

Item: 3.1

Local Review Body: 21 March 2019.

Proposed Conversion of Redundant Agricultural Building to House at Quivals, Sanday (18/404/PP).

Report by Chief Executive.

1. Purpose of Report

To determine a review of the decision of the Appointed Officer to refuse planning permission for the proposed conversion of a redundant agricultural building to a house at Quivals, Sanday.

2. Recommendations

The Local Review Body is invited to note:

2.1.

That planning permission for the proposed conversion of a redundant agricultural building to a house at Quivals, Sanday, was refused by the Appointed Officer on 14 December 2018, for the reasons outlined in section 3.2 of this report.

2.2.

That the applicant has submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

It is recommended:

2.3.

That the Local Review Body determines whether it has sufficient information to proceed to determination of the review, and if so:

- Whether to uphold, reverse or vary the decision of the Appointed Officer.
- In the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision notice.

2.4.

That, in the event the Local Review Body agrees that further information is required to determine the review, what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing.

2.5

That, should the Local Review Body propose to reverse the decision of the Appointed Officer and grant planning permission contrary to the flood risk advice provided by the Scottish Environment Protection Agency, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, the Clerk to the Local Review Body should notify Scottish Ministers of the intent to grant planning permission to allow them to determine whether or not it is appropriate to call in the planning application for their determination.

3. Background

3.1.

Planning application 18/404/PP relates to the proposed conversion of a redundant agricultural building to a house at Quivals, Sanday.

3.2.

The Appointed Officer refused the planning application on 14 December 2018 on the following grounds:

3.2.1.

The development is located in an area at risk of coastal flooding. A Flood Risk Assessment (FRA) has been supplied at the request of the Scottish Environment Protection Agency (SEPA), but SEPA has confirmed the FRA does not demonstrate that the development would be free from the risk of flooding. SEPA and Engineering Services have objected to the application for this reason. Policy 13 of the Orkney Local Development Plan 2017 “seeks to avoid situations where development would have a significant probability of flooding” and Policy 1 does not support development that would result in an unacceptable level of risk to public health and safety. Scottish Planning Policy states in paragraph 256, that “the planning system should prevent development which would have a significant probability of being affected by flooding”.

3.3.

In terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review and supporting information, which is attached as Appendix 1 to this report.

3.4.

The Planning Handling Report, Planning Services file and the Decision Notice, including the reason for refusal, referred to in section 3.2 above, are attached as Appendices 2, 3 and 4 to this report.

4. Review Procedure

4.1.

In response to a Notice of Review “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. A single representation, attached as Appendix 5 to this report, has been received from SEPA, who objected to the development. The representation confirms that their position remains unchanged, in that the site is at risk from coastal flooding.

4.2.

Under the review procedure, the applicant is given the opportunity to make comment on any additional representations received. No further comment was received.

4.3.

In accordance with the Council’s policy to undertake site inspections of all planning applications subject to a local review, prior to the meeting to consider the review, a site visit to Quivals, Sanday, was undertaken at 09:45 on 21 March 2019.

4.4.

The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, draft planning conditions are attached at Appendix 6 for consideration.

4.5.

If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing(s).

5. Relevant Planning Policy and Guidance

5.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise....to be made in accordance with that plan...”

5.2.

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website at:

<http://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies and supplementary guidance listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDs and Waste Water Drainage.
- Supplementary Guidance: Housing in the Countryside.
- Supplementary Guidance: Historic Environment and Cultural Heritage.
- Scottish Planning Policy 2014: Paragraphs 254-268.

6. Corporate Governance

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing Planning Service revenue budgets.

8. Legal Aspects

8.1.

Under the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.

8.2.

The procedures to be followed in respect of the review are as detailed in sections 4.3 and 4.4 above.

8.3.

A letter from the Chief Planner, Scottish Government, in July 2011 confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.

8.4.

Under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, development which has been the subject of consultation with the Scottish Environment Protection Agency (SEPA), and where SEPA have advised against the granting of planning permission, must be notified to Scottish Ministers. Ministers will then consider whether to call in the application for determination or refer it back to the Council to decide the application.

9. Contact Officers

Angela Kingston, Clerk to the Local Review Body, extension 2239, Email angela.kingston@orkney.gov.uk

Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email rodny.mackay@orkney.gov.uk

Peter Trodden, Legal Advisor to the Local Review Body, extension 2219, Email peter.trodden@orkney.gov.uk

10. Appendices

Appendix 1 – Notice of Review (pages 1 – 11)

Appendix 2 – Planning Handling Report (pages 12 – 16)

Appendix 3 – Planning Services File (pages 17 – 44)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 45 – 50)

Appendix 5 – Further Representation from Interested Party (pages 51 – 54)

Appendix 6 – Draft Planning Conditions (page 55)

Pages 1 to 55, with the exception of page 55, can be viewed at http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm and inserting the planning reference “18/404/PP”.

All other documents can be viewed at <http://www.orkney.gov.uk/Council/C/LRC2019.htm> and referring to the relevant meeting date.



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100138632-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Breck Designs		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Diane	Building Name:	Kveldsro
Last Name: *	Grieve	Building Number:	
Telephone Number: *	(01856) 871362	Address 1 (Street): *	Weyland Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkwall
Fax Number:		Country: *	Orkney
		Postcode: *	KW15 1LS
Email Address: *	info@breckdesigns.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

2

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Quivals Farm"/>
First Name: *	<input type="text" value="Stephen"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Oliver"/>	Address 1 (Street): *	<input type="text" value="Sanday"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Orkney"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KW17 2BN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Orkney Islands Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="QUIVALS"/>
Address 2:	<input type="text" value="OTTERSWICK ROAD"/>
Address 3:	<input type="text" value="SANDAY"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ORKNEY"/>
Post Code:	<input type="text" value="KW17 2BN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="1042026"/>	Easting	<input type="text" value="367033"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)

Convert redundant agricultural building to a house

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Supporting Documents

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

4

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Existing layout, proposed doors Proposed layout, windows (A) Site plan Client statement Agent statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/404/PP

What date was the application submitted to the planning authority? *

28/09/2018

What date was the decision issued by the planning authority? *

14/12/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit is required to appreciate the situation of the building in relation to perceived flood risk

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Diane Grieve

Declaration Date: 11/01/2019

Mr & Mrs S Oliver
Quivals Farm
Sanday
KW17 2BN

Local Review Body
Committee services
Chief executives services
Orkney Islands Council
Council Offices
School Place
Kirkwall
KW15 1NY

11th January 2019

Dear Sirs

Quivals Farm: Barn Conversion

Planning Ref: 18/404/PP

Quivals Farm house and outbuildings were built circa 1800. Some 200 years ago, and there is no record either written or in memory of it ever flooding in all this time.

It has historical importance as it was once the islands only school and is indeed a 'B' listed building along with the outbuildings, that we are dealing with here.

My hope is to convert the outbuilding into a family home for my wife, my daughter (currently in P6 at the local school) and myself.

As is shown in the plans submitted we are looking to work sympathetically with the building to bring it back to life whilst being true to its original architecture.

Historic Scotland approved the plans and we have made a couple of subtle, yet important amendments, to them based upon OIC's planning suggestions. Eg, keeping the vented ridge tiles to further maintain the originality.

SEPA have however objected to the proposal on the grounds that it falls within their flood plane. They state that because of this the finished floor level should be at least 4.09 mtr above sea level.

They also state it would be 'more at risk from flooding' if we were to go ahead.

Ours would have a finished level of 3.49mtr above sea level, with a raising driveway to the existing road. I would suggest at least a quarter of the occupied houses on the island have a floor level below this.

How can an existing building be 'more at risk from flooding' simply by changing its use? Plus, SEPA have recently launched their Flood Alert program, at great expense. This is supposed to notify you in good time should a flood (in this instance an enormous change in sea levels) be imminent. We have

⑦

signed up for this, so IF this were to happen we would have plenty of time to leave. Unless SEPA doubt their own abilities?

