

PLANNING APPLICATION REF. 17/00917/FULL

**DESCRIPTION OF DEVELOPMENT:
ERECTION OF STONE PROCESSING BUILDING WITH ASSOCIATED
CONCRETE HARD STANDING AREA AND ALTERATIONS AND
EXTENSION TO EXISTING PROCESSING BUILDING TO PROVIDE STAFF
WELFARE FACILITIES AND CANOPY OVER STONE FEED HOPPER**

AT

PITAIRLIE QUARRY MONIKIE DUNDEE DD5 3PZ

REPRESENTATIONS

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Lesley Dorman

Address: Lismore, by Monikie Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The existing operation is excessively noisy and dusty and dust mitigation measures are inadequate, at best. Noise levels, daily, are far in excess of what was projected. Estimates are very very different to actual figures. Dust plumes can be seen rising in dry weather. What happens to this dust? Is Angus Council really going to approve silica dust from the quarrying and processing of sandstone to be vented to the atmosphere? Silica dust kills. Silica dust travels a long way in the air. Far in excess of 100 metres. Air that children breathe. This is not just ordinary dust. Won't extraction fans add to the already intolerable noise levels? I note that the operators propose to extract toxic dust from the internal working environment and vent to atmosphere. Who monitors the effect this has on the external environment? Anyone? The impact on residential amenity, the health of neighbours and the environment is already being compromised and this quarry seeks to expand further. Where is the environmental impact assessment? This is a legal requirement for an industrial operation of this size. Who is policing this and ensuring previous planning conditions are being adhered to? Anyone? Why have noise and dust levels never been measured adequately, legitimately and scientifically at nearby residencies? Why is a family garden which borders the site and is effectively its nearest neighbour listed as being 238 metres away? Why were no neighbours notified? Is Angus Council really going to approve an expansion of an industrial site next to a campsite? The existing operation is not isolated from the community and has real and significant impacts on family life. No public money should be used to fund a private, profit making, industrial operation which produces toxic silica dust. This latest planning application from Denfind Stone should be very firmly REFUSED.

Comments for Planning Application 17/00917/FULL

Application Summary

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Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr John Campbell

Address: Advocates Library, Parliament House EH1 1RF

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have sent by separate cover to publicaccess@angus.gov.uk an email and four photographs, together amounting to an OBJECTION to this application.

Please confirm receipt.

Thank you.

John Campbell

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Application Summary

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Case Officer: Ruari Kelly

Customer Details

Name: Mrs Lesley Dorman

Address: Lismore, by Monikie Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Is Wendy Ball from Angus Council's Environmental Health department really suggesting that a road sweeper is used to sweep up respirable crystalline silica dust? This is a class one carcinogen as listed by the World Health Organisation. Silica dust causes irreparable damage to lungs, silicosis, and DEATH. COSHH regulations MUST apply.

ANGUS COUNCIL, PLANNING DEPARTMENT

OBJECTION

by

CAPT. NICK DORMAN RD ADC RNR, AND MRS LESLEY DORMAN, BSc PGCE

Lismore, Pitairlie, Monikie, Angus DD5 3PZ

to an application for Planning Permission under reference 17/00917/FUL

(Online reference 100074805-001)

by

DENFIND STONE LTD, Pitairlie Quarry, Monikie

for planning permission to modify door openings and wall penetrations to permit rationalisation of (stone) processing operation. (Add a) single storey 40m² extension to existing 1,150m² building to accommodate improvements in welfare facilities. (Also to) add 27m² monopitch canopy to existing building to protect stone feed hopper; (also to) construct additional 625m² building to house relocated equipment and workshop and to provide additional covered storage; (also to) add 1,450m² of additional concrete hard standing area around new building.

1 INTRODUCTION

This is an objection to an application for planning permission, the terms of which are set out above. This objection is made by Captain Nicholas and Mrs Lesley Dorman, owners and occupiers, with their family, of Lismore House, Monikie. ("the objectors,").

Lismore House lies about 50 yards from the south eastern edge of the Denfind Quarry. The objectors came to their property in 2002. The Denfind Quarry reopened in 2004.

The objection is made because

- the proposals do not conform with the local development plan, and
- at the present time the quarry operations at the Denfind Quarry cause two statutory nuisances, namely the effusion of lethal silica dust and the generation of excessive noise, both at levels which are greater than is tolerable. Any additional development will aggravate the existing statutory nuisance.

2 EIA DEVELOPMENT

In addition, the objectors have concerns as to whether this is an EIA project, which as it stands fails to conform to the requirements of the EIA (Scotland) Regulations 2011. The overall area of the quarry, including the new shed, exceeds 1000 m².

The EIA Regulations require a screening opinion where "*...development is already authorised, executed or in the process of being executed*", and "*The thresholds and criteria ... applied to the development as changed or extended are met or exceeded and in such a case the change or extension may have significant adverse effects on the environment.*"

The EIA thresholds apply in this case. It is for an applicant to satisfy a Planning Authority (and the public) that this is not an EIA case. The drawings and Planning Statement which accompany the application do not allow a definitive judgment to be made, without further detail being added, and, it is submitted, considerable further investigative work.

In addition, the objectors have concerns about

- The impact of the proposals on wildlife, as is explained below.

3 DESIRED OUTCOME

It is submitted that this application should be REFUSED because

- It is contrary to the terms of the adopted Local Development Plan in that it will contravene policies DS4 and PV19, and there are no material considerations which indicate that the clear Local Development Plan provisions should NOT be applied.

[It is for the Members to choose, on the evidence, which sections of those policies justify refusal.]

Policy PV 6 informs the application of the Amenity and Minerals policies.

In addition, it is submitted that it is essential, for the reasons hereafter explained, that there is an urgent re-assessment of the initial and subsequent planning permissions so far as they bear to control both silica dust and noise, since it is now clear that the silica dust emissions which can be observed on any working day from the Pitairlie Quarry were considered only as "dust", and that no consideration was given to the potentially lethal qualities of *silica* dust.

4 LEGISLATIVE CONTEXT

[If the applicant cannot satisfy the Planning Authority and the Public that this is not an EIA case (EIA(S) Regs 2011) then it must seek a screening opinion from the Planning Authority, failing which from Scottish Ministers. Until that process is exhausted, any consideration of this application is submitted to be premature.]

In any event, any determination under the Planning Acts must be made in accordance with the Development Plan, unless material considerations indicate otherwise. (Town & Country Planning (Scotland) Act 1997, ss. 25 and 37)

The Control of Substances Hazardous to Health Regulations 2002 apply. They impose obligations on operators of quarries such as Pitairlie to assess, monitor and control emissions of silica dust, and are referred to here for their full terms. There is no evidence of any dust monitoring or measuring by the operators or regulators; furthermore it is apparent that the dust produced has not been recognised as lethal silica dust.

The operator of a quarry may be liable to an Abatement Order if he/it creates a statutory nuisance, (Environmental Protection Act 1990, ss. 79 ff.) and to a fine, a compensation order or other monetary penalty if he breaches an Abatement

Order. Applications for an Abatement Order may be made by a local authority or by an affected party showing a proper legal interest (ss.80 ,82) following service of appropriate notices.

5 THE DEVELOPMENT PLAN

The Angus Local Development Plan (LDP) was adopted in September 2016. There does not appear to be any relevant Supplementary Guidance which bears on the current application.

Within the LDP the following policies appear to be relevant to determination of this application

- **DS 4 – amenity**, which reads

All proposed development must have full regard to opportunities for maintaining and improving environmental quality.

Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- *Air quality;*
- *Noise and vibration levels and times when such disturbances are likely to occur;*
- *Levels of light pollution;*
- *Levels of odours, fumes and dust;*
- *Suitable provision for refuse collection / storage and recycling;*
- *The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and*
- *Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.*

Angus Council may support development which is considered to have an

*impact on such considerations, **if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.***

*Applicants may be required to submit **detailed assessments** in relation to any of the above criteria to the Council for consideration.*

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

- **PV 19 – Minerals**, which reads
Angus Council will protect existing mineral resources within Angus which are of economic and/or conservation value from other forms of development.
Proposals for new or extended mineral workings must demonstrate that the development is required to maintain, at least a 10 year land bank for aggregates or the development is required for the local, regional and/or national market that cannot be satisfied by recycled or secondary aggregates at existing workings.

Proposals will only be supported where:

- **impacts on the natural and built environment, amenity, landscape, visual amenity, air quality, water quality, groundwater resources, prime quality agricultural land, geodiversity, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning condition , a Section 75 agreement or other legal agreement; and**
- **appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred form of restoration. Opportunities to enhance, extend and / or link to existing green networks should be investigated. Prior to commencement of development Angus Council may require a bond to cover the cost of the agreed scheme of restoration, aftercare and after use.**

- **PV 6** – development in the landscape, which reads

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land. Development which has an adverse effect on landscape will only be permitted where:

- ***the site selected is capable of accommodating the proposed development;***
- *the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;*
- *potential cumulative effects with any other relevant proposal are considered to be acceptable; and*
- *mitigation measures and/or reinstatement are proposed where appropriate.*

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

(All emphasis added)

The simple policy test to be drawn from the Local Development Plan provisions is that a potentially polluting stone extraction operation, which has been

shown to be harmful by reason of the emission of silica dust and the generation of excessive noise leading to destruction of residential amenity, cannot be granted planning permission unless considerable hurdles are crossed and the guaranteed protection of neighbours is built in to any Permission. It is SUBMITTED that on the evidence (which is summarised below) in this instance such protection is simply not possible, and it therefore follows that the application must be REFUSED.

6 THE APPLICANTS SUPPORTING STATEMENT

The applicants Supporting Statement must be read alongside its predecessor published in December 2011. In parts the current Supporting Statement is simply a remake of the document submitted in 2011. Importantly, it fails to assess any dust or noise emissions competently, and envisages free venting of dust to the atmosphere.

6A MISSING DOCUMENTS

The supporting statement for this application at § 8.3 says *"Background noise surveys have been undertaken in October / November 2003 at Galloway Cottage and the field immediately to the south of Denfind Cottages with a further background survey being undertaken in January 2016 at Monikie Hall"*.

Neither of these two documents appears on Angus Council's website, either in respect of the 2011 application, or in respect of the current application. This omission must be cured, and time allowed to consider them, before any application can be considered

These documents must be made available to the public (and particularly the affected public, such as these Objectors) before any decision is made and while

all options remain open. (see Environmental Information (S) Regulations 2004, and the Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information.)

6B INACCURATE STATEMENTS

There are several misleading and inaccurate statements in the application which are addressed below:

- Page 5, para 3.3

It is noted that a planning application has been lodgedfor the Erection of 20 Wigwam Cabins... at Denfind Plantation which is located some 300m to the north of the process area. The application has yet to be determined but if consented the proposed holiday residences would be no closer than existing residential properties.

Lisomore's garden boundary is 1 (one) metre from the quarry. Galloway Cottage boundary is 15m from the quarry and the house is 40m from the quarry. This long perpetuated inaccuracy is challenged as it shapes decision makers' thought processes and suggests that the quarry is isolated and does not impact on nearby residences. In fact, the impact on Lismore (and Galloway Cottage) is immense, as will be disclosed here.

- Page 6, Para 4.3

Lismore (238M)

Lismore is but 1 metre from the quarry boundary, [see attached photographs of the garden boundary and the industrial site fence.]

- Page 8, para 5.5

The proposals do not include any additional planting but it should be noted that:

- *The existing woodland planting to the east of the site is to be retained.*

This woodland has in fact been felled. [again see photographs of the Lismore boundary attached, some of the trees the operators felled landed in the property, where they left them.]

- *The woodland south of the working area is to be felled.*

See notes on wildlife and squirrel dreys – this is also an active habitat for owls, and should be protected.

- *Additional screen planting (25m wide) is to be added around the NW, NE and part SE boundary of the agricultural field to the NW of the process area.*

From the attached photographs it is obvious that the boundary is immediately adjacent to Lismore's garden. Previously the operator offered to plant trees to lessen the visual impact of quarrying operations, **but on condition that the Dorman family were to stop raising issues of silica dust pollution and noise nuisance with Angus Council.** When they declined to do so, the operator withdrew the "offer".

Regardless of the outcome of this application they should be obliged to meet the original visual impact requirements in the original Planning Permission, and those demanded by SNH, and plant substantial, semi-mature trees along the eastern boundary adjacent to Lismore.

- **Page 7, Para 4.1**

The disused quarry has a

This is not a disused quarry; it is a full scale industrial site producing noise and toxic dust.

- **Page 9, Para 5.11, Operating hours**

There is no mention of public holidays, which were included in the original permission, no definition of exceptional hours and in any event weekend starts are too early. The quarry wakes the family. There have been numerous occasions when the family has advised Angus Council of operations outside existing hours and future (and the existing consent) needs to be properly policed. Angus Council has done nothing. It is demonstrably useless at policing any questions of amenity.

- **Page 13, para 8.3 and 8.4**

Existing Noise Climate Background noise surveys have been undertaken in October / November 2003 at Galloway Cottage and the field immediately to the south of Denfind Cottages with a further background survey being undertaken in January 2016 at Monikie Hall.

Lismore's boundary is closest to the quarry; the Dorman family has taken noise level readings as high as the mid 80dB during quarry operations. It seems odd to the Dorman family that their house, as the nearest noise-sensitive property to the quarry boundary is not used to take noise level readings.

Within that permission Condition No. 3 limits noise at the nearest residential dwellings, the daytime operating hour limit being 42 dB LAeq,1h.

The predicted rating level does not exceed 42 dB LAeq,1h - the criterion that is currently used to control noise from the existing development.

*• At all locations considered the predicted noise levels are all below the level of 50 dB LAeq,T suggested in WHO Guideline for Community Noise as a level that should protect the majority of people against being **moderately annoyed during daytime.***

What is predicted and what is experienced is vastly different, see above. The occupants of Lismore are not **moderately annoyed**; the noise causes stress, upset and distress; it is constantly intrusive during working hours; and no amount of requests make the slightest difference; the impact of noise on the Dorman family is very real and very damaging.

- Page 14, para 9.0, Dust

This paragraph does not mention silica dust and its terrible effects; this was evident during the initial planning permission process in 2007 when it seems that the Committee councillors at the time were not made aware of silica dust. It seems that the deadly issue of dust is being glossed over; it causes cancer, is prevalent from the quarry and must be stopped; the health of local residents is at risk, and might already have been damaged. Dust is dealt with in detail below.

- Page 14, Para 9.3

To manage dust generated ... the existing extraction system ...will vent to atmosphere above the new process building roof line.

It is both absurd and dangerous to propose that silica dust, a Group 1 carcinogen, is vented into the atmosphere.

- Page 15, para 9.4

Residual Effects; Most dust falls out within 100m of its source and therefore most of the dust generated will fall out within the area of the proposals with no significant off-site effects.

Lismore, as with others, is less than 100m from the quarry boundary. Lismore's garden is but 1m. When dry, deadly silica dust is ubiquitous. It falls far beyond any notional 100m zone. Please see the attached photographs, and the significant off-site effects are that silica dust severely damages health to those who have no choice but to inhale it.

7 AMENITY ISSUES and STATUTORY NUISANCE

7A DUST

This quarry produces silica dust which is on the WHO list of Group 1 carcinogens. There have been times in dry conditions when the entire property has been coated in this deadly dust. Attached are some photographs of the Dorman family cars with the dust; this is not 'normal' countryside stour. It is silica dust, an extremely hazardous waste. Emission of dust causes a statutory nuisance.

The emission of silica dust is regulated by the Control of Substances Hazardous to Health Regulations 2002. The failure to comply with these regulations raises not only questions relative to planning control, but also questions relative to the liability of the emitter (the applicant) and any Council which consents activity subject to those regulations, where the activity has not been assessed, mitigated and controlled. Official guidance on the control of silica dust for employees is issued by the HSE (Control of Exposure to Silica Dust for employees, HSE.) Control of Silica Dust for neighbours is liable to be controlled applying the same principles. (See also <http://www.hse.gov.uk/aboutus/occupational-disease/cancer/silica.htm>)

Both the original permission and the current application talk in terms of 'normal' dust, not toxic silica dust. It seems that the quarry has been producing this waste product since reopening. All evidence suggests that in dry windy conditions it has polluted the local environment. It would be fair to say that many hundreds will have been exposed. The objectors' children have grown up playing in the garden a few metres from the industrial site boundary and have been breathing in silica dust since birth.

Recent research has shown that the health effects of silica dust are profound and deadly; it is a ticking time bomb similar to asbestos, in that it takes many years to manifest itself, however when it does, the cancers it causes are debilitating and fatal.

The WHO has some clear, and rather stark, guidance:

http://www.who.int/occupational_health/publications/newsletter/gohnet12e.pdf

<http://www.who.int/ipcs/publications/cicad/en/cicad24.pdf>

When considering this application, it is submitted that the applicant should be required to demonstrate to the Council and the local residents that they have sufficient third-party liability insurance to cover future health claims, and that it has advised its insurers of such potential claims in order for them to make adequate future provision. Also, as the original permission passed by Angus Council did not talk in terms of silica dust, the Council may wish to consider if there is a liability on the Council, and its Officers, for any future health claims.

In this application the operators acknowledge the production of dust from their activities but nowhere do they deal with its toxic qualities

The Environmental Protection Act 1990, provides by s. 79(1) (d) that the emission of "*any dust, arising on industrial, trade or business premises and being prejudicial to health or a nuisance...*" may amount to a statutory nuisance. The Act gives power to a Council, and to affected persons, to make application for an Abatement Order if, after service of due Notice, the nuisance does not cease.

