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**THIS IS AN IMPORTANT DOCUMENT. IF YOU HAVE ANY DOUBT ABOUT ITS
EFFECT YOU SHOULD CONTACT YOUR LEGAL ADVISER.**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING CONTRAVENTION NOTICE

REFERENCE NO COMP/2016/0454

1. RELATING TO: Area situated within land known as:

Land at Haddo Quarry
Tarves
Ellon
AB41 7NB

being the area of land shown outlined in red on the
attached plan and hereinafter referred to as "the said
land".
2. ISSUED BY: Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie
Aberdeenshire
AB51 3WA

(hereinafter referred to as "the Council")
3. SERVED ON: Mr John Ross
Craigmuir House
Craigmuir Woodland
Tarves
AB41 7NB
4. It appears to the Council, being the Planning Authority for the purposes of
Section 125 of the Town and Country Planning (Scotland) Act 1997, that there
may have been breaches of planning control in respect of the land at paragraph 1
above.

5. Based on the information presently known to the Planning Authority the breaches of planning control which may have occurred are:-

a) Unauthorised extraction and exportation of minerals

These activities constitute development for which planning permission is required in that:

1. The unauthorised extraction of minerals constitutes mining operations as defined by Section 26 of the Town and Country Planning (Scotland) Act 1997

6. This notice is served on you as a person who

- (a) is the owner or occupier of the land, or has any other interest in it; or
- (b) is carrying out operations on the land or is using it for any purpose.

7. In exercise of their powers under Section 125(2) and (3) of the Act the Council require you, so far as you are able, to give them the following information in writing **within 21 days**, beginning with the day on which this notice is served on you:-

- (a) State the full name(s) and address(s) of the owner(s) of the land described in paragraph 1 above.
- (b) State the full name(s) and address(s) (including the registered office of any limited company) of any person(s) having an interest (e.g. Bank, Building Society, Tenant) in the land described in paragraph 1 above.
- (c) State the date when excavation work and or exportation of materials commenced
- (d) State the current use, and the intended future use of the land described in paragraph 1 above
- (e) State the amount, type(s), and destination(s) of materials that have been exported from the site since the date identified in paragraph 7(c) above.
- (f) State how vehicles and plant machinery access the land described in paragraph 1 above
- (g) State the reference number and date of approval of any planning permission that allows for the activities on and uses of the said land

identified in paragraphs 7(d) above, alternatively state the reasons why planning permission is not required for these activities/uses.

8. If you wish to make:

- (a) an undertaking to resolve the apparent existing breaches of planning control
- (b) any representations about this notice

the Council, or representatives of this Council, will consider them on a mutually agreeable date in the future when you will be able to make any such offer or representations in person on the understanding that any such offer or representations do not prejudice the requirements of the notice. To arrange such an appointment please telephone 01467 534333 during office hours.

8. Your attention is drawn to the warning attached at Schedule One to this notice.

Dated: 6th February 2017

On behalf of
Head of Planning and Building Standards
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie
Aberdeenshire
AB51 3WA

SCHEDULE 1

WARNING

1. It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.
2. It is also an offence to knowingly or recklessly give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.
3. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 127 of the Act, requiring the breach, or any injury to amenity caused by it to be remedied.
4. If the Council serve a stop notice under Section 140 of the Act, section 143(5)(b) of the Act provides that should you otherwise become entitled (under section 143) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

EXTRACT FROM TOWN AND COUNTRY PLANNING ACT (SCOTLAND) ACT 1997

Planning Contravention Notices

125 Power to require information about activities on land

(1) Where it appears to the planning authority that there may have been a breach of planning control in respect of any land, they may serve notice to that effect (referred to in this Act as a “planning contravention notice”) on any person who—

- (a) is the owner or occupier of the land or has any other interests in it, or
- (b) is carrying out operations on the land or is using it for any purpose.

(2) A planning contravention notice may require the person on whom it is served to give such information as to—

- (a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land, and
 - (b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted,
- as may be specified in the notice.

(3) Without prejudice to the generality of subsection (2), the notice may require the person on whom it is served, so far as he is able—

- (a) to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;
- (b) to state when any use, operations or activities began;
- (c) to give the name and address of any person known to him to use or have used the land for any purpose or to be carrying out, or have carried out, any operations or activities on the land;
- (d) to give any information he holds as to any planning permission for any use or operations or any reason for planning permission not being required for any use or operation;
- (e) to state the nature of his interest (if any) in the land and the name and address of any other person known to him to have an interest in the land.

(4) A planning contravention notice may give notice of a time and place at which—

- (a) any offer which the person on whom the notice is served may wish to make to apply for planning permission, to refrain from carrying out any operations or activities or to undertake remedial works, and
 - (b) any representations which he may wish to make about the notice,
- will be considered by the authority, and the authority shall give him an opportunity to make in person any such offer or representations at that time and place.

- (5) A planning contravention notice must inform the person on whom it is served—
- (a) of the likely consequences of his failing to respond to the notice and, in particular, that enforcement action may be taken, and
 - (b) of the effect of section 143(6).

(6) Any requirement of a planning contravention notice shall be complied with by giving information in writing to the planning authority.

(7) The service of a planning contravention notice does not affect any other power exercisable in respect of any breach of planning control.

(8) In this section references to operations or activities on land include operations or activities in, under or over the land.

126 Penalties for non-compliance with planning contravention notice

(1) If at any time after the end of the period of 21 days beginning with the day on which a planning contravention notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence.

(2) An offence under subsection (1) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(3) It shall be a defense for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for failing to comply with the requirement.

(4) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person—

(a) makes any statement purporting to comply with a requirement of a planning contravention notice which he knows to be false or misleading in a material particular, or

(b) recklessly makes such a statement which is false or misleading in a material particular, they shall be guilty of an offence.

(6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

143 Compensation for loss due to stop notice

(1) Subject to the provisions of this section, where a stop notice under section 140 ceases to have effect a person who, when the stop notice is first served, has an interest, whether as owner or occupier or otherwise, in the land to which the notice relates shall be entitled to be compensated by the planning authority in respect of any loss or damage directly attributable to the prohibition contained in the notice or, in a case within subsection (1)(b), the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities.

(2) For the purposes of this section a stop notice ceases to have effect when—

(a) the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 130(1),

(b) the enforcement notice is varied (otherwise than on the grounds mentioned in that paragraph) so that any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity within the meaning of section 140(2),

(c) the enforcement notice is withdrawn by the planning authority otherwise than in consequence of the grant by them of planning permission for the development to which the notice relates, or

(d) the stop notice is withdrawn.

(3) A claim for compensation under this section shall be made to the planning authority within the prescribed time and in the prescribed manner.

(4) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition shall include any sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the prohibition.

(5) No compensation is payable under this section—

(a) in respect of the prohibition in a stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control, or

(b) in the case of a claimant who was required to provide information under section 125, 126 or 272 in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the planning authority when responding to the notice.

(6) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the Lands Tribunal.

(7) In relation to the determination of any such question, the provisions of sections 9 and 11 of the [1963 c. 51.] Land Compensation (Scotland) Act 1963 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.



Our Ref:COMP/2016/0454

Your Ref:

Please ask for Planning Enforcement

Direct Dial 01467 534333

E-Mail: planningenforcement@aberdeenshire.gov.uk

Infrastructure Services

Planning and Building Standards

Gordon House

Blackhall Road

Inverurie

AB51 3WB

Tel 01467 620981

www.aberdeenshire.gov.uk

Mr J Ross
Craigmuir House
Craigmuir Woodland
Tarves
AB41 7NB

06/02/2017

Dear Sir,

**Planning Contravention Notice Relating to Land at Haddo Quarry,
Tarves, Ellon, AB41 7NB**

We refer you to information provided to the Planning Enforcement Team alleging that there has been unauthorised mineral extraction and exportation of said minerals at the above site. We can confirm that a site visit was carried out by a Planning Enforcement Officer at which several photographs of the site in question were secured for our records.

At the time of inspection there was no activity on site however the officer noted that the site in question has been cordoned off with post and barbed wire fencing. Within the cordoned area there are several substantial stockpiles of quarried/extracted materials. It was also noted that there was several pieces of heavy plant machinery (a heavy duty loader and two crushers/graders) commensurate with mineral extraction/quarrying operations.

Having subsequently carried out a planning history search for the site we have been unable to identify any approval which allows for this activity to be carried out. The last known approval for sand and gravel extraction at this site (APP/2006/1206) expired on 13th March 2012. It is noted that you submitted an application 31/01/2012 (APP/2012/0312) to extend the time period for a further 5 years. This application was withdrawn and therefore any extraction and exportation of materials from this site is unauthorised and therefore a breach of planning control.

**If you have difficulty in reading this please contact
Planning Enforcement on 01467 534333.**

In this case the Council consider it appropriate to exercise their powers under The Town & Country Planning (Scotland) Act 1997 to issue the attached Planning Contravention Notice.

You are required, in so far as you are able, to provide the information requested within Paragraph 7 of the Planning Contravention Notice. The required information should be returned to this service at the above address within 21 days beginning with the day on which it is served in you. In this case the required information should be submitted no later than **2nd March 2017**.

It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence to knowingly or recklessly give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000. Alternatively, by failing to comply with the Notice Aberdeenshire Council will reserve the right to pursue further formal enforcement action in the form of an Enforcement Notice.

We would strongly recommend you respond to the attached notice as a matter of urgency. The type of unauthorised activity that appears to be taking place at this site poses a serious risk to the environment and amenity. Failure to engage the Planning Service in resolving this matter will result in immediate further enforcement action and or a report to the Procurator Fiscal.

Thank you in anticipation of your cooperation in this matter.

Yours Sincerely,

Planning Enforcement Team

**If you have difficulty in reading this please contact
Planning Enforcement on 01467 534333.**

**Infrastructure Services
Planning & Building Standards
Gordon House
Blackhall Road
Inverurie
AB51 3WB**

Your Ref: COMP/20160454

12th February 2017

Dear Sir

Planning Contravention Notice relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

I refer to your letter and Planning Contravention Notice, dated the 6th February 2017, sent to Mr J Ross, Craigmuir House, Craigmuir Woodland, Tarves, and confirm that Mr Ross is indeed the owner of the land referred to therein, but advise that the works being carried out on-site are being executed by his business partner, PTM Plant, 6 Oldmeldrum Business Centre, Colpy Way, AB51 0BZ.

In the first instance, I wish to inform you that it is refuted that any of the works you allege to have been carried out on the site are in contravention of current Planning Legislation. Indeed, all the works carried out to date are considered "Permitted Development" and comply with the terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Before I address the requirements of the Planning Contravention Notice I consider that I should provide some back-ground information into PTM Plant's past and current efforts to obtain regulatory permission to restore this former quarry to satisfy the requirements of the original Planning Permission APP/2006/1206.

HISTORY

As your Department is aware, the original planning permission for the site in question, APP/2006/1206, was granted to Les Taylor Contractors Ltd who have since gone into receivership without completing any necessary restoration works. Mr Ross, the land owner, is left with the problem of finding a mechanism to restore the land back to use in his forestry operations. To that end he has entered into an arrangement with PTM Plant, who are actively researching the available options to restore the land.

I discussed the matter at length with SEPA and determined that to obtain sufficient materials to restore the Site that I would require to submit an Application to that Agency for a Paragraph 9 Exemption to allow the import of top-soils to allow the future planting of trees. I wrote to your Planning Department on the 28th September 2016, detailing our proposals to restore the site, utilizing a SEPA Paragraph 9 Exemption, and enclosed a topographical survey plan and cross sections of the proposed finished levels. I chased up your Department during October 2016 via a telephone call when I was advised that your Planning Officer considered that our

proposals required submission of a new planning application for the site restoration. I expressed my surprise that the restoration proposals were deemed to require a new planning application as there is nothing in the original planning conditions that required the Site to be restored prior to the expiry of Planning Consent APP/2006/1206. In fact, Condition 3 (*That at expiry of this permission or the completion of extraction (whichever is the sooner) all buildings, plant and machinery shall be removed from the site together with all other materials brought onto the site during the time of extraction **which are not relevant to the reinstatement of the land to the agreed after use.***) would appear to suggest that the Planning Permission made provision for the restoration to be completed after the limited period of 5 years from the date of the original approval had lapsed. Condition 13 (*That prior to the restoration of the scheme, a detailed restoration scheme including cross sections and details of any imported material and tree planting proposals shall be submitted for the further approval of the Planning Authority.*), does not have any specific time constraints either

I expressed my concerns with the Planning Officer and asked that she respond in writing explaining her Department's reasoning for asking for a new planning application for the restoration works. Apart from a return telephone call from a Planning Technician advising of the cost of a new planning application I have had no response to my e-mail or telephone queries.

Notwithstanding the above, and due to the not insubstantial cost of submitting a new planning application, I have reviewed other options for the Site, and PTM Plant is in the process of arranging a site visit with the Local Council to discuss our options. Furthermore, we delayed submitting our proposals while awaiting the determination of APP/2016/1249. There seemed to be several objections to APP/2016/1249 from neighbouring residents, so it appeared sensible to await the determination of that Application prior to submitting our proposals. I understand APP/2016/1249 was recently granted permission on the 30th January 2017.

I therefore shall be obliged if your Department can respond to my original queries and, in particular, provide justification under current planning legislation, for the Department's requirement for a new planning application for a simple restoration utilizing a SEPA Paragraph 9 Exemption.

PLANNING CONTRAVENTION NOTICE RESPONSE

I refer to the Section in the Notice where in exercise of their powers under Section 125(2) and (3) of the Act the Council required the following information namely:

- a) The full name and address of the owner of the land is indeed Mr John Ross, Craigmuir House, Craigmuir Woodland, Tarves, AB41 7NB.
- b) The Company presently carrying out work on the land in question and indeed who will carry out future works, once it is decided what planning or other regulatory permissions are required, is PTM Plant, 6 Oldmeldrum Business Centre, Colpy Way, AB51 0BZ.
- c) There has been no excavation or exportation of any materials outside the confines of the land owned by Mr J Ross at Craigmuir Woodlands.
- d) The land is currently unrestored after sand & gravel was extracted under planning permission ref: APP/2006/1206 and it is intended that this land should be restored for

forestry and/or agricultural purposes once the required regulatory permissions are established.

- e) As stated in (c) above no materials have been exported from site.
- f) Plant and vehicles access the land off the private road serving Craigmuir Woodlands that exits off the B9005.
- g) It is considered that all activities carried out to date do not require specific planning permission or are considered “Permitted Development” under the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.
 - i) the construction of the post and wire fence was to delineate and replace the original fence that existed prior to the quarrying operations carried out by Les Taylor Contractors Ltd, under Planning Permission APP/2006/1206 and it is considered that the new fence does not require planning permission.
 - ii) the several substantial stockpiles of quarried/extracted materials noted in your letter are materials that were extracted from the land belonging to Mr John Ross prior to Les Taylor Contractors Ltd passing into receivership. These were originally situated within Phase 1 & 2 of the Haddo Quarry Site which I understand (the land) belongs to Haddo Estate. The Stockpiles were subsequently moved from the land owned by Haddo Estate to their current location and subject to confirmation from the Regulatory Authority, HM Custom & Revenue, we are awaiting a decision as to whether this treated material can be moved off-site.
 - iii) There is indeed heavy plant machinery, including a heavy-duty loader and rock crushing machinery on-site at present and similar machinery was present on-site in September 2016. However, while this machinery can be commensurate with mineral extraction and quarrying operations, these machines are being used to repair the existing road from Craigmuir House that accesses the Site, and Mr Ross’s fields to the south of the former quarrying operation. Some 117m long by 5m wide of existing roadway was repaired during September 2016 using approximately 350tonnes (175m³) of crushed rock and previously extracted sand. PTM Plant is currently engaged in repairing a further 514m long by 4m wide part of the existing roadway which will utilize a further 820tonnes of crushed rock and previously extracted quarry materials. The crushing machinery on-site has been supplied by Bridgend Sand & Gravel who we understand has the necessary SEPA permits for the usage of the said machinery. It is further considered that if the crushed materials are used on-site to repair a road providing agricultural or forestry access then the operations can be considered “Permitted Development” under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, under Class 18(3)(b)(ii) where the Development involves the removal of any mineral from a mineral-working deposit on the land, and the mineral is not moved off the land. It is also understood that for forestry operations under Class 22(1)(b) that the formation, alteration or maintenance of private ways is also considered “Permitted Development” under the 1992 Order.
 - iv) It is agreed that Mr Ross submitted and withdrew a previous application to extend the life of the site (APP/2012/0312) but I am engaged by PTM Plant and am not aware of Mr Ross’s reasons for withdrawing the Application. I can however confirm that Mr Ross has not carried out any works on-site or engaged

the services of a contractor other than PTM Plant. However, the works carried out on-site by PTM Plant, described above, which are considered the subject of the current Planning Enforcement Notice, cannot be construed as extraction and exploitation of materials from this site, and accordingly it is refuted that these works are unauthorised and in breach of planning control.