However, SEPA do give good advice in their 'preparing for flooding' site that we will utilise if allowed to proceed.

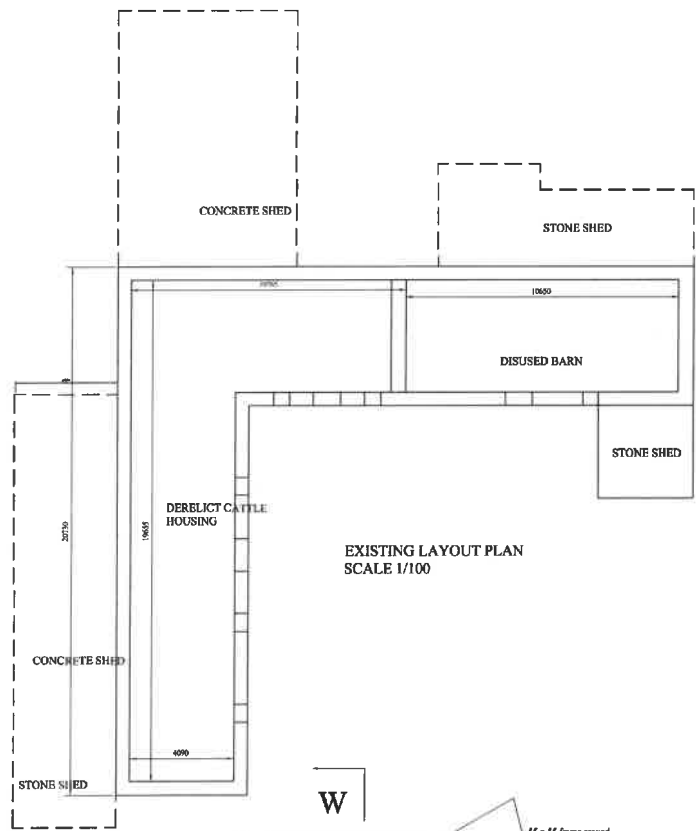
They state that by having a grab bag by the door, with items that would be highly useful in a flood emergency is a sensible precaution. Plus they point out that backflow, caused by flood water coming back up through sewerage pipes is a substantial contributor towards water ingress. On their advise we will fit one way butterfly valves to prevent this happening.

We have sold our house on Sanday to fund this project, and are currently living in rented accommodation. Whilst I must stress that under no circumstances is this next statement meant in any way to be considered leverage, it is however the reality. Our options are to either be allowed to change the use and convert it into a home, or we walk away from it and more than likely move off the island. Allowing it to fall into further disrepair and eventual collapse plus taking a child out of the school.

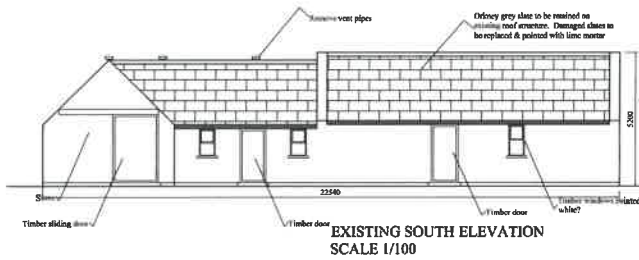
I respectfully ask that on the grounds of common sense you allow us to maintain this wonderful building and not allow it to become yet another ruin.

Many thanks for your time and consideration. This is obviously very important to us and a major key to our future plans.