The objectors have sought the assistance of Angus Council, and particularly its EHO service, to compel abatement of the dust nuisance at Lismore. No such assistance has been forthcoming.

7b NOISE

The quarry at times is unbearably noisy, and when this has been raised with the Council, additional measurements were purportedly taken. They were conducted from behind Lismore with the Sound Level Meter located in a sheltered position, next to the property, or from Galloway Cottage per the permission – this cottage is but 40m from the quarry and its garden boundary is just 15m from the quarry.

The noise has had a significant impact on the objectors. It can be deafening, sporadic and utterly unpredictable; and it has caused much upset, anxiety and stress.

The 2008 decision, which was for an extension to the quarrying area has the condition

"Thereafter noise from extraction, processing and transportation of stone, when measured at a height of 1.2m above ground level in free field conditions, at the boundary of the dwelling house at Galloway Cottage and Lismore, shall not exceed 50 dB LAeq (1Hr)".

The 2011 decision, which was for the erection of the processing shed, has the condition

"The Noise emission levels (as measured in accordance with BS4142) from the proposed development shall not exceed the following limits at the following locations: . . . Lismore - 42 dBA (1 hour Leq)".

It appears as though the quarry limit of 50dB takes no account of the character of the noise but the limit for the processing shed appears to be in

accordance with BS4142. It is unclear (at best) whether the limit includes any penalty for the character of the noise. Both levels are in any event excessively high.

The proposed shed will contain a noisy activity which is bound to increase the noise level from the quarry area and processing operations generally that is already unacceptable. No intimation of this application was given to the objectors.

It may be argued that the already unacceptable noise level is due to the fact that the Council has not properly scrutinised previous planning applications. The 2011 application was accompanied by a noise assessment by OHS Scotland. Regrettably the author of this document has completely misunderstood the procedure for calculating the reduction of noise in these circumstances. In particular, the equations quoted in section 6, which come from BS5228, should not be used to calculate the level "at source" but at 10m. In addition, no account has been taken of the size of the building. Clearly, a larger building at 85dB will generate more sound power than a smaller one. In addition, no account has been taken of vehicle operations round the shed.

The Council has not conditioned the previous applications properly to protect amenity. The noise conditions for the grant of permission for the 2008 application dealing with the extension of quarry working appears to include all the quarry workings. The level at Lismore of 50dB LAeq(1h) is not appropriate for a rural location where the background noise level is much less.

8 WILDLIFE

Prior to the quarry reopening there was an abundance of red squirrels around the quarry; they have now gone, probably due to the felling of their natural habitat. This was raised by Scottish Natural Heritage (SNH) in a letter to Angus Council in 2008 where they did not fundamentally object to consent but pointed out that destroying active dreys was an offence; furthermore, SNH raised concerns on the quarry impact on the visual landscape. Attached is a photograph of the boundary between Lismore's garden and the quarry, which seems highly unsympathetic aesthetically and contrary to the advice in SNH's letter. As an aside, the objectors also attached a photograph of a beautiful kingfisher which was killed when it flew into the quarry boundary fence, which is made of temporary character HERAS fencing in Christmas week. The damage to the existing natural heritage by the quarrying operations is very real.

9 CONCLUSION

The quarry fails to satisfy almost all criteria set by modern regulations for the control of emissions of dust and noise. It is in every sense a "bad neighbour". It has destroyed the residential amenity of a family who came to their house before the quarry reopened. It is obvious that any additional processing of stone on site will generate *additional* dust and noise.

For these reasons it is respectfully submitted that this application should be firmly REFUSED.

Address for communications

John Campbell QC, Advocates Library, Parliament House, Edinburgh EH1 1RF

jcampbellqc@advocates.org.uk T: 0131 226 5071

LeslieIA

From: CaneyV
Sent: 09 January 2018 13:51
To: LeslieIA
Subject: FW: Planning application reference No 17/00917/FUL
Attachments: Dorman Objection.050117.pdf

[REDACTED]
Sent: 08 January 2018 13:56
To: PLNProcessing
Cc: office@macleodconsulting.co.uk
Subject: Fwd: Planning application reference No 17/00917/FUL

For the kind attention of Mr Ruari Kelly, Planning Officer (Development Standards)

Dear Mr Kelly

Further to your email sent advising of a different recipient email address, I attach a submission and four photographs on behalf of named clients objecting to the proposal and application (17/00917/FUL) to extend the stone processing facilities at the Pitairlie Quarry, Monikie.

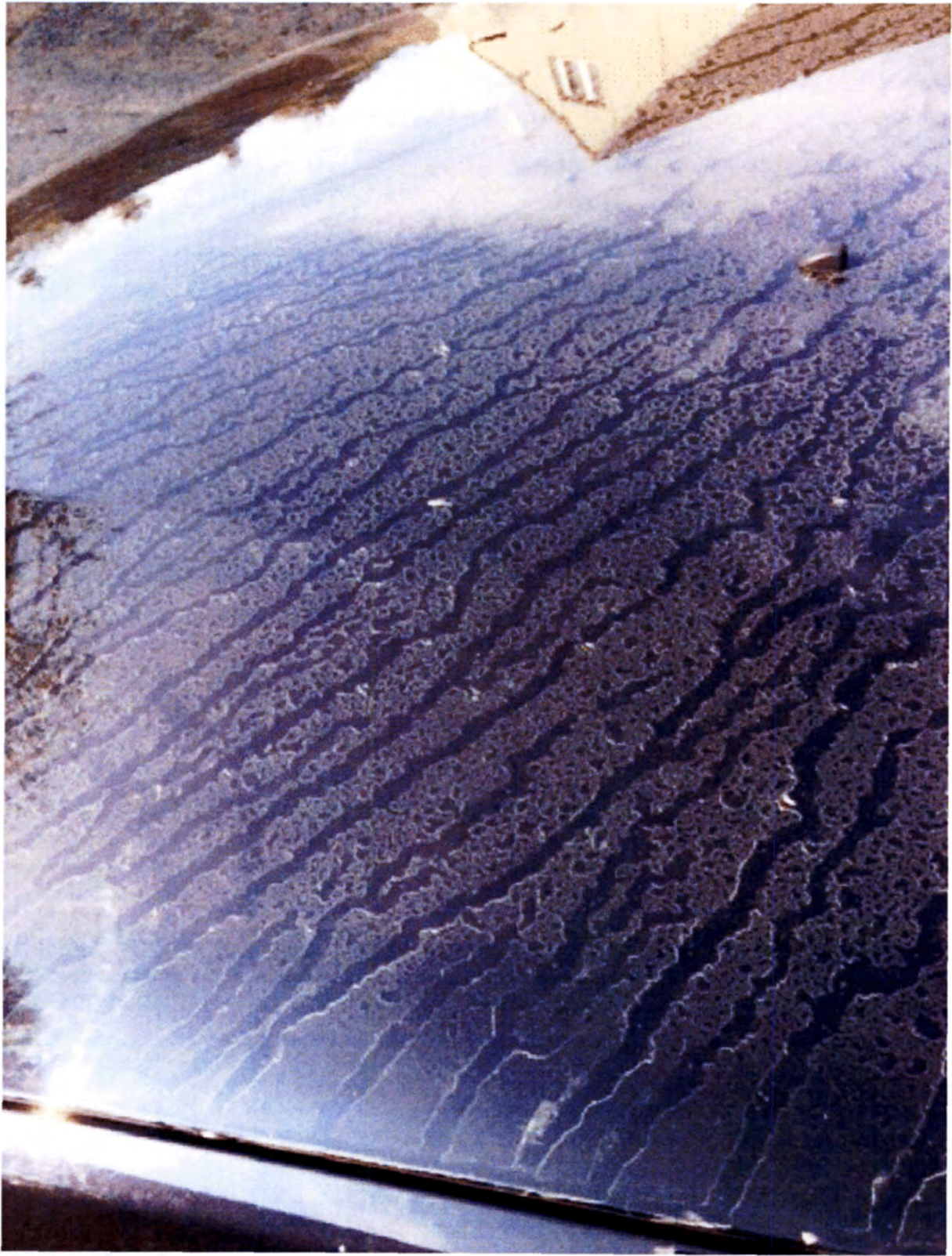
Please be good enough to confirm receipt and that this submission will be considered in due course. Please also advise when it is likely to be taken to Committee, and whether the opportunity to address the Committee will be offered.

This email and the attachments are copied to the applicant's agent, as a courtesy.

Kind regards
John Campbell
John Campbell QC Hon FRIAS
m: 07931 776217 | e: [REDACTED]

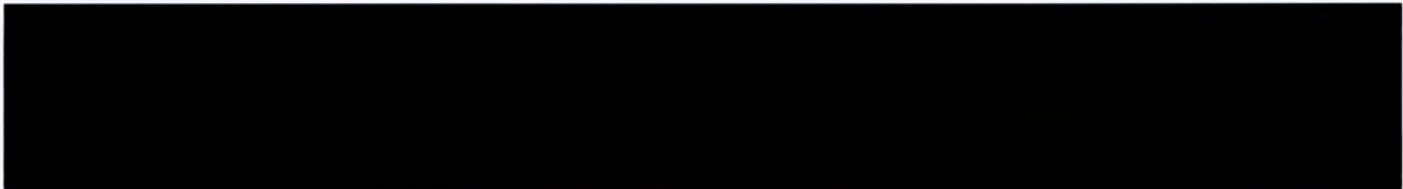
Hastie Stable, Faculty of Advocates, Advocates Library, Parliament House, Edinburgh, EH1 1RF t: 0131 226 5071

Trinity Chambers, Custom House, Quayside, Newcastle-upon-Tyne NE1 3DE t: 0191 232 1927









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Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Deborah Farley

Address: Granary Wynd Monikie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object due to:

The lack of information on how the levels of silica dust vented into the atmosphere from the plant will be monitored, managed and health and safety regulations adhered too. Ensuring the surrounding communities health is not put at risk.

Concern over increased level of heavy traffic on minor country roads which already suffer from irreparable potholes and adverse cambers.

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Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Cheryl Cruickshanks

Address: 63a Broomwell Gardens Monikie By Broughty Ferry

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am against this expansion for a number of reasons. The main ones being the health implications to us and our children in the village. There is already dust plumes emitted from here that go where exactly? Into the village air for all to breath? Does this really need to be expanded meaning this will only intensify?! And it isn't just any dust it's silica dust! Silica dust that is known to kill and travels much much farther than 100m! I object.

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Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Fiona Mclay

Address: Hillhead cottage Carmyllie Arbroath

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the grounds that an escalation of Stone working activities at this site will expose the area to further toxic silica dust, endangering the health and quality of the village environment and water courses. I do not feel sufficient gravity has been allocated to the impact this will have on the young families who live in Monikie and those who visit from the wider Tayside area to enjoy its outdoor amenities. Surely the presence of a school in the immediate area would be sufficient grounds to forstall this proposal, if not the established tourist amenities at the park and the plans for environmentally friendly holiday lets should warrant protection.

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Case Officer: Ruari Kelly

Customer Details

Name: Mrs Jolie Tocher

Address: 3 Market Pend Monikie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this. I moved to a rural environment for quality unpolluted air. The Gathering dust plumes are already visible, are the levels of this dangerous silica dust being monitored? This will only worsen if this goes ahead, endangering ourselves and our children breathing in these carcinogenic agents. What about the water quality?? Will this be checked and monitored for any pollutants?? If so where can we find these outcomes?? Has the village been informed of this? No neighbours have been notified?? Constant noise, traffic and dangerous excavations are also a concern. Object!!!

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Karen Harbison

Address: The Veldt Monikie Broughty Ferry

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am very worried about the silica dust generated, it is carcinogenic and increased levels in the surrounding area are an unnecessary risk to the health of my family, the local community and our unique wildlife - there are amphibian crossings, red squirrels, otters, white-tailed (sea) eagles and black-headed gulls in the immediate vicinity of the quarry.

Extended hours of operation would also result in increased traffic and is an additional concern, the quarry is on the main approach road to Monikie village and the popular country park. The nature of the road and access does not lend itself to HGV traffic. There are already memorial flowers laid each year at the bad bend below the entrance to the quarry - I do not want more accidents involving lorries and plant making the area an industrial hazard zone.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Ms Jo Woolley

Address: Mountboy by Montrose

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have read with amazement and dismay of the proposed increase in industrial activity with its attendant impact on air quality, habitat and environment that has been proposed at Pitairlie Quarry. I walked there years ago when it was a serene setting which felt entirely remote from either the productive farmland it abuts, or the growing villages and the city of Dundee. It was a haven which nature had reclaimed as its own, with naturalised vegetation, red squirrels, lovely views and a robust and noisy bird population. It was a delight. Since the quarry has reopened, much of what I have described has already been destroyed. But it is still possible under the right conditions to enjoy a visit there. However, if the new 'improvements' are put in place, they will be the death knell for that piece of Angus for anything other than greedy and inappropriate use of countryside and raw materials. The noise pollution - plant and vehicular, and most importantly, the toxic dust which apparently it is not planned will be efficiently extracted and contained, will present a cloud of threat to all who's daily lives and setting are contiguous to the site. The health and the emotional and financial fallout for those affected could be very serious, indeed. On their behalf, as well as the wild life - flora and fauna - that remains in that area, I object to any further escalation of this nature, against nature.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Nick Dorman

Address: Lismore House by Monikie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This quarry since reopening has pumped out lethal silica dust, created noise, destroyed local wildlife and vandalised a beautiful part of the Angus Countryside. The threat posed by silica dust is very real and crystalline silica dust is a killer; it is on the World Health Organisations Group 1 list of carcinogens.

How this destructive minor economic activity was ever originally approved is bewildering; it is clear that had the community known that silica dust, noise pollution and damage would follow the 2004 and 2008 applications, it should have been stopped in its tracks then. We really need Angus Council to please engage and understand what is happening in order to protect the Community.

Mr R Kelly
Angus Council Planning Department
Orchardbank Business Park
Orchardbank
Forfar
DD8 1AX

Curroch Cottage
Laggan Road
Crieff
Perthshire
PH7 4LQ
12th January 2018

Dear Sirs,

**Comments on Planning Application Number: 17/00917/FULL
Address: Pitairlie Quarry Monikie Dundee DD5 3PZ
Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and
Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and
Canopy Over Stone Feed Hopper**

I am the owner of Denfind Plantation at Monikie which is immediately to the north of Pitairlie Quarry. I have recently been granted (29th December 2017, Ref 17/00608/FULL) planning approval for the erection of 20 Wigwam cabins for holiday use a reception building car park area access track and associated engineering works in Denfind Plantation.

Until very recently I was completely unaware of the proposal to extend the quarry activities at Pitairlie and as an immediate neighbour to the land owned by Denfind stone, find this omission concerning. This is made much worse by the fact that while my planning application was being considered, the application as above was also under consideration.

If I had been aware there was a plan to significantly extend the operation of the quarry I would not have applied for the planning approval in the first instance as I feel the detrimental effect of this quarry will have an adverse impact on the safe operation of the holiday camping site.

I now realise that the deadline for commenting on this application ends next Monday 15th January, so this OBJECTION is made at short notice and I feel, with an unreasonably short period of time to comment.

My objection is as follows,

1 Noise, there has been no noise survey completed from Denfind Plantation which I now request given that is where the camping site will operate. This must be done at a time when all machines are working to their maximum capacity to provide a real-life example of the worst-case effect of this extension. Holiday makers will be drawn to a site which is peaceful and quiet and turned off by a continuous noise from the quarry using their proposed extended operating hours. I note the enforcement notices served against the operators who appear to have been disregarding their agreed terms under previous planning approvals, so it should be assumed this will continue unchecked in future.

2 Dust, this is also a main concern. The increase in silica dust created and the lack of suitable monitoring procedures is unreasonable. I would suggest that give the potentially serious nature of the increase in dust emissions would have required an Environmental Impact Assessment to determine what the worst-case scenario would be.

3 Business Interruption and operating hours. The supporting statement indicates working hours will be 07.30 - 17.00 Mon- Fri and exceptionally from 07.00 to 20.00. Who will control the interpretation of "exceptional"? In effect the working hours are to be extended from 07.00 to 20.00 and if approved this will effectively make the Denfind Plantation holiday site unworkable. Who would want to visit and stay on the site when machines and plant will be operating for all the daylight hours, all year round?

The supporting statement makes mention of Policy DS4 and I quote *"Policy indicates that all proposed development must have full regard to opportunities for maintaining and improving environmental quality and would not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties."*

I have had no contact from the operators of the quarry to ask what is required in terms of running a holiday camping business so how can this have been properly considered? It is clearly not the case and therefore I OBJECT to this scheme in its present form.

Please confirm receipt of this objection and that it is ahead of any deadline for submissions.

Yours faithfully,

A large black rectangular redaction box covering the signature area of the letter.