I advise that having looked at the current ground levels arising from the former quarrying operations our original intention to simply spread material from the existing bunds and import top-soil via a SEPA Paragraph 9 Exemption would leave a rather steep profile. From a review of the documents associated with the withdrawn application APP/2012/0312 it is apparent that this steep profile and the associated difficulties in site restoration was the reasoning behind Mr Ross's idea to apply to continue extraction on-site. As noted in my e-mail of the 28th September 2016, it appears that Les Taylor Contractors Ltd have extracted materials outwith the area covered by planning permission ref: APP/2006/1206. From examination of the land-form left on-site it is evident that this southern part of the site contained a large weathered rock outcrop hence the possible reason for the former quarry operator to concentrate extraction of easier won materials in the north of the site and; perhaps this easier won material prompted continued quarrying of material outwith the area covered by the planning permission APP/2006/1206. Whatever the reasoning that was behind the former quarrying operator's action it has left us with a somewhat steep gradient to restore, that in the end, replacement of the former bund material and placement of top-soil would still leave a steep gradient that is neither conducive to forestry or agricultural operations. Since your Department had indicated that it considered that a new planning application was required to restore the site we have examined re-profiling the existing land-form and have produced new engineering drawings and PTM Plant has been in discussion with the Local Councilor to arrange a site visit and discuss our plans.

In conclusion, to date, it is undecided whether to continue with our former idea of simple placement of materials over the existing land-form or whether it is practicable and economically viable to engage in reprofiling the landform; utilizing a new planning application; to continue limited quarrying and treatment of materials for export; all in order to provide a gentler gradient, more suited to forestry or agricultural operations. To that end I shall be obliged if your Planning Department can address my queries relating to the requirement of a new planning permission to simply restore the site, utilizing a SEPA Paragraph 9 Exemption.

Regards

A handwritten signature in black ink, appearing to read 'B A Taylor', with a horizontal line underneath.

Brian A Taylor LLM

Robin Currie

From: Fiona Thomson on behalf of Formartine Planning Apps
Sent: 02 September 2016 09:44
To: Laura Dingwall
Subject: FW: Restoration of Phase 3 following Sand & Gravel Extraction @ Haddo Quarry Tarves Ellon Aberdeenshire Ref. No: APP/2006/1206
Attachments: Site Survey - 16009-01(DRAFT-19.04.16).pdf; NEW SECTIONS 16009-02A(DRAFT-01.08.16).pdf

Hi Laura,

You received a copy of this but just incase you want the e-mail version of it, here it is.

Thanks,

Fiona

From: BRIAN TAYLOR [mailto:aultimatehouse@btinternet.com]
Sent: 29 August 2016 15:58
To: Formartine Planning Apps
Subject: Restoration of Phase 3 following Sand & Gravel Extraction @ Haddo Quarry Tarves Ellon Aberdeenshire Ref. No: APP/2006/1206

Dear Sir

Please find attached a copy of a recent topographical survey of the previous Phase 3 extracted area at Haddo Quarry which was previously operated by Les Taylor Contractors Ltd, which company has since gone into administration without completing any of the restoration works as required under Condition 13 of Planning Permission APP/2006/1206.

Following examination of the documentation submitted in support of APP/2006/1206, particularly the Application Form and the Haddo Quarry Environmental Assessment it is noted that the site extended to some 4.2 hectares. However, the topographical survey of the area of land worked shows that the extraction covered an area of some 6 hectares. There would appear to be some 45 to 50,000 cubic metres of surface excavations on-site which has been used to form a bund in the north eastern corner of the site.

It is proposed to spread this material over the site to an approximate depth of 1 metre so that the land-owner can return the land to forestry use. I attach a series of cross-sections showing the proposed final levels.

Since the cross-sectional area of the site is in the region of 60,000m² and the available material for restoration is in the region of 45 to 50,000m³ it is estimated that there is a shortfall of material in the region of 10 to 15,000m² which PTM Plant intends to import using a Paragraph 9 Exemption Application to SEPA.

It is intended to import this material via a track through Craigmuir Woodland owned by the site owner, Mr J Ross, Craigmuir House, Tarves, AB41 7NB thus alleviating the alleged nuisance to neighbours in the vicinity of the original site entrance.

It is our intention to submit an Application to SEPA for the appropriate Paragraph 9 Exemption but prior to that I will be grateful if you can confirm that our proposals are acceptable to your Department.

Regards

Brian Taylor LLM
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

Robin Currie

From: Wendy Forbes
Sent: 10 February 2017 16:15
To: Susan Bolderson; Planning Enforcement
Cc: Colin Nicoll; Howard Kershaw; Graham Robertson; Robin Currie
Subject: Action Required: Haddo Quarry AB41 7NE

Susan

I will forward this to Planning (Formartine DM Team) to enquire whether information has been submitted and whether the condition has been discharged. I am taking it from your email that Environmental Health have not received this either as often this type of noise information can be submitted direct to EH without Planning being aware.

Enforcement are currently investigating a number of complaints about conditions being breached and a Planning Contravention Notice has been served seeking answers to questions about what they are doing at the site.

We will add this to the list of COMP's. Joanne/Kathryn – please log and add to the list.

Laura/Darren – can you advise if noise condition no 8 was satisfied/discharged? Have any of the other suspensive conditions been met? We are receiving numerous complaints about works commencing in breach of the suspensive conditions and outwith the site which Robin is investigating.

Wendy

Wendy Forbes
Team Manager
Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
Tel 01224 664369

From: Susan Bolderson
Sent: 10 February 2017 15:53
To: Wendy Forbes
Cc: Colin Nicoll; Howard Kershaw; Graham Robertson
Subject: FW: Action Required: Haddo Quarry AB41 7NE

Hello Wendy ,

Regarding the noise complaint re Haddo Quarry. Condition 8 of the enclosed application says ' prior to the commencement of the development a noise monitoring scheme shall be submitted to and agreed in writing by the planning authority . Noise monitoring should be ongoing at the boundaries of noise sensitive properties and records should be kept on site at all times . Noise monitoring documents must be kept on site at all times . Noise monitoring documents must be provided on request to the Planning Authority for examination should a noise complaint be received.'

Can you send me a copy of the noise monitoring scheme that planning has agreed and is in place and can you advise if noise monitoring documents have been asked for from the developer? As stated in the above document.

Susan Bolderson
Senior Environmental Health Officer

From: Moira Johnston **On Behalf Of** Environmental

Sent: 10 February 2017 15:00

To: Alistair McBain <alistair.mcbain@aberdeenshire.gov.uk>; Colin Nicoll <colin.nicoll@aberdeenshire.gov.uk>;
Graham Robertson <graham.robertson@aberdeenshire.gov.uk>; Howard Kershaw
<howard.kershaw@aberdeenshire.gov.uk>; Linda Will <linda.will@aberdeenshire.gov.uk>; Rachel Morrough
<rachel.morrough@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; William
Mair <william.mair@aberdeenshire.gov.uk>

Subject: FW: Action Required: Haddo Quarry AB41 7NE

Environmental
Aberdeenshire Council, Environmental Health
Gordon House, Blackhall Road, Inverurie
Tel: 01467 539039

From: Joanne Eden **On Behalf Of** Planning Enforcement

Sent: 10 February 2017 14:14

To: Environmental <environmental@aberdeenshire.gov.uk>

Subject: FW: Action Required: Haddo Quarry AB41 7NE

Hi,

With regards to the emails below regarding Haddo Quarry, we have discussed the matter with the enforcement team leader Wendy Forbes. She has advised us that she would like the Environmental Health team to carry out the initial investigation as it relates to noise issues.

We have attached a copy of the decision notice for your information. If this turns out to be a matter that the enforcement team need to investigate, please let us know.

Thanks,

Joanne Eden
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
01467 530942

From: Sylvia Coutts **On Behalf Of** Planning

Sent: 10 February 2017 08:43

To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>

Subject: FW: Action Required: Haddo Quarry AB41 7NE

Please see email below one for Enforcement I think.

Kind Regards

Sylvia Coutts
Admin Support Officer
Infrastructure Services
Planning & Building Standards
Gordon House
Blackhall Road
Inverurie
AB51 3WA
Tel: 01467 539425 or 761 9425 (internal)
Email: building.standards@aberdeenshire.gov.uk
Website: www.aberdeenshire.gov.uk/planning/buildingstandards

From: Moira Johnston **On Behalf Of** Environmental

Sent: 10 February 2017 07:36

To: Planning <planning@aberdeenshire.gov.uk>; Alistair McBain <alistair.mcbain@aberdeenshire.gov.uk>; Colin Nicoll <colin.nicoll@aberdeenshire.gov.uk>; Graham Robertson <graham.robertson@aberdeenshire.gov.uk>; Howard Kershaw <howard.kershaw@aberdeenshire.gov.uk>; Linda Will <linda.will@aberdeenshire.gov.uk>; Rachel Morrough <rachel.morrough@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; William Mair <william.mair@aberdeenshire.gov.uk>

Subject: Action Required: Haddo Quarry AB41 7NE

Forwarded to Planning & Environmental Health.

Environmental
Aberdeenshire Council, Environmental Health
Gordon House, Blackhall Road, Inverurie
Tel: 01467 539039

From: Jim McWilliam [<mailto:jim@craigiecroft.co.uk>]

Sent: 09 February 2017 19:34

To: Environmental <environmental@aberdeenshire.gov.uk>

Subject: Haddo Quarry AB41 7NE

Hi

I wish to complain about the noise from this quarry, we recorded the noise levels at 79dB today. This is in contravention of their planning conditions. Their application number is APP/2016/1249.

It is alarming that this permission is only a week old and they're contravening the conditions already.

Best regards.

Jim

Robin Currie

From: Robin Currie
Sent: 14 February 2017 16:33
To: Darren Ross; Laura Dingwall; Ann Ramsay
Cc: Wendy Forbes
Subject: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB
Attachments: Planning Contravention Notice Response.docx

Afternoon All,

Please see the attached response to a PCN that was served last week in relation to activities taking place on the northern end of Haddo Quarry. They argue that no materials are being imported or exported, no further materials have been extracted (the materials already on site were lawfully extracted under the last permission and stockpiled) and that the stockpiled materials are being used to upgrade tracks on the landowners agricultural/forestry land i.e. PD under Class 18 and Class 22. I have no evidence to the contrary so must accept these assertions at face value and conclude that there is no breach of planning control in this instance.

The bulk of the response and the queries within relate to DM rather than enforcement as they query restoration and the future use of the quarry. The agent appears to be arguing that under the terms of the last extant approval for the site they can restore the site without full PP i.e. he argues that all that is required is that they comply with condition 13 and submit details of the restoration scheme for DM approval. Given the poor wording of that condition and the lack of any reference to a time constraint, it appears to be a plausible argument however I'm not qualified to make that judgement and would greatly appreciate DM's input so that I can respond to the agent and landowner.

Thanks,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333
Please note I work compressed hours Tues - Fri

From: Kathryn Singer **On Behalf Of** Planning Enforcement
Sent: 13 February 2017 10:33
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Hi Robin,

Please see the email below and attached. The Planning Contravention Notice was signed for on 9 February 2017.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]

Sent: 13 February 2017 10:05

To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>

Subject: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Dear Sirs

Please find attached our response to the queries contained within the above headed Planning Contravention Notice Ref: COMP/2016/0454.

regards

Brian Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

Robin Currie

From: Kathryn Singer on behalf of Planning Enforcement
Sent: 13 February 2017 10:33
To: Robin Currie
Subject: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB
Attachments: Planning Contravention Notice Response.docx

Hi Robin,

Please see the email below and attached. The Planning Contravention Notice was signed for on 9 February 2017.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: BRIAN TAYLOR [mailto:aultimatehouse@btinternet.com]
Sent: 13 February 2017 10:05
To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>
Subject: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Dear Sirs

Please find attached our response to the queries contained within the above headed Planning Contravention Notice Ref: COMP/2016/0454.

regards

Brian Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

Robin Currie

From: Robin Currie
Sent: 15 February 2017 12:10
To: Planning Enforcement
Subject: RE: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Hi Kathryn,

Can you please respond as follows,

Dear Mr Taylor,

Thank you for the prompt response to the Planning Contravention Notice COMP/2016/0454 the contents of which have been noted. You assert on behalf of your client that no extraction has taken place, that the machinery seen on site is there to allow for the processing of previously extracted and stockpiled material, that none of this material is being exported and that it is being used for agricultural/forestry operations on your clients land. Based on this information we must conclude that these operations will fall under classes 18 and 22 of the General Permitted Development Order and as such no further enforcement action is required on our part. We would however stress that we reserve the right to pursue formal enforcement action should we receive any information that the site is not being worked for agricultural or forestry purposes.

We have copied your response to the Area Planning Team as there are several development management specific queries within your response. We have asked that they review your response and provide us with answers to your queries which we hope to be able to share with you in due course.

Kind Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Kathryn Singer **On Behalf Of** Planning Enforcement
Sent: 13 February 2017 10:33
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Hi Robin,

Please see the email below and attached. The Planning Contravention Notice was signed for on 9 February 2017.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]
Sent: 13 February 2017 10:05
To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>
Subject: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Dear Sirs

Please find attached our response to the queries contained within the above headed Planning Contravention Notice Ref: COMP/2016/0454.

regards

Brian Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

Robin Currie

From: Robin Currie
Sent: 15 February 2017 13:39
To: Laura Dingwall
Subject: RE: For Information Haddo Quarry APP/2016/1249.

Once again, thanks very much. I will still pop along to the quarry on Friday just to confirm that tis the case and ill let you know if there are any issues.

Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333
Please note I work compressed hours Tues - Fri

From: Laura Dingwall
Sent: 15 February 2017 13:37
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: For Information Haddo Quarry APP/2016/1249.

Good Afternoon,

I contact Mr Alan Gordon of ACG Contractor Ltd, who will be the quarry operator. Mr Gordon confirmed to me that they have not carrying out any works on this site. Mr Gordon is very much aware of the conditions he needs to purify prior to commencing on site. They have instructed the preparation of further noise assessments and are discussing the heads of terms with Haddo Estate in order to get the restoration bond in place. They are also aware they need to do some work on the bunds prior to extraction.

Regards
Laura Dingwall
Development Management Planner
Aberdeenshire Council
45 Bridge Street
Ellon
01358 726424
Please note that I work Mon – Thurs 9.45am – 2.45pm and Friday 9.30am – 6pm

Robin Currie

From: Robin Currie
Sent: 15 February 2017 13:32
To: Wendy Forbes; Darren Ross
Cc: Laura Dingwall; Planning Enforcement
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application ref:APP/2016/1249- Response to Feedback due 22/02/17

The Quarry is split into two titles the top end (northern) of the quarry is owned by John Ross and the bottom end (southern) is owned by Haddo Estate and is the southern site for which planning permission was recently given to extract sand and gravel.

I've had a chat with Laura and we suspect the noise Mr McWilliam refers to is actually in relation to activities at the northern end of the Quarry for which there are no extant approvals and which I was pursuing - COMP/2016/0454. A PCN was served and response received. In the PCN response the agent claims that the activities are class 18 and 22 PD on the basis that no extraction has taken place, that the machinery seen on site is there to allow for the processing of previously extracted and stockpiled material, that none of this material is being exported and that it is being used for agricultural/forestry operations on his clients (John Ross) land. Based on this information and without any evidence to the contrary we must conclude that these operations will fall under classes 18 and 22 of the GPDO and as such no further enforcement action can be taken on our part.

