



T: [REDACTED]  
E: [REDACTED]

[REDACTED]  
Committees Officer  
Chief Executives Service  
Orkney Islands Council

Your ref: 18/404/PP  
Our ref: NA-ORK-028  
23 May 2019

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)  
(SCOTLAND) DIRECTION 2009  
PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BUILDING TO HOUSE  
AT QUIVALS, OTTERSWICK ROAD, SANDAY**

I refer to your e-mail of 17 April 2019 notifying the above application to Scottish Ministers as Orkney Islands Council are minded to grant planning permission for this development against the advice of the Scottish Environment Protection Agency (SEPA).

Having considered the proposal, the 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.

The Scottish Ministers have given this Direction in view of the proposed development's potential conflict with national policy on flooding and inadequate justification provided for departing from this policy.

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.



The application will be submitted to the Directorate for Planning and Environmental Appeals (DPEA) in Falkirk for an examination by a Reporter of all the evidence submitted in accordance with the Town and Country Planning (Appeals) (Scotland) Regulations 2013. I would be grateful if you would prepare all the application documentation and send it to [REDACTED], Head of Performance and Administration, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR who will make arrangements for processing the case. Information can also be sent electronically via DPEA's ePlanning and Sharepoint sites by contacting the DPEA's office mailbox, [dpea@gov.scot](mailto:dpea@gov.scot) for access and advice on use. 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

[REDACTED]

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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 Orkney Islands Council refer to them for determination the application for full planning permission under the Town and Country Planning (Scotland) Act 1997 received by them from Breck Designs on behalf of Mr Stephen Oliver.

The Scottish Ministers have given this Direction in view of the proposed development's potential conflict with national policy on flooding and inadequate justification provided for departing from this policy.

This Direction may be cited as the Town and Country Planning (Reference of Application) (Orkney Islands Council) (Planning Permission for conversion of redundant agricultural building to house at Quivals, Otterswick Road, Sanday) Direction 2019.

  
Planning Decisions

Scottish Government  
Directorate for Local Government and Communities  
Planning and Architecture Division  
Planning Decisions  
Victoria Quay  
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23 May 2019