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Neil C Stewart

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Your ref: KM/APP/2015/3608
Our ref: NA-ABS-043
19 August 2016

Dear Mr Stewart

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2009
RETROSPECTIVE CHANGE OF USE OF AGRICULTURAL LAND TO FORM 10 STANCE
CARAVAN PARK (PERMANENT HALTING SITE FOR GYPSIES/TRAVELLERS) AND
TOURING GYPSY/TRAVELLERS SITE, FORMATION OF ROAD AND ERECTION OF
BOUNDARY FENCING/WALLS/GATES, TOILET BLOCK, WASHROOM, DAY
ROOM/CLASSROOM, PUMP STATION AND RECYCLING POINT AT LAND TO SOUTH
WEST OF ESKVIEW FARM, ST CYRUS**

I refer to your Council's letter and enclosures of 28 June 2016 notifying the above application to Scottish Ministers following consideration by Aberdeenshire Council who were minded to grant planning permission against the advice of Scottish Environment Protection Agency.

Having considered the proposal, Scottish Ministers have decided, in terms of Section 46 of the Town and Country Planning (Scotland) Act 1997 to require the application to be referred to them for determination. Accordingly, a Direction, given in terms of Section 46 is enclosed.

Scottish Ministers have given this Direction in view of the proposed development's potential conflict with national policy on flooding. It is considered that the issues raised would benefit from further scrutiny by Ministers.

Regulation 35 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires the planning authority to serve notice on the applicant for planning permission of the terms of the Direction, of the reasons for issuing it, that the application has been referred to Scottish Ministers and that the decision of Ministers will be final. In connection with the service of notice, your attention is drawn to regulation 48 of those Regulations which applies section 271 of the 1997 Act. I should be glad if your Council would serve the required notice and let me have a copy. The planning authority is



also required to include a copy of the decision to call in the application on the planning register in accordance with regulation 16 and paragraph 3(d) of Schedule 2.

In terms of the Town and Country Planning (Appeals) (Scotland) Regulations 2013, the application will be submitted to the Directorate for Planning and Environmental Appeals (DPEA) in Falkirk for an examination by a reporter. A disk containing all the application documentation should be sent by your Council, including the attachments to your letter of 28 June 2016 which form part of the application documentation but are not contained on your Council website, to David Henderson, Head of Performance and Administration, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR as these will be required by DPEA to insert on to their own website. Thereafter, the appointed reporter has been asked to submit a report with recommendations to Scottish Ministers for their consideration and determination.

Any queries relating to the future handling of the case should be directed to DPEA.

Yours sincerely

Lyndsey Murray

LYNDSEY MURRAY

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The Scottish Ministers, in exercise of the powers conferred on them by Section 46(1) of the Town and Country Planning (Scotland) Act 1997, and of all other powers enabling them in that behalf, hereby direct that Aberdeenshire Council refer to them for determination the application for planning permission under the Town and Country Planning (Scotland) Act 1997 received by them from Alan Seath, on behalf of North Esk Investment Ltd, for the retrospective change of use of agricultural land to form 10 stance caravan park (permanent halting site for gypsies/travellers) and touring gypsy/travellers site, formation of road and erection of boundary fencing/walls/gates, toilet block, washroom, day room/classroom, pump station and recycling point at land to South West of Eskview Farm, St Cyrus.

The Scottish Ministers have given this Direction in view of the proposed development's potential conflict with national policy on flooding. It is considered that the issues raised would benefit from further scrutiny by Ministers.

This Direction may be cited as the Town and Country Planning (Reference of Application) (Aberdeenshire Council) (Planning Permission for the retrospective change of use of agricultural land to form 10 stance caravan park (permanent halting site for gypsies/travellers) and touring gypsy/travellers site, formation of road and erection of boundary fencing/walls/gates, toilet block, washroom, day room/classroom, pump station and recycling point at land to South West of Eskview Farm, St Cyrus) Direction 2016.

Lyndsey Murray

LYNDSEY MURRAY
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19 August 2016

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