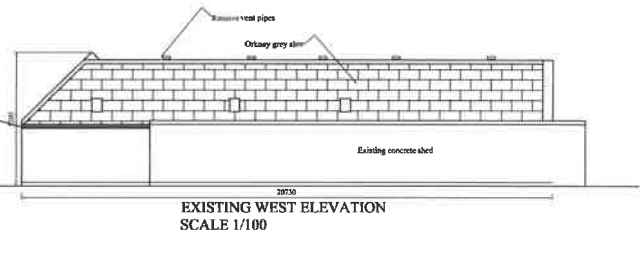
Stephen Oliver



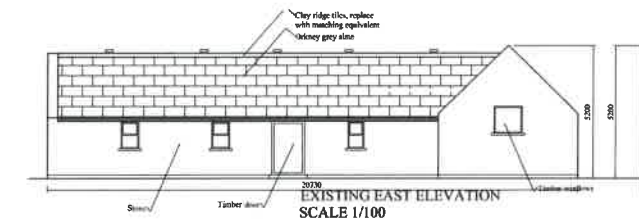
EXISTING LAYOUT PLAN
SCALE 1/100



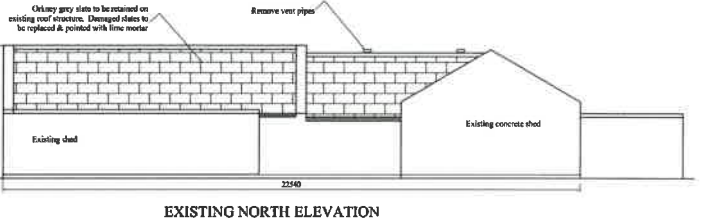
EXISTING SOUTH ELEVATION
SCALE 1/100



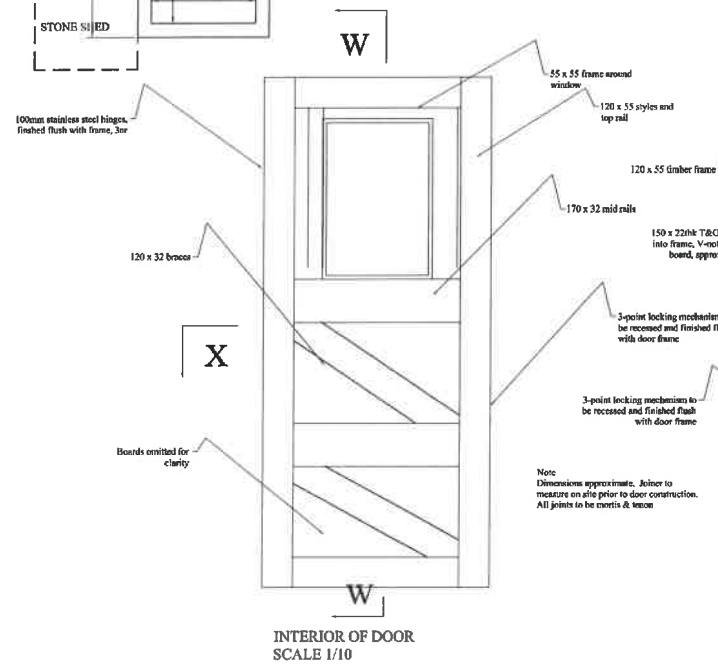
EXISTING WEST ELEVATION
SCALE 1/100



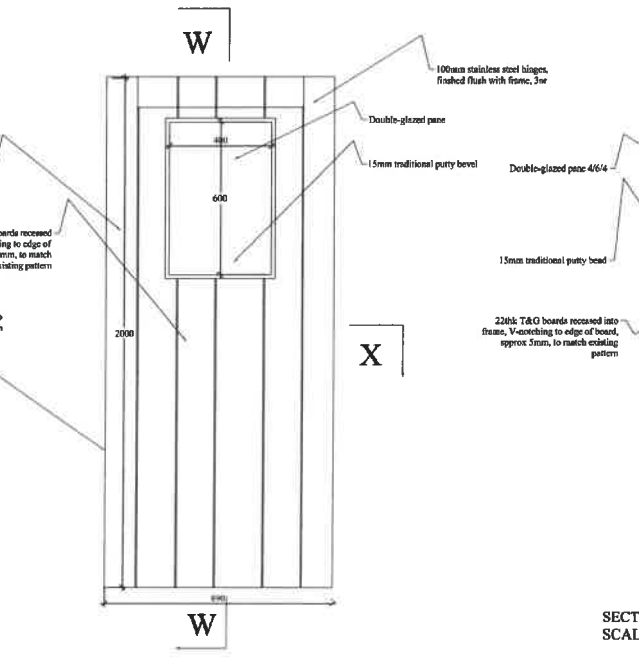
EXISTING EAST ELEVATION
SCALE 1/100



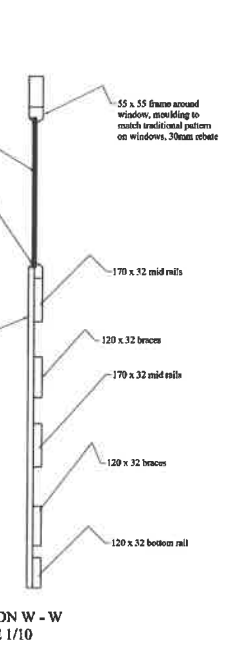
EXISTING NORTH ELEVATION
SCALE 1/100



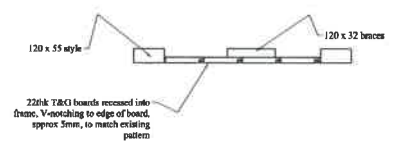
INTERIOR OF DOOR
SCALE 1/10



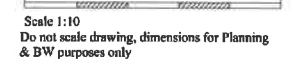
EXTERIOR OF DOOR
SCALE 1/10



SECTION W - W
SCALE 1/10



SECTION X - X
SCALE 1/10



Scale 1:10
Do not scale drawing, dimensions for Planning & BW purposes only

breckdesigns D Olive, D Eng (Home)		London Weybridge, Surrey TW20 1EX	
Drawn by Mr & Mrs S Oliver	Checked by Existing layout, proposed doors	Approved by - Date 25/02/2022	File Number 2552/02
Barn at Quivals Farm, Sanday		Date 25/02/2022	Scale As shown
Drawing Number: 2552/02		Revised:	Sheet:



QUIVALS FARM SANDAY

Planning reference: 18/404/PP

Flood Risk Statement

It is proposed to convert the farm steading to accommodation. It is a significant Listed Building and by converting to accommodation the future of the building will be assured.

Whilst SEPA & Engineering Services object on the grounds of flood risk, this is an existing building conversion and there is nothing the applicant can do regarding the location nor to change the floor & ground levels significantly. Were it a new build, the house would simply be moved to a different location

The house and steading have been in existence for around 200 years with no recorded flooding. Although close by the sea, the large flat basin of water (the Oyce) will accommodate a massive volume of sea water before producing any significant rise in level. This is a sheltered bay not given to storms nor extreme tidal action. Having lived in Sanday all of my life, there is no recorded or anecdotal history of significant flooding to properties within this part of the island.

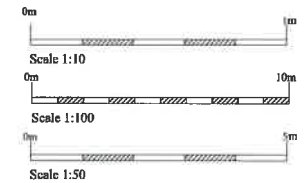
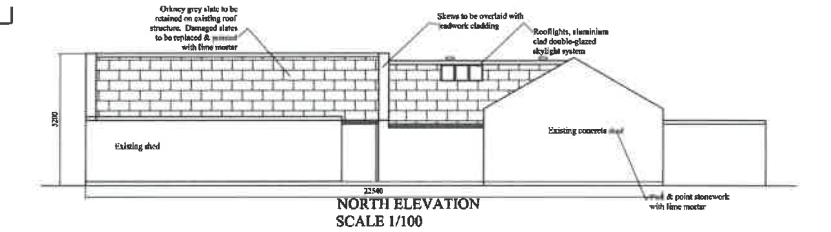
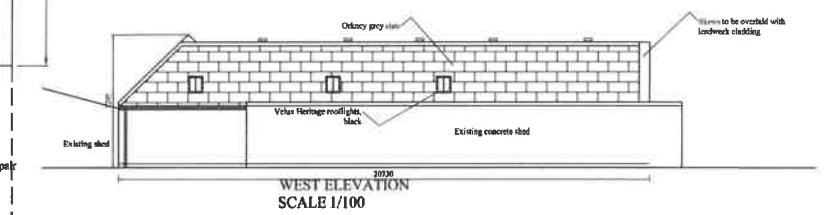
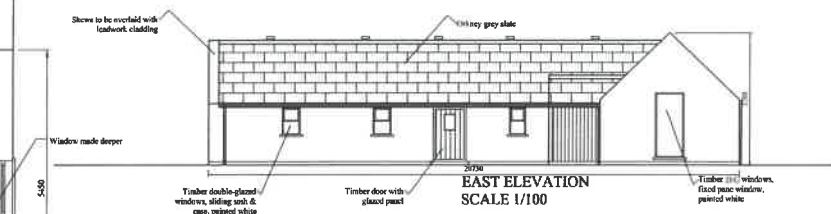
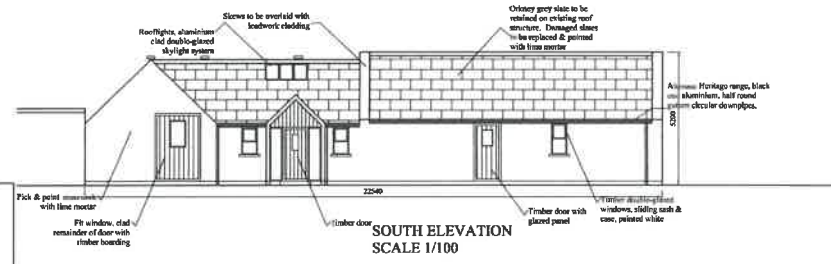
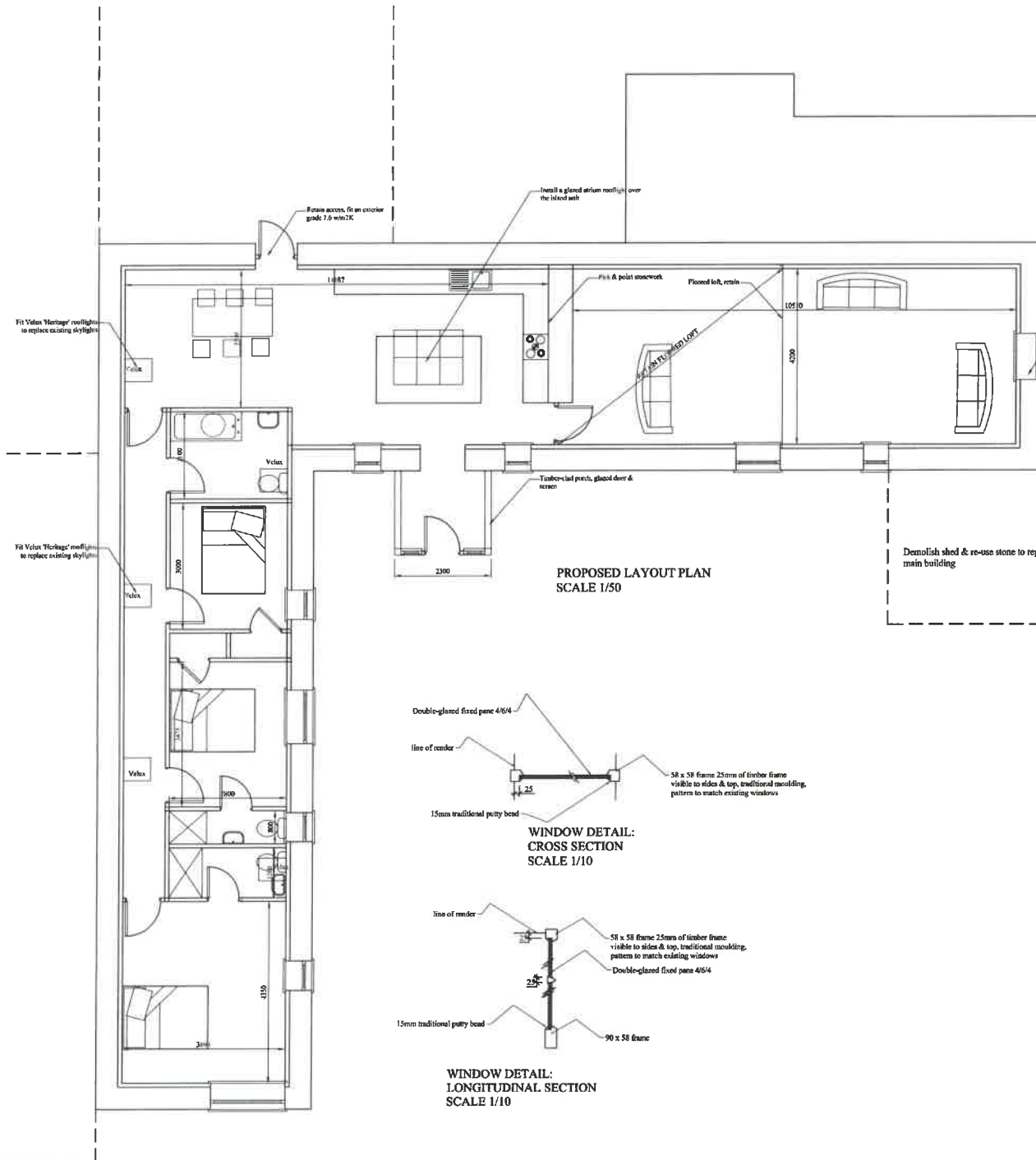
A private access to the proposed house leads to the main road which has a spot level of 3.7m OD. The access track will slope from 3.7m AOD to 3.35m OD. At a finished floor level of 3.50m above OD, the dwelling-house floors are considered to be at a safe height above sea level (3.49m), albeit lower than SEPA recommendations.