Nevertheless, I will be visiting the site on Friday to see what's happening in the quarry.

Kind Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333
Please note I work compressed hours Tues - Fri

From: Wendy Forbes
Sent: 15 February 2017 12:55
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>; Darren Ross <darren.ross@aberdeenshire.gov.uk>
Cc: Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>; Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>
Subject: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application ref:APP/2016/1249- Response to Feedback due 22/02/17

Robin – for noting

Darren – thanks for confirming and apologies for the error in not copying you in previously.

These are 2 separate complaints but from the same complainer. This is the one forwarded to Enforcement from EH
–

From: Moira Johnston **On Behalf Of** Environmental

Sent: 10 February 2017 07:36

To: Planning <planning@aberdeenshire.gov.uk>; Alistair McBain <alistair.mcbain@aberdeenshire.gov.uk>; Colin Nicoll <colin.nicoll@aberdeenshire.gov.uk>; Graham Robertson <graham.robertson@aberdeenshire.gov.uk>; Howard Kershaw <howard.kershaw@aberdeenshire.gov.uk>; Linda Will <linda.will@aberdeenshire.gov.uk>; Rachel Morrough <rachel.morrough@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; William Mair <william.mair@aberdeenshire.gov.uk>

Subject: Action Required: Haddo Quarry AB41 7NE

Forwarded to Planning & Environmental Health.

Environmental

Aberdeenshire Council, Environmental Health

Gordon House, Blackhall Road, Inverurie

Tel: 01467 539039

From: Jim McWilliam [<mailto:jim@craigiecroft.co.uk>]

Sent: 09 February 2017 19:34

To: Environmental <environmental@aberdeenshire.gov.uk>

Subject: Haddo Quarry AB41 7NE

Hi

I wish to complain about the noise from this quarry, we recorded the noise levels at 79dB today. This is in contravention of their planning conditions. Their application number is APP/2016/1249.

It is alarming that this permission is only a week old and they're contravening the conditions already.

Best regards.

Jim

Wendy Forbes

Team Manager

Infrastructure Services

Aberdeenshire Council

Woodhill House

Westburn Road

Aberdeen

Tel 01224 664369

From: Darren Ross

Sent: 14 February 2017 10:16

To: Wendy Forbes

Cc: Laura Dingwall

Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Wendy

I can advise that in terms of the above permission no suspensive conditions have been discharged as of today.

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Darren Ross

Sent: 13 February 2017 13:55

To: Wendy Forbes <wendy.forbes@aberdeenshire.gov.uk>

Cc: Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>

Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application

ref:APP/2016/1249- Response to Feedback due 22/02/17

Wendy

I am looking into the above from a DM perspective and Graham has forwarded me a chain of emails - inc one from you asking

Laura/Darren – can you advise if noise condition no 8 was satisfied/discharged? Have any of the other suspensive conditions been met? We are receiving numerous complaints about works commencing in breach of the suspensive conditions and outwith the site which Robin is investigating.

Laura and I were not copied into the email hence no response but we will look into this ASAP and revert back. I was not aware that development had commenced on the site.

We can update you on all suspensive conditions ASAP

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Graham Robertson

Sent: 13 February 2017 13:47

To: Darren Ross <darren.ross@aberdeenshire.gov.uk>

Cc: Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>

Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application

ref:APP/2016/1249- Response to Feedback due 22/02/17

Darren

Susan Bolderson has begun investigations into the complaint received. As you'll see from the attached string of emails – Susan has requested a copy of the noise monitoring scheme and noise monitoring records as per the conditions applied to the Planning Consent

Wendy Forbes was to be forwarding this request to yourself i.e. Planning (Formartine DM Team) to enquire whether information has been submitted

To date, nothing has been submitted to EH directly

Regards

Graham

Team Manager (Health and Safety)
Environmental Health
Towie House
Turriff
Tele No 01888 564152
Mob No 07836 388143

From: Darren Ross
Sent: 13 February 2017 12:13
To: Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Cc: Graham Robertson <graham.robertson@aberdeenshire.gov.uk>
Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Laura

I sent to Fiona by mistake!

Can you see to this please?

Presumably it will be reasonably straight forward in that TCC, having had the opportunity to object, did not do so hence there is no need to refer to FAC?

Re the Noise issue – EH for comment? (I have passed to them for early awareness?)

Graham – a heads up. Can your team offer comments for inclusion on the noise issues raised?

The date is 22 Feb but sure we as a Service can issue so 7 March will be the deadline so can I please have finalised comments by no later than 1 March please?

Darren

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Fiona A. Reid
Sent: 13 February 2017 11:57
To: Darren Ross <darren.ross@aberdeenshire.gov.uk>
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

This is an application Laura recently dealt with, did you mean to send this to me? Just checking

From: Darren Ross
Sent: 13 February 2017 11:33
To: Fiona A. Reid <fiona.a.reid@aberdeenshire.gov.uk>

Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Can I have this for the end of the week please?

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Becky Holmes
Sent: 13 February 2017 11:31
To: Darren Ross <darren.ross@aberdeenshire.gov.uk>
Cc: Mairi Stewart <mairi.stewart@aberdeenshire.gov.uk>
Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Hi Darren,

Please see below. Response date is 22 February 2017.

Kind regards,

Becky Holmes
Admin Support Officer
Infrastructure Services
Planning and Building Standards
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Becky.Holmes@aberdeenshire.gov.uk
Tel. No. 01467 530769

From: Jade Fitzpatrick **On Behalf Of** Feedback Team
Sent: 10 February 2017 15:58
To: Robert Gray <robert.gray@aberdeenshire.gov.uk>
Cc: Becky Holmes <becky.holmes@aberdeenshire.gov.uk>; Donna Cormack <donna.cormack@aberdeenshire.gov.uk>
Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Hello Robert,

Please see the below details of a complaint that we have received. I would be grateful if you could look into the matter and report back with any findings by 22 February 2017.

Alternatively, if you would prefer to respond to the customer direct, please do so by 7 March 2017, ensuring that the SPSO ending is included and that the Feedback Team are copied into the response when it is issued.

Just a note to say that this is the same gentleman who raised the enforcement issue I forwarded on earlier today. Whether you would like to respond to both at the same time is up to you.

Any problems, please let me know.

** Please respond to feedback.team@aberdeenshire.gov.uk **

Kind Regards

Jade Fitzpatrick - Feedback Officer
Tel: 01224 664352 Int: 725 4352

Feedback Team
Customer Service
Woodhill House
Westburn Road
Aberdeen
AB16 5GB
feedback.team@aberdeenshire.gov.uk

From: feedback.team@aberdeenshire.gov.uk [<mailto:feedback.team@aberdeenshire.gov.uk>]
Sent: 10 February 2017 15:32
To: Feedback Team <feedback.team@aberdeenshire.gov.uk>
Subject: Details of Complaint to be Investigated

Details of Complaint to be Investigated

Case Number: 2201499

Date of Customer's Feedback: 09/02/2017
Date Service has to reply by: 22/02/2017
Date Final Response to be sent by: 07/03/2017

Details of Feedback:

Haddo Quarry planning application ref:APP/2016/1249

Hi

I wish to complain about the decision of the Aberdeenshire Council to grant this planning application without it being scrutinised by the Formartine Area Committee.

The planning officer stated to the councillors that Tarves Community Council did not object to this application but it is clear from the documents which are available online that they did object, therefore the councillors did not base their decision on all of the available facts.

I also wish to complain about the Noise Survey, which does not include my property as a noise sensitive receptor, even though the boundary is less than 10m from the site. I guess it's difficult to see on an old map.

I want this planning application referred to the Scottish Parliament so that it can be scrutinised correctly.

Additional Information:

Political Area: [Formartine](#)

Service Details: [Infrastructure](#)

[@@apdCommLearn@@apdCultural@@apdSportLeisure](#)
[@@apdGrants](#)

Other Service notes (if applicable):

Customer Details

Name: [Mr James Mcwilliam](#)

Address: [CRAIGIE](#)

[TARVES](#)

[Aberdeenshire](#)

Postcode: [AB41 7NE](#)

Feedback reported by a 3rd Party: [No](#)

Name:

Address:

Postcode:

Relationship to Customer:

Other:

-----End of Email-----

Robin Currie

From: Robin Currie
Sent: 21 February 2017 09:34
To: Darren Ross; Graham Robertson
Cc: Susan Bolderson; Laura Dingwall
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application ref:APP/2016/1249- Response to Feedback due 22/02/17
Attachments: Planning Contravention Notice Response.docx; Site map1.jpg

Morning All,

Perhaps I can shed some light on this case.

There are no approvals prior to the 2016 one that are still live and actionable. The 2006 approval has long since expired and therefore none of the conditions are valid. Darren, you may recall that when dealing with previous complaints regarding the quarry restoration we carried out a full planning history search for the site and our conclusion was that due to timescales none of the approvals could be enforced. We can therefore only pursue any activities now taking place on site if they are deemed to be a breach of planning control, which as I explain below, doesn't appear to be the case.

Laura contacted ACG Contractors (applicants for 2016 permission) seeking confirmation that they had not commenced works at the site and they advised that they had not commenced any works on the site and were fully aware that there were several suspensive conditions that need discharged before anything could happen on site. Just to be sure I went out to the Quarry on Friday 17/02/2017 and can confirm that the 2016 permission has not been implemented. There was no activity and no works vehicles on site and no indication that any work had taken place prior to my visit.

The problem with this site is that while it was operated as one quarry by Les Taylor the land on which the quarry sits is split (roughly 50-50) between two land owners – see site map. The northern half of the quarry is owned by Mr John Ross who lives in Craigmuir House which is within the woods adjacent to the quarry. The Southern half of the Quarry (for which the 2016 permission applies) is owned by Haddo Estate. Since the demise of Les Taylor Each half is now doing its own thing to try and recoup their losses. We suspect that the noise issues to date relate to activity on Mr Ross's side of the quarry.

As above, we've established that nothing is happening in the Southern half of the quarry and therefore there is no further action required by Planning or EH in this regard. The Northern half owned by John Ross has a significant amount of processed sand and gravel on site which has been accumulated and stockpiled. Until recently there were also two crushers/graders and a heavy duty loader on site. I have visited the site on 3 occasions and have never seen any activity but still felt it prudent to serve a planning contravention notice on the land owner. Please see the attached response from his agent. The agent is claiming that to date no materials are being extracted (they are just processing material already extracted by Les Taylor) and no materials are being exported off site except for use in an agricultural/forestry capacity within the Mr Ross's land. On the face of it an without any evidence (as yet) to indicate otherwise we must treat the activity on Mr Ross's part of the quarry as permitted development under classes 18 and 22, so from a planning perspective if there is any noise it isn't something we can tackle as a breach of planning control. There has never been any activity or noise noted when out on site and Fridays visit was no exception.

However, being a cynic I suspect that we are being told what they think we want to hear to make this go away so I intend to keep an eye on this site to make sure nothing is being exported off site for non-agricultural/forestry purposes. I do plan on visiting the site again soon so if someone from EH would like to join me I'm more than happy to accommodate that.

Kind Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Darren Ross
Sent: 20 February 2017 09:10
To: Graham Robertson <graham.robertson@aberdeenshire.gov.uk>
Cc: Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>; Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Graham

In short – no.

The conditions relating to any permission only take effect once the development in question has been implemented. There are “suspensive” conditions which require that before development commences x,y or z have to happen or certain conditions may be staged. For instance prior to a house being occupied X is provided.

In this case the quarry – the wider area – has a number of permissions. The 2016 one has yet to be implemented to none of the conditions on it take effect yet.

In terms of your questions

Does this mean that the works being undertaken at present are covered by the original 2006 application (APP/2006/1206), which has very similar conditions ? If so would these original conditions not have been breached

I do not actually know what works have been carried out or where. Laura/Robin – can you advise Graham ASAP please? Also is there a breach of any 2006 conditons?

It appears the complainants property was not included in the noise calculations for the reason that Craigie Croft is slightly further away from the works than Craigie House.

Thanks for clarifying. I assume that, for the purposed of our response, we can say how far away Craigie Croft is and why this was not considered to be necessary to be included?

If you could provide clarification please before we proceed with any investigations? Could you also confirm when the recent approval will actually be implemented and what is involved in the implementation?

The implementation of the permission is outwith out hands other than to say that they have 3 years to implement the permission – and implement does not require them to do much. In this case the implementing the development – following discharge of all suspensive conditions – could mean scraping the site, upgrading an access, putting in a trench etc.

Darren

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Graham Robertson
Sent: 20 February 2017 08:56
To: Darren Ross <darren.ross@aberdeenshire.gov.uk>
Cc: Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Darren

I'm not entirely sure what you mean by 'the recent approval has not yet been implemented and therefore no breach'? Doesn't the conditions appended to the consent take effect immediately and should be adhered to by the duty holder on being notified of same?

Does this mean that the works being undertaken at present are covered by the original 2006 application (APP/2006/1206), which has very similar conditions ? If so would these original conditions not have been breached

It appears the complainants property was not included in the noise calculations for the reason that Craigie Croft is slightly further away from the works than Craigie House.

If you could provide clarification please before we proceed with any investigations? Could you also confirm when the recent approval will actually be implemented and what is involved in the implementation?

Thanks

Graham

Team Manager (Health and Safety)
Environmental Health
Towie House
Turriff
Tele No 01888 564152
Mob No 07836 388143

From: Darren Ross
Sent: 16 February 2017 14:13
To: Graham Robertson <graham.robertson@aberdeenshire.gov.uk>
Cc: Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Thanks for that Graham

Enforcement investigations have concluded that the recent approval has not yet been implemented therefore no breach.

Re "I also wish to complain about the Noise Survey, which does not include my property as a noise sensitive receptor, even though the boundary is less than 10m from the site. I guess its difficult to see on an old map."

Can EH please feed into a response for Laura?

FYI I have an MSP letter on much the same topic.

Darren

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Graham Robertson
Sent: 13 February 2017 13:47
To: Darren Ross <darren.ross@aberdeenshire.gov.uk>
Cc: Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Darren

Susan Bolderson has begun investigations into the complaint received. As you'll see from the attached string of emails – Susan has requested a copy of the noise monitoring scheme and noise monitoring records as per the conditions applied to the Planning Consent

Wendy Forbes was to be forwarding this request to yourself i.e. Planning (Formartine DM Team) to enquire whether information has been submitted

To date, nothing has been submitted to EH directly

Regards

Graham

Team Manager (Health and Safety)
Environmental Health
Towie House
Turriff
Tele No 01888 564152
Mob No 07836 388143

From: Darren Ross
Sent: 13 February 2017 12:13
To: Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Cc: Graham Robertson <graham.robertson@aberdeenshire.gov.uk>
Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Laura

I sent to Fiona by mistake!

Can you see to this please?

Presumably it will be reasonably straight forward in that TCC, having had the opportunity to object, did not do so hence there is no need to refer to FAC?

Re the Noise issue – EH for comment? (I have passed to them for early awareness?)

Graham – a heads up. Can your team offer comments for inclusion on the noise issues raised?

The date is 22 Feb but sure we as a Service can issue so 7 March will be the deadline so can I please have finalised comments by no later than 1 March please?

Darren

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Fiona A. Reid
Sent: 13 February 2017 11:57
To: Darren Ross <darren.ross@aberdeenshire.gov.uk>
Subject: RE: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

This is an application Laura recently dealt with, did you mean to send this to me? Just checking

From: Darren Ross
Sent: 13 February 2017 11:33
To: Fiona A. Reid <fiona.a.reid@aberdeenshire.gov.uk>
Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Can I have this for the end of the week please?

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Becky Holmes
Sent: 13 February 2017 11:31
To: Darren Ross <darren.ross@aberdeenshire.gov.uk>
Cc: Mairi Stewart <mairi.stewart@aberdeenshire.gov.uk>
Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Hi Darren,

Please see below. Response date is 22 February 2017.

