

Kincardine & Mearns Area Committee Report 5 June 2018

Reference No: APP/2017/2060

Full Planning Permission for Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective) at Upper Pitforthie, Fordoun, Laurencekirk, Aberdeenshire, AB30 1LQ

Applicant: M & J Alexander, Upper Pitforthie Farm, Fordoun, Laurencekirk, AB30 1LQ
Agent: Farm Energy Consulting Ltd, Unit 15, Netherton Business Centre, Kemnay, Inverurie, AB51 5LX

Grid Ref: E:381398 N:779082
 Ward No. and Name: W19 - Mearns
 Application Type: Full Planning Permission
 Representations: 7
 Consultations: 2
 Relevant Proposals Map: Aberdeenshire Local Development Plan
 Designations: Rural Housing Market Area
 Complies with: Yes
 Development Plans:
 Main Recommendation: Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises, and the Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full planning permission is sought, retrospectively, for the installation of a biomass boiler (200kW) to heat a grain drier at Upper Pitforthie, Fordoun, and an external flue on the outside of the existing lean-to.
- 2.2 Upper Pitforthie farm is located approximately 2km to the southeast of the A90 trunk road. The nearest settlement is Drumlithie, approximately 2.9km to the northwest. The surrounding area is predominantly agricultural land. There are properties within the vicinity of the farm; Sunset Clouds at Little Barras, approximately 210m to the east; The Widdy, 240m to the northeast; Upper Pitforthie Cottage, 409m to the north; Nether Pitforthie Cottage, 449m to the northwest. Upper Pitforthie Farmhouse is located 74m to the northwest of the shed, within the complex of the farm building and biomass boiler. The site can be accessed from two farm tracks, both of which stem from the public road to the northeast of the site.
- 2.3 The biomass boiler is contained within a fan house, which measures approximately 4.5m by 7.3m, with a height of 3.6m. The fan house also contains a woodchip intake hopper, drying fan and heat exchangers and there is a 4.8m high boiler chimney located on the external north facing elevation of the building. The fan house is finished in corrugated grey coloured cladding and is partially open on the east facing elevation. The fan house adjoins a larger pitched roof agricultural building which is also open to the east and drying trays are contained within this building. The biomass boiler heats water which flows through the heat exchangers in front of the drying fan. There are four small axial fans which help by blowing air through the heat exchangers and into the drying fan. The hot air is transferred through underground pipes through to the floor of the adjoining drying trays, where there are vents. There is a straw burner located on the north elevation of the fan house which is not currently connected or in use. The application site only extends around the fan house, and for clarity this application relates only to the installation of the biomass boiler and the flue pipe on the outside of the building. The other equipment is not development, and therefore does not require consent.

Planning history

- 2.4 An application was approved for an access track (APP/2015/2755) to the east of the site. An application for the erection of a 50m anemometry mast (APP/2011/0213) in the field to the east of the application was submitted and subsequently withdrawn. This current application has been submitted following an enforcement complaint (COMP/2016/0098) regarding the installation of the biomass boiler and noise being generated from the connected fan.

Supporting information

- 2.5 The following documentation has been submitted with the application:
- Biomass Boiler Information Form – Form requested to be submitted by Infrastructure Services (Environmental Health).
 - Emission and Noise Assessment for agricultural drier at Upper Pitforthie farm (FEC Acoustics) – Assessment detailing the use of the biomass boiler for powering the dryer, screening assessment of the boiler emissions and sound emissions.
 - Supporting Statement (Farm Energy Consulting) – Statement submitted with the application providing a description of the drier layout and use and other equipment.