SEPA specify an unusually high flood risk level of 4.09m OD stated as 3.49m OD plus 600mm freeboard. SEPA further concede that they sometimes 'overestimate the flood risk in Sanday'. It would take a massive rise in sea levels combined with tidal & wave action to produce the flood levels discussed. As with all tidal flooding, the timescale amounts to hours – or less - rather than days.

The applicant has signed up to the SEPA flood warning scheme so will receive timely warning to evacuate the premises, therefore there will be no risk to life. Prevention and evacuation measures will be put in place by the owner to protect the property. The building design will follow flood risk guidelines in the specification and construction of elements, such as using water resistant materials, installing electrics above the perceived flood level

As significant numbers of housing in Sanday are below the 'high risk flood level', which have never flooded, it is important that a degree of common sense prevails in deciding whether houses in the area may be occupied, renovated and improved

Breck Designs (Agent)
Kveldsro
Weyland Terrace
Kirkwall

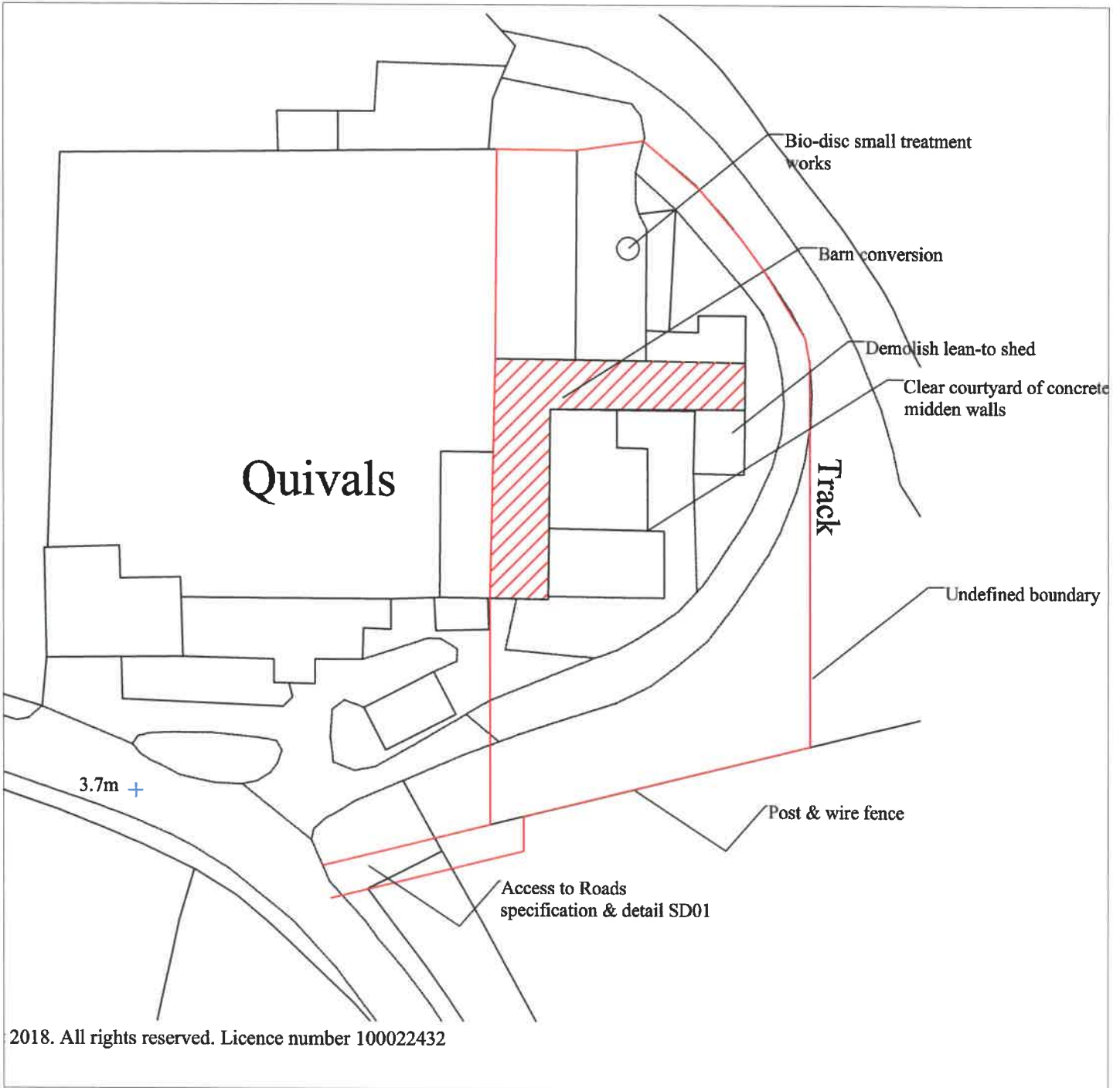
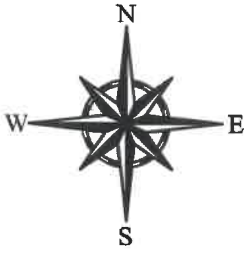


Do not scale drawing, dimensions for Planning & BW purposes only
(A) Planning amendments

breckdesigns
D Grives, B Eng (Horns)

Drawn by: Mr & Mrs S Oliver
Checked by: Approved by: Date: 10 September 2024
Project: Proposed Accommodation
Barn at Guvats Farm, Sanday
Drawing Number: 2562/096

0



0 5 10 15 20 metres

SITE PLAN
SCALE 1/500

QUIVALS FARM
SANDAY

Planning Handling Report

Application Number:	18/404/PP.
Application Type:	Planning Permission.
Proposal:	Convert redundant agricultural building to a house
Applicant:	Stephen Oliver, Otterswick Road, Sanday, Orkney, KW17 2BN
Agent:	Di Grieve, Breck Designs, Kveldsro, Weyland Terrace, Kirkwall, Orkney, KW15 1LS

1. Summary

This application for planning consent is to convert a redundant agricultural building to a house, which is part of the Category B listing of Quivals, Sanday.

2. Consultations

2.1.

Scottish Water – No objection.

2.2.

Roads Services – No objection subject to relevant condition and informative.

2.3.

Engineering Services – Objection. We object to the proposed development on flood risk grounds for the following reasons:

- The location of the proposed development is considered to at high risk of coastal flooding
- According to available estimates of the 200 year coastal flood level, a building at the location of the proposed development with a FFL of 3.5m AOD would be at risk of internal flooding.
- Emergency access and egress. Information demonstrating that emergency access and egress could be made during periods of predicted flooding events has not been provided.

2.4.

