

## Archibald B (Brian)

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**From:** Malcolm Campbell <Malcolm.Campbell@knightfrank.com>  
**Sent:** 18 April 2016 14:43  
**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)  
**Attachments:** mc721 Loirston Issue 14 Response to ACC Comments on Request 3 - Letter to Reporter 04-16.pdf

Brian

Please find attached the reply sent on behalf of my clients to the Council's response.

Kind regards

Malcolm



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**From:** Brian.Archibald@gov.scot [mailto:Brian.Archibald@gov.scot]  
**Sent:** 04 April 2016 12:06  
**To:** Malcolm Campbell  
**Subject:** FW: PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN - FURTHER INFORMATION REQUEST 03 - ISSUE 14 – ALTERNATIVE SITES LOIRSTON & COVE (LAND AT BLACKHILLS OF CAIRNROBIN)

Hello Malcolm

Here is the response to FIR03 from the council and again you have 14 days to comment by 18 April.

Thanks  
Brian

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**From:** Andrew Brownrigg [mailto:ABROWNRI GG@aberdeencity.gov.uk]  
**Sent:** 30 March 2016 10:26  
**To:** Archibald B (Brian)

**Cc:** Claire McArthur; Donna Laing

**Subject:** RE: PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN - FURTHER INFORMATION REQUEST 03 - ISSUE 14 " ALTERNATIVE SITES LOIRSTON & COVE (LAND AT BLACKHILLS OF CAIRROBIN

Hello Brian,

The below refers to Further Information Request 03 concerning Land at Blackhills, Cairnrobin (Issue 14).

The Council has been asked to supply our understanding of the stand-off distances that may be required between operations such as those being carried out at Blackhills Quarry and any new business development, and to reference and supply any applicable national guidance or policy that may apply.

The main control over blasting operations is "Health and Safety at Quarries: The Quarries Regulations 1999", however references to land use planning within this Code of Practice are limited. It is our understanding that the Health and Safety Executive do not set specific danger zones for blasting operations; but rather these are to be determined by the operators for each individual blast. That being said, the Health and Safety Executive, on 20th November 2003, wrote to Aberdeen City Council on this matter, and with particular reference to Blackhills Quarry. A copy of this letter is provided for your reference. This letter states that the Council's approach of not allowing any housing or other development within four hundred metres of a quarry boundary "was based upon sound judgement, past advice and with a thoughtful knowledge of quarrying activity", and the author goes on to state that "I remain convinced that the distance already referred to, is a minimum good practice".

Further, Scottish Planning Policy (CD05, para 242) states that: "Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided."

This matter was considered by Reporters as part of the Examination into the extant Aberdeen Local Development Plan (2012) (Issue 58 CD44). The conclusion given by the Reporters at that time was that development within the "buffer zone" of Blackhills Quarry for employment uses would, in that instance, be inappropriate. It is noted that detailed planning permission to extend Blackhills Quarry was granted by Aberdeen City Council on 07th January 2015 (Application Reference P130490), after the Proposed Aberdeen Local Development Plan was approved by the Council's Communities, Housing and Infrastructure Committee on 28th October 2014.

If you need any further clarification on this matter then please do not hesitate to get in touch.

Regards, Andy

Andrew Brownrigg  
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Dhâ€™fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlÃ radh neo air a sgrÃ¹dadh airson dearbhadh gu bheil an siostam ag obair gu h-Ã ifeachdach neo airson adhbhar laghail eile. Dhâ€™fhaodadh nach eil beachdan anns aâ€™ 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  
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Callendar Business Park  
Falkirk  
FK1 1XR

18 April 2016

mc721/312269

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 the Council's response 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.

The Council have been asked to supply their understanding of the stand-off distances that may be required between operations such as those being carried out at Blackhills Quarry and any new business development, and to reference and supply any applicable national guidance or policy that may apply.

