I note that some items of physical development (e.g. bunds, large fences) may require planning permission in their own right however this is a planning matter and outside my remit.