Kind regards,

Becky Holmes
Admin Support Officer
Infrastructure Services
Planning and Building Standards
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Becky.Holmes@aberdeenshire.gov.uk

Tel. No. 01467 530769

From: Jade Fitzpatrick **On Behalf Of** Feedback Team

Sent: 10 February 2017 15:58

To: Robert Gray <robert.gray@aberdeenshire.gov.uk>

Cc: Becky Holmes <becky.holmes@aberdeenshire.gov.uk>; Donna Cormack
<donna.cormack@aberdeenshire.gov.uk>

Subject: FW: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249- Response to Feedback due 22/02/17

Hello Robert,

Please see the below details of a complaint that we have received. I would be grateful if you could look into the matter and report back with any findings by 22 February 2017.

Alternatively, if you would prefer to respond to the customer direct, please do so by 7 March 2017, ensuring that the SPSO ending is included and that the Feedback Team are copied into the response when it is issued.

Just a note to say that this is the same gentleman who raised the enforcement issue I forwarded on earlier today. Whether you would like to respond to both at the same time is up to you.

Any problems, please let me know.

**** Please respond to feedback.team@aberdeenshire.gov.uk ****

Kind Regards

Jade Fitzpatrick - Feedback Officer
Tel: 01224 664352 Int: 725 4352

Feedback Team
Customer Service
Woodhill House
Westburn Road
Aberdeen
AB16 5GB
feedback.team@aberdeenshire.gov.uk

From: feedback.team@aberdeenshire.gov.uk [<mailto:feedback.team@aberdeenshire.gov.uk>]

Sent: 10 February 2017 15:32

To: Feedback Team <feedback.team@aberdeenshire.gov.uk>

Subject: Details of Complaint to be Investigated

Details of Complaint to be Investigated

Case Number: 2201499

Date of Customer's Feedback: 09/02/2017

Date Service has to reply by: 22/02/2017

Date Final Response to be sent by: 07/03/2017

Details of Feedback:

Haddo Quarry planning application ref:APP/2016/1249

Hi

I wish to complain about the decision of the Aberdeenshire Council to grant this planning application without it being scrutinised by the Formartine Area Committee.

The planning officer stated to the councillors that Tarves Community Council did not object to this application but it is clear from the documents which are available online that they did object, therefore the councillors did not base their decision on all of the available facts.

I also wish to complain about the Noise Survey, which does not include my property as a noise sensitive receptor, even though the boundary is less than 10m from the site. I guess it's difficult to see on an old map.

I want this planning application referred to the Scottish Parliament so that it can be scrutinised correctly.

Additional Information:

Political Area: [Formartine](#)

Service Details: [Infrastructure](#)

[@@apdCommLearn@@apdCultural@@apdSportLeisure](#)
[@@apdGrants](#)

Other Service notes (if applicable):

Customer Details

Name: [Mr James McWilliam](#)

Address: CRAIGIE

TARVES
Aberdeenshire

Postcode: AB41 7NE

Feedback reported by a 3rd Party: No

Name:

Address:

Postcode:

Relationship to Customer:

Other:

-----End of Email-----

Robin Currie

From: Susan Bolderson
Sent: 09 March 2017 09:15
To: Robin Currie
Subject: RE: For Consideration: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application ref:APP/2016/1249

Thanks Robin,
Please could you send me a copy of your final response for my records.

This is my response,

Further to your complaint regarding Noise at Haddo quarry on the 9th February 2017.
A Senior Environmental Health Officer and a Planning Enforcement Officer carried out a joint visit to the site on the 2nd March 2017 regarding this matter.

The Planning Enforcement Officer has visited the site on several occasions in the past and has always taken photographs as documented evidence at the time of the visit , this visit was no exception.

I can confirm that the site was not in use at the time of the joint visit and the photos taken confirmed that aggregate materials had not been removed from the site since the last visit.
Environmental Health in association with Planning are awaiting further information from the contractors before work can begin on the site.

The noise that you heard on the 9th February was the company undertaking test drilling and therefore not ongoing so no further action is deemed necessary at this juncture.

If you have further issues regarding noise please do not hesitate to contact Environmental Health directly who will investigate matters accordingly.

From: Robin Currie
Sent: 09 March 2017 09:03
To: Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>
Subject: RE: For Consideration: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application ref:APP/2016/1249

Hi Susan,

Yes I will be sending out a response to the complainant as well. So if you send me your text I will incorporate it in to my response and do a joint EH/planning response to the complainant.

Kind Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Susan Bolderson

Sent: 09 March 2017 08:33

To: Robin Currie <robin.currie@aberdeenshire.gov.uk>

Subject: For Consideration: Details of Complaint to be Investigated - 2201499 - Haddo Quarry planning application
ref:APP/2016/1249

Hi Robin,

Just to confirm are you sending a response regarding this complaint from a planning perspective?

I have put a response together regarding the alleged noise issue , which I can sent to you if you like?

Kind regards

Susan



Our Ref: COMP/2017/0046
Your Ref:

Ask for: Planning Enforcement Team
Direct Dial: 01467 534333
Email: xxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx.xxx.xx

James McWilliam
Craigie Croft
Tarves
Ellon
AB41 7NE

9 March 2017

Dear Sir/Madam

**Breach: alleged non-compliance with conditions of planning permission
APP/2016/1249
Address: Haddo Quarry, Tarves, Aberdeenshire, AB41 7NE,**

I am writing to you as you have raised an issue at the above address. The investigation of this case is now completed and I can advise you of the outcome as follows.

An officer from the Planning Enforcement Team has visited the site in question on several occasions – 30 November 2016, 31 January 2017, 17 February 2017 and 2 March 2017. At the most recent visit the Enforcement Officer was accompanied by an Environmental Health Officer.

At none of these site visits has any activity been noted within the site as approved by APP/2016/1249. In addition to these site visits the quarry operator was contacted to seek assurances that the permission would not be implemented prior to the suspensive conditions of the aforementioned approval being discharged. We received a response from the operator providing assurances that all relevant conditions would be met prior to commencement of quarrying operations.

In relation to your concerns about noise at the site. I can confirm that Environmental Health also visited the site and have provided the following response:

A Senior Environmental Health Officer and a Planning Enforcement Officer carried out a joint visit to the site on the 2nd March 20017 regarding this matter.

The Planning Enforcement Officer has visited the site on several occasions in the past and has always taken photographs as documented evidence at the time of the visit, this visit was no exception.

I can confirm that the site was not in use at the time of the joint visit and the photos taken confirmed that aggregate materials had not been removed from the site since the last visit. Environmental Health in association with Planning are awaiting further information from the contractors before work can begin on the site.

The noise that you heard on the 9th February was the company undertaking test drilling and therefore not ongoing so no further action is deemed necessary at this juncture.

If you have further issues regarding noise please do not hesitate to contact Environmental Health directly who will investigate matters accordingly.

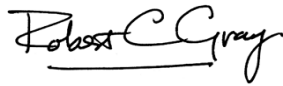
We can advise that Haddo Quarry is split in to two titles. It is the lower half of the quarry (southern end furthest away from Craigmuir Woodland) that has recently been granted approval as referred to above. There has been no activity on this site and therefore no breach of planning control.

For your information, we have also been investigating activities within the northern end of the quarry and following the service of a Planning Contravention notice have established that there is no extraction of minerals taking place. The landowner's agent also asserted that none of the stockpiled materials onsite are being exported other than those required to maintain tracks within the quarry owners agricultural and forestry land. Therefore, without any evidence to the contrary at this stage, no breach of planning control has been identified in this half of the quarry either.

In conclusion, there has been no breach of planning control that requires further action on the part of the Planning Enforcement Team nor has an ongoing noise nuisance been identified that requires any further action from Environmental Health.

Accordingly, this case has been closed however please do not hesitate to contact the Planning Enforcement Team should you have any further queries regarding the content of this letter. Please quote the above reference number in all correspondence.

Yours faithfully

A handwritten signature in black ink, appearing to read "Robert C Gray". The signature is written in a cursive style with a horizontal line underneath the name.

Head of Planning and Building Standards

Robin Currie

From: Robin Currie
Sent: 10 March 2017 11:47
To: Planning Enforcement
Subject: RE: Action Required: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Hi Kathryn,

Could you please respond to Mr Taylor as follows.

Dear Mr Taylor,

I can advise that I forwarded your PCN response and your queries regarding the restoration of the quarry. This was emailed to the Area Planning Team on 14 February 2017 requesting a response that I could share with you. I forwarded your recent email to the Team Manager once more asking that your query be considered and a response provided as soon as possible.

The Team Manager has acknowledged my email and the content of your letter. He has asked that I apologise on his behalf for the delay in responding to your query and that he will have a response for you by close of play on Friday 24th of March as he wishes to seek a legal opinion on the matters you raise. I trust this clarifies the Planning Team's position at this stage, however this is not a planning enforcement matter so if you remain unsatisfied with this response I would recommend you contact the Planning Team in Ellon directly.

Turning now to the enforcement matters at your clients site and my email to you dated 15 February 2017 in which I advise that, based on the PCN response, the activity taking place on site could be considered to be permitted development. I can advise that I have visited the site on two further occasions, 17 February 2017 and again on 2 March 2017. On both occasions PTM Plant Lorries have been seen on site.

At the 17 February 2017 visit I spoke to the driver of the PTM vehicle who advised that he had loaded up with material for a dwelling house construction in Methlick that PTM were working on. A visit to Methlick confirmed that this is where the lorry took the material to. On the 2 March 2017 visit I was accompanied by an Environmental Health Officer and we both witnessed a PTM plant lorry entering the site and leaving shortly thereafter. In this case I was unable to speak to the driver but have assumed that once again materials have been exported for non-agricultural/forestry related use. It therefore appears that a breach of planning control has been identified which your client must address.

In the first instance I would ask that you stress to your client that no materials can be exported off site. I will continue to carry out regular visits to the quarry and should any further evidence be found that materials are being exported off site in breach of planning control (and of the information provided in your clients response to the PCN) then I regret that I will have no alternative but to pursue formal enforcement action.

Yours Sincerely,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Kathryn Singer **On Behalf Of** Planning Enforcement

Sent: 08 March 2017 08:49

To: Robin Currie <robin.currie@aberdeenshire.gov.uk>

Subject: Action Required: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Hi Robin,

Please see the email below.

Thanks

Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]

Sent: 07 March 2017 17:02

To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>

Subject: Re: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Dear Mr Currie

I refer to your e-mail of the 15th February 2017 and shall be obliged if you can press your colleagues in the Area Planning Team for a response to my queries contained in my e-mail of the 13th February 2017.

Brian Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

On Wednesday, 15 February 2017, 13:21, Planning Enforcement <planningenforcement@aberdeenshire.gov.uk> wrote:

Dear Mr Taylor,

Thank you for the prompt response to the Planning Contravention Notice COMP/2016/0454 the contents of which have been noted. You assert on behalf of your client that no extraction has taken place, that the machinery seen on site is there to allow for the processing of previously extracted and stockpiled material, that none of this material is being exported and that it is being used for agricultural/forestry operations on your clients land. Based on this information we must conclude that these operations will fall under classes 18 and 22 of the General Permitted Development Order and as such no further enforcement action is required on our part. We would however stress that we reserve the right to pursue formal enforcement action should we receive any information that the site is not being worked for agricultural or forestry purposes.

We have copied your response to the Area Planning Team as there are several development management specific queries within your response. We have asked that they review your response and provide us with answers to your queries which we hope to be able to share with you in due course.

Kind Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333
Please note I work compressed hours Tues - Fri

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]
Sent: 13 February 2017 10:05
To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>
Subject: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Dear Sirs

Please find attached our response to the queries contained within the above headed Planning Contravention Notice Ref: COMP/2016/0454.

regards

Brian Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

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www.aberdeenshire.gov.uk

Robin Currie

From: Kathryn Singer on behalf of Planning Enforcement
Sent: 14 March 2017 09:10
To: Robin Currie
Subject: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Hi Robin,

Please see the email below.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: BRIAN TAYLOR [mailto:aaultmorehouse@btinternet.com]
Sent: 13 March 2017 23:09
To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>
Subject: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Dear Sir

I refer to your e-mail of 10th March 2017 and am somewhat concerned by your statement that "materials are being exported off site in breach of planning control". I was given the impression from previous discussions with the Planning Department, and a local Councillor from the Formartine Planning Committee, that usage of the stock-piled extracted materials on-site, that had been previously screened and washed, were a matter for HM Customs in respect of payment of the appropriate "Aggregate Levy" and not a planning issue. I understand my Client has completed the necessary registration with HM Customs and accordingly I am now somewhat confused that you are now contradicting the information I previously sought from your Department.

For the avoidance of doubt I can confirm that the material you witnessed being moved off-site was indeed sand from the existing stock-piles on-site and was not the crushed material that featured in your previous Enforcement Action.

I have advised my Client to cease exports meantime and therefore shall be obliged if you can confirm your Department's position on export of the previously extracted sand stockpiled on-site.

In conclusion I thank you for pressing the Planning Team on our behalf and look forward to a response to my previous queries on the 24th March 2017.

Regards

Brian A Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

Robin Currie

From: Laura Dingwall
Sent: 14 March 2017 10:47
To: Robin Currie
Subject: FW: Action Required: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB
Attachments: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB; Planning Contravention Notice Response.docx; MultiTiff3871919411426561073-Decision-APPROVED.TIF
Importance: High

FYI

From: Laura Dingwall
Sent: 10 March 2017 20:11
To: Martin Ingram <martin.ingram@aberdeenshire.gov.uk>
Subject: Action Required: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB
Importance: High

Good Afternoon Martin,

I refer to the attached documents and the letter from Mr Brian Taylor dated 12 February 2017.

The issues here are:

1. Does the site have planning permission?
2. Can the site be restored without the need for the submission of a planning application?

To address the first issue, the site does not have planning permission. The latest planning application approved for this site was reference APP/2006/ 1206. Condition 2 of the decision notice states that "That permission for the development hereby approved shall be for a limited period of 5 years from the date of the approval". This decision was made on 13/03/2007, therefore the permission expired on 14/03/12.

I note in Mr Taylors letter that he states that there was nothing in the original planning permission that required the site to be restored prior to the expiration of planning consent. I do note that condition 13 of the decision notice requires a restoration scheme be submitted to the Planning Authority, but there is no specific timescale other than stating "prior to the restoration of the scheme". This condition is considered to be unenforceable. However, the content of Condition 3 and 13, which Mr Taylor refers to specifically, does not override condition 2 that limits consent on this site to 5 years. As such the site no longer has live planning consent. In any case, according to our records, we have never received a detailed restoration scheme.

With regard to the second issue, I am of the opinion that any restoration of the site will require planning permission due to the engineering and regrading works required. The restoration of the quarry was not carried out within life to planning permission APP/2006/1206 or within 28 days of the operations ceasing. In addition there are no time specific conditions within the decision notice APP/2006/1206 that would allow the to be restored under this expired planning approval. The General Permitted Development Order 1992 does not contain any requirements that allows for the restoration or infill of quarries without the need for Planning Permission or notification to the Planning Authority. While the Planning Service would encourage the site to be full restored, the restoration works to quarries involves the significant movement of materials, that change the appearance and grading of the existing land form. The works are significant and could have an impact on the surrounding environment, landscape and residential amenity, during and after works have been completed. As such the potential effects are required to be assessed and managed by the submission of a Planning Application.

I spoke to Mr Taylor over the phone last year and provided him advise on this matter, stating that the site does not have planning permission and that any restoration would now require the submission of a planning permission. Mr Taylor did not agree with me at the time.

I would appreciate your views on the Planning Services position on this matter.

Regards

Laura Dingwall

Development Management Planner

Aberdeenshire Council

45 Bridge Street

Ellon

01358 726424

Please note that I work Mon – Thurs 9.45am – 2.45pm and Friday 9.30am – 5pm

From: Darren Ross

Sent: 09 March 2017 09:45

To: Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>

Cc: Robin Currie <robin.currie@aberdeenshire.gov.uk>

Subject: FW: Action Required: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Laura

Attached is a letter to Robin dated 12 Feb 2017 which, in part, addresses the PCN but also alleges that Mr Taylor

- Wrote to us on 28 Sept and has had no reply
- Phone queries have gone unanswered

From reading his letter is it the case that we consider

- Condition 13 of the 2006 permission is unenforceable due to, amongst other things, no time period for compliance
- The works to restore the site are development and not PD therefore need permission. (on this matter – and before we respond) perhaps seek a legal view on this? Need to let legal (Lauren Cowie) know it's related to a potential enforcement matter so early views appreciated

Can you see to this ASAP please

Robin – can you advise Mr Taylor of my apology for the lack of response to his letter and that we aim to have a response to him by the close of play Friday 24th March as we are seeking a legal opinion on the previously offered opinion.