Mr G Carter.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs gillian bain

Address: 42 broomwell gardens Monikie dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned about the levels of silica dust that would result from this expansion. I don't feel that enough information has been made available to show that this wouldn't impact on the village, the wildlife etc. and that the amount of silica dust would not prove a threat to the health of those who live nearby. more information needs to be made available before a decision should be made.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr David McGovern

Address: Rosebank Panmure Road Monikie

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Denfind Stone operate the highest standard of health and safety and environmental protection I've seen at a quarry site. I fully support this application by a valuable local employer, continuing a tradition of supplying a high-quality stone used all over Scotland and the world since the mid 19th century.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr David Webster

Address: 4 Granary Wynd Monikie

Comment Details

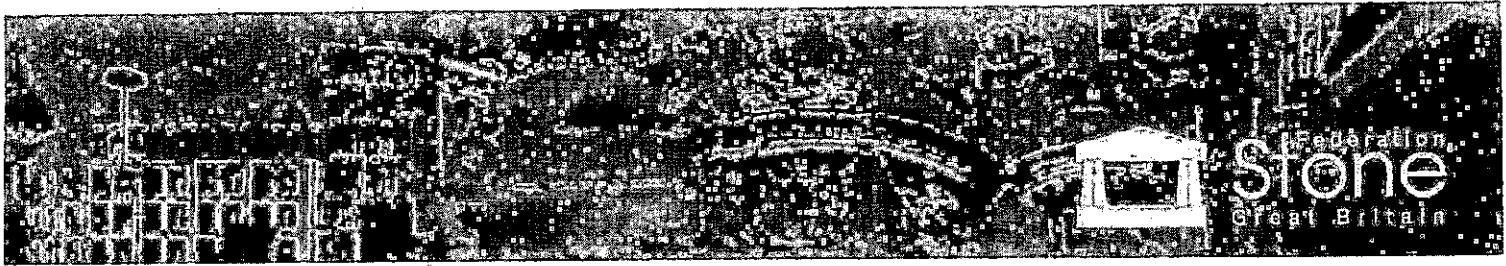
Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proximity to residential homes, and Monikie Park makes this application not acceptable. A reduction in air quality through the release of dust and emissions during the process is a very serious concern. In addition to this there is a bird sanctuary in close proximity to which noise pollution will have a negative impact on the wildlife.

Further industrialisation in an area of Angus that is designated for the community and wildlife is not acceptable.



Stone Federation Great Britain
Channel Business Centre
Ingles Manor
Castle Hill Avenue
Folkestone
Kent CT20 2RD

24 January 2018

Mr D Kelly
Angus Council Planning Dept.
Angus House
Orchardbank Business Park
Forfar DD8 1TD

Dear Mr Kelly

Denfind Stone Planning Application - 17/00917/FULL

I am contacting you with regard to the above planning application that is lodged with Angus Council. Denfind Stone, as members of Stone Federation, have contacted me as Chief Executive, to request support for their application.

Stone Federation Great Britain is the national trade association for the natural stone industry. We represent employers, liaise with government on legal affairs, advice on health and safety matters, training and technical standards and promote high standards, best practise and professionalism throughout all aspects of the industry.

Denfind Stone have established themselves as one of the key players in the dimensional stone industry in Scotland and throughout this time have continually demonstrated their commitment to health and safety within the workplace and compliance with industry regulations. They have also demonstrated an ongoing willingness to adopt best practise within the stone industry and have shown innovation with regard to implementing dust suppressant measures that go beyond the statutory requirements as evidenced by the support of the HSE and Environmental Agency.

It appears that the improvements that their new planned facility would deliver include increased efficiency, significant decrease in vehicle movements which will result in a decrease in dust generation and noise. It seems that overall, the new building will improve the health and safety within an already efficient operation.

We are fully aware of the challenges facing the natural stone industry regarding dust and feel that Denfind Stone are aware of their responsibilities both to their employees and the wider community as evidenced by the reports submitted by the HSE and Environment Agency in support of this application. Therefore Stone Federation support Denfind Stone in their application.

Jane Buxey
Chief Executive

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Marcus Paine

Address: Hutton Stone Co Ltd West Fishwick Berwick upon Tweed

Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Scotland has a world renowned built heritage and one that requires repair and maintenance in order to preserve it plus new builds that are a sympathetic and positive addition to maintaining Scotland's enviable reputation. Whilst there were 1000's of building stone quarries throughout Scotland in the 19th and early 20th century creating this legacy this has now dwindled to a handful. These sources are critical to Scotland's ability to preserve itself and contribute directly to their rural economy's in a sustainable and positive manner. Whilst the alternative is to import often unethical and certainly less sustainable unsuitable stone types from India and China with all of the uncomfortable questions that doing so can raise. There is no doubt that UK Stone companies must comply to rigorous levels of compliance in health and safety and planning and that should be absolutely supported....but given these rigorous levels and the applicants determination to comply with all we would absolutely support this application for the continued development of this historic and important source of dimension stone.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Brian Lornie

Address: Sanderson Place Newbigging Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this planning application by Denfind Stone in expanding an existing rural business which I'm sure currently meets all quarrying legislation and health & safety criteria. As far as local wildlife concerns, I have personally walked round the boundaries of this quarry for 27 years and have not noticed any change to the volume or variety of wildlife in this area since the quarry work resumed in 2004. This is an excellent opportunity for further employment in a rural area by a company that respects the environment and supports the community

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Peter Donnachie

Address: No 1 Cottage DENFIND Monikie

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As an employee of Brian and Alison Binnie at Denfind Stone for 27 years I have been involved in the stone processing from the offset , the business has grown from strength to strength now employing 18 members of staff a major employer in the Monikie area , we work very closely and conscientiously with health and safety regulations nothing is overlooked for the safety and well being of staff and the environment . We use the most up to date and effective methods of preventing dust pollution and are totally committed to this cause !

Let's keep producing these brilliant products .

I'm fully in support of this planning application!

Peter Donnachie

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Charles Duthie

Address: 3 Denfind farm Monikie

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to show my support for this fantastic business which has proven to be a huge benefit to the community and a reputable employer of many staff.

I have lived in very close proximity to Denfind stone for nearly nine years and the business has had absolutely no negative impact on my family in this period.

The only wildlife I have discovered dead in this time was mice and that was due to my cat.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Claire Findlay

Address: 11 Teal Place Montrose

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am a member of staff at Denfind Stone and have been employed by Brian and Alison for 3 years now, knowing them professionally prior to this. They are both extremely passionate about what they do here, and take great pride in the business they have built up over the years. Health & Safety is at the fore front of everything decision they make, for production staff, office staff and visitors to the facility.

I am exceptionally proud of where I work, and who I work for, and I wish to support this planning application.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Jan Steel

Address: 4 Market Pend Monikie Dundee

Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having read through all the consultations with Health and Safety Executive, Roads dept etc we are happy that all safety regulations are being adhered to by the Quarry. The Quarry and the roads within are kept clean to a very high standard. As a local business we fully support this application for a new Stone processing building. It can generate much needed new jobs within the Angus area. Mr Binnie has always been keen on looking after the environment and reducing any impact on the surrounding landscape.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Peter Stewart

Address: Tradstocks Ltd Thornhill Stirling

Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Stone is a major part of Scotland's identity.

It has been successfully quarried, worked and built for centuries. For many years the stone industry was recognised as the largest employer in the country: castles, houses, streets, harbours, walls etc all constructed with locally sourced stone. World Wars and the advent of concrete products saw a reduction in use during the 20th century, but it is now once again recognized as an important and desirable building material.

Denfind Stone have worked hard to establish themselves within Scottish building material market and along with ourselves at Tradstocks and Hutton Stone, were one of the founding members of the Scottish Stone Group, which is a collaborative consortium endorsed by the government and recently held a launch event in the Parliament at Holyrood.

Denfind are a pioneering and well regarded company. I am sure I echo the thoughts of many within the Scottish stone community in supporting this application and their continuing success.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Carroll Gibson

Address: Brae of Downie Old Downie Farm Panmure

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I was born and brought up in the Monikie and Newbigging community and I have chosen to bring my family, who were born in Hong Kong, back to my home area to be brought up in the clean air of Scotland and the beautiful countryside.

As a mother with three children who live in the area and attended the local nursery in Monikie, I feel that Pitairlie Quarry has had absolutely no detrimental impact on them and the rest of my family whatsoever.

I also walk my dogs very regularly in Monikie Park, and at no time have felt that there were any issues adversely affecting the local wildlife and absolutely no evidence of the dust plumes mentioned in objections to this application.

I support this application from a local business and wish them well in their future endeavours.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Dave Mason

Address: The beeches Forfar Road Coupar Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Job Title Branch Manager Agricar Forfar .

I / we wholeheartedly support Denfind Stone with the proposed expansion to their business , Denfind Stone are a valued customer to our company Agricar Ltd Forfar , having supplied DUST CONTROL / SUPPRESSION equipment to Denfind over a number of years . In the present climate for the farming industry its a pleasure to see some more diversification which will boost the local economy .especially with the commitment to pollution control and regards to the environment, in my opinion this is job creating opportunity not to be missed .



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Colin Tennant
**Head of Technical Education
and Training**
Conservation Directorate
Longmore House
Salisbury Place
Edinburgh EH9 1SH

Colin.Tennant@hes.scot
M: +44 (0)7717 693 189

Tuesday 30 January 2018

To Whom it May Concern

Ref: Indigenous Scottish stone for repair to traditional buildings

Scotland is a country where the primary building material has been stone. This has created a rich and varied stone-built environment that has a high level of regional distinctiveness and which reflects the incredible geological diversity of such a small country.

As Scotland's traditional stone buildings age, they require repair. The stone used for repairs needs to be carefully matched to the original not just in appearance but by its petrographic properties. Incompatible stone can accelerate the decay of the surrounding original building fabric. One of the biggest threats to Scotland's built heritage is the use of inappropriate, poorly matched stone imported from abroad. Well-matched, indigenous Scottish stone ensures a longer lasting and sympathetic repair.

The number of quarries supplying natural stone matching types typically used in traditional Scottish construction are very limited. A key priority for Historic Environment Scotland is to support and promote the supply of Scottish building stone for use in the repair and maintenance of traditional Scottish buildings.

The quarrying and production of Scottish stone supports employment, traditional skills training and apprenticeships in rural economies. Research shows that natural stone quarried in Scotland has a lower carbon footprint than stone sourced from abroad. Quarrying dimensional stone also has a lower impact on local communities than aggregate production, with considerably lower volumes of material and less transport requirements.

Historic Environment Scotland welcomes initiatives such as the *Scottish Stone Group* which seek to provide a secure source of indigenous Scottish stone types for building repairs.

Sincerely,



Colin Tennant | Head of Technical Education and Training

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Scottish Charity No. **SC045925**
VAT No. **GB 221 8680 15**

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Ian Young

Address: unit 6 119 Clepington Road Dundee

Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Hello, its nice to see local companies expanding and filling the unemployment gap by recruiting local people. Its great for the economy and local businesses. We wish to congratulate Defind Stone on their expansion and wish them all the best for the future, they are a company we have had dealings with and hope to continue in being part of their success, they are a pleasure to do business with.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Mike Forbes

Address: Forbes of Kingennie Kingennie Dundee, Angus

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Like Brian Binnie, from Denfind Stone, I am a lifelong member of this community and I wholeheartedly support another local farming business that has diversified successfully. This not only creates local employment opportunities but also filters revenue into the local economy through their dealings with local suppliers and businesses.

I have used Denfind Stone's products extensively over the past thirteen years within my own award-winning developments, and have always felt that using local materials was a key part of our strategy when designing an environment that reflects the essence of Angus.

Going forward with my proposed development of The Angus, using local stone will not only enhance the aesthetics of the area, but by sourcing stone from only a few miles away, it keeps our costs and environmental impact to a minimum.

Denfind Stone are the only suppliers of Angus sandstone in the market and I welcome their continued innovation and growth.

I support this planning application from a local Angus rural business.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Kenneth Gray

Address: Drumbertnot Farm Arbroath

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having spent a large amount of time around Denfind and Monikie I have admired the commitment and dedication from all at Denfind Stone to not only produce a fantastic product but to do this whilst supporting the local community and providing jobs.

Having read some of the previous comments regarding this quarry 'destroying wildlife' I felt the need to comment. The people making these comments must be looking with they're eyes closed!! In my many hours regularly walking in this area I have been amazed that large areas of land have been dedicated to provide habitat and food for a vast array of wildlife. This is a great commitment to local wildlife rarely seen in commercial agriculture.

I feel the proposed improvements to the site will have no impact on the local wildlife or environment, therefor I fully support this application.



HEATH ARCHITECT+STONE CONSULTANT

THE COACH HOUSE, ALDERSTON, BY HADDINGTON, EH11 3SF
BOB HEATH DIP ARCH RIBA ARIAS FSA SCOT
ACCREDITATION IN CONSERVATION ARCHITECTURE / ADVANCED

T . 01620 829 020

E . heath@alderston.co.uk

To Whom it May Concern

17/00917/FUL DENFIND STONE: PITAIRLIE QUARRY

I am writing in support of the application to expand the works at Pitairlie.

I am a conservation architect involved in the repair of historic buildings and scheduled monuments and have been carrying out works for 40 years, covering 700 plus projects.

In order to carry out this specialized type of work, it is essential to have available materials which will not damage the original fabric. Old sandstone buildings are particularly sensitive if incompatible stones are used in their repair.

In 1986 I was commissioned by the then government to repair the Dundee Customs House using an appropriate and compatible stone. This involved visiting every old quarry in Perthshire and Forfarshire as none were currently active. The original quarry source was identified, the quarry was re-opened and the building was restored. Following this, sadly, the quarry was closed. Since that time there has not been a stone available in Britain (and to my knowledge any other country) which would be suitable for the repair of Angus buildings – until Pitairlie became available again.

This is a heritage resource.

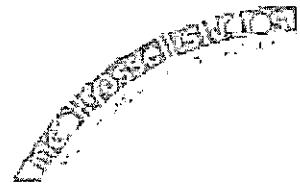
The act of winning sandstone has to be gentle to avoid 'shocking' the geological structure, so noisy explosives are not used. The stone blocks then enter a cutting and sawing processing shed which is highly regulated by the Health and Safety Executive. This is for the protection of machine operatives as well as the immediate external environment. The fact that the processing plant is in within the quarry reduces the amount of road traffic with only finished products requiring transport.

All the above is essential when repair interventions are essential to preserve the integrity of the Listed Buildings, as recently occurred at St Athemase in Leuchars. The renewal of the broken roof slates has been possible because Pitairlie had provided matching new slates which were unavailable anywhere else.

In short, not having this stone available for repair and new building works will undermine the unique character that is Angus.

[Redacted signature area]

Bob Heath
Heath: Architect & Stone Consultant
31st January 2018



To Whom It May Concern

Nicoll Russell Studios were commissioned by the Kirk Session of Leuchars St Athernase Church in 2014, to assist the with a two-staged project to refurbish and regenerate their existing building.

Parts of the church were constructed in 12th, 18th and 19th century and the building is exceptional in terms of its historical and architectural importance. The General Trustees of the Church of Scotland have advised that the Grade A Listed Leuchars St Athernase Church is the single most important place of worship in Scotland. Listed Building Consent to carry out a series of external conservation works, was a very laborious project, given the sensitive nature of the intended works.

The objectives of the first phase of the project, which is almost complete, has been to secure the structure and fabric of the building, while phase two will include preparing design solutions that will ensure the continuity and sustainability of use. Churches nationally are suffering from diminishing congregations, increased running costs and backlog maintenance problems and are having to look at different and pragmatic ways of use in addition the traditional Sunday worship and related religious events. Leuchars St Athernase Church recognise these shortcomings and are planning accordingly.

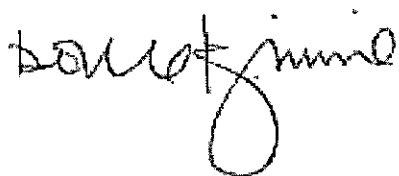
The stone slate roof coverings to the Chancel at Leuchars St Athernase Church (believed to have been historically sourced from Pitairlie Quarry), were in poor condition and once the works commenced and the scaffoldings erected, it became clear that 90% of the existing material could not be re-used.

In advance of the construction tender being let, we had a series of discussions with our conservation architect colleagues, Fife Council Planning and Conservation personnel, the quarry technical team and representatives from Historic Environmental Scotland. It became quite clear, very quickly, that by specifying a material that would mean all the demands of the project, in terms of suitability, quality, robustness and durability, our options were extremely limited. In fact, for a number of reasons, the consensus was that we had no alternative other to specify Denfind Stone.

Denfind experimented with large slabs of quarried stone, through a number of innovative processes and have successfully manufactured an almost unique product that virtually matches traditional stone slates. The works to create stone slab slates and authenticate their shape, proportions and profile is time consuming and involves a number of activities by various skilled tradesmen. Historic Environment Scotland were so impressed with the outcome that they intend to commission a film, showcasing the process from the initial quarrying, to the work bench, packaging and protection and finally fixed in place. From our experience with the company, they have progressively been looking at ways to make the production process more efficient, which will in part involve the creation of additional space for more appropriate equipment and storage, given the size and weight of some of the blocks of stone.

There are a great number of buildings in Scotland, whose roofs are covered with ageing stone slates and in time these will have to deal with the same issues that faced Leuchars St Athernase Church. Denfind are to be congratulated for tackling a potential long-term problem facing the building industry and should be encouraged to persist with these ideals. Their trialling and testing of their stone slates, from a readily available local source has been much acclaimed by the conservation

profession, to the long-term benefit of the historical built environment in Angus and throughout Scotland.

A handwritten signature in black ink, appearing to read "Doug Binnie". The signature is written in a cursive style with a large, looping initial 'D'.

