

Archibald B (Brian)

From: Malcolm Campbell <Malcolm.Campbell@knightfrank.com>
Sent: 18 April 2016 14:45
To: Archibald B (Brian)
Subject: RE: PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN - FURTHER INFORMATION REQUEST 03 - ISSUE 14 - ALTERNATIVE SITES LOIRSTON & COVE (LAND AT BLACKHILLS OF CAIRNROBIN) (LEI/1067/00017)
Attachments: mc723 Loirston Issue 14 Response to Burness Paull Comments on Request 3 - Letter to Reporter 04-16.pdf

Brian

Please find attached the response from my clients to the matters raised by Burness Paull in their letter of 1 April 2016.

Kind regards

Malcolm


Malcolm Campbell MRTPI
Associate

Knight Frank LLP
4 Albert Street
Aberdeen
AB25 1XQ
United Kingdom

T +44 1224 415949
M +44 7769 565557
S +44 1224 644272
F +44 1224 639277

malcolm.campbell@knightfrank.com
KnightFrank.com

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From: Brian.Archibald@gov.scot [mailto:Brian.Archibald@gov.scot]
Sent: 04 April 2016 12:04
To: Jennifer.Bell@burnesspaull.com
Cc: Malcolm Campbell
Subject: FW: PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN - FURTHER INFORMATION REQUEST 03 - ISSUE 14 - ALTERNATIVE SITES LOIRSTON & COVE (LAND AT BLACKHILLS OF CAIRNROBIN) (LEI/1067/00017)

Hello Jennifer

I acknowledge receipt of your FIR response. I am also copying the response to Malcolm Campbell representing Hermiston who now has 14 days to comment by 18 April 2016

Thanks
Brian

From: Jennifer Bell [mailto:Jennifer.Bell@burnesspaull.com]
Sent: 04 April 2016 11:14

To: Archibald B (Brian)
Cc: Elaine Farquharson-Black; Pippa Robertson
Subject: PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN - FURTHER INFORMATION REQUEST 03 - ISSUE 14 - ALTERNATIVE SITES LOIRSTON & COVE (LAND AT BLACKHILLS OF CAIRNROBIN) (LEI/1067/00017)

Brian

I refer to the above and attach a response on behalf of Leiths (Scotland) Limited to Further Information Request 03. I confirm that a hard copy will follow by post. Kindly acknowledge safe receipt.

Regards

Jen

Jennifer Bell
Paralegal
Burness Paull LLP

Direct Dial: +44 (0)1224 261242
Email: Jennifer.Bell@burnesspaull.com



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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Brian Archibald
The Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

18 April 2016

mc723/312269

Dear Mr Archibald

**Proposed Aberdeen Local Development Plan - DPEA Plan Ref No: LDP - 100-2
Issue 14 Alternative Sites Loirston and Cove (Land at Blackhills of Cairnrobin)**

Thank you for providing my clients, Hermiston Securities Limited, with an opportunity to comment on Burness Paull's response on behalf of their clients Leiths (Scotland) Limited to a request for further information asked of them by the Reporter regarding Issue 14. A response on behalf of my clients is set down below.

Leiths were asked to consider and comment on the contents of representation 093. In particular they are requested to supply their understanding of the stand-off distances that may be required between their operations and any new business development on land to the west, referencing and supplying if possible any applicable national guidance or policy that may apply. I have structured my reply to deal with the Background and the 5 points raised in their letter.

Background

Under the Background Section of their letter in Paragraph 1 it is stated that since the previous LDP Examination there have been no material changes in circumstances that would justify a different conclusion being reached now in respect of safeguarding quarrying operations. That is clearly incorrect as a planning consent for an extension to the Blackhills Quarry which covers an operating licence up to 2050 was granted to Leiths in January 2015. There is therefore now no requirement to protect the quarry expansion as it has already been granted.

Point 1 – Buffer Distance between Blackhills Quarry and the Blackhills of Cairnrobin Site.

Leith's primary concern about development being located closer to their quarry operations is stated as being the potential for complaints from occupiers and not health and safety. In this respect it would seem that the Council and the quarry operators have different reasons for wishing to prevent development taking place at Blackhills of Cairnrobin, as the Council found their opposition to the development primarily on health and safety issues and advice given by the Health and Safety Executive from 2003, whereas confirmation is given

T +44 1224 644272 F +44 1224 639277
4 Albert Street Aberdeen AB25 1XQ

knightfrank.co.uk

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in Burness Paull's letter that the "issue is not one of health and safety *per se*, but of ensuring that the quarry operations do not have to be curtailed due to the introduction of new development".