Darren Ross

Team Manager (Development Management)

Planning and Building Standards

Infrastructure Services

Aberdeenshire Council

45 Bridge Street

Ellon
Tel 01358 726429

From: Robin Currie

Sent: 09 March 2017 09:17

To: Darren Ross <darren.ross@aberdeenshire.gov.uk>; Ann Ramsay <ann.ramsay@aberdeenshire.gov.uk>; Alan W Davidson <alan.davidson@aberdeenshire.gov.uk>

Subject: FW: Action Required: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Moring All,

Please see email below and the attached. Can you answer his planning queries in relation to this site or should I ask him to contact planning directly.

Kind Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Kathryn Singer **On Behalf Of** Planning Enforcement

Sent: 08 March 2017 08:49

To: Robin Currie <robin.currie@aberdeenshire.gov.uk>

Subject: Action Required: FW: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Hi Robin,

Please see the email below.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]

Sent: 07 March 2017 17:02

To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>

Subject: Re: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

Dear Mr Currie

I refer to your e-mail of the 15th February 2017 and shall be obliged if you can press your colleagues in the Area Planning Team for a response to my queries contained in my e-mail of the 13th February 2017.

Brian Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

On Wednesday, 15 February 2017, 13:21, Planning Enforcement <planningenforcement@aberdeenshire.gov.uk> wrote:

Dear Mr Taylor,

Thank you for the prompt response to the Planning Contravention Notice COMP/2016/0454 the contents of which have been noted. You assert on behalf of your client that no extraction has taken place, that the machinery seen on site is there to allow for the processing of previously extracted and stockpiled material, that none of this material is being exported and that it is being used for agricultural/forestry operations on your clients land. Based on this information we must conclude that these operations will fall under classes 18 and 22 of the General Permitted Development Order and as such no further enforcement action is required on our part. We would however stress that we reserve the right to pursue formal enforcement action should we receive any information that the site is not being worked for agricultural or forestry purposes.

We have copied your response to the Area Planning Team as there are several development management specific queries within your response. We have asked that they review your response and provide us with answers to your queries which we hope to be able to share with you in due course.

Kind Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]

Sent: 13 February 2017 10:05

To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan
<paul@ptmplant.co.uk>

Subject: Your Ref: COMP/2016/0454 -- Planning Contravention Notice Relating to Land at Haddo Quarry,
Tarves, Ellon, AB41 7NB

Dear Sirs

Please find attached our response to the queries contained within the above headed Planning
Contravention Notice Ref: COMP/2016/0454.

regards

Brian Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

This e-mail may contain privileged information intended solely for the use of the individual to
whom it is addressed. If you have received this e-mail in error, please accept our apologies and
notify the sender, deleting the e-mail afterwards. Any views or opinions presented are solely those
of the e-mail's author and do not necessarily represent those of Aberdeenshire Council.

www.aberdeenshire.gov.uk

Robin Currie

From: Graham Robertson
Sent: 14 March 2017 13:59
To: Darren Ross; Susan Bolderson; Laura Dingwall
Cc: Robin Currie
Subject: RE: Haddo Quarry - McWilliam complaint

The only comment I would make would be regarding paragraph 3 – you indicate if the development is excessively noisy OR to be in breach of planning conditions then EH should be contacted

This seems to suggest we (EH) would investigate the breach of planning conditions when presumably it would be Planning Enforcement. I accept that if the activities are excessively noisy then EH would investigate initially – but if Planning Conditions are not complied with – then that would then fall to Planning Enforcement.

Graham

Team Manager (Health and Safety)
Environmental Health
Towie House
Turriff
Tele No 01888 564152
Mob No 07836 388143

From: Darren Ross
Sent: 14 March 2017 12:38
To: Graham Robertson <graham.robertson@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Cc: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: Haddo Quarry - McWilliam complaint

All

I have drafted this response to Mr McWilliam and would appreciate and comments ASAP.

Darren

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

Robin Currie

From: Robin Currie
Sent: 14 March 2017 13:58
To: Planning Enforcement
Subject: RE: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Hi Kathryn, can you respond to Mr Taylor as follows,

Dear Mr Taylor,

Thank you for your email of 13 March 2017 the content of which has been noted. I have now had the opportunity to discuss the content of your email with the Area Planning Team and can relay the following.

The Planning Team have advised that they have no record of any correspondence in which the matter of whether the materials can be removed from the site are discussed. It is noted that you had a telephone conversation with one of the Planners in that team in relation to the outstanding matter of whether or not planning approval is required to carry out restoration works. However, I have been advised that this conversation did not broach the subject of material removal and that no assurances were given by the Planning Service that this material could be removed without planning permission.

As such the Planning Enforcement position remains that, notwithstanding an levy or requirements that must be met for HMRC purposes, the removal of any of the stockpiled material (other than that covered by the terms of Classes 18 and 22 of the GPDO) is considered to be development. As there are no extant approvals or permitted development rights which allow for the removal of the material for non-agricultural/forestry related purposes, then we must then consider this to be unauthorised development and therefore a breach of planning control.

I trust this clarifies the Enforcement position. If, going forward, your client wishes to export and utilise the material for non-agricultural/forestry related purposes then full planning permission to do so will be required. What form this planning approval should take is not a matter the Enforcement team are qualified to advise upon. I would therefore recommend that you/your client contact the Area Planning Team directly to further discuss the submission of an application.

If however you maintain that the Planning Team advised that planning permission was not required to remove the materials or you consider that in any case planning permission is not required then I would ask that within 28 days of this email you provide the Planning Team with evidence to support this position. The Planning Enforcement Team will always be guided by colleagues in their respective Area Planning Teams when it comes to questions of whether or not any given activity requires planning approval. As such if, after reviewing you evidence, the Planning Team revise their position, then we will be guided by this decision and will consider this matter closed.

I trust this clarifies the Enforcement position at this stage.

Yours Sincerely,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Kathryn Singer **On Behalf Of** Planning Enforcement
Sent: 14 March 2017 09:10
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Hi Robin,

Please see the email below.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]
Sent: 13 March 2017 23:09
To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>
Subject: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Dear Sir

I refer to your e-mail of 10th March 2017 and am somewhat concerned by your statement that "materials are being exported off site in breach of planning control". I was given the impression from previous discussions with the Planning Department, and a local Councillor from the Formartine Planning Committee, that usage of the stock-piled extracted materials on-site, that had been previously screened and washed, were a matter for HM Customs in respect of payment of the appropriate "Aggregate Levy" and not a planning issue. I understand my Client has completed the necessary registration with HM Customs and accordingly I am now somewhat confused that you are now contradicting the information I previously sought from your Department.

For the avoidance of doubt I can confirm that the material you witnessed being moved off-site was indeed sand from the existing stock-piles on-site and was not the crushed material that featured in your previous Enforcement Action.

I have advised my Client to cease exports meantime and therefore shall be obliged if you can confirm your Department's position on export of the previously extracted sand stockpiled on-site.

In conclusion I thank you for pressing the Planning Team on our behalf and look forward to a response to my previous queries on the 24th March 2017.

Regards

Brian A Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

Robin Currie

From: Robin Currie
Sent: 14 March 2017 14:11
To: Darren Ross; Graham Robertson; Susan Bolderson; Laura Dingwall
Subject: RE: Haddo Quarry - McWilliam complaint

In that case you could remove the reference to breach of condition in para 3 and leave it as EH will carry out initial investigations where a noise issue is brought to their attention. To be honest I'm happy with the original or any of the suggested iterations of that para.

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333
Please note I work compressed hours Tues - Fri

From: Darren Ross
Sent: 14 March 2017 14:04
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>; Graham Robertson <graham.robertson@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Subject: RE: Haddo Quarry - McWilliam complaint

Robin

Again, good point, but tried to keep the whole thing brief and not give him any opportunity to question process etc.

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Robin Currie
Sent: 14 March 2017 14:03
To: Graham Robertson <graham.robertson@aberdeenshire.gov.uk>; Darren Ross <darren.ross@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Subject: RE: Haddo Quarry - McWilliam complaint

I would be happy with that. If you amend para 3 to say something along the lines of – in the event of a noise complaint EH will initially investigate to determine that there is a noise issue after which the matter would be passed to planning enforcement to determine if a breach of condition has occurred and thereafter pursue accordingly.

Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Graham Robertson

Sent: 14 March 2017 13:59

To: Darren Ross <darren.ross@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>;
Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>

Cc: Robin Currie <robin.currie@aberdeenshire.gov.uk>

Subject: RE: Haddo Quarry - McWilliam complaint

The only comment I would make would be regarding paragraph 3 – you indicate if the development is excessively noisy OR to be in breach of planning conditions then EH should be contacted

This seems to suggest we (EH) would investigate the breach of planning conditions when presumably it would be Planning Enforcement. I accept that if the activities are excessively noisy then EH would investigate initially – but if Planning Conditions are not complied with – then that would then fall to Planning Enforcement.

Graham

Team Manager (Health and Safety)
Environmental Health
Towie House
Turriff
Tele No 01888 564152
Mob No 07836 388143

From: Darren Ross

Sent: 14 March 2017 12:38

To: Graham Robertson <graham.robertson@aberdeenshire.gov.uk>; Susan Bolderson <susan.bolderson@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>

Cc: Robin Currie <robin.currie@aberdeenshire.gov.uk>

Subject: Haddo Quarry - McWilliam complaint

All

I have drafted this response to Mr McWilliam and would appreciate and comments ASAP.

Darren

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services

Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

Robin Currie

From: Laura Dingwall
Sent: 31 March 2017 15:50
To: Robin Currie
Subject: FW: COMP/2016/0454 HADD0 QUARRY
Attachments: FW: Restoration of Phase 3 following Sand & Gravel Extraction @ Haddo Quarry
Tarves Ellon Aberdeenshire Ref. No: APP/2006/1206

From: Laura Dingwall
Sent: 24 March 2017 11:52
To: 'aultmorehouse@btinternet.com' <aultmorehouse@btinternet.com>
Subject: COMP/2016/0454 HADD0 QUARRY

Mr Taylor

Thank you for your latest correspondence dated 14 March 2017. I have attached the email regarding the query in September 2016 which we discussed in detail on the telephone. The crucial factor is that the email only makes reference to the restoration of the site and not the removal of materials outwith the boundaries of the former quarry. It was only the content of this email that we previously discussed. The advice given was that the any planning permission for this site had expired and therefore any works to restore this site will require planning permission. This remains the view of the Planning Service.

With regard to the claims of receiving advice to contact HM Customs from the Planning Service. The Planning Service can confirm that it is not in our remit to direct agents and potential applicants to such authorities as it is not a Planning Matter and as such would not have given this advice.

With regard to The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Class 18 does permit development that involves for the removal of any minerals from a mineral working deposit, however the minerals should not be moved off the land, unless planning permission for the winning and working of the mineral has been granted on an application made under Part III of the Act. Therefore if the stockpiles of materials are to be moved off the agricultural holding and are used for purposes other than that associated within Agricultural buildings and operations , as permitted by Class 18 of the said Order, then Planning Permission will be required. It would be for the land owner to demonstrate the stockpile of materials is being use for the purposes of agriculture.

The application that we would be seeking would be for the distribution/exporting of quarried materials. This would allow us to make an appropriate assessment on the impact of the operations on the surrounding area. In addition an application to restore the quarry would also be required. Your client could, of course, submit one application for the distribution/exporting of quarried materials and the restoration of the site. However, any such application would be screened for an Environmental Impact Assessment (EIA) and the combined uses may trigger an EIA.

I trust this provides final clarification on the Planning Services position regarding ongoing and proposed activities at the quarry. We have discussed this matter with colleagues in the Planning Enforcement Team and advised them what the planning position is regarding the quarry. They will continue to periodically monitor the site and any material that is evidenced being exported from the agricultural/forestry unit for commercial use will be considered to breach planning control and the Enforcement Team will pursue said breach accordingly.

Regards
Laura Dingwall
Development Management Planner
Aberdeenshire Council
45 Bridge Street

Ellon

01358 726424

Please note that I work Mon – Thurs 9.45am – 2.45pm and Friday 9.30am – 5pm

Robin Currie

From: Laura Dingwall
Sent: 24 March 2017 09:43
To: Robin Currie
Cc: Lindsey Geddes
Subject: RE: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Thanks Robin, I'm happy with that. Fingers crossed it does put an end to it.

Regards

Laura Dingwall

Development Management Planner

Aberdeenshire Council

45 Bridge Street

Ellon

01358 726424

Please note that I work Mon – Thurs 9.45am – 2.45pm and Friday 9.30am – 5pm

From: Robin Currie
Sent: 24 March 2017 09:21
To: Lindsey Geddes <lindsey.geddes@aberdeenshire.gov.uk>; Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Subject: RE: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Hi Laura,

Im happy with the content and the changes Lindsey has made. Could I suggest adding the following paragraph at the end of your email:

I trust this provides final clarification on the Planning Services position regarding ongoing and proposed activities at the quarry. We have discussed this matter with colleagues in the Planning Enforcement Team and advised them what the planning position is regarding the quarry. They will continue to periodically monitor the site and any material that is evidenced being exported from the agricultural/forestry unit for commercial use will be considered to breach planning control and the Enforcement Team will pursue said breach accordingly.

Cheers,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Lindsey Geddes
Sent: 23 March 2017 22:43
To: Laura Dingwall <laura.dingwall@aberdeenshire.gov.uk>
Cc: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: RE: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Hi Laura

I have made a couple of changes – Robin may have others to add. Hope you are fine.

Lindz

Lindsey Geddes
Senior Planner (Enforcement)
Planning and Building Standards
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 4RB
e-mail: lindsey.geddes@aberdeenshire.gov.uk
Direct dial: : **01467 533102 (7613102)**

From: Laura Dingwall
Sent: 23 March 2017 22:11
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>; Lindsey Geddes <lindsey.geddes@aberdeenshire.gov.uk>
Subject: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Robin and Lindsey,

I thought you might like to see my response to Mr Taylor before I sent it. Let me know if you have any comments you wish to add to it. If you wish to discuss further I'll be in the office on Friday Morning.

I did speak to Mr Gordon, who will be the operator of the adjacent quarry. He was in to discuss the impacts Mr Taylors quarry/restoration/movements, will have on his noise monitoring. Mr Gordon implied that the stockpiles were being moved off the site and taken to building sites (although we already know this).

Thanks,
Laura

Mr Taylor

Thank you for your latest correspondence dated 14 March 2017. I have attached the email regarding the query in September 2016 to which we discussed in detail on the telephone. ~~As it can see~~ The crucial factor is that from the content of this the email it only makes reference to the restoration of the site and not the removal of materials outwith the boundaries of the former quarry. It was only the content of this email that we previously discussed with Mr Taylor. The advice given was that the any planning permission for this site had expired and therefore any works to restore this site will require planning permission. This remains the view of the Planning Service.

With regard to the claims of receiving advice to contact HM Customs from the Planning Service. The Planning Service can confirm that it is not in our remit to direct agents and potential applicants to such authorities as it is not a Planning Matter and as such would not have given this advice.

With regard to The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Class 18 does permit development that involves for the removal of any minerals from a mineral working deposit, however the minerals should not be moved off the land, unless planning permission for the winning and working of the mineral has been granted on an application made under Part III of the Act. Therefore if the stockpiles of materials are to moved off the agricultural holding and are used for purposes other than that associated within Agricultural buildings and operations (as permitted by Class 18 of the said Order is Act) then Planning Permission will be required. It would be for the land owner to demonstrate the stockpile of materials is are being use for the purposes of agriculture.

