

Easter Ord House,

Skene,

Westhill,

AB32 6SQ

30th December 2016

Ref: Planning Application 161687/DPP –North Lasts Quarry

Dear Sir,

I wish to comment on the above application as follows.

This application should be rejected on the grounds of

- 1) Failure to comply with Government guidance
- 2) Amenity
- 3) Planning Site history

Failure to comply with Government guidance – specifically Planning Advice Note PAN 50 Controlling the Environmental effects of Surface mineral Workings. Annex A. The Control of Noise at Surface Mineral Workings.

Definition of the working week

Paragraph 32 states. "The working week should generally be regarded as Monday to Friday and Saturday morning, while SATURDAY AFTERNOONS, Sundays and Public/Bank Holidays would normally be regarded as periods of rest. Variations on these may be appropriate in some circumstances if agreements can be reached"

On Saturdays the developer is seeking permission to operate the quarry until 1600 and the coating plant until 1900. No justification is provided for not complying with the guidance

Definition of daytime / night-time .

Paragraph 32 states, " Definitions of daytime and night-time may depend on local circumstances. Daytime should normally be defined as 0700-1900 hours and night-time as 1900-0700. In some areas 0800 hours may be more appropriate than 0700 hours"

Paragraph 33 states that "The night-time nominal limit should be 42db at noise sensitive dwellings"

The developer is seeking permission to operate the coating plant from 0600 with a nominal limit of 55db. No justification is provided for not complying with the guidance.

Temporary activities

Paragraph 41 states "It will often be necessary to raise the noise limits to allow temporary but exceptionally noisy phases in the mineral extraction operation which cannot meet the limits set for routine operations. A prime example would be to allow for the construction of baffle mounds. Other activities which would also merit a temporary raised limit include soil stripping, removal of spoil heaps and construction of new permanent landforms."

The developer wishes to class the processing of sand as a temporary activity. This is not specified as a temporary activity in paragraph 41 and should be subject to the noise limits set for regular (non-temporary) operations.

Definition of temporary

The developer is seeking to process sand over a period of ten years. It is not clear whether this would be on the basis of 8 weeks a year for ten years or one day a week every week for ten years. Either way very few people, possibly only the developer, would class an activity carried on for ten years as temporary

Summarising, the developers' application does not comply with Government guidance in respect of the definition of,

- the working week
- daytime / night-time operating hours and applicable noise limits
- temporary activities.

In addition the developer chooses an extreme definition of temporary .

Amenity

NOISE

Noise limits

Para 50 Annex A paragraph 30 states

"This Annex recommends a set of absolute values for limits on site attributable noise, linked to daytime and night-time working periods which are considered to be related to the tolerance levels of most people. It must be stressed that it is NOT INTENDED THAT THE RECOMMENDED NOISE LIMITS SHOULD BECOME THE NORM AT WHICH OPERATIONS WORK;"

i.e. the nominal limits are not intended to be the default limits for operations

BS 8233 states that

" for external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50dB with an upper guideline of 55dB which would be acceptable in noisier environments " – which Easter Ord/Wester Ord/North Lasts are not

The World Health Organisation: Guidelines for Community Noise, April 1999 state,

"To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50dB"

Pan 50 Annex A paragraph 36 states,

“ A lower nominal daytime limit might be appropriate in quieter rural areas if a limit set at 55dB for noise from the proposed development would exceed the existing background noise levels by more than 10dB”

The Noise Assessment carried out by Vibrock indicates that the average background noise levels measured at the three properties selected were 32,36 and 37dB with maximums of 33.8,37.1 and 40.1dB

Quarry at Wester Ord.

Consideration should also be given to the cumulative noise impact arising from simultaneous operations at the Wester Ord quarry (APP/2015/0816). The maximum noise level permitted here is 50dB

Taken together, all of the above suggests that the noise limit for day time operations would most appropriately be set at 50dB or less.

Predicted Noise levels

The maximum predicted WORST CASE noise level is 54dB at Kerr Jnd-Kunda..

The prediction of 54dB is for overburden washing (i.e.sand processing) with western bund construction plus normal operations. Not allowing all of these operations simultaneously would presumably reduce this worst case.

Worst case predicted values for North Lasts Steading and Wester Ord House are 51 and 53 dB respectively.

The Vibrock study states 5.4.4 “in practice measured levels are invariably lower “ [than predicted levels].

There would therefore seem to be no reason for the developer to require a limit of 70db for activities which in any case are not classed as temporary in the guidance nor are temporary in duration.

Existing noise levels

a)The Vibrock study states, paragraph 7.3.2

“During the survey period, as requested by the Environmental Health Department of Aberdeen City Council, THERE WAS NO PROCESSING OR DESPATCH OF MATERIAL FROM NORTH LASTS QUARRY.”