3. Representations

- 3.1 A total of 7 valid representations (7 objection) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 9 letters in total. All issues raised have been considered. The letters raise the following material issues:
- Noise and disturbance will cause adverse effect on residential amenity and quality of life
 - Adverse effect on the character of the area
 - Shed should be properly soundproofed to eliminate noise and disturbance
 - Wood chipping should not be allowed, similar to a previous application APP/2016/2573, as it is not an agricultural process
 - Times of use should be restricted

4. Consultations

Internal

- 4.1 **Infrastructure Services (Environmental Health)** initially objected to the proposal, as further information was required in relation to air quality and a noise impact assessment. A noise impact assessment was requested to assess the noise being generated from the development, and it was identified that the excessive noise levels were coming from the fans. Following further discussions with Infrastructure Services (Environmental Health), the Planning

Service and the agent, it has been established that this application only relates to the retrospective installation of the biomass boiler, and its flue pipe. The associated equipment for the grain drier does not require planning permission, as it does not constitute as development. Infrastructure Services (Environmental Health) has provided an updated response stating that the source of the noise identified in the noise impact assessment is the drying fan. As this does not require planning permission, there is no mechanism in terms of planning which can control the noise. However, the applicant is advised that irrespective of the grant of any planning permission, the proposed development would remain subject to other statutory legislation. In particular, the grant of planning permission would not prevent the Council from subsequently investigating complaints concerning activities arising from the development that could amount to a 'Statutory nuisance' as defined in section 79(1) of the Environmental Protection Act 1990. The applicant is also advised that the biomass boiler should be operated and maintained in accordance with the manufacturer's instructions.

External

- 4.2 **Arbuthnott Community Council** request that the application is refused on the grounds of the potential noise disturbance to neighbouring properties.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as

regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2017

Policy R1: Special rural areas

Policy R2: Housing and employment development elsewhere in the countryside

Policy P1: Layout, siting and design

Policy P4: Hazardous and potentially polluting developments and contaminated land

Policy C2: Renewable energy

5.4 Other Material Considerations

None.

6. Discussion

- 6.1 The main issues to consider in the determination of this application include the acceptability in principle of the installation of the biomass boiler, and the impact on the amenity of neighbouring properties and the surrounding area.

Principle of development

- 6.2 Under Policy R2 Housing and employment development elsewhere in the countryside, with its reference to Policy R1 Special rural areas, small-scale development may be permissible where it is an extension to an existing building or for a use that is ancillary to the main use. Given the proposal relates to the existing agricultural enterprise, it is therefore acceptable in principle, subject to compliance with other relevant policies contained within the LDP 2017.
- 6.3 Policy C2 Renewable energy states that biomass developments may be supported where they are appropriate for the site, and of a suitable design. The biomass boiler is a single unit housed within an existing shed. At the request of Infrastructure Services (Environmental Health), specification details of the biomass boiler have been submitted, in addition to an emission and noise assessment. Through this, it has been established that the biomass boiler does not cause excessive noise levels. The details and submitted form relating to the biomass boiler are considered acceptable, however the applicant is advised that the biomass boiler should be operated and maintained in accordance with the manufacturer's instructions. As there are no objections raised by Infrastructure Services (Environmental Health) in relation to pollution, nuisance or danger to the public, nor is the boiler itself considered to have a detrimental impact on amenity, the proposal complies

with Policy P4 Hazardous and potentially polluting developments and contaminated land.