The application that we would be seeking would be for the distribution/exporting of quarried materials. This would allow us to make an appropriate assessment on the impact of the operations on the surrounding area. In addition an application to restore the quarry would also be required. Mr Taylor's client could, of course, submit one application for the distribution/exporting of quarried materials and the restoration of the site. However, any such application would be screened for an Environmental Impact Assessment (EIA) and the combined uses may trigger an EIA.

Regards

Laura Dingwall

Development Management Planner

Aberdeenshire Council

45 Bridge Street

Ellon

01358 726424

Please note that I work Mon – Thurs 9.45am – 2.45pm and Friday 9.30am – 5pm

From: Laura Dingwall

Sent: 15 March 2017 10:26

To: Robin Currie <robin.currie@aberdeenshire.gov.uk>; Darren Ross <darren.ross@aberdeenshire.gov.uk>

Cc: Lindsey Geddes <lindsey.geddes@aberdeenshire.gov.uk>; Wendy Forbes

<wendy.forbes@aberdeenshire.gov.uk>

Subject: RE: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Thanks Robin,

I am due to have a meeting with Martin Ingram tomorrow morning, I am just waiting for Martin to confirm. I will provide a response by the end of the week.

Regards

Laura Dingwall

Development Management Planner

Aberdeenshire Council

45 Bridge Street

Ellon

01358 726424

Please note that I work Mon – Thurs 9.45am – 2.45pm and Friday 9.30am – 5pm

From: Robin Currie
Sent: 15 March 2017 09:08
To: Darren Ross <>; Laura Dingwall <>
Cc: Lindsey Geddes <lindsey.geddes@aberdeenshire.gov.uk>; Wendy Forbes
<wendy.forbes@aberdeenshire.gov.uk>
Subject: FW: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Moring All,

Please see Mr Taylors response to my email regarding the exportation of material from the site. As he has requested I would be obliged if you could include DM's position regarding the exportation of materials (for non-agri/forestry purposes) within your response to him about the restoration of the Quarry.

Once you have provided him with DM' position on the restoration and exportation question I will rely on that position going forward to serve an enforcement notice if necessary. Please be aware that one of the grounds of appeal to an enforcement notice is that those matters stated in the Notice do not constitute a breach of planning control. He has clearly set his stall out that his client can remove the material for any purpose and is refusing to advise his client otherwise so I think that once you have provided him with a formal DM position I will serve an Enforcement Notice possibly accompanied by a stop notice to ensure no material is removed if they appeal the notice.

Thanks,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333
Please note I work compressed hours Tues - Fri

From: Kathryn Singer **On Behalf Of** Planning Enforcement
Sent: 15 March 2017 08:48
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Subject: For Information: FW: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Hi Robin,

Please see the email below.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]

Sent: 14 March 2017 19:52

To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>

Subject: Re: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Dear Mr Currie

I thank you for your e-mail of the 14th March 2017 and I am not surprised that your Planning Team has no record of correspondence in which the matter of whether the materials can be removed from the site was discussed. In fact, as I complained previously, your Planning Team has not had the courtesy to respond in writing to any of my queries and, as your previous correspondence states they are, after pressing from yourself, only now seeking a legal opinion, and likely to provide the requested information around the 24th March 2017.

Quite frankly, the delay in obtaining answers to our queries and the situation my Client now finds himself in, is totally unacceptable. Since communication with your Planning Team was confined to a telephone conversation, it is impossible to provide any evidence as to what was discussed during the course of the said telephone conversation. If the matter of usage of the existing stockpiled material was not discussed then I am at a loss to explain where the advice to contact HM Customs originated.

I refer to your penultimate paragraph where you advise that full planning permission is required and add the caveat that what form this planning approval should take is not a matter the Enforcement team are qualified to advise upon. I therefore shall be obliged if your Planning Team can clarify this aspect when they finally respond to my previous queries on the 24th March 2017.

However, notwithstanding the above, my response to your assertions would be to aver that under The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Schedule I, Class 18(3) **that development** (such as simply removing previously stockpiled materials {sand}) **is permitted by this class subject to Class 18(3)(b)(ii) where the development involves the removal of any mineral from a mineral-working deposit on the land.** The exclusion contained within the "Act" ie "the mineral shall not be moved off the land", which appears to form the basis of your assertion that planning permission for my Client's activity is required, does not seem to apply in this instance. The material (stockpiled sand) being removed was **"won and worked" under an appropriate planning approval, your reference APP2006/1206**, granted on the 13th March 2007 **after an application was made under Part III of the Act.** Accordingly; your assertions that there are no permitted development rights which allow for the removal of the material for non-agricultural/forestry related purposes, and that my Client's activities (ie removal of previously won and worked materials stockpiled on-site) are considered to be unauthorised development and therefore a breach of planning control are queried.

I trust this clarifies our position and I ask that you quantify the Enforcement position as without further clarification I am not minded to advise my Client to cease exporting stockpiled sand and consider that we would have no option but to lodge an Appeal if your Department was to issue an Enforcement Notice in respect of the continued movement of stockpiled material from the Site.

Regards

Brian A Taylor LLM
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608
Mob: 07711 694681

On Tuesday, 14 March 2017, 14:01, Planning Enforcement <planningenforcement@aberdeenshire.gov.uk> wrote:

Dear Mr Taylor,

Thank you for your email of 13 March 2017 the content of which has been noted. I have now had the opportunity to discuss the content of your email with the Area Planning Team and can relay the following.

The Planning Team have advised that they have no record of any correspondence in which the matter of whether the materials can be removed from the site are discussed. It is noted that you had a telephone conversation with one of the Planners in that team in relation to the outstanding matter of whether or not planning approval is required to carry out restoration works. However, I have been advised that this conversation did not broach the subject of material removal and that no assurances were given by the Planning Service that this material could be removed without planning permission.

As such the Planning Enforcement position remains that, notwithstanding a levy or requirements that must be met for HMRC purposes, the removal of any of the stockpiled material (other than that covered by the terms of Classes 18 and 22 of the GPDO) is considered to be development. As there are no extant approvals or permitted development rights which allow for the removal of the material for non-agricultural/forestry related purposes, then we must then consider this to be unauthorised development and therefore a breach of planning control.

I trust this clarifies the Enforcement position. If, going forward, your client wishes to export and utilise the material for non-agricultural/forestry related purposes then full planning permission to do so will be required. What form this planning approval should take is not a matter the Enforcement team are qualified to advise upon. I would therefore recommend that you/your client contact the Area Planning Team directly to further discuss the submission of an application.

If however you maintain that the Planning Team advised that planning permission was not required to remove the materials or you consider that in any case planning permission is not required then I would ask that within 28 days of this email you provide the Planning Team with evidence to support this position. The Planning Enforcement Team will always be guided by colleagues in their respective Area Planning Teams

when it comes to questions of whether or not any given activity requires planning approval. As such if, after reviewing you evidence, the Planning Team revise their position, then we will be guided by this decision and will consider this matter closed.

I trust this clarifies the Enforcement position at this stage.

Yours Sincerely,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: BRIAN TAYLOR [<mailto:aaultmorehouse@btinternet.com>]
Sent: 13 March 2017 23:09
To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Paul Monaghan <paul@ptmplant.co.uk>
Subject: COMP/2016/0454; HADD0 QUARRY: Your e-mail dated

Dear Sir

I refer to your e-mail of 10th March 2017 and am somewhat concerned by your statement that "materials are being exported off site in breach of planning control". I was given the impression from previous discussions with the Planning Department, and a local Councillor from the Formartine Planning Committee, that usage of the stock-piled extracted materials on-site, that had been previously screened and washed, were a matter for HM Customs in respect of payment of the appropriate "Aggregate Levy" and not a planning issue. I understand my Client has completed the necessary registration with HM Customs and accordingly I am now somewhat confused that you are now contradicting the information I previously sought from your Department.

For the avoidance of doubt I can confirm that the material you witnessed being moved off-site was indeed sand from the existing stock-piles on-site and was not the crushed material that featured in your previous Enforcement Action.

I have advised my Client to cease exports meantime and therefore shall be obliged if you can confirm your Department's position on export of the previously extracted sand stockpiled on-site.

In conclusion I thank you for pressing the Planning Team on our behalf and look forward to a response to my previous queries on the 24th March 2017.

Regards

Brian A Taylor
Grampian Soil Surveys
212 Millroad Drive
Glasgow
G40 2NS
Tel: 0141 554 3608

Mob: 07711 694681

This e-mail may contain privileged information intended solely for the use of the individual to whom it is addressed. If you have received this e-mail in error, please accept our apologies and notify the sender, deleting the e-mail afterwards. Any views or opinions presented are solely those of the e-mail's author and do not necessarily represent those of Aberdeenshire Council.

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Robin Currie

From: Robin Currie
Sent: 29 March 2017 12:52
To: Planning Enforcement
Subject: RE: For Information: FW: Aberdeenshire Council Ref No COMP/2017/0046 Illegal sand and gravel extraction at Craigmuir Woodland, AB41 7NB.
Attachments: Site photos.docx

Hi, could you please send the text below and the attachment to Mr McWilliam - jim@craigiecroft.co.uk Thanks.

Dear Mr McWilliam,

Thank you for your email correspondence of 27 march 2016, the content of which has been noted. We would respond to your various points as follows.

In the complaint you made to the Planning Enforcement Team you referred to alleged activities which you believed breached planning approval APP/2016/1249. Specifically you mentioned noise at your property due to stone crushing, numerous lorries coming and going, working beyond permitted hours and also working out with permitted area.

As your complaint pertained to an alleged breach of the aforementioned approval it is this aspect that we investigated and addressed in our correspondence to you of 9 March 2017. As advised four unannounced visits have been carried out to the site in question, the latter two visits in relation to your complaint. At none of these visits has there been any activity seen within the approved site which would indicate that the planning permission had been implemented or that sand/gravel extraction had commenced. In addition to Planning Enforcement investigating the site, Environmental Health carried out a site inspection and as stated in our letter found no ongoing noise issue which required further attention on their part. As such, there being no evidence at the time of our investigations to uphold your complaint we considered the matter closed.

We did however advise that we were also investigating activities in the northern half of the quarry which is under separate ownership and has no connection to the recently approved southern half of the quarry. A Planning Contravention Notice was served on the landowner and responded to by their agent. Within the response to the PCN we were advised that:

- 1) **No mineral extraction has taken place in the quarry.** For the avoidance of doubt when we define mineral "extraction" as the excavation and processing of virgin materials. What has happened is that all material previously lawfully extracted by Les Taylor Limited was moved to the northern half of the quarry and re-screened. At none of the site visits has any mineral extraction been witnessed nor has any plant machinery commensurate with mineral extraction been seen on site. The only plant machinery now on site is a heavy bucket loader.
- 2) **No material is being exported from the quarry other than those required to carry out agricultural or forestry works within the land owners agricultural unit or forestry land.** The use of the materials for works of this type is considered to be permitted development as per class 19 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 as amended. For the avoidance of doubt we define "exportation" of materials/minerals as the removal from a site of already extracted and processed materials.

In our letter to you we advised that without any evidence to the contrary we would not be pursuing any formal enforcement action.

However, since sending our letter to you, we have continued to correspond with the land owners agent regarding information received that indicates that materials have been/are being exported from the site for commercial non-forestry/agricultural applications. The agent has subsequently taken the position that, as the landowner has completed the necessary registration with HMRC in respect of the payment of the appropriate aggregate levy, the removal of said aggregate/materials is not a matter for the Planning Service.

Our position has always been that the movement and processing of the already quarried materials on site and their use for agricultural or forestry operations does not constitute unauthorised development. We do however maintain that the subsequent exportation of said materials for commercial use is development for which the landowner will require planning permission and does not currently have. However, given that we had received a legal challenge to our position, the Planning Service took the prudent step of consulting colleagues in the Legal Service to establish whether or not our position was in fact correct.

On 24 March 2017 we wrote to the landowners agent to confirm that our position remained that planning permission would be required for the exportation of materials for non-agricultural/forestry purposes. We further advised that we would continue to monitor the site and evidence of unauthorised exportation would be pursued by the Planning Enforcement Team accordingly.

Turning now to your allegation that there are tens of lorry movements every day and that tens of thousands of tonnes of material has been taken off site. This allegation has not been supported by our various site visits all of which have been recorded by securing photographs for our records. Attached are photos of the site in question taken at each of the site visits. While there is some change in the size of the stockpiles there is nothing to support a claim that tens of thousands of tonnes of material have been taken from said stockpiles. Planning Enforcement have visited the site on 4 separate occasions and on different days of the week and have not noted any activity on the scale that you allege. Furthermore, the evidence you have provided us in the form of video clips also does not support such a claim. Having analysed the clips we have ascertained that on average there are potentially 8 vehicle movements (which equates to 4 loads of material - approx. 80 tonnes) at the site per day. Even if taken from the date of your complaint this only translates to approx. 3360 tonnes.

Notwithstanding the above, it does appear from the footage you have provided that materials are being exported off site although we cannot say where to and for what purpose. However we cannot rely on the footage as evidence as it was unlawfully obtained and therefore cannot form the basis of any enforcement action. What the film clips appear to show is the covert placement of a CCTV camera on land which is not part of your domestic property and which is recording video and audio clips of the access and the subjects private domestic residence, furthermore you have then placed these images on an online platform which makes them available to the general public. It is our opinion that this is a breach of the Data Protection Act which is an offence for which there are potential severe penalties. It is for this reason that we cannot use or rely on this information and would strongly caution you against carrying out such evidence gathering activities in the future. Any further video/audio clips of this nature that are provided to us will be forwarded to the Information Commissioners Office for their consideration. It is not possible for the Planning Enforcement Team to be at the site all the time and therefore we do welcome information provided to us by the public. In this case we would recommend that you limit your evidence gathering activities to a written diary stating the times and dates of any lorry movements in and out of the site.

We will also continue to monitor the site and carry out site visits as frequently as resources allow and in proportion to the alleged breach of planning control. Thereafter any identified breaches will be pursued. As advised above the landowners agent has been contacted and advised that any further exportation of materials for non-agricultural/forestry purposes will be a breach of planning control.

In conclusion, we consider that we have investigated (and are continuing to investigate) this site in depth and have pursued proportionate action based on the lawful information we have secured. Your allegations regarding HMRC payments are not a planning matter and therefore will not be pursued by the Planning Enforcement Team. If you wish to contact HMRC in this regard this is entirely at your discretion. Similarly if you consider that a criminal offence is being committed then it is entirely your discretion if you wish to contact Police Scotland in this regard, however planning breaches are a civil offence and not the responsibility of Police Scotland to enforce. We would also actively encourage you to seek further recourse with the SPSO if you feel that Aberdeenshire Council as the Planning Authority have failed to investigate your concerns appropriately.

We trust this clarifies the points you raise and our position. Please do not hesitate to contact the Planning Enforcement Team if you wish to discuss the content of this email.

Yours Sincerely,

Planning Enforcement Team

From: Kathryn Singer **On Behalf Of** Planning Enforcement

Sent: 28 March 2017 09:06

To: Robin Currie <robin.currie@aberdeenshire.gov.uk>

Subject: For Information: FW: Aberdeenshire Council Ref No COMP/2017/0046 Illegal sand and gravel extraction at Craigmuir Woodland, AB41 7NB.

Hi Robin,

Please see the email below in relation to a complaint that you are investigating.

Thanks
Kathryn

Kathryn Singer
Admin Support Assistant
Planning Support Services
Infrastructure Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
LP – 3
Tel: 01467 535125 or 761 5125 (internal)

From: Jim McWilliam [<mailto:jim@craigiecroft.co.uk>]

Sent: 27 March 2017 17:56

To: Planning Enforcement <planningenforcement@aberdeenshire.gov.uk>; Cllr Cryle Shand <cllr.c.shand@aberdeenshire.gov.uk>; Cllr Allan Hendry <cllr.a.hendry@aberdeenshire.gov.uk>; Cllr James N. Gifford <cllr.j.gifford@aberdeenshire.gov.uk>; Cllr Paul Johnston <cllr.p.johnston@aberdeenshire.gov.uk>; gillian.martin.msp@parliament.scot; alex.salmond.mp@parliament.uk

Subject: Re: Aberdeenshire Council Ref No COMP/2017/0046 Illegal sand and gravel extraction at Craigmuir Woodland, AB41 7NB.