The response regarding the buffer distance considers the impact that quarry blasting may have on vibrations and air overpressure. It is worth highlighting that the consent for the extension to the quarry requires the operators to mitigate their blasting to take account of residential properties at Rigifa Farm which are located closer to the quarry than the existing buildings at Aberdeen Gateway Business Park and a similar distance from the quarry as the Blackhills of Cairnrobin site. Residential properties are considered to be more sensitive than business and industrial premises so the controls put in place for blasting at the quarry should be more than adequate to safeguard the future amenity of any office or industrial buildings erected on the Blackhills of Cairnrobin site. If the quarry operators are complying with the terms of their consent and employing proper working practices there should be no cause for complaint. In this respect I am not aware of any history of complaints relating to the quarry operations and this was not highlighted as an issue when the application to extend the quarry was reported to Committee in 2015. Only 3 objections were received to the planning application to extend the quarry and one of these, from my clients, was not an objection to the principle of the proposed extension to Blackhill's Quarry but commentary on what should be taken into account in assessing the application and the drafting of planning conditions to be attached to any consent.

It is also stated in this section that different buildings will experience vibrations differently and that a tall glass building is likely to be affected. No evidence is provided to demonstrate that this is the case and the use of the word "**likely**" confirms this is an unfounded statement. There are no tall glass buildings located at Aberdeen Gateway Business Park with the maximum height being workshops and 3 story office buildings. The office buildings have circa 26% of their surface wall as glass compared to 74% which is predominantly steel cladding. The warehouse buildings have virtually no glazed sections. My clients are comfortable that commercial buildings are designed and built in materials which mean they can sit happily next to the activities of the quarry based on the consent they have recently obtained.

It is also stated in this section that the levels on Leith's planning permission were set on the understanding that Blackhills of Cairnrobin was designated green belt on which no development would take place. I would question the relevance of this comment. The constraint of the residential properties at Rigifa Farm would have a greater impact in terms of setting levels. In addition, was the zoned land at Mains of Cairnrobin in Aberdeenshire which also lies as close to the quarry as the Blackhills of Cairnrobin site not taken into consideration when setting levels? The current employment zoning of that land allows buildings to be erected on that site.

For information the planning reference number for the quarry extension planning consent referred to in the letter is incorrect. It is P130490 and not P130480.

Point 2 – Proximity of Residential Development

In response to the comments made on this point in the letter what is important to consider is that the operators have a consent which allows them to operate within 200 metres of existing residential properties at Rigifa Farm. I have attached a plan to my response which shows distances from the quarry head to the surrounding area to assist in your assessment of the proximity of the quarry to the various sites referred to by my clients and in Burness Paull's letter. The reference to glass buildings is dealt with in my response to Point 1.

Point 3 - Allocation of Mains of Cairnrobin Site in Aberdeenshire

I do not accept that the Mains of Cairnrobin site is significantly further away from the quarry site than the Blackhills of Cairnrobin site. The northern part of the Mains of Cairnrobin site lies as close to the quarry. I would refer you again to the plan referred to in Point 2 above. Furthermore the land at Cairnrobin can be

used for Class 4, 5 and 6 uses. The land at Blackhills has the potential for the same use classes so it is not accepted that the potential risk of nuisance complaints is significantly lower for Mains of Cairnrobin, though complaints should not be an issue if the quarry operators are working within the terms of their consent. No evidence has been provided by Leiths to substantiate the claims made under Point 3.

