FORMAL OBJECTION TO PLANNING APPLICATION 26F/2650

Proposed Dragon Asphalt Plant
Yard 2, Old Dock, Port of Garston, Dock Road, Liverpool, L19 2JW

Submitted by: Garston Community United
To: Development Management, Liverpool City Council
Application reference: 26F/2650
Proposal: Construction of an asphalt plant with associated storage areas, cabins, parking and ancillary works.

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1. Introduction

Garston Community United formally objects to planning application **26F/2650** for the construction and operation of a new asphalt manufacturing plant at Yard 2, Old Dock, Port of Garston.

Our objection is principally concerned with public health, air quality, dust, odour, traffic pollution and the cumulative environmental impact of introducing another substantial industrial operation into an area already surrounded by established industrial and port activities.

This is not an objection to the Port of Garston, its established businesses or the employment they provide. It is an objection to the additional environmental burden that this proposal could place on surrounding residential communities without a sufficiently reliable assessment of the pollution environment that already exists.

The proposed plant is described as having a 19.5 MW burner, a 22.1-metre chimney stack and an anticipated annual asphalt production capacity of approximately 50,000 tonnes.

It will involve combustion, aggregate handling, bitumen storage and heating, asphalt production, loading, transportation and associated vehicle movements.

These activities must be considered in the context of the existing environment, which includes:

- ABP Port of Garston and its bulk cargo handling operations;
- Premier Cement's cement terminal;
- Long Rake Spar's aggregate import and handling operations;
- Veolia's solvent distillation and recovery facility at King Street, Garston;
- Garston Freightliner terminal and associated rail and freight activity;
- Road traffic and existing industrial vehicle movements.

The Council must consider the actual environment in which the proposed plant would operate, rather than assessing the asphalt plant as though it were the only relevant source of pollution.

2. Garston already has a history of public complaints about air quality and dust

A central consideration in this application is that concerns about air quality in Garston are not new.

Liverpool City Council has received numerous complaints from members of the public in the Garston L19 area concerning air quality, dust and pollution associated with the existing industrial environment.

These complaints demonstrate that residents have already been raising concerns about their local environment. The proposed asphalt plant is therefore being considered in an area where pollution and dust are already matters of public concern.

We believe this history must be taken seriously when assessing whether another industrial emission source is acceptable.

Of particular concern is the way complaints relating to Veolia's King Street facility, operating under Environmental Permit **EPR/FP3133GL**, have been handled.

Residents complaining about pollution associated with Veolia have been directed by Liverpool City Council Environmental Health to contact the Environment Agency rather than Liverpool City Council Environmental Health.

We recognise that the Environment Agency has responsibility for regulating activities covered by Veolia's environmental permit. However, referring a complaint about a permitted installation to the Environment Agency does not remove Liverpool City Council's separate responsibilities as the local planning authority or its role in considering the existing environmental conditions when determining new development.

There is an important distinction between regulating an individual industrial installation and understanding the wider pollution environment experienced by residents.

The Environment Agency's responsibility for Veolia's permit does not, by itself, establish that Liverpool City Council holds an accurate and comprehensive baseline of existing air pollution across Garston.

We have not been provided with evidence demonstrating that Liverpool City Council Environmental Health holds a comprehensive, regularly updated local monitoring record covering the wider Garston Docks and Veolia King Street area, including:

- PM2.5 concentrations;
- PM10 concentrations;
- Volatile organic compounds (VOCs);
- Nitrogen dioxide and other traffic-related pollution;
- Relevant industrial and port-related particulate pollution;
- Measurements representative of nearby residential areas.

In particular, we have not seen evidence of a comprehensive monitoring network covering the area within approximately one mile of Garston Docks and the Veolia site.

This is not a claim that no monitoring exists anywhere in Garston. It is a concern that the Council has not demonstrated that it possesses sufficiently detailed, recent and representative measurements to establish the existing pollution environment across the area affected by this proposal.