- 6.4 Within the submitted emission and noise assessment, it identifies that noise levels which resulted in a complaint being made were caused by a broken fan which has since been replaced. However, noise may still be experienced from the fans. Whilst it is acknowledged that the noise levels created by the drying fan may exceed statutory limits, the drying fan is not considered development and as such, does not require consent and is not part of this planning application. The fan dryer was previously powered by another source which did not require consent. Only the biomass boiler is being considered under this application. Following the understanding that the fan did not require planning permission, Infrastructure Services (Environmental Health) removed their objection to the development, but have requested an informative to be attached to any consent granted advising the applicant that irrespective of any grant of planning permission, the proposed development would remain subject to other statutory legislation (Environmental Protection Act 1990). In effect, whilst the planning application does not raise any issues in relation to noise impacts, the legislation exists to allow Environmental Health to investigate and remedy any potential noise nuisance that may occur.
- 6.5 The application is for a biomass boiler for agricultural use, pertaining to Upper Pitforthie Farm. Should this use extend to further than purely for agricultural purposes, this would require the submission of an application for a change of use from agricultural to industrial use. It is acknowledged that it states within the supporting information that occasional wood chipping would occur, and the woodchips would then also be dried and used to fuel the boiler. However, planning permission is not required to chip wood for agricultural purposes at this scale. Again, should the incremental and ancillary wood chipping occur to a point that it has increased to a larger industrial scale, an application for a change of use would be sought and then assessed in accordance with the relevant planning policies. It is recognised that the chipping of wood was not allowed at another site located further to the northwest of the site, however that particular application related to an industrial scale, and it was considered in that instance the processing of woodchips would not be acceptable in that specific set of circumstances, based largely on the scale of wood chipping that was to take place. This application states that the woodchips produced will only occur for a short period each year, and is only to provide fuel for the biomass boiler on site. As the application is for the boiler, it is not considered necessary to restrict the timings of use for this, and as noted in Infrastructure Services (Environmental Health), irrespective of any planning consent granted excessive noise levels produced by the fans may be subject to other legislation.
- 6.6 As previously noted, the noise disturbance is a result of the drying fan and not the biomass boiler, and as part of this planning application it is not considered a requirement to soundproof the building as the boiler does not contribute to the noise levels. Works to reduce the noise impact of the drying fan may be permissible under permitted development rights, but as this application is not assessing the fan, this is not a requirement under this planning application. Arbutnott Community Council have requested that the application be refused due to the noise from the development and impact on the neighbouring

residential properties. However, as discussed above the high noise level is created by the drying fan, and this does not form part of this application. Excessive noise levels would be subject to other statutory legislation, in particular 'statutory nuisance' as defined in section 79(1) of the Environmental Protection Act 1990. It is considered that the concerns raised in the representations pertaining to noise have been addressed within the body of this report.

Layout, siting and design

- 6.7 It is the view of the Planning Service that this development would not have a detrimental impact on the character of the area, as it is proposed for agricultural use and this would be in keeping with the immediate area. The addition of the boiler is unlikely to have a notable visual impact on the character of the site, given its location within the existing shed, with the exception of the boiler chimney on the external face of the shed, which is not of a scale considered to have a significant adverse visual impact. The application is therefore considered compliant with Policy P1 Layout, siting and design.

Conclusion

- 6.8 In conclusion, the installation of a biomass boiler is compatible with the existing use of the site as a working farm, and would not result in the loss of amenity of any property by virtue of emissions, and it complies with air quality objectives. Visually, the development will not raise any issue, and the proposal fully complies with the relevant policies of the Aberdeenshire Local Development Plan 2017.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because [state reasons using the guidance provided by the Equalities team] and does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan (and/or) Strategic Development Plan and no departure procedures apply.

- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT Full Planning Permission.

11.2 Reason for Decision

01. The biomass boiler and flue is acceptable as it is associated with the existing farming enterprise at this location, and therefore complies with Policy R2 Housing and employment development elsewhere in the countryside. It has been demonstrated that there would not be a detrimental impact on the surrounding area as a result of emissions from the biomass boiler, and its location within an existing shed is appropriate. As such, the proposal also complies with Policy C2 Renewable energy, P1 Layout, siting and design and Policy P4 Hazardous and potentially polluting developments and contaminated land of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Jenny Ash
Report Date: 21 May 2018

[REDACTED]

[REDACTED]

From: Isabella Williamson [mailto:isabella@grassicgibbon.com]
Sent: 20 October 2017 13:08
To: Jenny Ash <jenny.ash@aberdeenshire.gov.uk>
Cc: Cllr George W. Carr <george.carr@aberdeenshire.gov.uk>; Cllr William Howatson <cllr.w.howatson@aberdeenshire.gov.uk>; Cllr Leigh Wilson <cllr.l.wilson@aberdeenshire.gov.uk>; Cllr Jeff Hutchison <cllr.j.hutchison@aberdeenshire.gov.uk>
Subject: RE: Community Council Comments

Hi Jenny

I went onto the Council website today to make a comment on behalf of Arbuthnott Community Council for application APP/2017/2060 and find that I am unable to do so. I had previously replied to you to say that we would respond by today at the latest.