Scottish Environment Protection Agency (SEPA) – Objection. We understand the difficulty in that this application is for the conversion of a redundant building. However, the information submitted confirms that the property would be at risk of flooding. The current use of the building is considered a “less vulnerable” land use within our Land Use Vulnerability Guidance whilst the proposed use is a “highly vulnerable” use. This application therefore represents an increase in vulnerability to flood risk and, based on the information now available to us, we consider that the risk of flooding to the existing building is such that we do not consider it is suitable for conversion to a highly vulnerable use. We must therefore object to this application on flood risk grounds.

3. Representations

3.1.

No representations have been received.

4. Pre-application Advice

4.1. No pre-application advice was sought prior to formal submission.

5. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
18/251/LB	Install internal wall insulation, boiler and radiators, and remove partition (retrospective)	Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN	Approved	13.08.2018
18/405/LB	Demolish lean-to and modern walls, remove vented ridge tiles, point roof slates, install rooflights, metal rainwater goods, casement windows, doors, and other internal alterations including removal of stalls	Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN	Pending	N/A

6. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<http://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The following policies are relevant to this application:

6.1. Orkney Local Development Plan 2017:

Policy 1 – Criteria for All Development;

Policy 2 – Design;

Policy 5 – Housing;

Policy 8 – Historic Environment & Cultural Heritage;

Policy 13 – Flood Risk, SUDs and Waste Water Drainage.

6.2. Supplementary Guidance

Supplementary Guidance: Housing in the Countryside;

Supplementary Guidance: Historic Environment and Cultural Heritage.

6.3.

Scottish Planning Policy 2014: Paragraph 256

7. Legal Aspects

7.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, "Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise... to be made in accordance with that plan..."

7.2.

Section 6 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised."

7.3.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets a general duty as respects conservation areas in exercise of planning functions: "In the exercise, with respect to any buildings or other land in a conservation area, of any powers, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

7.4.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

8. Assessment

8.1

Quivals is located off Otterswick Road, Sanday, in close proximity to the coast on the east. The existing dwelling comprises of several outbuildings, and the subject of this application is a single storey L-shaped byre with equal arms to the east of the site. The conversion of a redundant building is encouraged and would preserve Orkney's cultural heritage. As such, the principle of the proposed development is acceptable under the criteria of Policy 5(ii).

8.2.

The site would be accessed from a new access which Roads Services has no objections. The site would be of adequate size to accommodate the drainage strategy and sufficient amenity space. The conversion of an established built form would not cause unacceptable adverse impacts on the amenity of the adjacent property/user and would have no landscape impact. The detailing would be sympathetic to the character of the area and reinforce the identity of Orkney's built environment.

8.3.

Given the nature of the site, it is situated within an area at high risk of coastal flooding. The agent has supplied a Flood Risk Assessment following initial objections. However, SEPA have maintained their objection on the basis that the finished floor and ground levels would not be sufficient to ensure the proposed dwelling would be safe from flooding, nor comply with the requirements for dry access and egress.

8.4

Engineering Services have also maintained their objection on the same basis, along with the lack of information regarding emergency access and egress during periods of predicted flooding events.

8.5.

While the development would utilise an existing structure that has stood for a considerable amount of time, it does not supersede the requirement for protection against flooding. This is further exacerbated by the change to a 'highly vulnerable' use. In the absence of acceptable site levels, it can be concluded that the development would not be sufficiently protected from coastal flooding. For that reason, the development is contrary to Policy 13 of the Orkney Local Development Plan.

8.6

Details regarding the listed elements are considered through the sister application reference 18/405/LB, which focuses on the importance of preserving and enhancing the building, its setting and any features of architectural or historic interest.

9. Conclusion

The development is acceptable in principle. However, the flood risk assessment fails to demonstrate an acceptable finished floor level and dry access egress requirements. The development is therefore not suitable for its location due to the inherent flood risk. Both SEPA and Engineering Services have objected to the application for this reason. As such, it must be concluded that the development would be at risk of coastal flooding and is therefore contrary to Policy 13 of the Orkney Local Development Plan 2017.

10. Decision

Application Refused

1. The development is located in an area at risk of coastal flooding. A Flood Risk Assessment (FRA) has been supplied at the request of the Scottish Environment Protection Agency (SEPA), but SEPA has confirmed the FRA does not demonstrate that the development would be free from the risk of flooding. SEPA and Engineering Services have objected to the application for this reason. Policy 13 of the Orkney Local Development Plan 2017 “seeks to avoid situations where development would have a significant probability of flooding” and Policy 1 does not support development that would result in an unacceptable level of risk to public health and safety. Scottish Planning Policy states in paragraph 256, that “the planning system should prevent development which would have a significant probability of being affected by flooding”.

11. Contact Officers

Jamie Macvie, Planning Manager, Development Management, extension 2529.

Dean Campbell, Graduate Planner / Planning Technician, extension 2528.



Council Offices School Place Kirkwall KW15 1NY Tel. 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100138632-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Convert an agricultural barn to residential accommodation

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Breck Designs		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Diane	Building Name:	Kveldsro
Last Name: *	Grieve	Building Number:	
Telephone Number: *	(01856) 871362	Address 1 (Street): *	Weyland Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkwall
Fax Number:		Country: *	Orkney
		Postcode: *	KW15 1LS
Email Address: *	info@breckdesigns.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Quivals
First Name: *	Stephen	Building Number:	
Last Name: *	Oliver	Address 1 (Street): *	Otterswick Road
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Sanday
Extension Number:		Country: *	Orkney
Mobile Number:		Postcode: *	KW17 2BN
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing
 Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting
 Telephone
 Letter
 Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement (note 1) is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Client discussed teh proposal with Margaret Gillon, planning advice and positive feedback were given

Title:	<input type="text"/>	Other title:	<input type="text"/>
First Name:	<input type="text"/>	Last Name:	<input type="text"/>
Correspondence Reference Number:	<input type="text"/>	Date (dd/mm/yyyy):	<input type="text"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

20

Site Area

Please state the site area:

1500.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Agriculture barn, cattle housing & storage

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

4

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed)
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Small treatment works, partial soakaway & disposal to sea outfall

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Concrete plinth to be provided for the storage & recycling of waste

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

22

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Diana Grieve

On behalf of: Mr Stephen Oliver

Date: 28/09/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13 (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary?