Sir

Thanks for your rebuttal letter.

Your officers were clearly looking at a different quarry from the one that I have to look at. For I see tens of lorry movements extracting sand and gravel every day.

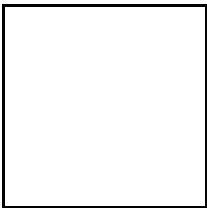
If you were to use the powers that are available to you, you would have been able to capture lorries and tractors entering the site empty and leaving full. Just like you can see on this YouTube channel:
https://www.youtube.com/user/ubastard5/videos?sort=dd&view=0&shelf_id=0

In those videos you can clearly see that sand and gravel is being extracted without any planning permission being granted.

All of the vehicles which are illegally extracting sand and gravel from this site are using the Deer Dyke road which is unsuitable for this weight of traffic and its condition is deteriorating significantly. The Aggregate Levy, currently £2 per tonne, is a tax which is designed to alleviate the environmental impact of quarrying operations. But, due to the illegal nature of the sand and gravel extraction at this site, this tax is not being paid so the government is being denied essential revenues and we, the council tax payers, will be left to foot the bill for the road repairs.

If you look at the Google satellite view of this site you will see massive stockpiles of sand and gravel, which are no longer there. Tens of thousands of tonnes of aggregate have been illegally removed from this site. Tens of thousands of pounds of tax has been avoided. Due to the scale of this operation the operator would have to be VAT registered, but because the site is being operated illegally, no VAT has been paid which again is denying the government essential revenues.

Here is the view:



Again due to the illegal nature of the operations on this site none of the payment from the hauliers or final customers could be run through the illegal quarry operators books as aggregate extraction, so how is this money being accounted for? Is it being accounted for at all? How are the hauliers accounting for it?

I have followed some of the lorries from the illegal quarry, as have some other independent witnesses, and we have seen the material being deposited on the AWPR among other places. How is this material being invoiced to the AWPR? Does the invoice contain VAT and aggregate levy? If it does then the Council, the AWPR consortium and ultimately the taxpayer is being defrauded.

I am extremely disappointed that you have not investigated these breaches in any depth. Hopefully now you will and you will put an immediate halt to this illegal operation.

Do you wish to contact HMRC and Police Scotland or should I?

I will also pass this information to the SPSO for further investigation.

Best regards.

Jim

On 9 March 2017 at 12:13:11 -00:00, planningenforcement@aberdeenshire.gov.uk wrote:

Please find attached important correspondence from Aberdeenshire Council, Planning and Building Standards Service

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: F/APP/2006/1206

TO: Les Taylor Contractors Ltd
Longside Road
Mintlaw
Aberdeenshire
AB42 5EJ

FOR: Les Taylor Contractors Ltd

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application to carry out the following development:

**Full Planning Permission for Sand & Gravel Extraction
at Haddo Quarry, Tarves, Ellon**

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Full Planning Permission** for the said development subject to compliance with the following condition(s):

1. That the development hereby granted shall be begun on or before the expiration of five years beginning with the date on which the planning permission is granted or deemed to have been granted.

Reason: Pursuant to Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

2. That permission for the development hereby approved shall be for a limited period of **5 years from the date of this approval.**

Reason: In order to retain control over this temporary form of development and to enable the impact of the development on the amenity of the surrounding area to be removed.

3. That at expiry of this permission or the completion of extraction (whichever is the sooner) all buildings, plant and machinery shall be removed from the site together with all other materials brought onto the site during the time of extraction which are not relevant to the reinstatement of the land to the agreed after use.

Reason: In the interests of the amenity of the area.



4. That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a scheme of archaeological assessment, evaluation, mitigation and publication and unless the fieldwork and publication elements of the approved scheme have been carried out to the satisfaction of the Planning Authority.

Reason: In the interests of recording such items or features of archaeological or historic interest as exist within the site.

5. That the operating hours of the site shall be restricted to:-

Monday to Friday	7.00am to 6.00pm
Saturday	7.00am to 12 noon
Sunday	No Sunday working

Reason: To prevent nuisance to neighbouring residential properties.

6. That the noise due to the operation of the quarry will not exceed 45dB LA eq (1 hour) when measured at the boundaries of any noise sensitive premises. The noise level may be increased to 55dB LA eq (1 hour) for a period of up to 8 weeks in any calendar year to allow for soil stripping and bund formation etc to be carried out to the satisfaction of the Planning Authority. Details of the duration of soil stripping/bund formation and anticipated noise levels will be submitted to the Planning Authority and be agreed before any such operations commence.

Reason: To prevent nuisance to neighbouring residential properties.

7. That prior to the commencement of any quarrying operations the bunding indicated on drawing PH3-01 shall be provided to the satisfaction of the Planning Authority.

Reason: To prevent nuisance to neighbouring residential properties.

8. That all vehicles, plant and machinery on site shall be fitted with effective exhaust silencers, maintained in good repair in accordance with the manufacturer's instructions and operated to minimise noise emissions. Any reverse warning devices should be of a type which do not cause nuisance to residents in the surrounding area.

Reason: To prevent nuisance to neighbouring residential properties.

9. That prior to the commencement of development a noise monitoring scheme shall be agreed by the Planning Authority in consultation with Environmental Health. The agreed monitoring shall be undertaken on the basis of 1 hour every 2 months at the noise sensitive properties in the noise assessment



dated 24 May 2006 and the results shall be submitted to the Planning Authority within one week of the results being available.

Reason: To prevent nuisance to neighbouring residential properties.

10. That dust suppression measures employed on site shall be to the satisfaction of the Planning Authority in consultation with Environmental Health.

Reason: To prevent nuisance to neighbouring residential properties.

11. That all vehicles used within the site shall have exhausts pointing away from the ground to the satisfaction of the Planning Authority.

Reason: To prevent nuisance to neighbouring residential properties.

12. That prior to the commencement of quarrying operations a scheme for the installation and operation of water sprays shall be submitted for the further written approval of the Planning Authority in consultation with Environmental Health.

Reason: To prevent nuisance to neighbouring residential properties.

13. That prior to the restoration of the scheme, a detailed restoration scheme including cross sections and details of any imported material and tree planting proposals shall be submitted for the further approval of the Planning Authority.

Reason: To ensure the integration of the site into the rural landscape.

14. That no development shall take place in connection with the permission hereby granted unless an amended boundary to take account of the presence of badgers nearby as outlined in the submitted badger survey dated April 2006 or evidence of a licence from Scottish Natural Heritage has been obtained and submitted to the satisfaction of the Planning Authority.

Reason: To enable the mitigation of any effects upon nearby badger setts.

15. Prior to the commencement of development a method statement shall be submitted covering surface water run-off, fuel or chemicals, stockpiling and waste to be agreed by the Planning Authority in consultation with SEPA.

Reason: In the interests of preventing pollution.

16. Prior to the commencement of development an agreement shall be reached between the developer and the Planning Authority restricting the use of the Deerdykes road, the Auchedly road and the Douglashead-Ythsie road.

Reason: In the interests of the amenity of the area.



Dated: 13/03/2007



Acting Head of Development Control and Building Standards

For details of how to appeal to Scottish Ministers
against any conditions please see attached notes.

Planning & Building Standards
Gordon House
Blackhall Road
Inverurie
AB51 3WB

For the attention of Mr Darren Ross

5th April 2017

Dear Sir

Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

I refer to our telephone conversation on the 31st March 2017 and confirm what was discussed relating to the proposed restoration of the former Phase 3 at Haddo Quarry, Tarves.

In the first instance, I would remind you that planning permission was granted for the extraction of sand and gravel, your ref: APP/2006/1206 on the 13th March 2017. This original planning permission for the site in question, APP/2006/1206, was granted to Les Taylor Contractors Ltd who have since gone into receivership without completing any necessary restoration works. Mr Ross, the land owner, is left with the problem of finding a mechanism to restore the land back to use in his forestry operations. To that end he has entered into an arrangement with PTM Plant, who are actively researching the available options to restore the land.

I discussed the matter at length with SEPA and determined that to obtain sufficient materials to restore the Site that I would require to submit an Application to that Agency for a Paragraph 9 Exemption to allow the import of top-soils to allow the future planting of trees. I wrote to your Planning Department on the 28th September 2016, detailing our proposals to restore the site, utilizing a SEPA Paragraph 9 Exemption, and enclosed a topographical survey plan and cross sections of the proposed finished levels. I chased up your Department during October 2016 via a telephone call when I was advised that your Planning Officer considered that our proposals required submission of a new planning application for the site restoration.

I expressed my surprise that the restoration proposals were deemed to require a new planning application as there is nothing in the original planning conditions that required the Site to be restored prior to the expiry of Planning Consent APP/2006/1206. In fact, Condition 3 (*That at expiry of this permission or the completion of extraction (whichever is the sooner) all buildings, plant and machinery shall be removed from the site together with all other materials brought onto the site during the time of extraction which are not relevant to the reinstatement of the land to the agreed after use*) would appear to suggest that the Planning Permission made provision for the restoration to be completed after the limited period of 5 years from the date of the original approval had lapsed. Condition 13 (*That prior to the restoration of the scheme, a detailed restoration scheme including cross sections and details of any imported material and tree planting proposals shall be submitted for the further approval of the Planning Authority*), does not have any specific time constraints either

I expressed my concerns with the Planning Officer and asked that she respond in writing explaining her Department's reasoning for asking for a new planning application for the restoration works.

I therefore repeat my concerns relating to your Department's requirements for the submission of a new planning application and shall be obliged if your Department can respond to my queries and in particular, provide justification under current planning legislation, for the Department's requirement for a new planning application for a simple restoration utilizing a SEPA Paragraph 9 Exemption.

Furthermore, I refer to abandoned stock-piles of previously extracted and treated sand remaining on-site following the sequestration of Les Taylor Contractors Ltd and **express my concerns that your Department again considers that any off-site movement of materials from the stock-piles would require a planning application under a storage and distribution classification. It would appear from your Department's reasoning that since there is no current planning permission in place then this material should not be on-site and logically must therefore be removed to comply with Condition 3 of APP/2006/1206.**

However, notwithstanding the above, I would aver that under The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Schedule 1, **Class 18(3)** that development (such as simply removing previously stockpiled materials {sand}) is permitted by this class subject to **Class 18(3)(b)(ii)** where the development involves the removal of any mineral from a mineral-working deposit on the land. The exclusion contained within the "Act" is "the mineral shall not be moved off the land", which appears to form the basis of your Department's assertion that planning permission for my Client's activity is required, does not seem to apply in this instance. The material (stockpiled sand) being removed was "won and worked" under an appropriate planning approval, your reference APP2006/1206, granted on the 13th March 2007 after an application was made under Part III of the Act. Accordingly; your Department's assertions that there are no permitted development rights which allow for the removal of the material for non-agricultural/forestry related purposes, and that my Client's activities (ie removal of previously won and worked materials stockpiled on-site) are considered to be unauthorised development and therefore a breach of planning control are queried.

I therefore ask that you re-examine your Department's position in respect of the conflicting interpretations of the relevant planning legislation and provide legal justification to back up your Department's assertions that a new planning permission is indeed required for the restoration of the land and; that planning permission is required for the movement off-site of previously won and worked material that was originally extracted under an appropriate planning application following an application made under Part III of the Act.

Regards



Brian A Taylor LLM

Robin Currie

From: Ian Daniels
Sent: 20 April 2017 11:29
To: Robin Currie; Anne Buchan
Cc: Philip Leiper
Subject: RE: quarry traffic at Haddo

Robin,

If it is PTM, I think I know where some of that material has possibly landed.

Formation of new road near Oldmeldrum off the B9170 – APP/2016/2185 for a Mr Andy Dickson.
Would need a site investigation to determine if this is indeed the same material.

Ian

Ian Daniels I.Eng FIHE
Principal Roads Engineer - Formartine

From: Robin Currie
Sent: 20 April 2017 11:20
To: Ian Daniels <ian.daniels@aberdeenshire.gov.uk>; Anne Buchan <anne.buchan@aberdeenshire.gov.uk>
Cc: Philip Leiper <philip.leiper@aberdeenshire.gov.uk>
Subject: RE: quarry traffic at Haddo

Morning Ian,

As yet we haven't received a complaint from TCC but it's probably in the post. We have only received two complaints thus far, both from properties that neighbour the old quarry.

Its currently PTM plant hire (Paul Monaghan) that have been contracted to do the work which the agent asserts is permitted development and which we have to take at face value until we can prove otherwise. Ultimately what the landowner wants to do is restore the quarry under the previous extant permission (APP/2006/1206) however Ellon Planning are asking for a full planning application to restore the site (at a cost of £20,000+) which as you can imagine has resulted in war of attrition between the agent and Planning.

In the meantime I suspect they are trying to recoup some money by using/selling the already extracted materials for commercial purposes, they have been told that any exportation of material for commercial use or out with the landowners agricultural/forestry unit also requires planning permission.

I will be going out on site tomorrow for another look and am trying to periodically visit the site to keep an eye in things.

Regards,

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road

Inverurie

Tel 01467 534333

Please note I work compressed hours Tues - Fri

From: Ian Daniels

Sent: 19 April 2017 15:19

To: Anne Buchan <anne.buchan@aberdeenshire.gov.uk>; Robin Currie <robin.currie@aberdeenshire.gov.uk>

Cc: Philip Leiper <philip.leiper@aberdeenshire.gov.uk>

Subject: RE: quarry traffic at Haddo

Anne/Robin,

The complaint came through from Cllr Johnston.

I personally have seen no evidence of material/lorries coming out.

I had presumed (And this is a presumption) that it was TCC who initiated the complaint. And I also presumed that it is Ellon Plant Hire (Ian Cook) who was carrying out the works, but perhaps you can advise otherwise.

Ian

Ian Daniels I.Eng FIHE

Principal Roads Engineer - Formartine

From: Anne Buchan

Sent: 19 April 2017 12:21

To: Ian Daniels <ian.daniels@aberdeenshire.gov.uk>

Cc: Philip Leiper <philip.leiper@aberdeenshire.gov.uk>

Subject: FW: quarry traffic at Haddo

Ian,

Did we receive a complaint about the quarry vehicles or was it ourselves?

Anne

From: Robin Currie

Sent: 19 April 2017 11:09

To: Anne Buchan <anne.buchan@aberdeenshire.gov.uk>

Cc: Ian Daniels <ian.daniels@aberdeenshire.gov.uk>

Subject: RE: quarry traffic at Haddo

Hi Anne,

The Ellon Planning Team and I are currently in a protracted battle with the landowner and their agent re ongoing activities at the old Haddo Quarry. I wont bore you with the full details but we are actively pursuing this one.

I served a planning contravention notice and the agent advised that the landowner was only exporting already extracted materials (extracted by Les Taylor before they went bust) for use in the land owners agricultural/forestry unit.

The complainant has advised that there are continued and extensive lorry movements from the site (see the attached map – lorries are getting to the quarry using a private road through craigmuir woods which joins onto the U41C) taking materials for commercial use. I suspect they may be taking liberties (shock) but what I suspect and what I can prove are vastly different things.

The problem is I have visited the site several times and haven't seen anything that warrants something like a stop notice. I don't have the authority to carry out directed surveillance of the site at this stage and have asked the complainant to keep a diary of vehicle movements that I can put to the agent. Do you guys have any first hand info/evidence of vehicle movements coming from the site or where they may be taking stuff to?

Was it a Mr James McWilliam that complained to you?

Robin Currie
Planning Enforcement Officer
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie

Tel 01467 534333
Please note I work compressed hours Tues - Fri

From: Anne Buchan
Sent: 10 April 2017 14:44
To: Robin Currie <robin.currie@aberdeenshire.gov.uk>
Cc: Ian Daniels <ian.daniels@aberdeenshire.gov.uk>
Subject: quarry traffic at Haddo

Hi Robin,

Not sure if you have any information on this one. Someone has observed a lot of traffic coming from and going to the quarry at this location

DPADDRESS

CRAIGIEBRAE, U41C C42C AT RAXTON VIA CRAIGIE TO B9005 NEAR TANGLAND, TARVES, AB41 7NB	CRAIGIE BRAE, TARVES, ELLON, AB41 7NB
---	---

I have looked at applications for the quarry, but can't see anything for them to use this access rather than the one that leads on to the B9005 Ythankbank to Methlick road on the east side of the quarry.