Doug Binnie
Director
Nicoll Russell Studios
Chartered Architects and Interior Designers
111 King Street
Broughty Ferry
Dundee
DD5 1EL

29 January 2018

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Gordon Phillip

Address: Muiryfaulds Inverarity Forfar

Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A M Phillip has worked closely with Denfind Stone since the quarry first opened, in what has been a very good example of two local companies working together to deliver solutions to enable Denfind Stone develop their innovative approach to stone processing, much of which has been unique. Over this period I have seen Denfind Stone grow from a diversification project undertaken by Denfind Farms to become a significant rural business in Angus, supporting & contributing to the local economy.

We as a company were heavily involved in the design, manufacture & installation of some of the key components in Denfind's new processing facility which was completed in 2012, & have continued to work with them to further develop these components, which have enabled Denfind to enhance their production efficiencies, whilst, at all times ensuring that the Health & Safety of their employees is of utmost importance.

A M Phillip have also been involved in the planning phase for the proposed new shed, & reconfiguring of the existing facility, & fully support the rationale that has been demonstrated by Denfind during this phase which has been to ensure that the proposed new shed delivers a more efficient & effective operational process.

For the reasons stated above I am in full support of the application.

Comments for Planning Application 17/00917/FULL

Application Summary

Application Number: 17/00917/FULL

Address: Pitairlie Quarry Monikie Dundee DD5 3PZ

Proposal: Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper

Case Officer: Ruari Kelly

Customer Details

Name: Mr Alan Florence

Address: East Den Brae Letham Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As a company Aelectrical Ltd have worked with Denfind Stone for 6 years. They are, without exception, one of our most valued customers. They take great pride in offering the highest of standards in health and safety to all employees and subcontractors. My company has installed various electrical and control installations to support their committment to health and safety. One example was a dust extraction system we installed which extracts dust from the workplace but also conforms to noise pollution regulations. Everything we are asked to do must conform to the standards set by relevant governing bodies.

Recently they have won a business of the year award and are well respected within their industry. The proposed expansion will allow their well respected business to grow and continue to flourish whilst boosting the local economy with the offer of new jobs, both long and short term.

From personal experience I can say that this is a company that puts people at the heart of all they do and for these reasons I support their proposal. I feel that it would be misleading to stop a local company from expanding when all they do is to the standards put in place by their industry regulators.

KellyR

From: Lesley Dorman [REDACTED]
Sent: 02 April 2018 12:20
To: KellyR; PLANNING
Subject: Denfind Stone
Attachments: image1.jpeg; image2.jpeg; image3.jpeg

Dear sirs,

OBJECTION

I wish to address some of the inaccuracies in various documents circulating regarding Denfind Stone's proposed expansion. I have attached photographs taken from the garden of our family home which clearly show that we live not 238m, not 108m, not 118m, not an arbitrary distance away. We do in fact live right next to, East and immediately adjacent to Pitairlie Quarry. As can be clearly seen from the photographs taken Monday 02/04/2018 from our garden, there are NO TREES along the entire length of our boundary with the quarry despite claims to the contrary. Please amend your records accordingly. For clarity: Our home is less than one meter from Pitairlie Quarry and there are no trees along our boundary with Pitairlie Quarry. We have taken various photographs today and will send them to you in small amounts. I would appreciate these photographs being made available to view publicly on the planning portal.

Regards

Lesley Dorman



DANGER
Quarry workings



Keep out

A photograph of a construction site. In the foreground, a blue metal fence runs across the frame. A yellow rectangular sign is attached to the fence, featuring a black triangle warning symbol at the top, followed by the word "DANGER" in bold black letters, and "Deep excavation" in smaller black letters below. The background shows a large, deep excavation pit with a steep, rocky earth wall. Sparse, dry vegetation is visible on the ground around the excavation. The sky is overcast and grey.


DANGER
Deep
excavation



KellyR

From: Lesley Dorman [REDACTED]
Sent: 02 April 2018 12:28
To: KellyR; PLANNING
Subject: Pitairlie Quarry - Lismore boundary
Attachments: IMG_2694.JPG

Distance = 1 meter. Absence of trees, despite claims by operators.



KellyR

From: Lesley Dorman [REDACTED]
Sent: 02 April 2018 20:09
To: KellyR; PLANNING
Subject: Pitairlie Quarry / Lismore boundary
Attachments: image1.jpeg; image2.jpeg

Again, showing proximity and lack of trees. Photos taken from Lismore's garden 02/04/2018. Where is Denfind Stone suggesting the trees are to be found? There are none along the entire length of our boundary.

Regards
Lesley Dorman





Captain N R V Dorman RD RNR
Lismore House
by Monikie
Angus, DD5 3PZ

Margo Williamson
Chief Executive
Angus Council
Orchardbank Business Park
Orchardbank
Forfar
Angus, DD8 1AN

25 April 2018

COMPLAINT – YOUR REFERENCE ST/MF DATED 10 APRIL 2018 AND EMAIL, R KELLY 11 APR 2018

We received the attached letter from Mr. Thomson and email from Mr. Kelly, and we wish to raise a formal complaint against both Officers and their departments.

In Mr. Thomson's letter, the final highlighted paragraph is incompatible with reality; we have provided a degree of measurement to quantify the terrible noise generated at Pitairlie Quarry, however Mr. Thomson refuses to consider it as relevant unless we purchase professional equipment and effectively become experts in noise.

Paradoxically, the one instance of noise he did investigate identified that the operators breached noise limits, but Angus Council took no enforcement action.

May we remind you that in law it is for the polluter to demonstrate compliance when challenged.

In the past, your Environmental Team attended and took noise measurements from the most peculiar and sheltered positions, and not once from those areas identified in the original planning consent nor from our boundary with the quarry. Your team perpetuate a myth that noise was quantified by them and that noise readings were correctly taken; however we suggest you ask directly if those measurements were at our boundary with the quarry or in the locations stipulated in the original consent; you will quickly establish that they were not.

Furthermore, we appointed a noise expert who has advised that the original planning calculations were erroneous, the limits set were inappropriate for a rural location and is a case for both a planning objection to the current application – which we have submitted – and a nuisance action – about which we are in discussion.

With regard to the above noise related matters, please investigate and advise:

1. why we are being asked to provide expert levels of information using professional equipment before the appalling noise from the quarry is investigated

2. why when your Environmental Protection team previously attended actively refused to take measurements from our property boundary with the quarry and in those places mentioned in the original planning consent, (including Galloway Cottage boundary)
3. why the original noise limit was set inappropriately high for a rural location
4. why further action has not been taken against Denfind Stone for recently breaching noise limits
5. why Denfind Stone will be allowed in the future to breach noise levels as long as they give 3 days notice

As well as the noise complaints, we submitted to your planning department a rebuttal to Denfind Stone's recent dust survey. The quarry operator's survey is published on Angus Council's planning portal but Mr. Kelly, the planning officer, advised that our rebuttal will not be placed on the planning portal, highlighted on the attached email.

We therefore wish you to investigate why our rebuttal, part of our ongoing objection to Denfind Stone's planning application, has had publication withheld.

Additionally, we wish you to investigate your Planning and Environmental Protection departments for collaboration with the quarry operators; there is something troubling with regard to their relationship with the operators and the correspondence referred to in this letter is a recent example. It might be a case of simple indolence in that it is easier to side with the operator, or that our concerns are viewed as irritating nimbysism. We hope that decisions are not being taken because of favouritism toward the operators or to protect the large sums of public funds that this quarry has attracted to underwrite and subsidise its operation.

We are clearly at the stage where we need to seriously consider escalating this to the Scottish Public Services Ombudsmen.

Captain N R V Dorman
Lismore House
By Monikie
Angus, DD5 3PZ

Margo Williamson
Chief Executive
Angus Council
Orchardbank Business Park
Orchardbank, Forfar
Angus, DD8 1AN

21 March 2018

PITAIRLIE QUARRY – STATUTORY NUISANCE, ENVIRONMENTAL IMPACT ASSESSMENT AND FOI

We live directly next to Pitairlie Quarry which reopened over ten years ago, some five years after we moved to Lismore, with Angus Council (AC) giving consent. It seems that the quarry has outgrown the original consent and that it never had proper and meaningful controls for the statutory nuisances of noise and toxic silica dust.

Our property boundary is immediately adjacent, less than 1 (one) metre, from this industrial site boundary and we are raising our young family in conditions that are damaging to the health and wellbeing of all of us.

Although the visual impact is terrible, and effect on local wildlife has been disastrous, the main daily issue we have is exposure to noise and toxic silica dust. The silica dust is extraordinarily worrying, this is not countryside stour, it is deadly silica dust, a group 1 carcinogen, which kills. We have seen (photographed) our cars covered in the stuff and our children (11, 8 and 6) have been raised in a property that now seems to have been polluted with toxic silica dust relentlessly and without control.

The noise is horrible; it is intermittent loud crashing followed by silence, then screeching and bleeping; we have frequently measured it beyond 80 dB; this noise is a torment due to both its level and unpredictable nature. We appointed a noise expert who has advised that the original AC planning calculations were erroneous, the limits set were inappropriate for a rural location and is a case for both a planning objection to the current application – which we have submitted – and a nuisance action – about which we are in discussion.

Throughout the years we have sought protection from SEPA, HSE and Angus Council, but none has taken direct responsibility; AC say it is a SEPA or HSE issue, yet paradoxically SEPA and HSE advise us it is for AC to regulate, monitor and control; we have written statements from all three organisations affirming this bizarre position, and whilst each advises it is another's responsibility, nothing is ever done.

Recently a planning application for an additional building at the quarry was submitted to AC's Planning Department. We took advice from an expert and senior QC whose legal opinion is that the additional building must trigger an Environmental Impact Assessment (EIA) before any consent can be given.

All of the above: noise expert, legal position and other submissions, have been provided to your Planning Department, who have selectively responded on behalf of the Council, but, we have to say, appearing to lean towards the applicant.

In the earlier stages of this dialogue, our lawyer approached the developer's consultants to offer remedies for the various issues. Your planning department also have this information. Our team has received a letter from the quarry operator's solicitors advising that all dialogue must cease and only be through them or to Angus Council, which was not only unhelpful as we strive to resolve this, but was an odd instruction, presuming AC's neutrality.

The quarry operators are charismatic, apparently influential, calculating and seem to be credible to some, and this has led to little in depth scrutiny of their activities; we see that the real issues are often overlooked or not rigorously tested against law and common sense, both at the strategic planning and at the tactical operating levels.

We and our lawyers were originally perplexed that your Planning Department did not direct an EIA, which in law is clearly triggered and required for the proposed additional development at Pitairlie Quarry. However, we have just found out that Angus Council awarded a significant grant of UK PDS 88,000 to Denfind Stone (the quarry operators) to fund the proposed development but prior to planning being approved. Furthermore the Council has entered significant supply contracts with Denfind Stone. We hope that these are not the reasons that the EIA was not demanded, as required under law, and that the award of monies and contracts, before approval, did not influence any decision making process.

In order for us to appreciate these and past decisions at Angus Council, we have discussed with our Counsel the need for a series of Freedom of Information (FOI) requests; we understand that these may be tedious to respond to but to fully understand AC's decisions they are pivotal. Those FOIs will be directed to your office and we would appreciate your personal oversight as these are answered.

This is not rampant nimbysm which AC may be tempted to consider it as, it is a call for much needed help. We live immediately adjacent to a giant toxic silica dust bowl that is horribly noisy, and these problems have never been adequately dealt with; in thorough checking we see no other similar development in the UK that has a residential neighbour right next to the edge of an industrial site which produces such quantities of toxic silica dust.

We would be delighted for you to visit to see for yourself the quite dreadful and unhealthy conditions in which we now live and have to raise young children. We accept that we are the only property with a direct border with Pitairlie quarry, but that should not mean that we are penalised or forgotten and it must not thwart the morally right and legally correct course of action being taken. We have seen all too often the path of least resistance being taken with a cursory (but polished) nod to applicable regulations, whilst our requests for help are ignored or interpreted as parochial troublemaking.

In summary, we have provided AC with a Legal Opinion that clearly shows that this is an EIA development and that the original noise calculations were wrong, levels inappropriately set for a rural environment and with controls that are inadequate. Furthermore, we have proposed sensible, achievable, cost-effective remedies that have been ignored by the quarry operator whilst they insist on dealing through lawyers or using Angus Council as the only forum. We are not moving house, but we must all try to work together to get these issues corrected right now, in order to get proper health controls in place and prevent costly future litigation, (neither ours, nor the Council's resources are limitless.) But we are putting you on notice that we have reached the end of the road unless something is done.

We need your direct help please in order to ensure that an EIA is properly conducted, FOIs are responded to quickly and that our proposed remedies are seriously considered, a process that we need to be involved with.

Nick Dorman

KellyR

From: Nick Dorman [REDACTED]
Sent: 11 May 2018 14:02
To: KellyR
Cc: John Campbell QC; Lesley Dorman
Subject: 2018051 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS - INCORRECT OPERATING HOURS

Dear Mr. Kelly,

Thank you for your (obfuscating) email.

Mr. Thomson states the operating hours as those commonly understood, (Mr. Thomson's email to you, dated 27 April, Table A, page 7; Monday – Thursday 8 am to 5 pm, Friday 8 am to 4 pm, Saturday 8 am to 12 noon), and which are the same as the operators reiterated at a recent local community council meeting, from the minutes, 'Alison Binnie corrected him on this point and clarified that the hours were in fact 7.30 am – 5pm on weekdays and 7.30am – 1.30 pm on Saturday.'

Where have these other timings come from? They were never asked for in the original planning application; it would seem a typo some time ago in your office. Please also explain how and when the changes to operating times were made, and on whose authority, and why were they changed.

What seems to be an Angus Council induced error has frightening consequences for the neighbours of this worksite.

We notice that the agreed maximum noise level is 42 dB, and that readings/averages higher than this have been taken by AC, please advise what action is being taken.

Regards,

Nick Dorman

From: KellyR [mailto:KellyR@angus.gov.uk]
Sent: 08 May 2018 10:03
To: Nick Dorman [REDACTED]
Subject: RE: 20180502 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Captain Dorman,

The matters you have raised at points 1 and 3 have been referred to my senior officers for their consideration however I will at this time respond to point number 2 in your email.

There are 2 planning permissions applicable to Pitairlie Quarry with the permissions containing conditions that restrict the hours of operation at the site. Condition 5 of planning permission 08/00401/MIN indicates:

5. That subject to condition 6 of this permission, the hours of operation of the quarry, including plant and machinery on the site and the transportation of material shall be restricted to 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays with no working on Sundays or public holidays.

Condition 2 of planning permission 11/00066/FULL indicates:

2. Unless otherwise approved in writing by the planning authority the hours of operation of the plant and equipment associated with the proposed development shall be restricted to: to 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays with no working on Sundays or public holidays.

For your information and records I have provided copies of the aforementioned decision notices which are the only documents that afford control to the hours of operation at the site.

In respect of Mr Thomson's email from 27 April the hours of operation he has stated is not incorrect he has recommended a condition relating to the hours of operation for the proposed building should it be granted planning permission. The hours recommended by Mr Thomson are the same as those applicable to planning permission 11/00066/FULL.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate
| Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306

From: Nick Dorman [REDACTED]
Sent: 02 May 2018 16:12
To: KellyR
Subject: 20180502 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Mr. Kelly,

Thank you for your note.

1. Mr. Thomson's letter of 2016 was based on the (unsafe) position of Angus Council which we have challenged both on dust and noise, and which is an ongoing albeit slow process. Please do not hide behind that letter, it was flawed at the time, and it remains so today.

As you are aware no dust measurements have ever been taken at the quarry until recently (in the wet and snow), and the effects of toxic silica dust were not considered at the original planning consent over a decade ago, whilst all the time we have been continuously exposed to this nasty and toxic material, and without any protection from Angus Council, SEPA or the HSE. Disturbingly it now seems that there was no formal dust management plan until last month when DustScanAQ cobbled one together; as an aside we asked DustScanAQ if it was safe for our children to be at the boundary of the quarry, and three times they were unable to confirm that it was safe - this is extraordinarily worrying, and frankly should raise alarm bells in your organisation.

That Mr Thomson suggests nothing has changed is incongruous; the quarry is larger (we watch the dust footprint increase every year) and the operators clearly state in their supporting statements for this planning application that they are increasing production to meet greater demand, and a large shed next is about to be built next to another large shed. This continued 'nothing to see here' attitude is truly shocking.

2. The incorrect operating hours are stated in Mr. Thomson's email to you, dated 27 April, 2018 sent at 1810 hrs, Table A, page 7; we have also seen these incorrect timings in other recent documents. For your guidance, and in order for you to correct other documents, the hours stated in the reference you give/the original approval are:
Monday – Thursday 8 am to 5 pm

Friday 8 am to 4 pm
Saturday 8 am to 12 noon

As an aside it is frustrating and time consuming to do your work for you.

3. You mention in this email that the '*process affords members of the public the opportunity to lodge representations to an application*', however in an earlier email to us you say, '*Consultation with the public on a planning application is not a process whereby there is scope for an open dialouge [sic] and a back and forth discussion.*' The latter statement of course is complete (and shameful) nonsense.

It is preposterous to keep peddling the line that fugitive dust is not an issue; our boundary is directly next to the quarry, which is a large and open dust bowl, and we are down wind of it. This continued and utterly illogical position places us at risk, and we cannot work out why Angus Council are advocating this extraordinary and bizarre position; I am reminded of Mark Twain's quote, 'a foolish consistency is the hobgoblin of the feeble mind'!

We further note that you again ignore the questions raised in our email of 30th April, and those contained in other letters, but selectively answer others - often inaccurately.