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

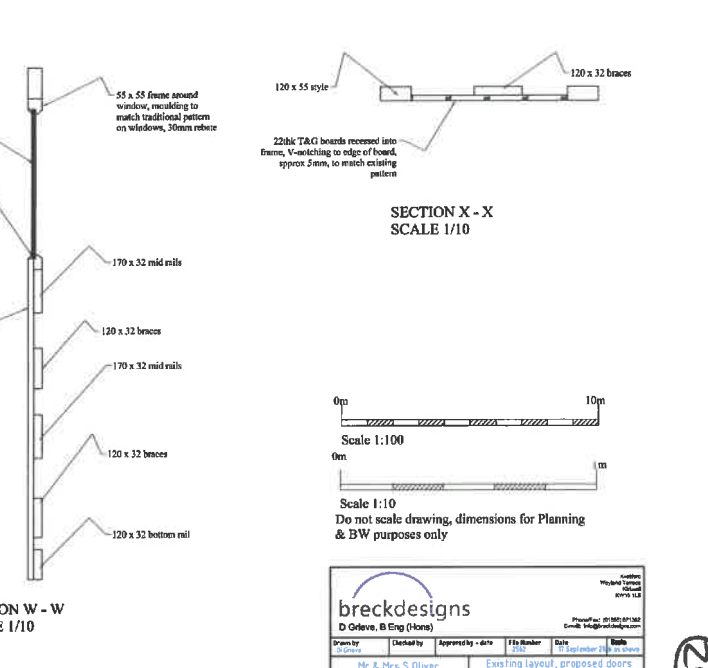
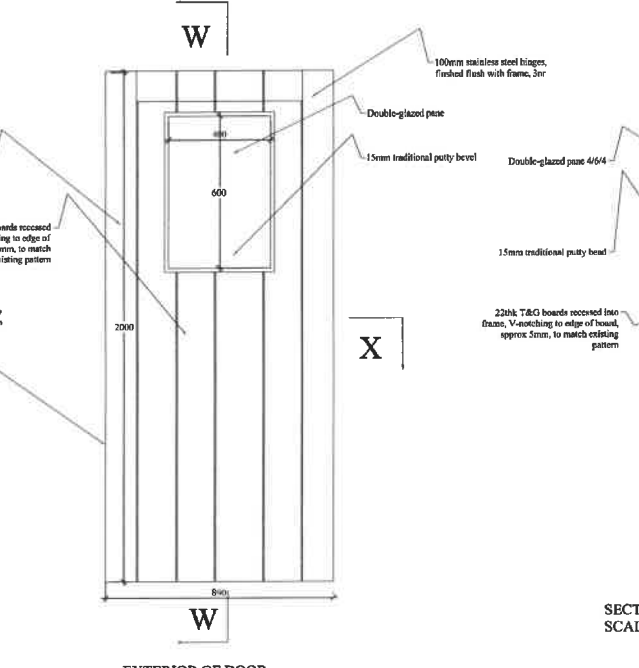
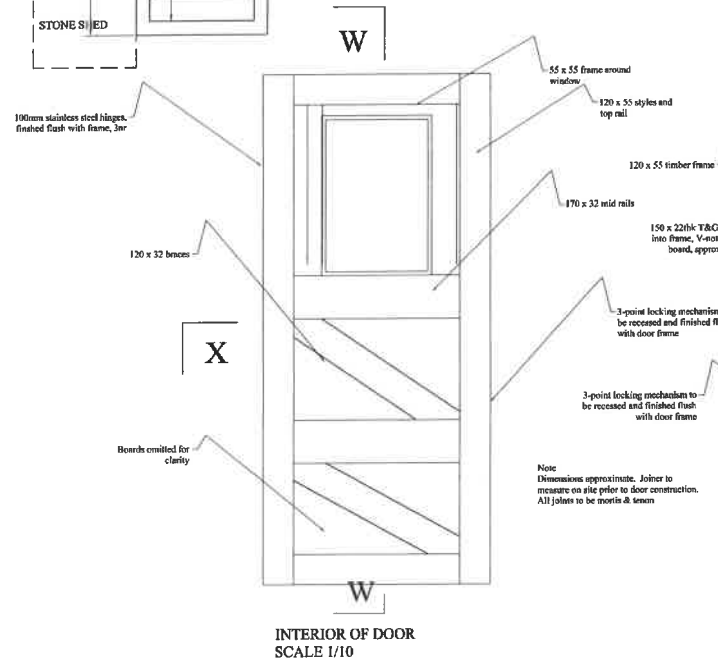
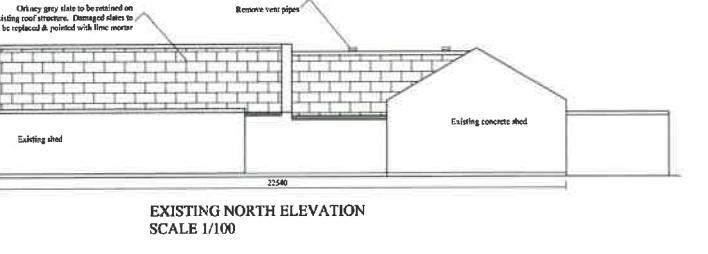
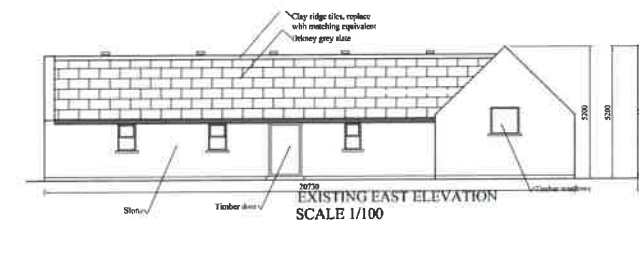
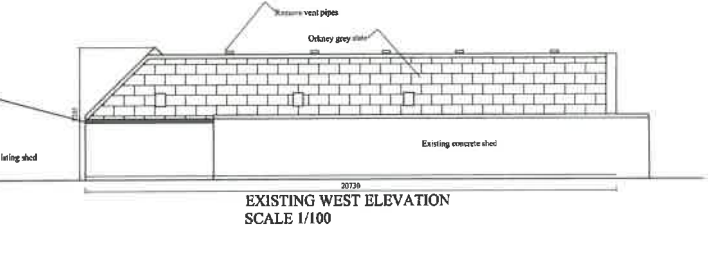
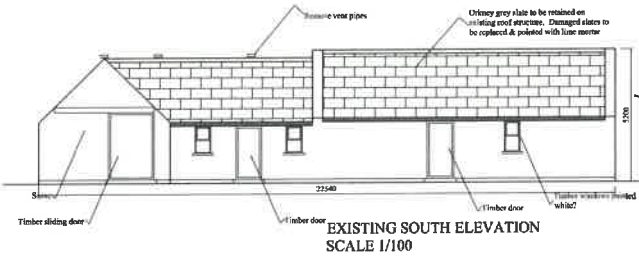
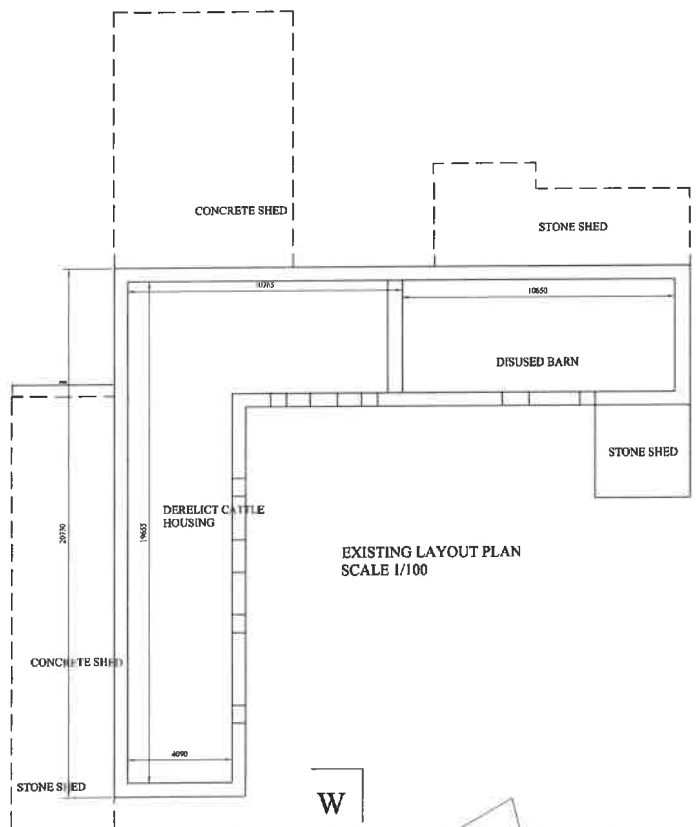
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Ms Diane Grieve
 Declaration Date: 28/09/2018