Point 4 - Need/Demand for Employment Land

It is accepted that the low oil price is having a detrimental impact on economic activity in Aberdeen at the present time, particularly with regard to the office market. The quote taken from the 2016 Knight Frank Office Market Report is however selective and another quote from the report says "Consequently, our outlook for the Aberdeen economy is cautious for the short term, but more optimistic for the medium term as ultimately the oil price will move into a new cycle". This is important as evidence of previous downturns over the past 40 years has demonstrated that this is a temporary situation and for the Local Development Plan we are planning for the medium to longer term. Knight Frank's professional opinion as property advisors in Aberdeen is that the fall in demand for industrial property has been much less than for offices and there has not been the same surge in the supply of vacant industrial buildings and employment land in the south of Aberdeen City. Muir Aberdeen Limited, who along with Hermiston Securities form part of the Muir Group are continuing to pitch for occupiers seeking new industrial and business premises to locate at Aberdeen Gateway Business Park. A new speculative industrial development has recently started construction at the business park and a Proposal of Application Notice has very recently been submitted for an office development at the business park comprising 13,100sqm offices with potential for future extension of a further 3900sqm (Ref P160455) for an occupier looking for new premises in the area. My clients have a more optimistic prognosis on the future economic prospects for Aberdeen than the quarry operators, it would appear. My clients are taking a longer term view and are continuing to invest in the City. They believe the economic situation will continue to improve, particularly with the completion of the new Aberdeen Western Peripheral Route, which Leith's as referred to in Burness Paull's letter are providing material for.

Point 5 – Access Road

The plan submitted with my client's original LDP representation clearly demonstrates the logic of the linkage to the Mains of Cairnrobin site. To assist interpretation of that I have attached a copy of the plan to this letter which clearly shows the relationship of the Blackhills of Cairnrobin site to Mains of Cairnrobin. Gateway Drive at the northern end of Aberdeen Gateway Business Park was designed, at the request of the City Council's Roads Department, to allow continuation of the access road into the Mains of Cairnrobin site. This is an approach which my clients would wish to have seen the city Council also adopt as a planning authority in looking at the approach to development in the Aberdeen to Laurencekirk Strategic Growth Area and that their consideration of development and economic activity does not just stop at the City boundary. A further access will be taken from Moss Road at the southern end of the business park into the Mains of Cairnrobin site. Both connections are necessary to allow for connectivity and full servicing of the Cairnrobin site.

The Design Brief referred to in Appendix 8 of the letter is not part of an approved MSC planning permission and was prepared on behalf of the landowner, Mr Ian Bruce, prior to my client's acquiring an interest in the Mains of Cairnrobin site. It will be revised by my clients to reflect their strategy for developing the Mains of Cairnrobin site. It does not show development on the Blackhills of Cairnrobin site as it was not in Mr Bruce's ownership and is not currently allocated for development. The acknowledgment that Leiths have no objections to a stand-alone proposal for a link road through the Blackhills of Cairnrobin site is welcomed, though this is a matter for the planning authority to decide. It would however seem somewhat bizarre to have an area of land with only a road running through it whilst the land it connects to at either side is developed. The road would provide for the servicing of the land and in terms of sustainability and efficient use of resources and land there is a sound planning case for the land to be zoned for development,

especially when the evidence points to their being no detrimental impact on the quarry operating within the constraints of its planning consent.

Other Concerns

The reference to potential complaints about the volume of HGVs using Findon Road is pure speculation and it is considered that if there are any complaints made regarding this they are more likely to come from the residents of Cove than businesses operating from Blackhills of Cairnrobin. We will also provide a robust landscaping strip between the site and Findon Road.

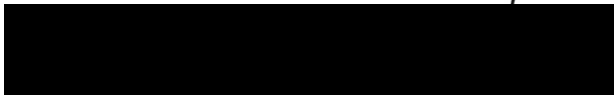
The reference to standing water is a matter that will be dealt with as part of a drainage strategy for the site.

In conclusion the concerns from Leiths regarding the land at Blackhills of Cairnrobin being zoned for industrial and business development are not related to there being any detrimental impacts arising from the quarry operations that make the site unsuitable for development. They are solely on the basis that any businesses operating from the land might complain about the operation of the quarry which they consider might curtail their activities. They now have a consent, a change in circumstances since 2012, which allows them to operate within a similar distance from residential properties at Rigifa Farm (a potentially greater source of complaints), and as close to zoned employment land at Mains of Cairnrobin. My clients, therefore, consider that their concerns on complaints are unfounded and are not justified. No evidence has been produced of any complaints arising from Aberdeen Gateway Business Park and if they continue to operate within the constraints of their consent, this should continue to be the case and any such complaints that did come forward, they would be able to demonstrate were without substance.

Further comment on these issues is made on behalf of my clients in the letter sent in response to the points made by Aberdeen City Council in their email to the Reporter dated 30 March 2016.

If you require further clarification on this matter, please do not hesitate to contact me.