Our comment is as follows:

Arbuthnott Community Council would like to have the application refused on the grounds of the potential noise disturbance to neighbouring properties. We are happy to see that Council's Environmental Health Officer has requested a noise impact assessment.

Regards

Isabella Williamson
Secretary
Arbuthnott Community Council

01561 361668
isabella@grassicgibbon.com

From: Jenny Ash [mailto:jenny.ash@aberdeenshire.gov.uk]

Sent: 10 October 2017 09:30
To: isabella@grassicgibbon.com
Subject: Community Council Comments

Good morning Ms Williamson,

I write in relation to your comments which we received yesterday regarding planning application APP/2017/2060 at Upper Pitforthie, Fordoun. Can you please advise when you estimate a comment may be submitted from Arbuthnott Community Council?

Kind regards,

Jenny

Planner (Development Management)
Planning and Building Standards
Infrastructure Services
Aberdeenshire Council
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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Obar Dheathain.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Ms Aileen Davidson

Address: Little Barras Cottage Fordoun Laurencekirk

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this application on the grounds of loss of amenity to the surrounding area.

Previous use of a dryer in this area has proved a major disturbance to neighbours and given the potential for year round use and long hours of operation (which when you are investing in such an asset would seem inevitable) the impact on peoples lives would be exceedingly serious.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Mr Neil Walker

Address: Little Barras Cottage Fordoun Laurencekirk

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There have been previous issues with noise, well known to environmental health, related to drying wood chippings at this location due to the close proximity to houses. Furthermore, there is an additional new house which is also in very close proximity.

Therefore, if there is to be a return to running drying equipment then there surely have to be mitigations put in place for daytime use and also an evening switch off time to be sure that it will not cause a nuisance.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Ms Sue Waddicor

Address: Burn House Burn of Benholm, Benholm Montrose

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this retrospective planning application on the grounds of noise disturbance. The grain drier has already caused severe aggravation to local residents due to its proximity to residential properties, whereby when running overnight the occupants have found it impossible to sleep due to the excessive noise it creates. Furthermore, despite previous complaints to the applicant regarding the noise levels, it would appear that no changes have been made to the housing of the boiler and drying fans, and the housing remains uninsulated - i.e. nothing has been done to reduce the noise levels. The proposed increase in the level of activity would therefore exacerbate an already very difficult situation for the local residents.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Mrs Elizabeth Stephen

Address: 5 Carnegie Court Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to raise concerns and object to the application at Pitforthie Farm. The impact on noise and disturbance to neighbouring properties is substantial if an all year round usage was granted. Reading the application I understand the need for grain drying on a farm seasonally, but wood chipping is not an agricultural process and as it was clearly denied at the industrial building sited at the same address.

I also note that nearly all the applications at this address are retrospective - and although allowed through the planning process, this seems to be a consistent flaunting of the planning rules where prior permission should be sought.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Mr Alan Smith

Address: 40 Martin Drive Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Working in this area for many years I would like to object to this application - one part in particular and that is to allow the processing /chipping of logs detailed at section 5 of the application. This was expressly disallowed within the last planning application at the same address for the affect on the development of the agricultural area and for noise nuisance.

It is rumoured that an associated business JS Biomass (who sponsor the Alexanders commercially) would use the facility to chip wood for the purposes of their business. Apparently also using the biomass shed currently.

I therefore have concerns that the application is not a true and honest reflection of the intended purposes for Agriculture and therefore urge it to be disallowed at least in part.

Regards,

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Mr Paul Mitchell

Address: Sunset Clouds At Little Barras, C21k Little Barras Access Road To Nether Pitforthie, Fordoun Laurencekirk, Aberdeenshire AB30 1LQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to planning application APP/2017/2060 (Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)) because it will have an adverse effect on the residential amenity of neighbouring properties due to noise and disturbance and the adverse effect of the development on the character of the area.