The Council have confirmed that the Health and Safety Executive do not set specific danger zones for blasting operations which is consistent with the representations made to the Local Development Plan by my clients. They then refer to a letter from the Health and Safety Executive addressed to the Council and dated 20 November 2003. This letter confirms that in 2003 there were no regulations which specify stand-off distances. The Council found on this letter as providing justification of why they think a 400 metre buffer zone to be good practice. They also make reference to Scottish Planning Policy where reference is made to adequate buffer zones between sites and settlements taking account of specific circumstances. As further justification they refer to the decision made by the Reporters at the Examination into the 2012 Local Development Plan. It is not clear what point is being made by the reference to the granting of planning approval for the quarry extension in 2015.

It is noted that the letter produced from the Health and Safety Executive was written 13 years ago and I would question the relevance of relying on advice that is so out of date and does not take into account more modern blasting practices and the consent granted in 2015 for an extension to the quarry. It is also worth noting that in the letter from Burness Paull on Issue 14 dated 1 April 2016 sent on behalf of the quarry operators that they do not consider the issue to be one of "health and safety" but of ensuring that the quarry operations do not have to be curtailed due to the introduction of new development. This can be considered to be a commercial objection, which if the quarry operators are working within the terms of their consent

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should present no cause for concern for them. It would seem that the Council and the quarry operators have different reasons for wishing to prevent development taking place at Blackhills of Cairnrobin.

The reference to adequate buffer zones in Scottish Planning Policy refers to these separating quarry sites and settlements. In this respect part of the southern edge of the residential settlement at Cove already lies within 400 metres of the quarry site. If it is acceptable for housing to be located this close to the quarry then surely it is acceptable for industrial and business development also.

The extension to the quarry which was granted planning consent (Reference P130490) on 7 January 2015 brought the western edge of the quarry closer to development at Aberdeen Gateway Business Park and zoned land with outline planning consent for Class 4, 5 and 6 uses at Mains of Cairnrobin owned by Aberdeenshire Council, which lies immediately to the south of the Blackhills of Cairnrobin site. This did not seem to be a problem for Aberdeen City Council in granting consent for the quarry extension and demonstrates a clear inconsistency in approach in dealing with distance of development from the quarry where on one hand it is acceptable to now bring the quarry boundary to within 400 metres of existing development at Aberdeen Gateway Business Park and within 100-200 metres of zoned land at Mains of Cairnrobin in Aberdeenshire but state that development is not acceptable on the Blackhills of Cairnrobin site. It is also worth noting that Network Rail in commenting on the quarry planning application and taking account of the close proximity of the quarry to the main East Coast railway line, were content on permission being granted subject to the insertion of a number of conditions in relation: to blasting; drainage; plant and machinery; development within 10m of railway property; and lighting. The Council subsequently granted consent on that basis. Operations at the quarry are regulated by planning and environmental controls and if blasting is carried out in accordance with these regulations there should be no cause for concern on health and safety grounds. In this respect it is also relevant that the unclassified Cove to Findon Road, which lies between the quarry and the Blackhills of Cairnrobin site, is not closed when blasting is taking place, so no apparent health and safety issue there.

It would seem that the quarry operators at the 2012 Local Development Plan Examination promoted a 400 metre buffer zone, though none such existed, to protect future expansion of the quarry. When it came to submission of their application for an extension to the quarry no reference was made to a 400 metre buffer zone as this potentially could have curtailed the scope of their planning consent by virtue of the quarry operation being brought closer to Aberdeen Gateway Business Park, zoned land at Mains of Cairnrobin and the main East Coast railway line. The Council in determining the quarry planning application also omitted making any reference to a 400 metre buffer zone having an impact on development in the vicinity of the quarry.

My clients consider that there is scope for development at the Blackhills of Cairnrobin site and the future operation of the quarry to co-exist without detrimental impact on either use, especially as there is now no requirement to protect the quarry expansion as it has already been granted consent. Further comment on these issues is made on behalf of my clients in the letter sent in response to the points raised by Burness Paull in their letter dated 1 April 2016.

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

Yours sincerely



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