Table 2 in the Vibrock study shows that the jaw crusher,cone crusher and screens are amongst the noisiest pieces of equipment. It is assumed that at least some of this is equipment used for processing material. If this is the case then all the measurements of existing noise levels are unrepresentative and lower than under normal operating conditions.

b) Easter Ord was not selected as a measurement site. Whilst further from the quarry operations than the other dwellings the nature of the topography between the quarry and Easter Ord,the

relative lack of screening to the east of the quarry and the prevailing wind all mean that noise levels at Easter Ord could be at least as high as at other dwellings..

The existing noise survey is thus not only unrepresentative of normal operations but also incomplete.

Noise Minimisation Plan

There isn't one. PAN 50 Annex A, paragraph 30 states that

"operators are asked to take any reasonable steps they can to achieve quieter working wherever this is desirable and technically feasible, having regard to the principal of BATNEEC"

The application contains no indication that BATNEEC or similar has been applied, e.g. to the selection of the mobile processing plant it is intended to use to process the sand. Instead there are vague generalised statements such as "every effort will be made to minimise potential noise impacts" but no specifics as to how this might be done.

It is not clear when the proposed westerly screening bund is to be constructed. If it is after the sand processing then other measures, set out as good practice in PAN 50 e.g. temporary bunds or portable screens, may be required.

There is no mention of providing a screening bund to the east, i.e. in the direction of Easter Ord. Viewed from the entrance to the quarry there would appear to be sufficient space to construct one immediately north and east of the entrance.

DUST

"All emissions to air from the Permitted Installation shall be free from visible particulates beyond the Site Boundary"

There were at least three incidences of significant dust emission during just the last quarter of 2016.

Were they reported to SEPA as per the requirements of PPC/B/1016374 and as stated in the Dust Management Plan ?

Dust suppression in action (or should that be inaction) at North Lasts Quarry



VISUAL IMPACT

There is no viewpoint from Easter Ord. This would clearly show the chimney of the asphalt coating plant almost in its entirety. (see photo)

Planning site history.

Current application

The developer is now applying for planning permission for 30 years on the basis that the "extended period is necessary in order that quarry development can be more effectively and efficiently planned. Additionally the operator requires the comfort of a longer term permission in order to be able to make the significant capital investment required to maintain a modern operation.." (Information Leaflet for Public Event 21/04/16).

Following the total failure of the advert in the Aberdeen Citizen (which like other respondents in the area we do not receive.) I provided feedback to the subsequent mailshot as follows,

"If planning permission is granted for 30 years rather than 15 years, in what way(s) will this make the planning of the quarry development more effective and efficient.

What investments would not be made if planning permission were granted for 15 years rather than 30 years? "

I received no reply.

The Pre-Application Consultation report makes no mention of my query

The subject does not appear to be addressed in any other part of the developers application. All that is put forward by way of justification is a bland statement about being more effective and efficient.

Consider that

- planning permission for the quarry operations has been granted on an approximately 10 yearly frequency since 1976. On this basis one would assume that the developer has made significant capital investment to maintain a modern operation,
- according to the 2015 accounts for Leiths total fixed assets were £33 million and depreciation was £3.7million, i.e . over 10%. On this basis one would assume that the quarry equipment is depreciated over a period of ten years or less.

Thus no specific justification is provided for requiring planning permission to be granted for 30 years and historical information suggests that operations have not been limited by 10 yearly planning permissions.

Previous site development

The coating plant was not subject to a planning process involving public consultation as it was deemed "associated equipment" and a permitted development

The erection of a 50ft chimney in ?2014 was not subject to a planning process involving public consultation because it was deemed permitted under general planning rules 1992.

Following the most recent application, working hours at the quarry are no longer to be subject to public consultation. Also during January/February 2016 the developer operated the quarry on at least two Sundays in contravention of the planning conditions at that time.

The developer has a history ignoring planning conditions and of exploiting loopholes to avoid public scrutiny. The developer provides no assurances that he will not add further "associated" equipment or structures upto 50ft tall.

Thus approval of this application opens the way for the developer for the next 30 years

to add as much associated equipment as desired – without public consultation

to add as many structures upto 50ft tall as desired – without public consultation

to change working hours –without public consultation

SUMMARY

The application does not comply with the relevant government guidance and no justification is provided for not complying.

No adequate justification is provided for defaulting to a nominal noise limit of 55dB.

No adequate justification is provided for having a noise limit of 70dB at any time.

The survey of existing noise levels is unrepresentative and incomplete.

The application contains no indication that BATNEEC or similar has been applied in order to minimise the noise impact.

The current Dust Management Plan is not working satisfactorily.

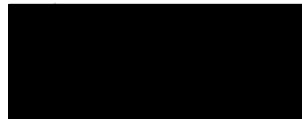
The visual impact from Easter Ord is ignored.

No adequate justification is provided for granting permission for 30 years of operation

The developer has repeatedly demonstrated that he will attempt to avoid public scrutiny whenever possible.

I look forward with interest to the assessment of this application,

Yours Sincerely

A solid black rectangular box used to redact the signature of David Rae.

(David Rae)