Payment Details

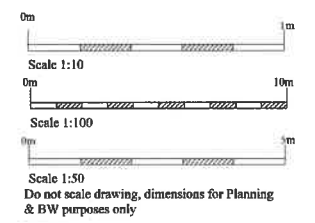
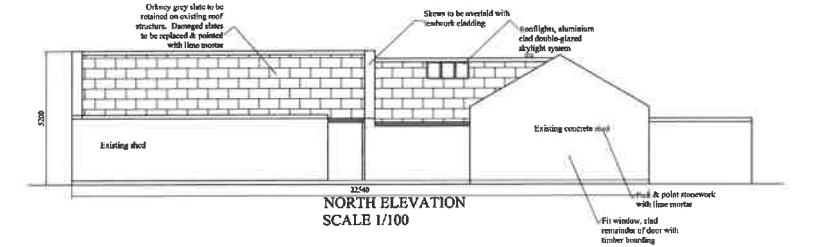
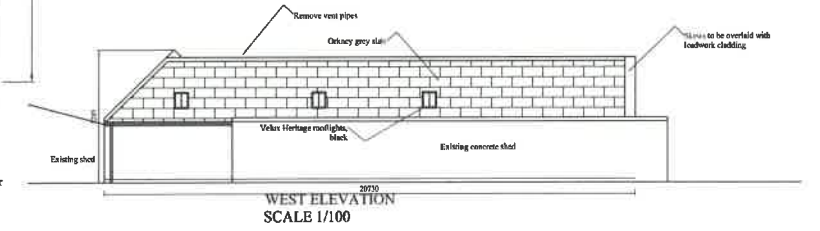
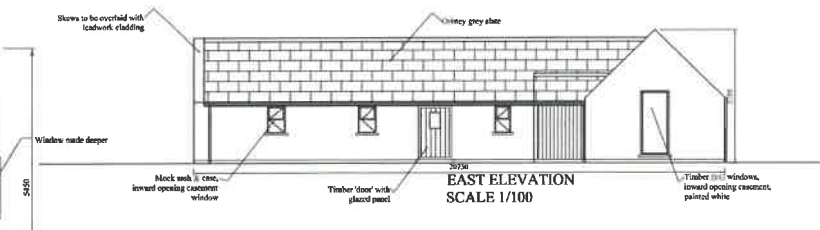
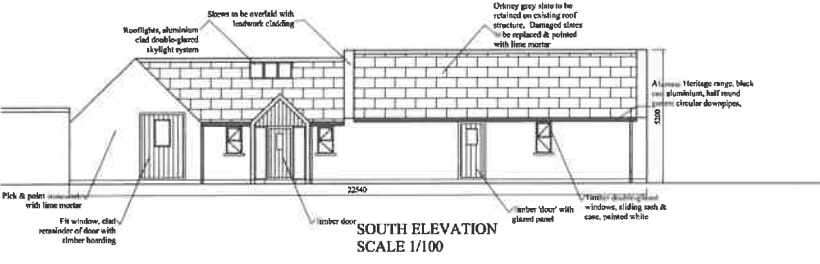
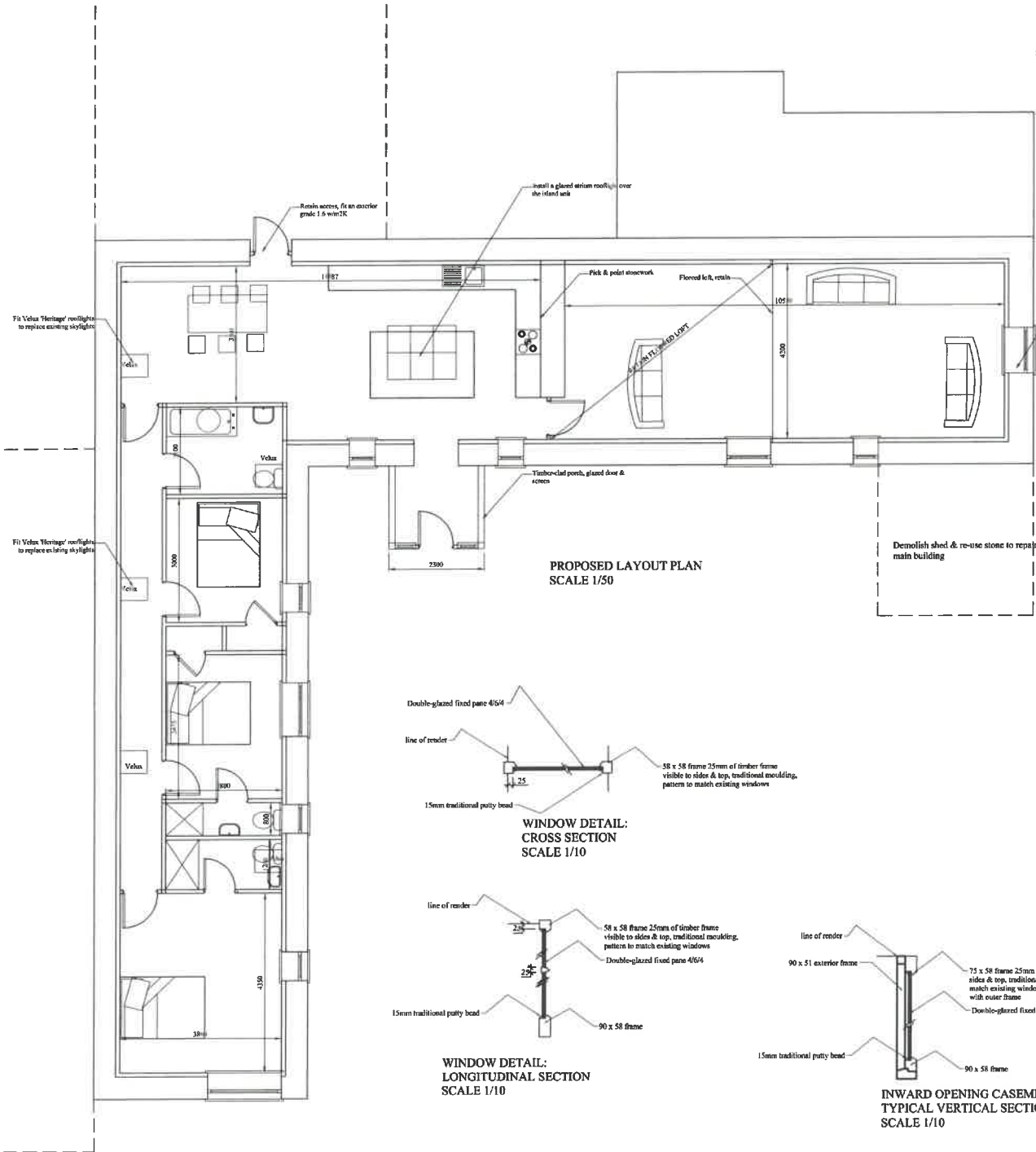
Cheque: Mr Stephen Oliver, xxx

Created: 28/09/2018 14:36



breckdesigns		D Orlow, B Eng (1-hon)		Phone: 01762 811342	
Drawn by: S Oliver	Checked by: S Oliver	Approved by: Mrs S Oliver	File Number: 2542	Date: 18 September 2018	Scale: as shown
Mr & Mrs S Oliver			Existing layout, proposed doors		
Barn at Quaxals Farm, Samsay			Drawing Number: 2542/02	Revision: 0001	





breckdesigns		D Orlove, B Eng (Hons)		Proposed Accommodation	
Drawn by	Checked by	Approved by - date	File Number	Date	Scale
Mr & Mrs S Oliver					
Barn at Quays Farm, Sanday	Drawing Number	2582/01	Revised	Sheet	

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Consultee List

Application Number 18/404/PP

- Roads Services
- Scottish Water
- Planning Unit (North Region) SEPA - Coastal Flooding
- Engineering Services



12/10/2018

Orkney Islands Council
Council Building School Place
Kirkwall
KW15 1NY

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

KW17 Sanday Otterswick Road Quivals
PLANNING APPLICATION NUMBER: 18/404/PP
OUR REFERENCE: 767894
PROPOSAL: Convert redundant agricultural building to a house

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- This proposed development will be fed from **Sanday Water Treatment Works**. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary – [remove if not applicable]

According to our records, the development proposals impact on existing Scottish Water assets.

[INSERT DETAILS]

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish

Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Christopher O'Brien
Development Operations Technical Analyst
Christopher.O'Brien@scottishwater.co.uk



Scottish Environment
Protection Agency

Buidheann Dion
Àrainneachd na h-Alba

Our ref: PCS/161680

Your ref: 18/404/PP

If telephoning ask for:
Jessica Fraser

22 October 2018

Dean Campbell
Orkney Islands Council
Department of Development Services
Council Offices
School Place
Kirkwall
KW15 1NY

By email only to: planningconsultation@orkney.gov.uk

Dear Mr Campbell

Town and Country Planning (Scotland) Acts
Planning application: 18/404/PP
Convert redundant agricultural building to a house
Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN

Thank you for your consultation email which SEPA received on 10 October 2018 specifically requesting our advice on flood risk.