The number of complaints already received makes this issue particularly important.

The Council must not confuse an absence of sufficient local measurement with evidence of an absence of pollution.

3. The fundamental importance of an accurate air-quality baseline

There is a fundamental weakness that must be addressed in the approach taken to the applicant's Air Quality Assessment.

Where a proposed development is located in an area with a history of repeated public complaints about air quality and dust, the starting point must be an accurate and representative understanding of existing environmental conditions.

It is not sufficient to take general background figures, mapped pollution estimates or historic monitoring data, enter them into a dispersion model and then rely on the resulting predictions as evidence that another industrial installation will have a negligible impact.

Air-quality modelling is a predictive tool. It is not a measurement of the actual pollution currently being experienced by residents.

Modelling uses selected background figures, emission rates, operating assumptions and other inputs to predict what may happen under the conditions entered into the model.

Its reliability therefore depends on the quality, accuracy and relevance of the information used as its starting point.

We recognise that air-quality modelling is an accepted technical method and can be useful in assessing proposed developments. However, modelling cannot replace the need to establish a reliable existing baseline, particularly in an area where residents have repeatedly reported pollution and dust.

Before the additional impact of Dragon Asphalt can be meaningfully assessed, the existing pollution environment must be properly understood.

This requires recent and representative measurements of relevant pollutants, including PM2.5, PM10, VOCs and traffic-related pollution, at locations that reflect conditions experienced by nearby residential communities.

It also requires an understanding of the contribution of existing industrial sources and whether changes in their operations have been reflected in the baseline.

We are not suggesting that every industrial emission should simply be added together. That could result in double-counting where emissions are already represented in background data.

We are saying that the applicant must demonstrate what is already included, what is not included and whether the background figures genuinely reflect present-day conditions.

The absence of reliable local baseline measurements cannot be overcome simply by producing more sophisticated modelling.

If the starting information does not accurately represent the existing environment, the resulting prediction may give a misleading impression of the additional impact of the proposed plant.

The Council should not accept a modelled conclusion of negligible impact as an established fact unless the underlying baseline has first been shown to be accurate and representative of Garston.

4. The Dragon Asphalt Air Quality Assessment

The applicant's Air Quality Assessment, prepared by Redmore Environmental, reference **10797r2**,

dated 30 July 2026, uses ADMS modelling to predict the effects of the proposed plant.

The assessment considers nitrogen dioxide, carbon monoxide, sulphur dioxide, PM10, PM2.5 and benzene. It concludes that the predicted impacts are negligible or insignificant.

However, the information presented raises concerns about the representativeness of the existing background data.

4.1 Background pollution data

The assessment uses a roadside nitrogen dioxide monitoring location.

PM10 and PM2.5 background concentrations are derived from DEFRA mapping rather than direct local particulate measurements presented in the assessment.

The sulphur dioxide and carbon monoxide background figures are identified as representing 2001.

The use of mapped or historic figures does not automatically make an assessment invalid. However, it requires a convincing explanation of why those figures are appropriate for the present-day environment surrounding the proposed plant.

The Council should recognise the difference between a mapped background estimate and a recent measurement taken in the locality.

The assessment does not present direct local particulate measurements demonstrating the combined existing effect of cement handling, aggregate handling, port activity and other industrial sources at the nearest residential properties.

Given the history of public complaints, this is a significant evidential limitation.

4.2 Emission assumptions and operating conditions

The assessment uses specified emission rates and operating assumptions for the proposed plant.

The reliability of its conclusions depends on whether these inputs accurately represent the equipment and the way it will operate.

The applicant should demonstrate the basis for its emission rates, including whether they derive from guaranteed manufacturer data, relevant emissions standards or other assumptions.

The assessment must also reflect foreseeable operating conditions, including start-up, shut-down, changes in production and periods when emissions may differ from normal operation.

4.3 Particulate matter and dust

The proposed plant will involve the handling, storage, movement and processing of aggregates, as well as the operation of a dryer and associated combustion equipment.