We understand that you find this discussion frustrating, however we cannot afford to lose this planning challenge and we must have an EIA directed for the sake of our health and quality of life.

Kind regards,

Nick Dorman

From: KellyR [mailto:KellyR@angus.gov.uk]
Sent: 02 May 2018 14:53
To: Nick Dorman [REDACTED]
Subject: RE: 20180430 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Captain Dorman,

In response to the queries in your email I would advise as follows.

My Environmental Health colleague Steve Thomson provided detailed clarification on the regulation of Pitairlie Quarry dust emissions in his letter of 6 October 2016. A copy of this letter is attached. Mr Thomson has confirmed that the situation regarding regulation of the site has not changed since his reply.

The consultation response from Mr Thomson makes no reference to the operating hours of the quarry. The operating hours of the quarry remain as those specified in Condition 5 of planning permission 08/00401/MIN.

The planning application currently being considered by this Service relates to a new processing building which Mr Thomson has recommended a condition relating to its operation should it be granted planning permission. In determining this planning application there is not a circumstance that would arise whereby the operating hours of the quarry would be amended as that is outwith the site subject of application 17/00917/FULL.

As explained in my earlier email the planning application process affords members of the public the opportunity to lodge representations to an application. The planning authority will take into account the planning considerations raised in representations relevant to the new processing building when determining the application. A summary of the representations will be included in the report prepared for the application when it is progressed to determination and on this basis we will not respond to every single matter that you raise in your submissions.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate
| Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306

From: Nick Dorman [REDACTED]
Sent: 30 April 2018 14:55
To: KellyR
Subject: 20180430 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Mr. Kelly,

Thank you for your note and we shall consider its contents. However, what is immediately striking is that our questions have been selectively answered and many have not been addressed at all.

On the regulation of dust we are still confused. You state that it is the role of HSE and SEPA, however they suggest that it is for AC to regulate:

HSE advised you it is your responsibility, in Mr Tetley's (HSE) email addressed to you personally he states: *'My primary remit involves the regulation of health and law in relation to employees and that your colleagues in Environmental Health hold the primary legislation in relation to any offsite fugitive dust emissions.*'

Also SEPA advise, email from Russell Davidson dated 13 May 2015: *'Given that there are no other SEPA regulated activities which could generate dust currently being undertaken at this site at the current time if you should experience dust issues from the quarry operation then I would direct you to Angus Council. Their Environmental Health and Consumer Protection Department may be able to assist in this matter under statutory nuisance legislation.'*

Please discuss with HSE and SEPA with whom the responsibility of fugitive dust is held as it seems utterly unclear between SEPA, HSE and Angus Council who should be protecting us. And please advise the outcome of these discussions at your earliest opportunity.

Furthermore, please amend Mr. Thomson's incorrect understanding of the quarry's operating hours, they are not those of the original planning consent – it would be rather unfortunate if you allowed an extension to working hours to this noisy and dusty quarry through internal inaccuracies and a lack of attention to detail.

With the consistent inaccuracies, selective answering of questions and contradictions in ownership of legislative control, we are finding it difficult to have any confidence in any correspondence from Angus Council; frankly you must do better.

Yours faithfully,

Nick Dorman

From: KellyR [<mailto:KellyR@angus.gov.uk>]
Sent: 30 April 2018 13:44
To: Nick Dorman [REDACTED]
Subject: RE: 20180327 DUST

Our Ref: 17/00917/FULL/RK

Dear Captain Dorman,

Lismore House
Monikie
DD5 3PZ

Town and Country Planning (Scotland) Act 1997 (As Amended)
Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper at Pitairlie Quarry, Monikie, Dundee
Application Reference – 17/00917/FULL

I refer to your email in connection with the above planning application which was received by this Service on 27 March 2018. Having considered the points raised the following response is offered.

The planning application process affords members of the public the opportunity to lodge representations to an application. The planning authority will take into account the planning considerations raised in representations relevant to the above proposal when determining the application. A summary of the representations will be included in the report prepared for the application when it is progressed to determination.

Consultation with the public on a planning application is not a process whereby there is scope for an open dialogue and a back and forth discussion. As explained above the points of objection made in your letters of objection will be dealt with in the committee report that is prepared for the application when it is progressed to determination. As you will appreciate the timescale for this occurring is unknown due to the Screening Direction request that has been made to Scottish Ministers.

The Environmental Health Service has been consulted on the submitted Dust Assessment and Dust Management Strategy. An updated consultation response has been provided and this has been published on the Planning Portal. <http://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ5LN3CFLES00>. This response deals with points within your email relevant to the planning application that is under consideration at this time.

Should you require clarification or explanation on specific matters including concerns you have regarding inaccuracies within the Dust Assessment and Dust Management Strategy these should be directed to the author of the document.

Your concerns relating to health concerns falls within the remit of both The Health and Safety Executive (generally) and SEPA (Screening Plant) which you have been informed of in the past by Council Officers.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate
| Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306

From: Nick Dorman [REDACTED]
Sent: 27 March 2018 16:53
To: KellyR
Subject: 20180327 DUST

Dear Mr. Kelly,

We have seen on Angus Council's (AC) planning portal the Dust Assessment and Dust Management Strategy commissioned by Denfind Stone Ltd. As you are aware Denfind Stone's lawyers have written to us advising that all questions we have must be addressed to Angus Council and therefore we would appreciate your addressing the following:

1. The report suggests that there has been no formal Dust Management Strategy in place at the quarry since it penned in 2004. Is this (worrying) oversight correct?

2. Para 3.2

The study states 'the quarry area is bounded by extensive broadleaved and coniferous woodland to the east'. This is incorrect; our property boundary is on the east edge of the quarry and there are no trees along the entire length of our boundary with the quarry. They were all cut down in 2008 and all that separates us from the quarry is a dilapidated Heras fence.

Please ask the operators to correct the report; this is one of several points we have previously asked you and the operators to correct in the planning application, which has not yet been done.

3. Para 3.2

This paragraph also contains the statement that 'suitable controls to protect ...the wider population... are in place'. There are NO controls between our property boundary immediately adjacent to the quarry, which is (1 (one) metre away); please ask the operators to explain what those controls are and in particular how they prevent wind whipped silica dust reaching us as evidenced in photographs previously sent to you.

4. Para 4

The report states that the on site assessment was carried out on behalf of DustScanAQ. Please ask the operators to supply the details and qualifications of whoever carried out the assessment, as although the report was commissioned to DustScanAQ, it was carried out by a third party unknown to us, and we presume to AC.

5. Para 4.1

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Please have the operators explain the statement, 'Within the site, dust receptors will comprise site staff and visitors'

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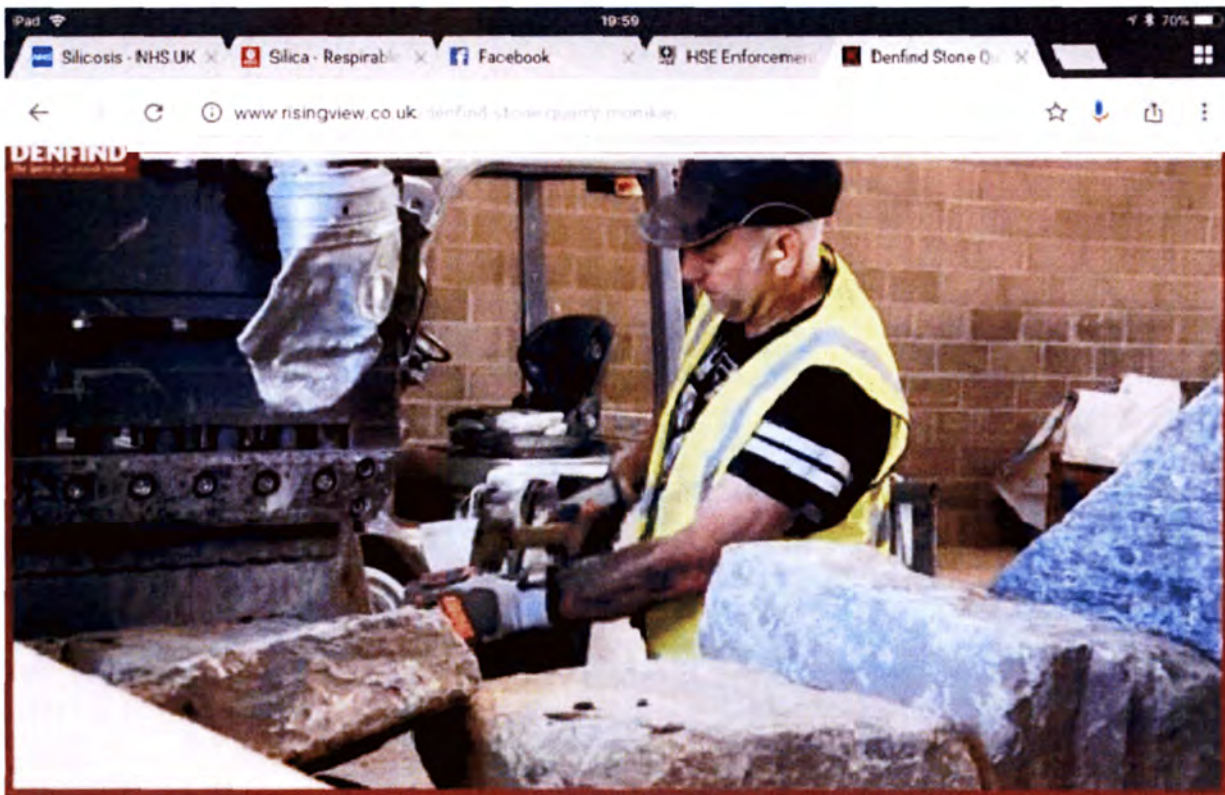
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Please acknowledge receipt of this email,

Yours faithfully,

Captain N R V Dorman
Lismore House
By Monikie
Angus, DD5 3PZ

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KellyR

From: Nick Dorman [REDACTED]
Sent: 12 May 2018 10:11
To: KellyR
Cc: 'jdcampbell'; 'Lesley Dorman'
Subject: 20180512 INCORRECT QUARRY OPERATING HOURS

Dear Mr. Kelly,

The quarry working hours you are proposing are not those per the original recommendations:

<https://archive.angus.gov.uk/ccmeetings/reports-committee2008/DevelopmentStandards/1120.pdf>

Monday – Thursday 8 am to 5 pm
Friday 8 am to 4 pm
Saturday 8 am to 12 noon
Sunday no working

We would appreciate it if you could please advise what has happened; the hours being proposed are absolutely unacceptable and we need to get back to the original plan, per attached, and on which decisions were made by the planning committee at the time.

We would appreciate the full narrative on how and when the changes in these hours occurred; hopefully it will be found that an error was made, and furthermore that it is quickly corrected. I can assure you that if work hours are changed, even unwittingly, the operators will seize on them and by doing so will make our home life, which is appalling, utterly hopeless.

Yours faithfully,

Nick Dorman

Sent from my iPad

KellyR

From: Nick Dorman [REDACTED]
Sent: 02 May 2018 13:04
To: BallSL
Cc: Lesley Dorman; jdcampbell
Subject: 20180502 NOISE - FREEDOM OF INFORMATION YOUR LETTER DATED 23 APRIL 2018

Dear Mr. Ball,

Thank you for your letter dated 23 April 2018 in response to our freedom of information (FOI) request, which we are studying and shall revert in due course.

1. In the meantime please provide all the raw data gathered during all your visits to the quarry and our property.

2. Please expand on our question 2, measurements at our boundary with the quarry, and those identified on the original planning consent:

a. When your team attended they steadfastly refused to take measurements at our boundary; in fact they initially took measurements from the most curious location from a behind an out building which directly shielded them from the quarry. Afterwards they (reluctantly) repositioned themselves onto our lawn behind some trees and bushes, but a long way from the boundary.

When we repeatedly asked them to take measurements at the boundary they utterly refused, and indeed reiterated in writing, that in their (personal we presume) opinion that the boundary was not our garden and was therefore not a valid place to take measurements.

However rather perplexingly in your response to our freedom of information request you categorically state that measurements were taken at our boundary with the quarry.

Therefore please advise when you took the measurements at our boundary with the quarry and where on that boundary; and please provide all the supporting documentation.

b. Please advise why no readings were ever taken from the areas stated in the original planning consent, such as Galloway Cottage's garden.

3. Mrs Dorman has provided recent measurements of noise in the region of 60-80 dB, and although the equipment used is of a basic off the shelf nature, it does give an accurate idea of noise levels. Mrs Dorman is a physics teacher and does have a grasp of noise and its properties, however every time we submit these there is no action at Angus Council and even worse there is correspondence from the Council advising that our methods, and thus results, are meaningless – we would appreciate it if you could please explain why?

Interestingly the Council told Mrs Dorman, that amongst others, we needed a wind speed measurement to support her readings, but we note that you state in para 3 that your team did not take them; the Council's inconsistencies, excuses and gymnastics in applying regulatory are wearing thin.

4. It has always bothered me that when your team attended they made unpleasant comments about how the quarry noise affected Mrs. Dorman; I challenged them on their unprofessional conduct and proposed that personal opinions on how the quarry noise affected us was irrelevant to their mandated task. However, I believe that their negative attitude has continued to cloud judgement and has consequentially resulted in a long term attitude (and campaign) that our very real concerns are trivial.

The measurements were taken in unusual locations, not per those identified in the original planning consent and not on our boundary with the quarry – these are facts – and your planning department have taken this imperfect information and built a case in support of the operator through the belief that our noise complaints are without substance. This is deeply troubling because this flawed belief has shaped attitudes and decisions within the

planning department with the compounding consequence of giving the operators succour for the quite awful noise they make.

We look forward to your providing the raw data, the location and dates that measurements were taken at our boundary with the quarry (with the supporting evidence), your explanations on why no measurements were taken from those areas identified in the planning consent, such as Galloway Cottage and why our results are deemed worthless.

We shall revert on your FOI response once we have had the opportunity to fully review it.

Yours faithfully,

Nick Dorman
Lismore

KellyR

From: NICK DORMAN [REDACTED]
Sent: 09 January 2018 15:22
To: KellyR
Subject: 20180109 Planning Application 17/00917/FULL - Erection of Stone Processing Building and Extension to Existing processing Building at Pitailie Quarry

Dear Mr. Kelly,

I spoke to Ms. Ball regarding her comments submitted on the 27 December 2017 regarding the quarry at Pitairlie, DD5 3PZ.

There are three points that I suggest require further significant consideration:

1. Ms. Ball did not know that the dust produced at the quarry is silica dust, a group 1 carcinogen on the World Health Organisations list; studies have shown that silica dust can travel in dry and windy up to 750 metres. Her email perpetuates the incorrect position that this industrial site produces 'normal' dust rather than a deadly and hazardous waste - silica dust - that causes the most harmful diseases and which the local community has been exposed to for many years. Furthermore to suggest using a road sweeper is odd, it will simply stir up this toxic waste.
2. The operating hours are incorrect on her email, and do not mention public holidays; please be alert that this application may be being used as a vehicle to change the 2004 and 2008 consent's agreed operating hours.
3. The noise study referred to has not been put on your website, although it is referred to in the planning application.

Yours faithfully,

Nick Dorman
Lismore
By Monikie
Angus

KellyR

From: NICK DORMAN [REDACTED]
Sent: 12 January 2018 16:22
To: mike.tetley
Cc: Lesley Dorman
Subject: 20180112 POOR SAFETY AND PPE - PITAIRLIE QUARRY
Attachments: DENFIND POOR PPE 1.png; DENFIND POOR PPE 2.png; 20171229 LETTER TO HSE.docx

Dear Mr. Tetley,

Thank you for you for taking the time to comment about Denfind Stone/Pitairlie Quarry to Angus Council; your engagement is very welcome.

The timing was interesting as last weekend we stumbled upon a promotional video of work at a Denfind/Pitairlie stone shed that demonstrated worker using stone cutters and hitting stone with hammers without even the most basic PPE being worn; in this case eye protection and respiratory protection against silica dust.

We passed this onto HSE and now note that the promotional video has been taken down from the internet; perhaps the local HSE office has taken some action. We took some stills from that video which show the poor safety culture and dangerous behaviours and have attached them to this email.

Throughout this quarries operation, our property in dry and windy conditions, is covered in dust and as the quarry produced silica dust we are extraordinarily concerned. The planning papers for the quarry operation erroneously state our property some 238 metres from the quarry; this is incorrect, our garden is 1 (one) metre from the quarry and our children are growing up in an environment where they have been continually exposed to silica dust. This is exacerbated by unpredictable and often violent noise as large diggers smash stone next to our property and separating machines rattle away whilst sending plumes of toxic silica dust into the atmosphere. Our home is now such an unhealthy place to live, grow and develop.

For years we have raised the issue of silica dust with Angus Council who advise it is a SEPA or HSE issue, and when we ask you or SEPA it seems that it is a Council planning issue, it is all rather Kafkaesque. In the meantime as no one takes ownership we are continually exposed to this dust; we have some stark photo's of silica dust on surfaces around our house and it is beyond any reasonable doubt that our children (now 11, 8 & 6) have been exposed to the deadly pollutant from birth, and no legislative authority has done a thing to protect us.