Mr Alexander installed the biomass boiler (without planning permission) in 2016 and used it to heat an aging grain dryer for the purposes of drying woodchip and wood pellet biomass fuel for commercial sale (without planning consent). We, as neighbours, became aware of the operation due to the high volume of continuous noise emanating from the farm. Despite several verbal and written requests to Mr and Mrs Alexander to stop the operation, it continued until environmental health were consulted and a planning enforcement notice was served (COMP/2017/0098). Wood chipping operations also took place on the farm (without planning consent) and generated very high levels of noise for long periods. The noise was particularly disturbing due to its rhythmical nature as logs were loaded into the machinery and chipped. This took place at unsociable hours including early Sunday mornings. These operations had a direct impact on mine and my family's health causing us considerable stress, anxiety and loss of sleep. This culminated in me collapsing at work and my subsequent hospitalisation in May 2016.

The barn (or shed) that houses the grain dryer and to which the biomass boiler is attached is old, and has no soundproofing or noise insulation. It is completely open to the east (directly facing our house about 200m away) and acts like a loud speaker, amplifying the noise of the fans and boiler and focussing the sound energy towards our property. When the equipment was running during 2016 the noise levels at our property were unbearable. It was as if a large engine or small jet aircraft were running adjacent to our house. The noise was loud outside the house in our garden

and audible throughout the interior despite modern double glazing. The noise continued throughout the day and night. We were not able to open any windows due to the noise discomfort. I ask that a noise assessment study be conducted as part of this application and that the environmental health department review and comment on this application. The shed housing the biomass boiler and grain drying fans should be properly soundproofed to eliminate any noise and disturbance, or if this is not possible, then the application refused.

We fully understand that seasonal grain drying (late August to mid September) is part of the normal agricultural cycle but Mr Alexander has demonstrated (and stated in personal written communication - May 2016) a clear intention to develop an industrial biomass industry in the area. Normal agricultural practice does not involve chipping wood or drying wood chip biomass fuel; since that is an industrial process. The supporting information for this application states that "the drier may be used to dry woodchip to fuel the boiler, amounting to around 450 tonnes, and may be needed for drying other farm biomass". That statement opens the possibility of continuous year-round operations and commercial biomass operations on the farm and we ask that it be disallowed. Mr Alexander, through his involvement in North Eastern Fuels Ltd. (of which he is a director) has access to an ample supply of biomass fuel from the large commercial biomass operation (shed) operating on his farmland; the subject of planning application APP/2016/2573. This facility is powered by clean wind energy from a wind turbine that is also located on Mr Alexander's farmland. That application was submitted on behalf of Mr John Fotheringham (JBF Contracts); who is the other director of North Eastern Fuels Ltd. with Mr Alexander.

Furthermore the supporting information for this application states that wood-chipping would be carried out on-site (section 5 of the supporting information). The supporting information document admits that wood chipping is a 'noisy process'. Wood chipping operations were also proposed at the large commercial biomass shed (APP/2016/2573) on Mr Alexander's farmland, but were not allowed in the planning decision document stating that: "No timber shall be processed into woodchips within the confines of the application site. Reason: To retain overall control of the development in order to protect the residential amenity of neighbouring properties." This statement remains true and we ask that wood chipping operations also be explicitly disallowed from this application.

There is a new property 'The Widdy' that is also affected by this application but is not marked on either the site plan or maps in the supporting information document. This property is located a similar distance (~200m) from the biomass boiler as our property.

In summary, I object to this application due to its adverse effect on the residential amenity of neighbouring properties due to noise and disturbance and the adverse effect of the development on the character of the area. I ask that, should planning permission be considered for this biomass boiler, that its use be restricted to normal agricultural grain drying operations between mid August and Late September only and that the shed be properly soundproofed to eliminate any noise disturbance. Drying of any other biomass materials, particularly for fuel or commercial use, should

be not be allowed. Wood chipping operations should not be allowed for the reasons stated above and to be consistent with the decision of planning application APP/2016/2573 where it was explicitly denied. There is a convenient source of biomass fuel available to Mr Alexander from the large commercial biomass shed located on his farmland. An independent noise assessment study should form part of this application and environmental health should be consulted.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Mrs Kerrey Mitchell

Address: Sunset Clouds At Little Barras Fordoun Laurencekirk

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this application on the grounds of loss of amenity to the surrounding area, including my home.