Particulate emissions are not confined to the main chimney.

Relevant activities include:

- Aggregate delivery and unloading;
- Storage and handling of raw materials;
- Conveyors and transfer points;
- Dryer and mixing operations;

- Loading of finished asphalt;
- Vehicle movements within the site;
- Wind-blown dust from exposed materials and operational areas.

The assessment must properly account for these sources and the effectiveness of the proposed dust controls.

The absence of direct local particulate measurements is particularly relevant when the proposed plant is being introduced into an area already associated with industrial and bulk-material handling.

4.4 VOCs, bitumen fumes and odour

The assessment includes benzene, but benzene alone does not describe the full range of possible emissions associated with asphalt manufacture.

The plant will involve the heating and handling of bitumen, alongside aggregate processing and combustion.

The wider range of relevant VOCs, bitumen fumes and odorous emissions must therefore be properly considered.

The Council should not treat an assessment of benzene alone as sufficient to characterise all emissions associated with bitumen storage, heating and asphalt production.

5. Existing industrial sources in Garston

The existing industrial environment must form part of the assessment of the proposed development.

5.1 ABP Port of Garston

The Port of Garston handles bulk materials and other cargoes. Unloading, transfer, storage and movement of materials can generate dust depending on the nature of the materials and the controls employed.

These operations form part of the existing environmental conditions in which the proposed asphalt plant would operate.

5.2 Premier Cement

Premier Cement operates a cement terminal at Garston.

Cement handling and storage have the potential to generate airborne dust. The company's own safety information identifies respiratory hazards associated with inhalation of cement dust.

This does not establish that residents are being exposed to harmful concentrations from the terminal. It does, however, demonstrate why cement handling must be considered when establishing the existing dust environment.

5.3 Long Rake Spar

Long Rake Spar has been associated with the importation and handling of decorative aggregates through the Port of Garston.

Published port information has referred to anticipated annual imports of approximately 60,000 tonnes.

This illustrates the scale of material handling in the area and is relevant to understanding the existing industrial environment.

5.4 Veolia – King Street, Garston

Veolia operates a solvent distillation and recovery facility under Environmental Permit **EPR/FP3133GL**.

Previous monitoring information raises concerns about the duration and representativeness of the available monitoring evidence.

Boundary monitoring – January 2026

Veolia's boundary-fence VOC monitoring report records measurements below the instrument detection limit of 0.1 ppm on the day of sampling.

However, the report recommends passive VOC monitoring at the same locations over one-month sampling periods continued for a year, together with weather monitoring.

A short sampling exercise on one day cannot establish the longer-term pattern of VOC concentrations at the site boundary under different operating and weather conditions.

A9 stack monitoring – December 2025

The external monitoring report for emission point A9, dated 5 December 2025, records that the plant was under commissioning, only one distillation column was operating and the external flow was extremely low.

The report identifies a stack velocity at least five times lower than the minimum specified in the relevant monitoring standard, with estimated flow uncertainty of approximately 141%.

The report consequently states that the concentration and mass emission results were not representative and could not be relied upon. It proposed repeat monitoring under representative operating conditions, with at least two columns processing.

These findings are not proof of a permit breach. They do demonstrate that the available monitoring evidence must be understood properly before it is treated as representative of the existing environment.

The reported 2024 expansion of Veolia is also relevant when considering whether historic background figures adequately represent current industrial activity.

The proposed asphalt plant must be assessed against the actual existing environment, not an assumed one.

5.5 Garston Freightliner

Garston Freightliner and associated freight movements form part of the existing transport environment.

Rail activity, container handling, road traffic and HGV movements contribute to the wider industrial and transport setting experienced by residents.

The proposed asphalt plant will add further industrial activity and vehicle movements to this environment.

6. Cumulative pollution and the surrounding planning history

The applicant states that it reviewed relevant plans and projects from 2021 onwards within a 500-metre screening distance and found none requiring inclusion in its ecological in-combination assessment.