Regards,

Anne Buchan
Senior Roads Engineer
Formartine Area Office
29 Bridge Street
Ellon
AB41 9AA

Office: 01358 726412
Fax: 01358 726453

formartine.roads@aberdeenshire.gov.uk
Mob: 07917 423 610

anne.buchan@aberdeenshire.gov.uk

Robin Currie

From: Darren Ross
Sent: 02 May 2017 11:52
To: Martin Ingram
Subject: FW: For Information: Scanned document
Attachments: Haddo Quarry, Tarves.pdf

Martin

Whilst I have your ear can I also run the attached by you – not necessarily looking for an answer tomorrow you'll be pleased to hear.

Attached is a document from Grampian Soil Surveys. In it – and it's hopefully self-explanatory - Mr Taylor asserts his view that no permission is required to restore the quarry (rationale is in the letter) and also that the removal of material off-site is permitted.

Our opinion (not wishing to prejudice your own view and not saying we are correct) is

- Notwithstanding condition 13 our view is that to implement a scheme which is, itself, development needs a separate permission. Our thinking being if this does not need a permission then the public/neighbours etc have no chance to comment on the details
- It could also be argued that condition 13 is ultra vires as it clearly says "restoration of the scheme" and not "site". More pertinently – and accepting there are no time limits for the restoration – how can one lawfully implement an integral part of the decision (the restoration) once the permission has lapsed?
- The Permitted Development Order states, that for mineral removal, permission must be granted. It clearly was but has now expired. Does this have any bearing???
- Notwithstanding that the removal of minerals **may** be PD what about where they are deposited? That is, surely, development in its own right?

Would you or one of your team be able to advise on this attached letter in a form I can (a) pass onto staff if we are wrong and (b) to Mr Taylor should you share our opinion

Darren

Darren Ross
Team Manager (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
45 Bridge Street
Ellon
Tel 01358 726429

From: Katie McFarlane
Sent: 02 May 2017 10:56
To: Darren Ross <darren.ross@aberdeenshire.gov.uk>
Subject: For Information: Scanned document

Hi Darren – scanned documents attached.

Thanks,
Katie

Katie McFarlane
Admin Support Assistant

Planning & Building Standards | Aberdeenshire Council
45 Bridge Street | Ellon | AB41 9AA

Tel: 01358 726429 | Fax: 01358 726450

to FOI requests at Aberdeenshire Council <foi@aberdeenshire.gov.uk>
cc
from James McWilliam <request-403013-825edf47@whatdotheyknow.com>
subject Freedom of Information request - Planning enforcement notices Haddo Quarry/Craigmuir Wood (quarry)
date Mon, 24 Apr 2017 12:27:55 +0100

No Attachments found

Dear Aberdeenshire Council,

Please provide details of all planning enforcement notices issued in respect of sand and gravel extraction at the site formerly known as Haddo Quarry, AB41 7NE.

As you are probably aware the former site has been split in two, I wish to receive the planning enforcement notice(s) for the part of the former site which does not have any current planning approval for sand and gravel extraction. I believe this site is called Craigmuir Wood.

Please also provide me with all correspondence between Aberdeenshire Council and the owners and agents of the side of the former Haddo Quarry which does not currently have planning permission for sand and gravel extraction.

Yours faithfully,

James McWilliam

Please use this email address for all replies to this request:
request-403013-825edf47@whatdotheyknow.com

Is foi@aberdeenshire.gov.uk the wrong address for Freedom of Information requests to Aberdeenshire Council? If so, please contact us using this form:
https://www.whatdotheyknow.com/change_request/new?body=aberdeenshire_council

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<https://www.whatdotheyknow.com/help/officers>

For more detailed guidance on safely disclosing information, read the latest advice from the ICO:
<https://www.whatdotheyknow.com/help/ico-guidance-for-authorities>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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to ""request-403013-825edf47@whatdotheyknow.com"" <request-403013-825edf47@whatdotheyknow.com>
cc ""aberdeenshire@messagestore.co.uk"" <aberdeenshire@messagestore.co.uk>
from ISFOI <isfoi@aberdeenshire.gov.uk>
subject FOI: Planning Enforcement Notices - Haddo Quarry ref: AbdnShireIR:4098
date Tue, 9 May 2017 14:40:17 +0000

No Attachments found

Dear Mr McWilliam

Freedom of Information (Scotland) Act 2002
Notice of Refusal

We refer to your request for information dated 24 April 2017 which has been handled in accordance with the Freedom of Information (Scotland) Act 2002. For ease of reference your request is replicated below together with our response.

“Please provide details of all planning enforcement notices issued in respect of sand and gravel extraction at the site formerly known as Haddo Quarry, AB41 7NE”

For clarity, in terms of the Town and Country Planning (Scotland) Act 1997 as amended, taking enforcement action is defined as issuing;

- An enforcement notice
- A breach of condition notice
- A notice requiring application for planning permission for development already carried out (a Section 33A Notice)

Aberdeenshire Council as the Planning Authority have to date not taken any Enforcement Action in relation to the Haddo Quarry and as such no enforcement notices have been served. The Planning Authority have served a Planning Contravention Notice (PCN) as per section 125 of the Act which confers to the Planning Authority the power to require information about activities on the land where a breach of planning control is suspected. The Planning Authority need not keep a copy of a PCN on the public Planning Enforcement Register.

Details of the justification for service of the PCN, the date it was served and a summary of the response provided by the subject of said notice were provided to you in our letter dated 9 March 2017 and subsequent email dated 29 March 2017. Our investigation into activities at this site are ongoing.

“I wish to receive the planning enforcement notice(s) for the part of the former site which does not have any current planning approval for sand and gravel extraction. I believe this site is called Craigmuir Wood.”

We refer you to our response above. No enforcement notices have been served in relation to the site adjacent to Craigmuir Wood.

“Please also provide me with all correspondence between Aberdeenshire Council and the owners and agents of the side of the former Haddo Quarry which does not currently have planning permission for sand and gravel extraction”

We confirm that the Council holds the information that you have requested. We have considered your request, but are of the opinion that the exemption under the following section of the Freedom of Information (Scotland) Act 2002 applies to the information requested:

Section 34(1) of the Freedom of Information (Scotland) Act 2002 - Investigations by Scottish Public Authorities:

- (1) Information is exempt information if it has at any time been held by a Scottish public authority for the purposes of—
 - (a) an investigation which the authority has a duty to conduct to ascertain whether a person—
 - (i) should be prosecuted for an offence; or
 - (ii) prosecuted for an offence is guilty of it;
 - (b) an investigation, conducted by the authority, which in the circumstances may lead to a decision by the authority to make a report to the procurator fiscal to enable it to be determined whether criminal proceedings should be instituted; or
 - (c) Criminal proceedings instituted in consequence of a report made by the authority to the procurator fiscal.

The information you request is held for the purpose of allowing a thorough investigation into ascertaining whether any significant material breach of planning control has occurred and whether, ultimately, this will require to be reported to the Procurator Fiscal for consideration.

This exemption is a non-absolute exemption. However, in all the circumstances of the case, the public interest in maintaining this exemption outweighs the public interest in disclosing this information to you because it is the considered view of the Planning Service that disclosing the exempt information at this time could materially hinder appropriate investigations into the above matters.

If you are dissatisfied with the way in which we have dealt with your request, you may require Aberdeenshire Council to review this decision. Details of the procedure are attached.

Yours faithfully

Freedom of Information Co-ordinator
Infrastructure Services

Further Information:

Aberdeenshire Council's Review Procedure under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 can be accessed at the following link:

<http://www.aberdeenshire.gov.uk/council-and-democracy/foi-review-process/>

This e-mail may contain privileged information intended solely for the use of the individual to whom it is addressed. If you have received this e-mail in error, please accept our apologies and notify the sender, deleting the e-mail afterwards. Any views or opinions presented are solely those of the e-mail's author and do not necessarily represent those of Aberdeenshire Council.

www.aberdeenshire.gov.uk

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to FOI requests at Aberdeenshire Council <foi@aberdeenshire.gov.uk>
cc
from James McWilliam <request-403013-825edf47@whatdotheyknow.com>
subject Internal review of Freedom of Information request - Planning enforcement notices Haddo Quarry/Craigmuir Wood (quarry)
date Tue, 16 May 2017 12:00:13 +0100

No Attachments found

Dear Aberdeenshire Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Aberdeenshire Council's handling of my FOI request 'Planning enforcement notices Haddo Quarry/Craigmuir Wood (quarry)'.

I cannot see why the details of any planning enforcement notice have to be kept secret.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/planning_enforcement_notices_had

Yours faithfully,

James McWilliam

Please use this email address for all replies to this request:
request-403013-825edf47@whatdotheyknow.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://www.whatdotheyknow.com/help/officers>

For more detailed guidance on safely disclosing information, read the latest advice from the ICO:
<https://www.whatdotheyknow.com/help/ico-guidance-for-authorities>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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Our Ref:COMP/2017/0046

Your Ref:

Please ask for Planning Enforcement

Direct Dial 01467 534333

E-Mail: planningenforcement@aberdeenshire.gov.uk

Infrastructure Services

Planning and Building Standards

Gordon House

Blackhall Road

Inverurie

AB51 3WB

Tel 01467 620981

www.aberdeenshire.gov.uk

Mr J Ross
Craigmuir House
Craigmuir Woodland
Tarves
AB41 7NB

24/11/2017

Dear Sir,

Concern: Exportation of stockpiled materials from Haddo Quarry
Location: Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

We refer you to previous correspondence and the ongoing planning enforcement case in relation to allegations of unauthorised activities at the above site.

Following the service of a Planning Contravention Notice we established that you had contracted PTM Construction to use some of this material for use in you agricultural and forestry land. We confirmed at this stage that any material used for this purpose would be permitted development however any materials exported for use in a non-agricultural/forestry capacity would be considered to be development requiring planning permission.

To date our position has remained as such however subsequent further examination of the Town and Country Planning (General Permitted Development)(Scotland) order has revealed the following permitted development class which we now believe applies to the activities at the quarry. Namely, Part 19 Class 65 (extract below):

PART 19

REMOVAL OF MATERIAL FROM MINERAL WORKING DEPOSITS

Class 65

The removal of material of any description from a stockpile.

**If you have difficulty in reading this please contact
Planning Enforcement on 01467 534333.**

Interpretation of Part 19

For the purposes of Part 19—

“mineral working deposit” has the meaning assigned to it by section 251(1A) of the Act which is – “any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land.”

“stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale.

Our understanding has always been that the materials/minerals stockpiled on site were what remained after being lawfully extracted by Les Taylor Construction Ltd under the relevant planning permission given to do so. Following the dissolution of Les Taylor Construction Ltd these stockpiled materials have remained on site until the recent exportation of this material.

It is now our position that the material stockpiled on site meets the definitions given in the aforementioned permitted development class and as such you may remove this material for any use and are no longer restricted to using it for agricultural/forestry uses only.

However, it is our considered opinion that Class 65 only allows for the removal of stockpiled material where that material has been lawfully extracted under an extant or historic planning approval. There are no extant planning approvals for Haddo Quarry allowing for the winning and working of minerals, the last extant permission having expired in 2012.

For clarity and the avoidance of doubt we would reiterate that we are now allowing for the removal of the material currently stockpiled on your land at Haddo Quarry under Class 65 of the permitted development regulations. **Class 65 does not allow you extract, win or work any additional materials on the land at Haddo Quarry.** If you wish to extract and/or process any minerals at Haddo Quarry you must first secure planning approval to do so. Our position has not changed in that regard. Similarly, any works to restore the quarry must first be approved by the Planning Authority.

To date we have visited the site on several occasions as part of our investigation into this case and have secured an extensive catalogue of photographic evidence showing the current condition of the site. Should we receive any further complaints regarding alleged unauthorised activities at Haddo Quarry these will be investigated, and should there be any evidence that the extraction and or processing of minerals is taking place then appropriate formal enforcement action will be pursued

**If you have difficulty in reading this please contact
Planning Enforcement on 01467 534333.**



In conclusion, as the matters previously considered to constitute a breach of planning control are now considered be permitted development this case has now been closed.

Yours Sincerely,

Planning Enforcement Team

**If you have difficulty in reading this please contact
Planning Enforcement on 01467 534333.**



Our Ref:COMP/2016/0046

Your Ref:

Please ask for Planning Enforcement

Direct Dial 01467 534333

E-Mail: planningenforcement@aberdeenshire.gov.uk

Infrastructure Services

Planning and Building Standards

Gordon House

Blackhall Road

Inverurie

AB51 3WB

Tel 01467 620981

www.aberdeenshire.gov.uk

Mr James McWilliam
Craigie Croft
Tarves
Ellon
AB41 7NE

24/11/2017

Dear Sir,

Concern: Exportation of stockpiled materials from Haddo Quarry

Location: Land at Haddo Quarry, Tarves, Ellon, AB41 7NB

We refer you to previous correspondence and the ongoing planning enforcement case in relation to allegations of unauthorised activities at the above site.

Following the service of a Planning Contravention Notice we established that the land owner had contracted PTM Construction to use some of this material for use in the surrounding agricultural and forestry unit. We confirmed at this stage that any material used for this purpose would be permitted development however any materials exported for use in a non-agricultural/forestry capacity would be considered to be development requiring planning permission.

To date our position has remained as such however subsequent further examination of the Town and Country Planning (General Permitted Development)(Scotland) order has revealed the following permitted development class which we consider applies to the activities at the quarry. Namely, Part 19 Class 65 (extract below):

PART 19

REMOVAL OF MATERIAL FROM MINERAL WORKING DEPOSITS

Class 65

The removal of material of any description from a stockpile.

**If you have difficulty in reading this please contact
Planning Enforcement on 01467 534333.**

Interpretation of Part 19

For the purposes of Part 19—

“mineral working deposit” has the meaning assigned to it by section 251(1A) of the Act which is – “any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land.”

stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale.

Our position has always been that the materials/minerals stockpiled on site were what remained after being lawfully extracted by Les Taylor Construction Ltd under the relevant planning permission they secured to do so. Following the dissolution of Les Taylor Construction Ltd these stockpiled materials have remained on site until the recent exportation of this material by the landowner

It is now our position that the material stockpiled on site meets the definitions given in the aforementioned permitted development class and as such the landowner may remove this material for any use and is no longer restricted to using it for agricultural/forestry uses only.

However, it is our considered opinion that Class 65 only allows for the removal of stockpiled material where that material has been of lawfully extracted under an extant or historic planning approval. There are no extant planning approvals for Haddo Quarry allowing for the winning and working of minerals, the last extant permission having expired in 2012.

For clarity and the avoidance of doubt we would reiterate that we are now allowing for the removal of the material currently stockpiled on land at Haddo Quarry under Class 65 of the permitted development regulations. **Class 65 does not allow the landowner to extract, win or work any additional materials on the land at Haddo Quarry.** If they wish to extract and/or process any minerals at Haddo Quarry they must first secure planning approval to do so. Our position has not changed in that regard and this has been made clear to the landowner.

To date we have visited the site on several occasions as part of our investigation into this case (the most recent of which was carried out on 6 November 2017) and have secured an extensive catalogue of photographic evidence showing the current condition of the site. Should you have any concerns that the landowner is extracting and processing virgin materials from the quarry then please relay these concerns to the Planning Enforcement Team for further investigation. Thereafter, should there be any evidence that the extraction and or processing of minerals is taking place then appropriate formal enforcement action will be pursued. However we would stress that to

**If you have difficulty in reading this please contact
Planning Enforcement on 01467 534333.**

date there has been no evidence that minerals have been extracted/won from the site.

In conclusion, as the matters previously considered to constitute a breach of planning control are now considered be permitted development this case has now been closed. Please do not hesitate to contact the Planning Enforcement Team should you have any queries regarding the content of this letter.

Yours Sincerely,

Planning Enforcement Team

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Planning Enforcement on 01467 534333.**