Yours faithfully,

Captain N R V Dorman RD
Lismore House
By Monikie
Angus, DD5 3PZ

Captain N R V Dorman RD ADC RNR

Lismore House
By Monikie
Angus, DD5 3PZ

Health and Safety Executive
Field Operations Division
Lord Cullen House
Fraser Place
Aberdeen
AB25 3UB

29 December 2017

DENFIND QUARRY – PRODUCTION AND CONTROL OF SILICA DUST

We live immediately adjacent to a quarry that produces silica dust and noise and we are advised by Angus Council that we are to engage with the HSE regarding these matters; we have previously tried SEPA and Angus Council's planning department but both organisations advise it is not their responsibility.

Our garden boundary is 1 (one) metre from a formally disused quarry, Pitairlie Quarry in Angus, now fully operational and owned by Denfind Stone, and we have previously observed in dry conditions that we get a covering of dust. Furthermore that dust is crystalline silica dust, a group 1 carcinogen.

It seems that since the quarry reopened our young children (11, 8 and 6), as well as us, have been exposed to this hazardous waste.

The quarry has applied for a planning extension to their buildings/production facility, and amongst others they describe in the application venting silica dust into the atmosphere.

Furthermore whilst searching for some information, we came upon this promotional video, produced by the operators: <http://www.risingview.co.uk/denfind-stone-quarry-monikie/>

In the video sandstone is being cut, and hit with hammers, and none of the workers are wearing proper PPE, particularly eye and respiratory protection; this is utterly absurd and suggests that there are no meaningful risk assessments done or complied with at this facility and a lack of a safety management system. This, compounded by a fatality at this site some years ago, gives us no confidence as immediate neighbours of the operators protecting us from the statutory nuisance of excessive noise and the hazardous waste of silica dust; interestingly we have found that in all the planning applications dust is mentioned in terms of 'normal dust' rather than toxic silica dust.

We are unsure with whom to discuss this with and we would appreciate your advises. Please treat this confidentially, the operators have previously acted in an unpleasant manner toward my wife.



KellyR

From: Nick Dorman [REDACTED]
Sent: 27 March 2018 16:55
To: PLANNING
Subject: 20180327 DUST
Attachments: UNSAFE PRACTICES - PITAIRLIE QUARRY.png

Dear Mr. Kelly,

We have seen on Angus Council's (AC) planning portal the Dust Assessment and Dust Management Strategy commissioned by Denfind Stone Ltd. As you are aware Denfind Stone's lawyers have written to us advising that all questions we have must be addressed to Angus Council and therefore we would appreciate your addressing the following:

1. The report suggests that there has been no formal Dust Management Strategy in place at the quarry since it penned in 2004. Is this (worrying) oversight correct?

2. Para 3.2

The study states 'the quarry area is bounded by extensive broadleaved and coniferous woodland to the east'. This is incorrect; our property boundary is on the east edge of the quarry and there are no trees along the entire length of our boundary with the quarry. They were all cut down in 2008 and all that separates us from the quarry is a dilapidated Heras fence.

Please ask the operators to correct the report; this is one of several points we have previously asked you and the operators to correct in the planning application, which has not yet been done.

3. Para 3.2

This paragraph also contains the statement that 'suitable controls to protect ...the wider population... are in place'. There are NO controls between our property boundary immediately adjacent to the quarry, which is (1 (one) metre away); please ask the operators to explain what those controls are and in particular how they prevent wind whipped silica dust reaching us as evidenced in photographs previously sent to you.

4. Para 4

The report states that the on site assessment was carried out on behalf of DustScanAQ. Please ask the operators to supply the details and qualifications of whoever carried out the assessment, as although the report was commissioned to DustScanAQ, it was carried out by a third party unknown to us, and we presume to AC.

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Please have the operators explain the statement, 'Within the site, dust receptors will comprise site staff and visitors'

7. Para 4.2

Again the myth that our property is either 238 metres, 108 metres or 18 metres away; it is none of these. The mutual boundary is on the edge of the quarry, 1 (one) metre from it. Please have the report corrected and results adjusted to reflect this incorrect, but extraordinarily important, piece of information.

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This states that 'there was up to a high risk of dust annoyance from the east, and therefore to the west.' As we have continually stated in a westerly wind, (the prevailing wind direction), our property lies to the east and thus directly downwind from the quarry; furthermore our boundary is immediately on the quarry and there are no trees (as erroneously stated in the report) and no discernible controls at our boundary. It is so clearly unsafe as all the directional dust risk levels in the report show that our property is directly in line with the high dust risk levels.

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Was the height of the bunds and stock piles checked to ensure they are not above the planning consent height? If they were please have those heights included in the report, and if they were not checked please ask the operator to do so.

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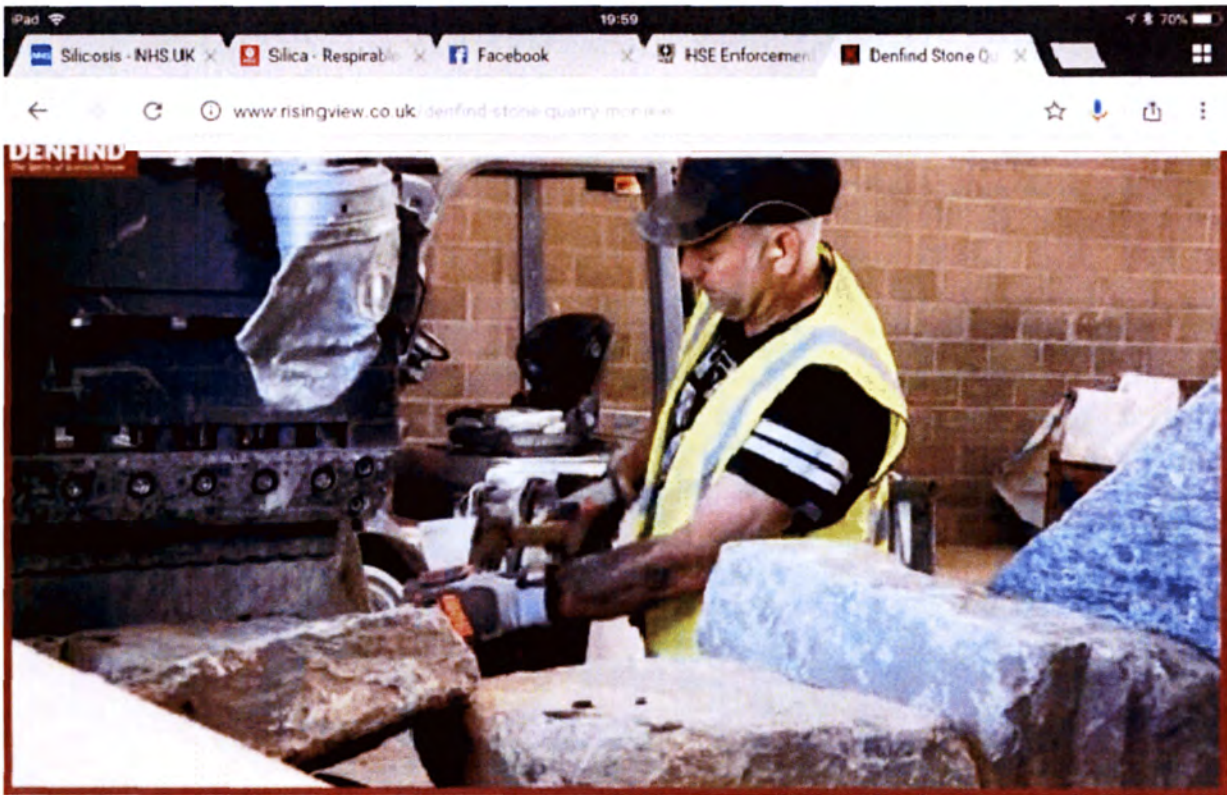
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By Monikie
Angus, DD5 3PZ

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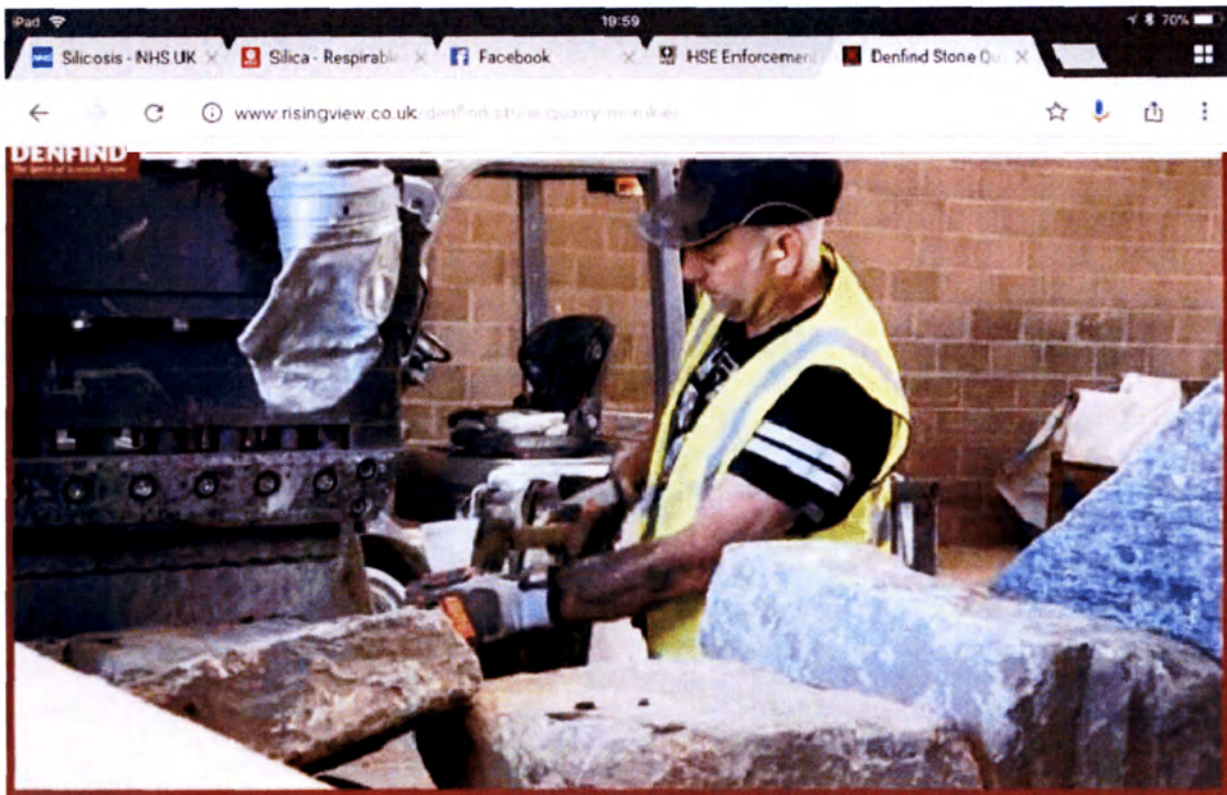
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Please acknowledge receipt of this email,

Yours faithfully,

Captain N R V Dorman
Lismore House
By Monikie
Angus, DD5 3PZ

KellyR

From: Nick Dorman [REDACTED]
Sent: 04 April 2018 12:48
To: John D. Campbell
Subject: 20180404 SILICA DUST INFORMATION FROM DENFIND EXPERTS

Dear John,

We have asked the simple question below three times and twice Denfind Stone's experts evaded answering and on the third time they did not respond; this is worrying and supports our view that this silica dust is unsafe.

Kind regards,

Nick

From: Nick Dorman
Sent: 29 March 2018 09:34
To: 'info' <info@dustscan.co.uk>
Subject: 20180329 SILICA DUST INFORMATION

Dear Hugh,

Thank you for your note and sorry for the delay in replying.

We tried to get some sense from Angus Council, but they don't have silica dust experts, hence our question to you.

In your opinion is it safe for our children to be at the quarry boundary in dry dusty conditions? Silica dust is a worry and some advice whether to keep them away or not would be useful.

Very many thanks and kindest regards,

Nick

From: info [mailto:info@dustscan.co.uk]
Sent: 28 March 2018 09:52
To: Nick Dorman [REDACTED]
Subject: RE: 20180327 SILICA DUST INFORMATION 2

Dear Nick

Thank you for your response and I'm glad you've seen the report. Since the report has gone into the planning system at Angus Council, perhaps this is something you could address to them?

Kind regards

Hugh

From: Nick Dorman [REDACTED]
Sent: 27 March 2018 15:19

To: info <info@dustscan.co.uk>
Subject: 20180327 SILICA DUST INFORMATION 2

Dear Hugh,

Thank you for taking the time to respond, and after having looked at the report I am still unsure if it is safe for our children to play at the quarry edge; we do see dust from it in dry windy conditions, and it seems that silica dust is quite nasty.

Your advice on whether we should stop/prevent our children playing at the quarry boundary would be really helpful.

Again very many thanks and kindest regards,

Nick

From: info [mailto:info@dustscan.co.uk]
Sent: 27 March 2018 14:26
To: Nick Dorman [REDACTED]
Subject: RE: 20180327 SILICA DUST INFORMATION

Hello Nick

Thank you for your enquiry.

As you might know, DustScanAQ recently completed an assessment of dust at Pitairlie Quarry, including the risks of off-site dust impacts, which we understand has now been submitted as part of a planning application at Denfind Stone. You'd be most welcome to read the report, which is in the public domain on the Angus Council website: <https://www.angus.gov.uk/>.

Kind regards

Hugh Datson
DustScanAQ

From: Nick Dorman [REDACTED]
Sent: 27 March 2018 08:28
To: info <info@dustscan.co.uk>
Subject: 20180327 SILICA DUST INFORMATION

Sirs,

I would appreciate your help and advice regarding dust at Pitairlie Quarry.

Our children often play on the eastern edge (downwind of the prevailing wind) of the quarry, and in dry periods it is dusty –from a dust point of view is it safe for them to do so or do we need to limit their exposure to silica dust?

Very many thanks,

Nick

KellyR

From: Nick Dorman [REDACTED]
Sent: 30 April 2018 14:55
To: KellyR
Subject: 20180430 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Mr. Kelly,

Thank you for your note and we shall consider its contents. However, what is immediately striking is that our questions have been selectively answered and many have not been addressed at all.

On the regulation of dust we are still confused. You state that it is the role of HSE and SEPA, however they suggest that it is for AC to regulate:

HSE advised you it is your responsibility, in Mr Tetley's (HSE) email addressed to you personally he states: *'My primary remit involves the regulation of health and law in relation to employees and that your colleagues in Environmental Health hold the primary legislation in relation to any offsite fugitive dust emissions.*'

Also SEPA advise, email from Russell Davidson dated 13 May 2015: *'Given that there are no other SEPA regulated activities which could generate dust currently being undertaken at this site at the current time if you should experience dust issues from the quarry operation then I would direct you to Angus Council. Their Environmental Health and Consumer Protection Department may be able to assist in this matter under statutory nuisance legislation.'*

Please discuss with HSE and SEPA with whom the responsibility of fugitive dust is held as it seems utterly unclear between SEPA, HSE and Angus Council who should be protecting us. And please advise the outcome of these discussions at your earliest opportunity.

Furthermore, please amend Mr. Thomson's incorrect understanding of the quarry's operating hours, they are not those of the original planning consent – it would be rather unfortunate if you allowed an extension to working hours to this noisy and dusty quarry through internal inaccuracies and a lack of attention to detail.

With the consistent inaccuracies, selective answering of questions and contradictions in ownership of legislative control, we are finding it difficult to have any confidence in any correspondence from Angus Council; frankly you must do better.

Yours faithfully,

Nick Dorman

From: KellyR [mailto:KellyR@angus.gov.uk]
Sent: 30 April 2018 13:44
To: Nick Dorman [REDACTED]
Subject: RE: 20180327 DUST

Our Ref: 17/00917/FULL/RK

Dear Captain Dorman,
Lismore House
Monikie
DD5 3PZ

**Town and Country Planning (Scotland) Act 1997 (As Amended)
Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations
and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over
Stone Feed Hopper at Pitairlie Quarry, Monikie, Dundee
Application Reference – 17/00917/FULL**

I refer to your email in connection with the above planning application which was received by this Service on 27 March 2018. Having considered the points raised the following response is offered.

The planning application process affords members of the public the opportunity to lodge representations to an application. The planning authority will take into account the planning considerations raised in representations relevant to the above proposal when determining the application. A summary of the representations will be included in the report prepared for the application when it is progressed to determination.

Consultation with the public on a planning application is not a process whereby there is scope for an open dialouge and a back and forth discussion. As explained above the points of objection made in your letters of objection will be dealt with in the committee report that is prepared for the application when it is progressed to determination. As you will appreciate the timescale for this occurring is unknown due to the Screening Direction request that has been made to Scottish Ministers.

The Environmental Health Service has been consulted on the submitted Dust Assessment and Dust Management Strategy. An updated consultation response has been provided and this has been published on the Planning Portal. <http://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ5LN3CFLES00>. This response deals with points within your email relevant to the planning application that is under consideration at this time.

Should you require clarification or explanation on specific matters including concerns you have regarding inaccuracies within the Dust Assessment and Dust Management Strategy these should be directed to the author of the document.

Your concerns relating to health concerns falls within the remit of both The Health and Safety Executive (generally) and SEPA (Screening Plant) which you have been informed of in the past by Council Officers.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate
| Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306

From: Nick Dorman [REDACTED]
Sent: 27 March 2018 16:53
To: KellyR
Subject: 20180327 DUST

Dear Mr. Kelly,

We have seen on Angus Council's (AC) planning portal the Dust Assessment and Dust Management Strategy commissioned by Denfind Stone Ltd. As you are aware Denfind Stone's lawyers have written to us advising that all questions we have must be addressed to Angus Council and therefore we would appreciate your addressing the following:

1. The report suggests that there has been no formal Dust Management Strategy in place at the quarry since it penned in 2004. Is this (worrying) oversight correct?