Yours sincerely



Malcolm Campbell

Associate

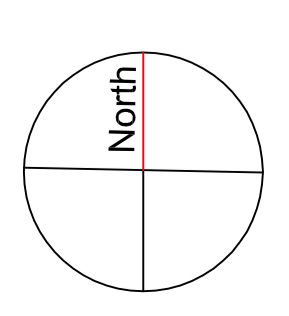
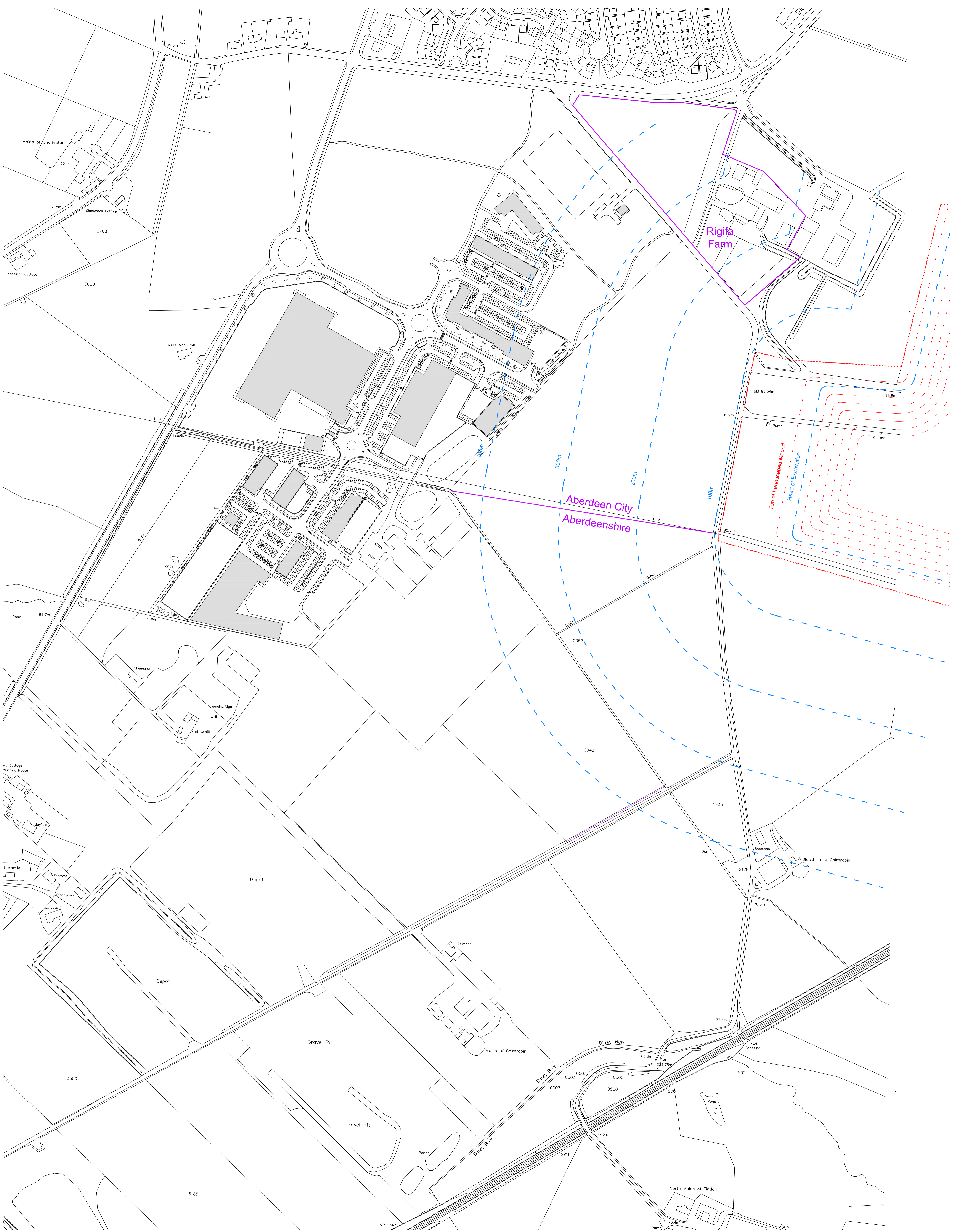
malcolm.campbell@knightfrank.com