That ecological screening exercise is not the same as demonstrating that all relevant existing industrial emissions have been adequately represented in the air-quality baseline.

There are two distinct considerations.

First, emissions from existing operations may already be represented in background pollution figures. Those emissions should not simply be added again if that would result in double-counting.

Second, new, expanded or consented operations may not be adequately represented in those background figures and may require separate consideration.

The applicant has not demonstrated sufficiently clearly how this distinction has been addressed for the surrounding Garston operations.

The relevant sources include Veolia, Premier Cement, Long Rake Spar, ABP and Garston Freightliner.

The Council should not accept a general statement that background data represent the existing environment without understanding the sources, dates, geographical coverage and operating assumptions behind those figures.

The wider planning history also includes:

- **18F/3064 – Stalbridge Docks:** An application for the use of an existing metal waste transfer facility as a metal waste transfer and processing facility, recorded as withdrawn by the applicant.
- **09F/1012 – Land adjacent to Stalbridge Dock:** An application for a Resource Recovery Park intended to handle up to 150,000 tonnes of domestic and commercial waste annually, including a waste-processing building and associated infrastructure.

We do not suggest that these applications necessarily resulted in operational facilities. Their outcomes and implementation status must be distinguished from actual existing activities.

However, they form part of the wider industrial and waste-management planning history of the Dock Road and Stalbridge Docks area.

The cumulative assessment must be based on actual existing operations and relevant committed development, not on an incomplete understanding of the area's industrial history.

7. The Peloton planning inquiry and costs decision

The Council's previous handling of air-quality concerns in the Peloton appeal is relevant to this application.

The appeal reference was **APP/Z4310/W/25/3369126**, relating to Garston Industrial Estate.

In the costs decision dated 9 January 2026, the Inspector considered the Council's handling of its air-quality reason for refusal.

The Council had identified air quality as a concern but, at the opening of the inquiry, indicated that it would not present evidence on that issue.

The Inspector concluded that the Council had acted unreasonably in the circumstances and made a partial costs award in respect of the wasted appeal costs associated with the air-quality matter.

This was not a finding that air pollution was irrelevant, nor does it establish that the Council has no air-quality evidence for Garston.

It does, however, underline the importance of ensuring that air-quality concerns are properly investigated, supported by evidence and addressed through a reasoned planning assessment.

The determination of application 26F/2650 must be based on a properly established understanding of local conditions, not simply on accepting the applicant's modelled predictions.

8. Noise and the existing Freightliner environment

Air quality and noise are separate environmental issues and must be assessed separately.

The proposed asphalt plant would operate alongside existing rail, port, industrial and road traffic activities.

The existing sound environment includes Garston Freightliner, materials handling, industrial machinery, road traffic and HGV movements.

An already industrial or noisy location is not automatically justification for introducing further noise.

The applicant's noise assessment must consider the additional contribution of the proposed plant, including intermittent events, loading and unloading, vehicle movements and any early morning, evening or night-time activity.

The proposed operating hours must be clear and consistent throughout the application documents.

Average noise levels alone may not adequately describe the effects of intermittent noise events, particularly where their timing and character affect nearby residents.

9. Environmental permitting and planning responsibilities

The proposed asphalt plant may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, depending on the final process and applicable regulatory requirements.

The Environment Agency's permitting regime and the planning system have separate functions.

Environmental permitting regulates the operation of regulated installations to prevent or minimise pollution. Planning considers whether the proposed land use and development are acceptable in that location.

The existence of an environmental permit for an existing operation does not remove the need for the planning authority to consider the wider environmental conditions in which a new development would operate.

Likewise, the possibility of the proposed asphalt plant obtaining its own environmental permit does not automatically establish that its location is acceptable in planning terms.

The Council must make its own properly evidenced planning assessment.