2. Para 3.2

The study states 'the quarry area is bounded by extensive broadleaved and coniferous woodland to the east'. This is incorrect; our property boundary is on the east edge of the quarry and there are no trees along the entire length of our boundary with the quarry. They were all cut down in 2008 and all that separates us from the quarry is a dilapidated Heras fence.

Please ask the operators to correct the report; this is one of several points we have previously asked you and the operators to correct in the planning application, which has not yet been done.

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This paragraph also contains the statement that 'suitable controls to protect ...the wider population... are in place'. There are NO controls between our property boundary immediately adjacent to the quarry, which is (1 (one) metre away); please ask the operators to explain what those controls are and in particular how they prevent wind whipped silica dust reaching us as evidenced in photographs previously sent to you.

4. Para 4

The report states that the on site assessment was carried out on behalf of DustScanAQ. Please ask the operators to supply the details and qualifications of whoever carried out the assessment, as although the report was commissioned to DustScanAQ, it was carried out by a third party unknown to us, and we presume to AC.

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This paragraph raises wind whip as a source of dust, and one we observe when conditions are dry and windy, however this is not further addressed nor discussed in the document. Please ask the operators how they propose to dampen down and prevent dust from wind-whip over the entire surface area of the quarry. Wind-whip is the lifting of dust, and silica dust covers the entire quarry, not just the bits where work is being conducted. Whilst this may not be an issue for quarries with no one living close to them, it is entirely relevant here as we are directly next to the quarry,

6. Para 4.2

Please have the operators explain the statement, 'Within the site, dust receptors will comprise site staff and visitors'

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8. Para 4.3.2

Paragraph three states, 'reasonable assumption'. Please ask what these assumptions are, and the facts that support them. Furthermore this part of the report suggests that no dust escapes the quarry, but we already have provided you with clear evidence of dust. This conclusion of these so called experts is wholly illogical as the quarry is a large, open dust bowl with loose surface silica dust subject to the variance of wind speed and direction. Please ask the operators to confirm that it is their firm position that there is NO fugitive silica dust from Pitairlie Quarry.

9. Appendix 2

This states that 'there was up to a high risk of dust annoyance from the east, and therefore to the west.' As we have continually stated in a westerly wind, (the prevailing wind direction), our property lies to the east and thus directly downwind from the quarry; furthermore our boundary is immediately on the quarry and there are no trees (as erroneously stated in the report) and no discernible controls at our boundary. It is so clearly unsafe as all the directional dust risk levels in the report show that our property is directly in line with the high dust risk levels.

10. Did the auditors consider those points raised by the HSE, HSE report 304547143, that amongst others stated that Denfind Stone failed to ensure that those exposed to Respiratory Crystalline Silica, (and noise) had adequate health

monitoring? We are unaware of any monitoring done at our boundary, or indeed to neighbouring families who have been exposed to silica dust from the operators activities.

11. Conditions during the audit – wet winter conditions

Throughout this study the ground was wet and had coverings of snow combined with easterly winds. That the receptors gathered dust to the west (toward our house) during this period of predominately east winds and wet conditions is worrying and we would appreciate the Council's view on this threat to us.

12. Bunds and stock piles

Was the height of the bunds and stock piles checked to ensure they are not above the planning consent height? If they were please have those heights included in the report, and if they were not checked please ask the operator to do so.

13. Have the Council obliged Denfind Stone to commission such a report in dry conditions when they are working to their normal capacity; and if not do they intend to do so?

14. Please ask the operators to seek DustScanAQ's opinion if it is safe to be one metre from the quarry edge (our boundary) when it is dry and windy; it is a question we asked the Council in 2016 and which you did not answer in the affirmative. In other words at the quarry edge is it safe from silica dust close to the quarry when conditions are dusty?

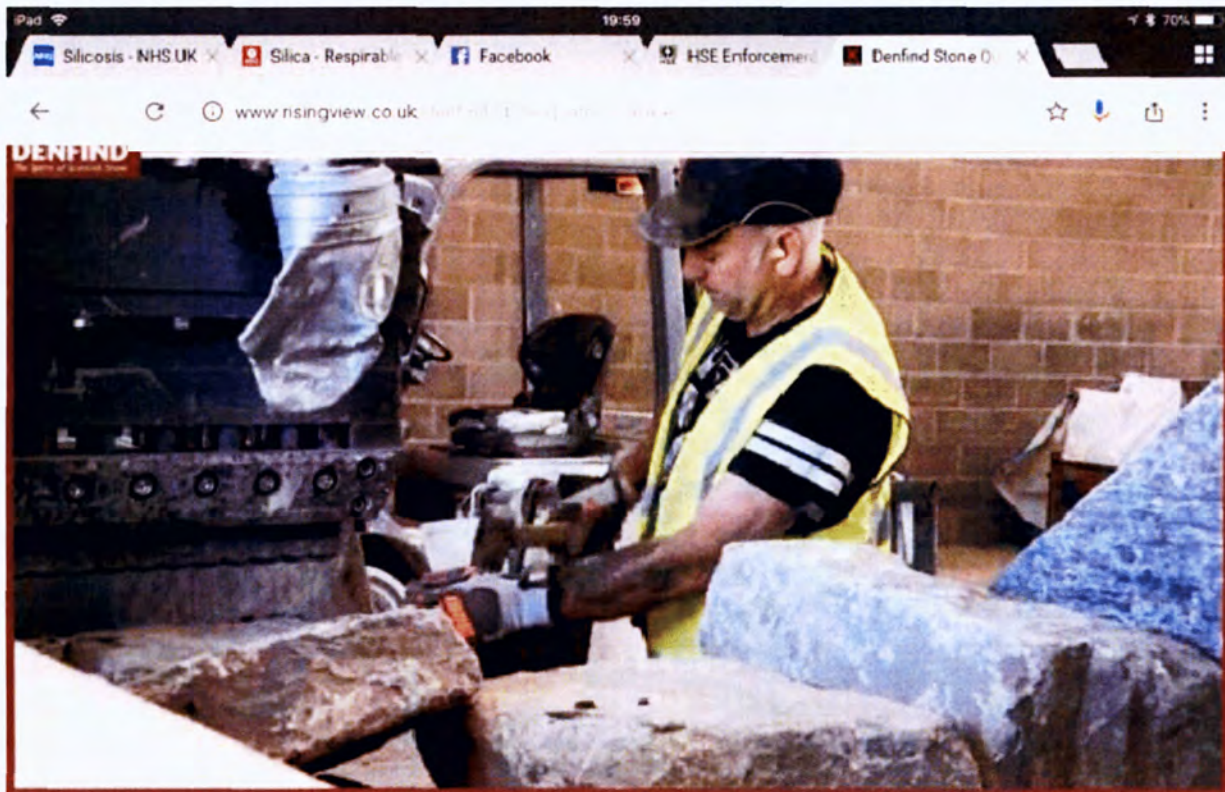
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There is no mention or guidance on the health effects caused by exposure to silica dust. Please ask the operators to include links that advise of the health effects; organisations such as the World Health Organisation and the National Health Service contain information about the carcinogenic, and other, effects of silica dust.

16. Workers Safety (and by implication everyone else's health and safety):

The report suggests that the operators work to relevant safety standards, however a recent promotional video, now removed from the web, showed workers at the quarry without dust masks and eye protection whilst cutting and handling stone. Apart from this being indicative of the operators' deviating from H&S rules, and their own safety rhetoric, it clearly demonstrates an unsafe work environment and a wholly inadequate attitude to basic safety.

Did the Assessor look at Personal Protective Equipment (PPE) for workers and controls? And did they extrapolate this against the likelihood that the operators will consistently follow safe practices? Particularly as the evidence shows in the video that they openly break the rules which they state they follow. If the assessors did not look at this they should be requested to revisit this as it is a common theme in this case that what is said and what is done are often different. A screen shot of the promotional Denfind video is below (and attached) showing the very dangerous condition of a worker hitting stone without eye protection; also if that is a vent in the picture, it does not look to be operating, however the worker has no dust mask.



We look forward to your advices and also answering our other questions raised in previous correspondence via Mr. Campbell.

Please acknowledge receipt of this email,

Yours faithfully,

Captain N R V Dorman
Lismore House
By Monikie
Angus, DD5 3PZ

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KellyR

From: Nick Dorman [REDACTED]
Sent: 02 May 2018 16:12
To: KellyR
Subject: 20180502 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Mr. Kelly,

Thank you for your note.

1. Mr. Thomson's letter of 2016 was based on the (unsafe) position of Angus Council which we have challenged both on dust and noise, and which is an ongoing albeit slow process. Please do not hide behind that letter, it was flawed at the time, and it remains so today.

As you are aware no dust measurements have ever been taken at the quarry until recently (in the wet and snow), and the effects of toxic silica dust were not considered at the original planning consent over a decade ago, whilst all the time we have been continuously exposed to this nasty and toxic material, and without any protection from Angus Council, SEPA or the HSE. Disturbingly it now seems that there was no formal dust management plan until last month when DustScanAQ cobbled one together; as an aside we asked DustScanAQ if it was safe for our children to be at the boundary of the quarry, and three times they were unable to confirm that it was safe - this is extraordinarily worrying, and frankly should raise alarm bells in your organisation.

That Mr Thomson suggests nothing has changed is incongruous; the quarry is larger (we watch the dust footprint increase every year) and the operators clearly state in their supporting statements for this planning application that they are increasing production to meet greater demand, and a large shed next is about to be built next to another large shed. This continued 'nothing to see here' attitude is truly shocking.

2. The incorrect operating hours are stated in Mr. Thomson's email to you, dated 27 April, 2018 sent at 1810 hrs, Table A, page 7; we have also seen these incorrect timings in other recent documents. For your guidance, and in order for you to correct other documents, the hours stated in the reference you give/the original approval are:

Monday – Thursday 8 am to 5 pm

Friday 8 am to 4 pm

Saturday 8 am to 12 noon

As an aside it is frustrating and time consuming to do your work for you.

3. You mention in this email that the '*process affords members of the public the opportunity to lodge representations to an application*', however in an earlier email to us you say, '*Consultation with the public on a planning application is not a process whereby there is scope for an open dialouge [sic] and a back and forth discussion.*' The latter statement of course is complete (and shameful) nonsense.

It is preposterous to keep peddling the line that fugitive dust is not an issue; our boundary is directly next to the quarry, which is a large and open dust bowl, and we are down wind of it. This continued and utterly illogical position places us at risk, and we cannot work out why Angus Council are advocating this extraordinary and bizarre position; I am reminded of Mark Twain's quote, 'a foolish consistency is the hobgoblin of the feeble mind'!

We further note that you again ignore the questions raised in our email of 30th April, and those contained in other letters, but selectively answer others - often inaccurately.

We understand that you find this discussion frustrating, however we cannot afford to lose this planning challenge and we must have an EIA directed for the sake of our health and quality of life.

Kind regards,

Nick Dorman

From: KellyR [mailto:KellyR@angus.gov.uk]
Sent: 02 May 2018 14:53
To: Nick Dorman [REDACTED]
Subject: RE: 20180430 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Captain Dorman,

In response to the queries in your email I would advise as follows.

My Environmental Health colleague Steve Thomson provided detailed clarification on the regulation of Pitairlie Quarry dust emissions in his letter of 6 October 2016. A copy of this letter is attached. Mr Thomson has confirmed that the situation regarding regulation of the site has not changed since his reply.

The consultation response from Mr Thomson makes no reference to the operating hours of the quarry. The operating hours of the quarry remain as those specified in Condition 5 of planning permission 08/00401/MIN.

The planning application currently being considered by this Service relates to a new processing building which Mr Thomson has recommended a condition relating to its operation should it be granted planning permission. In determining this planning application there is not a circumstance that would arise whereby the operating hours of the quarry would be amended as that is outwith the site subject of application 17/00917/FULL.

As explained in my earlier email the planning application process affords members of the public the opportunity to lodge representations to an application. The planning authority will take into account the planning considerations raised in representations relevant to the new processing building when determining the application. A summary of the representations will be included in the report prepared for the application when it is progressed to determination and on this basis we will not respond to every single matter that you raise in your submissions.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate
| Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306

From: Nick Dorman [REDACTED]
Sent: 30 April 2018 14:55
To: KellyR
Subject: 20180430 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Mr. Kelly,

Thank you for your note and we shall consider its contents. However, what is immediately striking is that our questions have been selectively answered and many have not been addressed at all.

On the regulation of dust we are still confused. You state that it is the role of HSE and SEPA, however they suggest that it is for AC to regulate:

HSE advised you it is your responsibility, in Mr Tetley's (HSE) email addressed to you personally he states: *'My primary remit involves the regulation of health and law in relation to employees and that your colleagues in Environmental Health hold the primary legislation in relation to any offsite fugitive dust emissions.*'

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Furthermore, please amend Mr. Thomson's incorrect understanding of the quarry's operating hours, they are not those of the original planning consent – it would be rather unfortunate if you allowed an extension to working hours to this noisy and dusty quarry through internal inaccuracies and a lack of attention to detail.

With the consistent inaccuracies, selective answering of questions and contradictions in ownership of legislative control, we are finding it difficult to have any confidence in any correspondence from Angus Council; frankly you must do better.

Yours faithfully,

Nick Dorman

From: KellyR [mailto:KellyR@angus.gov.uk]
Sent: 30 April 2018 13:44
To: Nick Dorman [REDACTED]
Subject: RE: 20180327 DUST

Our Ref: 17/00917/FULL/RK

Dear Captain Dorman,
Lismore House
Monikie
DD5 3PZ

Town and Country Planning (Scotland) Act 1997 (As Amended)
Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper at Pitairlie Quarry, Monikie, Dundee
Application Reference – 17/00917/FULL

I refer to your email in connection with the above planning application which was received by this Service on 27 March 2018. Having considered the points raised the following response is offered.

The planning application process affords members of the public the opportunity to lodge representations to an application. The planning authority will take into account the planning considerations raised in representations relevant to the above proposal when determining the application. A summary of the representations will be included in the report prepared for the application when it is progressed to determination.

Consultation with the public on a planning application is not a process whereby there is scope for an open dialogue and a back and forth discussion. As explained above the points of objection made in your letters of objection will be dealt with in the committee report that is prepared for the

application when it is progressed to determination. As you will appreciate the timescale for this occurring is unknown due to the Screening Direction request that has been made to Scottish Ministers.

The Environmental Health Service has been consulted on the submitted Dust Assessment and Dust Management Strategy. An updated consultation response has been provided and this has been published on the Planning Portal. <http://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ5LN3CFLES00>. This response deals with points within your email relevant to the planning application that is under consideration at this time.

Should you require clarification or explanation on specific matters including concerns you have regarding inaccuracies within the Dust Assessment and Dust Management Strategy these should be directed to the author of the document.

Your concerns relating to health concerns falls within the remit of both The Health and Safety Executive (generally) and SEPA (Screening Plant) which you have been informed of in the past by Council Officers.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate | Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306

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Sent: 27 March 2018 16:53
To: KellyR
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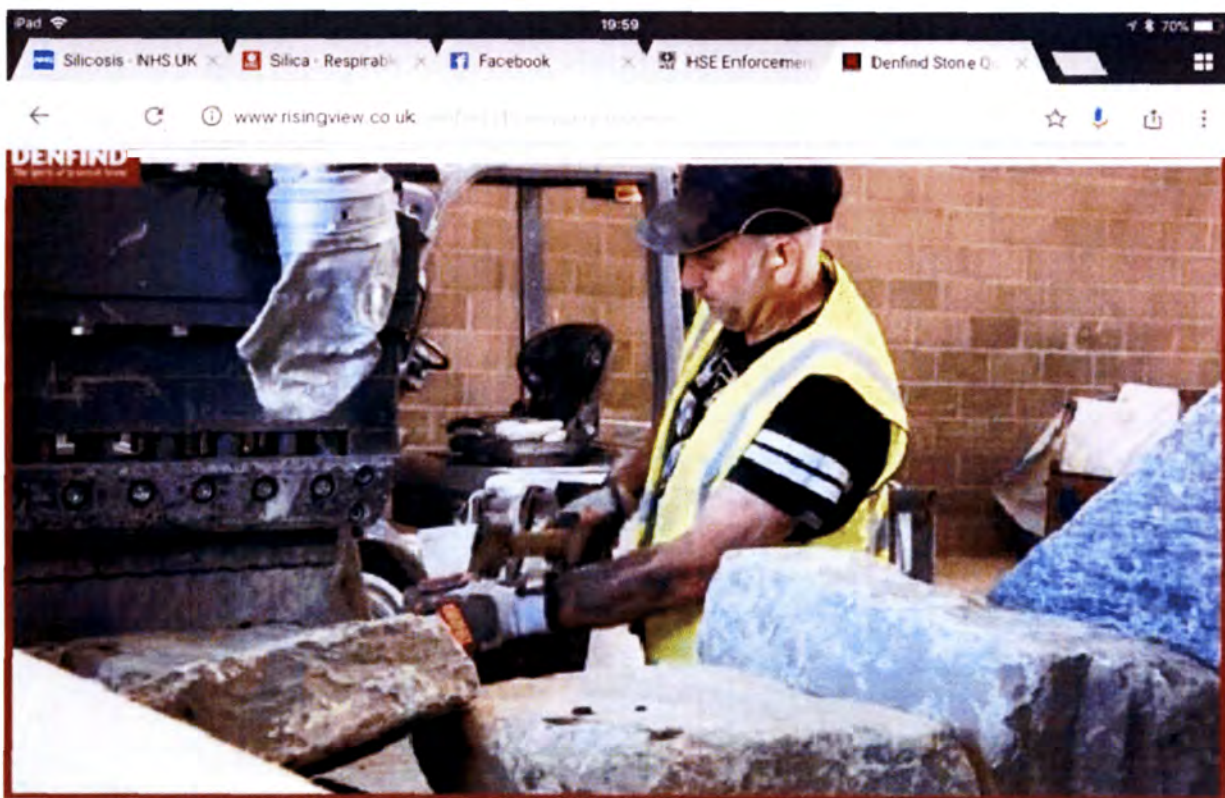
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We look forward to your advices and also answering our other questions raised in previous correspondence via Mr. Campbell.