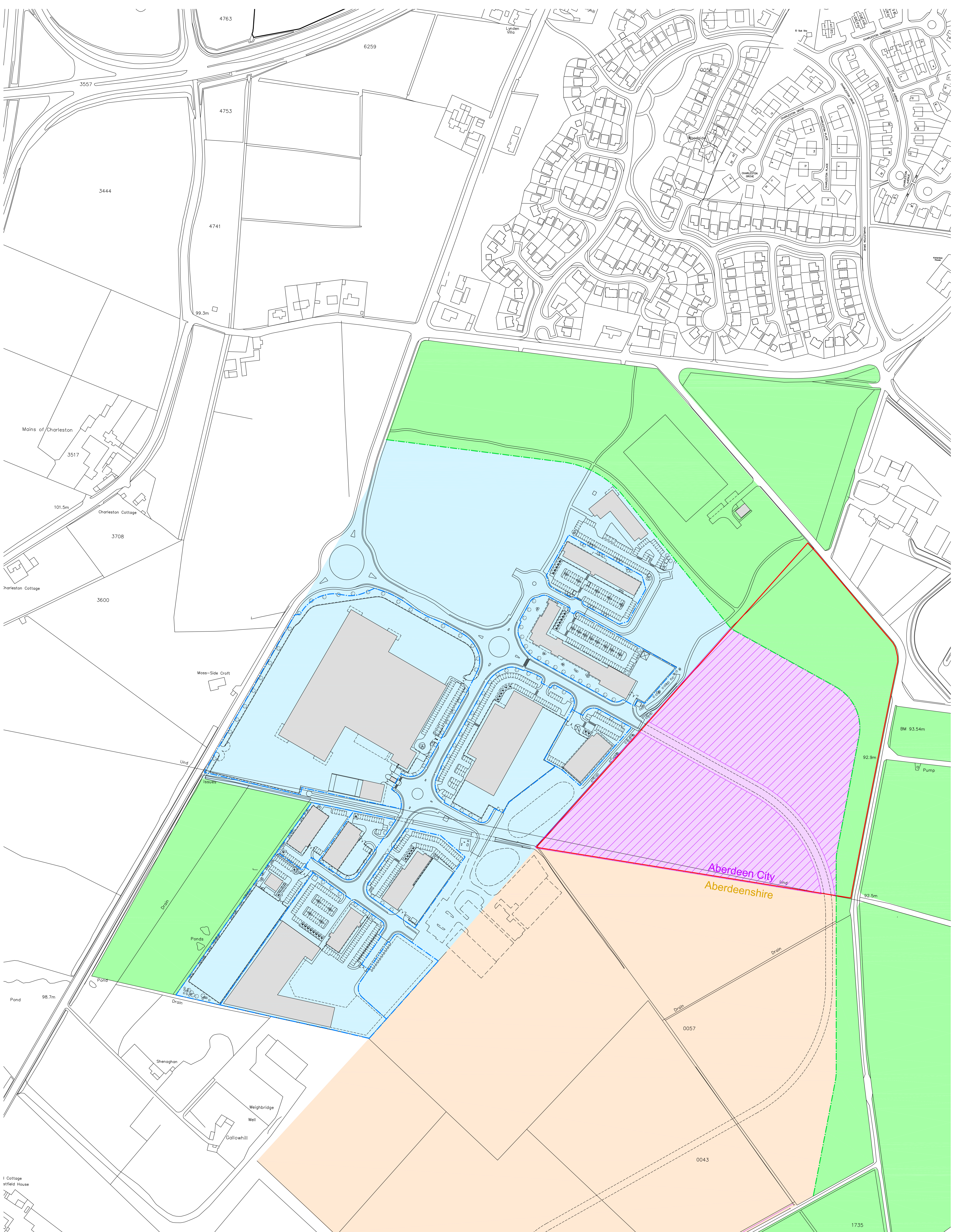
T 01224 415949

M 07769 565557

F 01224 639277

CC Stewart McPhail, Hermiston Securities Limited
John Evans-Freke, Hermiston Securities Limited
Ewan Black, Muir Aberdeen Limited





- Gateway Business Park
- Green Areas
- Cairnrobin Extension (Aberdeenshire)
- Aberdeen City Developable Land
5.44 Ha / 13.44 Acres
- Site Referred To
7.94 Ha / 19.61 Acres