10. Planning policy

Liverpool Local Plan – Policy R1: Pollution

Policy R1 requires development proposals likely to have a pollution impact to demonstrate that appropriate measures will be taken to avoid pollution to air, water and soil.

It also requires proposals not to undermine the objectives of an Air Quality Management Area or lead to a significant decline in air quality.

The policy recognises the need to address environmental problems associated with existing uses, including dust, smoke, fumes and smells.

The fact that the proposed plant is within an established industrial and port area does not remove the requirement to comply with Policy R1.

National Planning Policy Framework – Policy P3: Living Conditions and Pollution

Policy P3 requires consideration of pollution effects, including cumulative effects on health, living conditions and the natural environment.

It requires unacceptable adverse effects from air pollution to be avoided or appropriately addressed.

National Planning Policy Framework – Policy P4: Existing Businesses

Policy P4 recognises the importance of existing businesses and seeks to avoid unreasonable restrictions on their lawful operations as a consequence of later development.

The proposed asphalt plant must be capable of operating alongside established port and industrial activities without creating future conflict or placing unreasonable restrictions on existing businesses.

11. The standard of evidence required before determination

The central issue in this application is the quality and reliability of the existing air-quality baseline.

Garston residents have repeatedly raised concerns about air quality and dust. The Council has received complaints about the existing industrial environment. The applicant's assessment relies on a combination of monitoring information, mapped background figures and modelling assumptions.

We have not been provided with evidence demonstrating that Liverpool City Council holds a comprehensive, regularly updated monitoring baseline for PM2.5, PM10, VOCs and traffic-related pollution across the wider Garston Docks and Veolia area.

In those circumstances, the applicant's modelled conclusion of negligible impact should not be treated as an established factual finding about the effect on local residents.

The assessment must demonstrate that its background information represents current conditions and that relevant existing sources and changes in industrial activity have been properly considered.

Where reliable local measurements are absent, that limitation must be acknowledged and addressed. It must not be concealed by relying on a modelled prediction.

We consider that the application has not adequately demonstrated that the proposed plant would avoid unacceptable cumulative effects on air quality and public health.

12. Conclusion

Garston is an established industrial and port area, but it is also home to residential communities who have repeatedly raised concerns about pollution, dust and air quality.

The proposed Dragon Asphalt plant would introduce another substantial industrial process involving combustion, aggregate handling, bitumen heating, vehicle movements and associated emissions.

The applicant's Air Quality Assessment provides predictions based on modelling. It does not, by itself, establish the actual existing pollution levels experienced by residents or demonstrate that every relevant local industrial source and recent change has been adequately represented.

The Council's history of receiving complaints, the handling of complaints relating to Veolia, the monitoring limitations identified in previous reports and the outcome of the Peloton costs decision make it particularly important that the assessment of this application is based on reliable evidence.

We do not accept that a conclusion of negligible impact is sufficient when the representativeness of the existing baseline has not been adequately demonstrated.

The starting point for assessing additional pollution must be an accurate understanding of the pollution that already exists.

Garston residents should not be expected to accept another industrial emission source on the strength of assumptions that have not been shown to reflect the conditions in their neighbourhood.

For these reasons, **Garston Community United objects to planning application 26F/2650 and requests that Liverpool City Council refuses planning permission because the applicant has not adequately demonstrated that the proposed development would avoid unacceptable effects on air quality and public health.**

We also include copies of a signed petition that was gathered at a community event on 1st August 2026. Dragon had made approaches to our group in respect of this application, and we anticipated it.

On the record what we didn't not expect was to be notified by 'default' . The total lack of public notification and consultation in this matter reminds us of the 'dark' past. A notice in the Echo, and three notices attached to random lampposts, you may think meets statutory requirements, it may well do, but from a moral point of view, the failure to mass inform must call into question motives involved in this application, and furthermore Max Caller and the Nolan Principles .

Yours faithfully,

Garston Community United

Laura Johnson - Chair

Gary Woollam

John Davies