

Planning Application No. 151807

Agricultural Ground Improvement, Cairdhillock, Kingswells, AB15 8QS

As an Elected Member for the Kingswells, Sheddocksley and Summerhill Ward of Aberdeen City Council I would like to register my objections to this Planning Application. The following is background information plus the basis of my objection:

I had cause to raise a Members Enquiry in respect of illegal dumping by McIntosh Plant Hire on this land on 28th January 2015. At that point McIntosh Plant Hire claimed they had Planning Permission for these activities. This was not true and confirmed in information provided by Mr Kristian Smith (Team Leader, Development Management North, Planning and Sustainable Development, Aberdeen City Council). In his email response to my enquiry on 30th January 2015 Mr Smith informed me that he became aware of these operations at the end of November 2014. A Council Officer visited the site on 1st December 2014. Following this visit, and it being evident that the works on going were likely to require planning approval, the Officer wrote to McIntosh Plant on the 5th December, pointing out the nature of the works and that they were requiring of planning permission, and that no such consent appeared to be in place. McIntosh Plant Hire was also asked to consider making a retrospective application, in order to regularise the situation. The opportunity was also given to explain why it may be considered that planning permission was not required.

In response Mr McIntosh contacted Aberdeen City Council via email indicating that a full response would be made following the Christmas break. Officers accepted this position in good faith. After the Christmas and New Year break, as no further contact from Mr McIntosh had occurred, a first reminder was issued asking that a response be forthcoming as soon as possible. On 29th January 2015 Officers called Mr McIntosh, but were unable to contact him. On this basis Officers were in a position where they had failed to reach a satisfactory situation, through investigation and negotiation, and were now putting into motion more formal action. Overall Officers had hoped that they could resolve the situation, but that this may take time and will be affected by a number of factors – most importantly the co-operation of the offending party.

On the basis of the above and a further email from Mr Smith on 25th February 2015 indicating that matters were still being discussed with Mr McIntosh's consultants (Fairhursts) and that Aberdeen City Council were hopeful that a retrospective planning application would be submitted I decided to close the enquiry at that point. Mr Smith further indicated that on this basis Aberdeen City Council would be in a position to review/clarify the situation and if necessary apply further control.

We would appear to be dealing with a company who do not think they need to comply with the law, be good neighbours and have little or no respect for the environment. Had a constituent not contacted Aberdeen City Council in late 2014 it is highly likely that this dumping, in the name of "improving agricultural land" would have continued unabated and illegally.

An objection from Mr David Farquhar, a neighbouring owner, lays out very clearly the issues which appear to have been ignored, not least the risk of flooding. In his objection Mr Farquhar references SEPA (Scottish Environmental Protection Agency)

but in none of the Application material available on the Aberdeen City Council website related to the application is there reference to SEPA or their views regarding the risk of flooding.

Over the last few weeks the UK has seen devastation of communities and farm land as the result of flooding caused by continuous heavy rainfall. Even more recently, in the last week, we have seen this much closer to home in Aberdeenshire. It would appear from the Application information that no consideration is being made of the original ground level and water table but rather starting from the current position and what would be the situation for further dumping. From the background information stated above it can be seen that Aberdeen City Council were anticipating a retrospective planning application for the dumping illegally done to date when the actual application is for planning permission to dump more. Complete disregard for the illegal actions which have hitherto occurred.

My position would be to request that the Planning Development Management Committee refuse this Application and request a report from SEPA as to the environmental impact which has resulted from the current illegal dumping of earth on this land. Additionally to ensure the Applicant, responsible for this dumping, carries out any remedial work necessary as determined by SEPA to alleviate any potential flooding hazards which have arisen as a result of their previous actions.

Councillor David J Cameron
Aberdeen City Council
6th January 2016.