The drying unit is housed in an uninsulated shed that has an opening directly face my house. Both environmental health and building control have perviously described this as "Like a loud speaker pointing directly at your house"

Mr Alexander has made no attempt to mitigate the noise created from the drying unit with sound proofing or by moving the position of the opening. He has also not had an independent noise impact study conducted to assess the impact on the surrounding properties

Mr Alexander is asking for planning permission for "Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)" however the supporting information states that biomass fuel drying and wood chipping would also take place at the site. If planning permission were granted for these activities there would be no control over when and how often Mr Alexander would be operating the machinery. I feel the quality of life of my family would be severely, adversely affected by the noise created.

The recent track record of conducting businesses on the Upper Pitforthie Farm has shown no regard to the correct planning procedure, or to the negative impact on the surrounding neighbours. I feel this needs to be considered as granting permission for biomass drying and chipping can very easily be abused by Mr Alexander and we could find ourselves with the noise from wood chipping and biomass drying on a continuous basis. the examples are:

1. Planning was sought to build a barn for "the storage and drying of grain produced on the farm" while their financial backers for Mr Alexander's fuel production company were advertising the barn as a Biomass drying shed - retrospective permission was only sought after neighbours contacted

building control.

2. Permission was sought to build a stables and arena for personal use while actively advertising and operating a commercial livery stables - retrospective permission was only sought after neighbours who were adversely affected contracted planning

3. Permission was sought for a "farm track" to replace an existing track that was no longer accessible due to vegetation growth. This track was used to transport a wind turbine to the erection site on the Upper Pitforthie farm - the granted turbine site was never laid, and the original farm track is still in use, and apparently not inaccessible.

4. Mr Alexander operated a commercial biomass production company without seeking the correct charge of use - this was only stopped when neighbours adversely affected to the point of being hospitalised, complained to environmental health and the complaint was subsequently forwarded to building control.

In short I would like to ask that Aberdeenshire planning refuse permission for the drying of biomass fuel and for the chipping of wood.

I would ask that before permission is granted for the biomass boiler to heat the grain dryer, a full noise impact assessment study be conducted and environmental health agree that the noise would be at a reasonable level.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Mr Bill Masson

Address: 70 Park Drive Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application due to the adverse affect on the neighbouring properties with regard to noise if granted in full as per the application form. There is a new house in close proximity which is not even detailed on the plan.

The application is the latest in a catalogue of Retrospective applications submitted by Mr Alexander and it is making a mockery of the council planning system, the format seems to be do what we like and worry about planning later or wait until we are caught out by the enforcement team. I agree with other objections where wood chipping is not an agricultural process and coincidental that this process is not allowed as per an earlier application.

Comments for Planning Application APP/2017/2060

Application Summary

Application Number: APP/2017/2060

Address: Upper Pitforthie Fordoun Laurencekirk Aberdeenshire AB30 1LQ

Proposal: Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective)

Case Officer: Jenny Ash

Customer Details

Name: Mrs Leigh Keith

Address: Thriepland Cottage Fordoun

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this application for the reason of noise disturbance.

To have this installation at least without adequate soundproofing or a report into the noise levels to be emitted would have a detrimental affect on the quality of life of neighbours and would be assumed to be an environmental health issue. The effect on health and quality of life has been clearly demonstrated by neighbours closest to the farm.

Once again a retrospective application has had to be submitted after a biomass boiler was installed and used without the relevant permission gained last year. If allround usage is allowed I have no doubt that the applicants will take advantage of this and will use it constantly, not just within August - November as detailed.

A change of use to the true planned usage would likely follow if planning consent was given.

The farm on which this is proposed already has a huge shed of a commercial nature for Biomass fuel production where restrictions are clear about its use and wood chipping in particular is not allowed subject to the planning consent given.

There is a serious neighbourhood war going on in the area and this one again adds fuel to the fire that is already ensuing.

To this end I would like to object to the application mainly on the grounds of noise pollution and effect on the neighbouring properties.