Please acknowledge receipt of this email,

Yours faithfully,

Captain N R V Dorman
Lismore House
By Monikie
Angus, DD5 3PZ

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KellyR

From: Nick Dorman [REDACTED]
Sent: 02 May 2018 16:12
To: KellyR
Subject: 20180502 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Mr. Kelly,

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As you are aware no dust measurements have ever been taken at the quarry until recently (in the wet and snow), and the effects of toxic silica dust were not considered at the original planning consent over a decade ago, whilst all the time we have been continuously exposed to this nasty and toxic material, and without any protection from Angus Council, SEPA or the HSE. Disturbingly it now seems that there was no formal dust management plan until last month when DustScanAQ cobbled one together; as an aside we asked DustScanAQ if it was safe for our children to be at the boundary of the quarry, and three times they were unable to confirm that it was safe - this is extraordinarily worrying, and frankly should raise alarm bells in your organisation.

That Mr Thomson suggests nothing has changed is incongruous; the quarry is larger (we watch the dust footprint increase every year) and the operators clearly state in their supporting statements for this planning application that they are increasing production to meet greater demand, and a large shed next is about to be built next to another large shed. This continued 'nothing to see here' attitude is truly shocking.

2. The incorrect operating hours are stated in Mr. Thomson's email to you, dated 27 April, 2018 sent at 1810 hrs, Table A, page 7; we have also seen these incorrect timings in other recent documents. For your guidance, and in order for you to correct other documents, the hours stated in the reference you give/the original approval are:

Monday – Thursday 8 am to 5 pm

Friday 8 am to 4 pm

Saturday 8 am to 12 noon

As an aside it is frustrating and time consuming to do your work for you.

3. You mention in this email that the '*process affords members of the public the opportunity to lodge representations to an application*', however in an earlier email to us you say, '*Consultation with the public on a planning application is not a process whereby there is scope for an open dialouge [sic] and a back and forth discussion.*' The latter statement of course is complete (and shameful) nonsense.

It is preposterous to keep peddling the line that fugitive dust is not an issue; our boundary is directly next to the quarry, which is a large and open dust bowl, and we are down wind of it. This continued and utterly illogical position places us at risk, and we cannot work out why Angus Council are advocating this extraordinary and bizarre position; I am reminded of Mark Twain's quote, 'a foolish consistency is the hobgoblin of the feeble mind'!

We further note that you again ignore the questions raised in our email of 30th April, and those contained in other letters, but selectively answer others - often inaccurately.

We understand that you find this discussion frustrating, however we cannot afford to lose this planning challenge and we must have an EIA directed for the sake of our health and quality of life.

Kind regards,

Nick Dorman

From: KellyR [mailto:KellyR@angus.gov.uk]
Sent: 02 May 2018 14:53
To: Nick Dorman [REDACTED]
Subject: RE: 20180430 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Captain Dorman,

In response to the queries in your email I would advise as follows.

My Environmental Health colleague Steve Thomson provided detailed clarification on the regulation of Pitairlie Quarry dust emissions in his letter of 6 October 2016. A copy of this letter is attached. Mr Thomson has confirmed that the situation regarding regulation of the site has not changed since his reply.

The consultation response from Mr Thomson makes no reference to the operating hours of the quarry. The operating hours of the quarry remain as those specified in Condition 5 of planning permission 08/00401/MIN.

The planning application currently being considered by this Service relates to a new processing building which Mr Thomson has recommended a condition relating to its operation should it be granted planning permission. In determining this planning application there is not a circumstance that would arise whereby the operating hours of the quarry would be amended as that is outwith the site subject of application 17/00917/FULL.

As explained in my earlier email the planning application process affords members of the public the opportunity to lodge representations to an application. The planning authority will take into account the planning considerations raised in representations relevant to the new processing building when determining the application. A summary of the representations will be included in the report prepared for the application when it is progressed to determination and on this basis we will not respond to every single matter that you raise in your submissions.

Yours sincerely,

Ruari Kelly

**Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate
| Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306**

From: Nick Dorman [REDACTED]
Sent: 30 April 2018 14:55
To: KellyR
Subject: 20180430 DUST AND NOISE - SELECTIVE ANSWERING TO QUESTIONS

Dear Mr. Kelly,

Thank you for your note and we shall consider its contents. However, what is immediately striking is that our questions have been selectively answered and many have not been addressed at all.

On the regulation of dust we are still confused. You state that it is the role of HSE and SEPA, however they suggest that it is for AC to regulate:

HSE advised you it is your responsibility, in Mr Tetley's (HSE) email addressed to you personally he states: *'My primary remit involves the regulation of health and law in relation to employees and that your colleagues in Environmental Health hold the primary legislation in relation to any offsite fugitive dust emissions.*'

Also SEPA advise, email from Russell Davidson dated 13 May 2015: *'Given that there are no other SEPA regulated activities which could generate dust currently being undertaken at this site at the current time if you should experience dust issues from the quarry operation then I would direct you to Angus Council. Their Environmental Health and Consumer Protection Department may be able to assist in this matter under statutory nuisance legislation.'*

Please discuss with HSE and SEPA with whom the responsibility of fugitive dust is held as it seems utterly unclear between SEPA, HSE and Angus Council who should be protecting us. And please advise the outcome of these discussions at your earliest opportunity.

Furthermore, please amend Mr. Thomson's incorrect understanding of the quarry's operating hours, they are not those of the original planning consent – it would be rather unfortunate if you allowed an extension to working hours to this noisy and dusty quarry through internal inaccuracies and a lack of attention to detail.

With the consistent inaccuracies, selective answering of questions and contradictions in ownership of legislative control, we are finding it difficult to have any confidence in any correspondence from Angus Council; frankly you must do better.

Yours faithfully,

Nick Dorman

From: KellyR [mailto:KellyR@angus.gov.uk]
Sent: 30 April 2018 13:44
To: Nick Dorman [REDACTED]
Subject: RE: 20180327 DUST

Our Ref: 17/00917/FULL/RK

Dear Captain Dorman,
Lismore House
Monikie
DD5 3PZ

**Town and Country Planning (Scotland) Act 1997 (As Amended)
Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper at Pitairlie Quarry, Monikie, Dundee
Application Reference – 17/00917/FULL**

I refer to your email in connection with the above planning application which was received by this Service on 27 March 2018. Having considered the points raised the following response is offered.

The planning application process affords members of the public the opportunity to lodge representations to an application. The planning authority will take into account the planning considerations raised in representations relevant to the above proposal when determining the application. A summary of the representations will be included in the report prepared for the application when it is progressed to determination.

Consultation with the public on a planning application is not a process whereby there is scope for an open dialogue and a back and forth discussion. As explained above the points of objection made in your letters of objection will be dealt with in the committee report that is prepared for the

application when it is progressed to determination. As you will appreciate the timescale for this occurring is unknown due to the Screening Direction request that has been made to Scottish Ministers.

The Environmental Health Service has been consulted on the submitted Dust Assessment and Dust Management Strategy. An updated consultation response has been provided and this has been published on the Planning Portal. <http://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ5LN3CFLES00>. This response deals with points within your email relevant to the planning application that is under consideration at this time.

Should you require clarification or explanation on specific matters including concerns you have regarding inaccuracies within the Dust Assessment and Dust Management Strategy these should be directed to the author of the document.

Your concerns relating to health concerns falls within the remit of both The Health and Safety Executive (generally) and SEPA (Screening Plant) which you have been informed of in the past by Council Officers.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate
| Planning Service | Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306

From: Nick Dorman [REDACTED]
Sent: 27 March 2018 16:53
To: KellyR
Subject: 20180327 DUST

Dear Mr. Kelly,

We have seen on Angus Council's (AC) planning portal the Dust Assessment and Dust Management Strategy commissioned by Denfind Stone Ltd. As you are aware Denfind Stone's lawyers have written to us advising that all questions we have must be addressed to Angus Council and therefore we would appreciate your addressing the following:

1. The report suggests that there has been no formal Dust Management Strategy in place at the quarry since it penned in 2004. Is this (worrying) oversight correct?

2. Para 3.2

The study states 'the quarry area is bounded by extensive broadleaved and coniferous woodland to the east'. This is incorrect; our property boundary is on the east edge of the quarry and there are no trees along the entire length of our boundary with the quarry. They were all cut down in 2008 and all that separates us from the quarry is a dilapidated Heras fence.

Please ask the operators to correct the report; this is one of several points we have previously asked you and the operators to correct in the planning application, which has not yet been done.

3. Para 3.2

This paragraph also contains the statement that 'suitable controls to protect ...the wider population... are in place'. There are NO controls between our property boundary immediately adjacent to the quarry, which is (1 (one) metre away); please ask the operators to explain what those controls are and in particular how they prevent wind whipped silica dust reaching us as evidenced in photographs previously sent to you.

4. Para 4

The report states that the on site assessment was carried out on behalf of DustScanAQ. Please ask the operators to supply the details and qualifications of whoever carried out the assessment, as although the report was commissioned to DustScanAQ, it was carried out by a third party unknown to us, and we presume to AC.

5. Para 4.1

This paragraph raises wind whip as a source of dust, and one we observe when conditions are dry and windy, however this is not further addressed nor discussed in the document. Please ask the operators how they propose to dampen down and prevent dust from wind-whip over the entire surface area of the quarry. Wind-whip is the lifting of dust, and silica dust covers the entire quarry, not just the bits where work is being conducted. Whilst this may not be an issue for quarries with no one living close to them, it is entirely relevant here as we are directly next to the quarry,

6. Para 4.2

Please have the operators explain the statement, 'Within the site, dust receptors will comprise site staff and visitors'

7. Para 4.2

Again the myth that our property is either 238 metres, 108 metres or 18 metres away; it is none of these. The mutual boundary is on the edge of the quarry, 1 (one) metre from it. Please have the report corrected and results adjusted to reflect this incorrect, but extraordinarily important, piece of information.

8. Para 4.3.2

Paragraph three states, 'reasonable assumption'. Please ask what these assumptions are, and the facts that support them. Furthermore this part of the report suggests that no dust escapes the quarry, but we already have provided you with clear evidence of dust. This conclusion of these so called experts is wholly illogical as the quarry is a large, open dust bowl with loose surface silica dust subject to the variance of wind speed and direction. Please ask the operators to confirm that it is their firm position that there is NO fugitive silica dust from Pitairlie Quarry.

9. Appendix 2

This states that 'there was up to a high risk of dust annoyance from the east, and therefore to the west.' As we have continually stated in a westerly wind, (the prevailing wind direction), our property lies to the east and thus directly downwind from the quarry; furthermore our boundary is immediately on the quarry and there are no trees (as erroneously stated in the report) and no discernible controls at our boundary. It is so clearly unsafe as all the directional dust risk levels in the report show that our property is directly in line with the high dust risk levels.

10. Did the auditors consider those points raised by the HSE, HSE report 304547143, that amongst others stated that Denfind Stone failed to ensure that those exposed to Respiratory Crystalline Silica, (and noise) had adequate health monitoring? We are unaware of any monitoring done at our boundary, or indeed to neighbouring families who have been exposed to silica dust from the operators activities.

11. Conditions during the audit – wet winter conditions

Throughout this study the ground was wet and had coverings of snow combined with easterly winds. That the receptors gathered dust to the west (toward our house) during this period of predominately east winds and wet conditions is worrying and we would appreciate the Council's view on this threat to us.

12. Bunds and stock piles

Was the height of the bunds and stock piles checked to ensure they are not above the planning consent height? If they were please have those heights included in the report, and if they were not checked please ask the operator to do so.

13. Have the Council obliged Denfind Stone to commission such a report in dry conditions when they are working to their normal capacity; and if not do they intend to do so?

14. Please ask the operators to seek DustScanAQ's opinion if is safe to be one metre from the quarry edge (our boundary) when it is dry and windy; it is a question we asked the Council in 2016 and which you did not answer in

the affirmative. In other words at the quarry edge is it safe from silica dust close to the quarry when conditions are dusty?

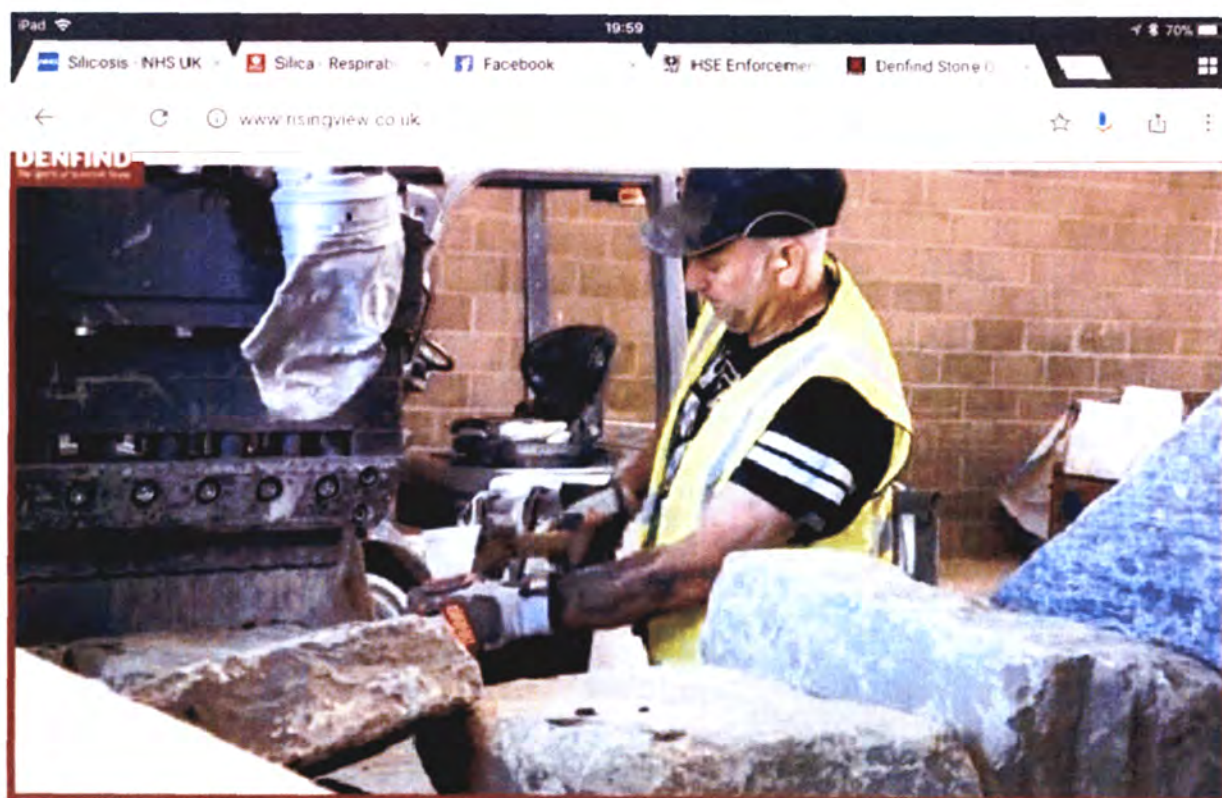
15. Health Effects

There is no mention or guidance on the health effects caused by exposure to silica dust. Please ask the operators to include links that advise of the health effects; organisations such as the World Health Organisation and the National Health Service contain information about the carcinogenic, and other, effects of silica dust.

16. Workers Safety (and by implication everyone else's health and safety):

The report suggests that the operators work to relevant safety standards, however a recent promotional video, now removed from the web, showed workers at the quarry without dust masks and eye protection whilst cutting and handling stone. Apart from this being indicative of the operators' deviating from H&S rules, and their own safety rhetoric, it clearly demonstrates an unsafe work environment and a wholly inadequate attitude to basic safety.

Did the Assessor look at Personal Protective Equipment (PPE) for workers and controls? And did they extrapolate this against the likelihood that the operators will consistently follow safe practices? Particularly as the evidence shows in the video that they openly break the rules which they state they follow. If the assessors did not look at this they should be requested to revisit this as it is a common theme in this case that what is said and what is done are often different. A screen shot of the promotional Denfind video is below (and attached) showing the very dangerous condition of a worker hitting stone without eye protection; also if that is a vent in the picture, it does not look to be operating, however the worker has no dust mask.



We look forward to your advices and also answering our other questions raised in previous correspondence via Mr. Campbell.

Please acknowledge receipt of this email,

Yours faithfully,

Captain N R V Dorman
Lismore House
By Monikie
Angus, DD5 3PZ

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