We currently **object** to this planning application on the grounds of flood risk. The site in question has a risk of flooding and it follows that to allow development to proceed may place people and property at serious risk contrary to Scottish Planning Policy. We will be happy to review our position following the submission of the information set out in section 1. However, please be aware that the submission of additional information may only confirm that the building is not suitable for conversion to residential use.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood risk

- 1.1 The application site lies entirely within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. (For background information please note that the [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657

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tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland).

- 1.2 While the Flood Map does sometimes overestimate flood risk in Sanday, in this case we have additional topographic information for the area which indicates the existing building is at a level of around 3.2 metres above Ordnance Datum (AOD), which confirms that the application site would be at risk of coastal flooding.
- 1.3 Scottish Planning Policy states in paragraph 255, that “the planning system should prevent development which would have a significant probability of being affected by flooding.” Built development should not therefore take place on the functional flood plain.
- 1.4 For information, an approximate 1 in 200 year coastal flood level for the area is 3.49m AOD based on extreme still water level calculations using the Coastal Flood Boundary Method. This does not take into account the potential effects of wave action, climate change, funnelling or local bathymetry at this location. To take some account of those factors, and for the uncertainty in estimating flood levels, a freeboard allowance should be provided over and above the coastal flood level. The usual freeboard allowance is 0.6m and so **any new development should be located on land above an existing level of 4.09m AOD.**
- 1.5 We note that the application is for a conversion of an existing building. However, as the proposed use is more vulnerable to flooding than the existing use, and it is at medium to high risk of flooding, we **object** to the application on flood risk grounds.
- 1.6 It may be possible to raise the floor levels within the building to provide some mitigation, however that may not be feasible within the framework of the existing building. Furthermore, the property would also have to have dry access/egress in the event of a flood, so connecting to ground levels higher than 3.49m AOD.
- 1.7 The main farmhouse nearby appears to be higher than the building for conversion at around 4 metres and so we would not expect it to have experienced flooding before.
- 1.8 Insufficient information is provided with this consultation for us to fully assess flood risk at this site. Based on the information we currently hold it seems that the whole site may be at risk of flooding and the building is below the 1 in 200 year flood level. To allow us to consider our position further, it would need to be demonstrated that the property would be safe up to a level of 4.09m AOD from flooding, and connects to land above 3.49m AOD with dry access and egress. More detailed topographic information on the ground and floor levels would be required to demonstrate this is the case. **However we highlight that it may only confirm that the building is not suitable for conversion to residential use.**

2. Other planning matters

- 2.1 For all other matters we provide [standing advice](#) applicable to this type of local development.

3. Regulatory advice for the applicant

- 3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Norlantic House, Scotts Road, Hatston Industrial Estate, Kirkwall, Orkney, KW15 1GR. Tel: 01856 871080.

If you have any queries relating to this letter, please contact me by telephone on 01224 266698 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Jessica Fraser
Planning Officer
Planning Service

ECopy to: info@breckdesigns.com and dean.campbell@orkney.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

INTERNAL MEMORANDUM TO: Roads Services

Date of Consultation	10th October 2018
Response required by	31st October 2018
Planning Authority Reference	18/404/PP
Nature of Proposal (Description)	Convert redundant agricultural building to a house
Site	Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN
Proposal Location Easting	367033
Proposal Location Northing	1042026
Area of application site (Metres)	1568
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 18/404/PP
PA Office	Development Management
Case Officer	Mr Dean Campbell
Case Officer Phone number	
Case Officer email address	dean.campbell@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

No new access will be permitted onto the Otterswick Road. In the interest of road safety the existing access should be constructed to a standard suitable for 2-4 houses.

K Roy
23/10/18

CONDITION

The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to first occupation of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

INFORMATIVE

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One or more separate consents may be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

During the period of construction, any temporary or incomplete access shall be maintained to a standard acceptable to the Council's Roads Services.

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

INTERNAL MEMORANDUM TO: Engineering Services

Date of Consultation	10th October 2018
Response required by	31st October 2018
Planning Authority Reference	18/404/PP
Nature of Proposal (Description)	Convert redundant agricultural building to a house
Site	Quivals, Ofterswick Road, Sanday, Orkney, KW17 2BN
Proposal Location Easting	367033
Proposal Location Northing	1042026
Area of application site (Metres)	1568
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 18/404/PP
PA Office	Development Management
Case Officer	Mr Dean Campbell
Case Officer Phone number	
Case Officer email address	dean.campbell@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

We object to the proposed development on flood risk grounds for the following reasons:

- The location of the proposed development is considered to be at high risk of coastal flooding.
- No information has been provided on proposed finished floor levels.
- No information has been provided to demonstrate that emergency access and egress in the event of flooding would be possible.

QUIVALS FARM SANDAY

Flood Risk Statement

It is proposed to convert the farm steading to accommodation. Whilst SEPA object on the grounds of flood risk, this is an existing building conversion and there is nothing the applicant can do regarding the location nor to change the floor & ground levels significantly. Were it a new build the house would simply be moved to a different location

The house and steading have been in existence for around 200 years with no reported flooding. Although close by the sea, the large flat basin of water (the Oyce) will accommodate a massive quantity of sea water before producing any significant rise in level. This is a sheltered bay not given to storms nor extreme tidal action.

A private access to the proposed house leads to the main road which has a spot level of 3.7m OD. The access track will slope from 3.7m AOD to 3.35m OD. At a finished floor level of 3.50m above OD, the dwelling-house floors are considered to be at a safe height above sea level, albeit lower than SEPA recommendations. The applicant will obviously follow flood risk guidelines in the specification and construction of elements.

SEPA specify an unusually high flood risk level of 4.09m OD stated as 3.49m OD plus 600mm freeboard. SEPA further concede that they sometimes 'overestimate the flood risk in Sanday'. Having lived in Sanday all of my life, there is no history of significant flooding to properties within the island.



Scottish Environment
Protection Agency

Buidheann Dion
Àrainneachd na h-Alba

Our ref: PCS/162260
Your ref: 18/404/PP

If telephoning ask for:
Jessica Fraser

22 November 2018

Dean Campbell
Orkney Islands Council
Department of Development Services
Council Offices
School Place
Kirkwall
KW15 1NY

By email only to: planningconsultation@orkney.gov.uk

Dear Mr Campbell

Town and Country Planning (Scotland) Acts
Planning application: 18/404/PP
Convert redundant agricultural building to a house
Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN

Thank you for your email which SEPA received on 12 November 2018 and attached Flood Risk Statement which has been submitted by the agent. We note that this follows the comments in our previous letter referenced PCS/161680 (22 October 2018).

We have considered the information that has been submitted and we unfortunately **maintain our objection** to this planning application on flood risk grounds. The information submitted confirms that the proposed dwelling house would be at risk of flooding and we do not consider that the application complies with the flood risk principles of Scottish Planning Policy. Unfortunately, based on the current information available to us, it does not appear that our position is likely to change. Please see the further comments in section 1 below.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood risk

SEPA's position

- 1.1 Within our previous response we requested information regarding the finished floor levels of the property and access and egress.
- 1.2 We note that the flood statement has provided some further information regarding land levels and finished floor levels. However, unfortunately we do not accept that the proposed



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

SEPA Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk - customer enquiries 03000 99 66 99

finished floor level of 3.5mAOD will be sufficient to ensure the proposed dwelling will be safe from the risk of flooding. Furthermore, the flood statement confirms that this site unfortunately does not comply with requirements for dry access and egress.

- 1.3 We understand the difficulty in that this application is for the conversion of a redundant building. However, the information submitted confirms that the property would be at risk of flooding. The current use of the building is considered a “less vulnerable” land use within our [Land Use Vulnerability Guidance](#) whilst the proposed use is a “highly vulnerable” use. This application therefore represents an increase in vulnerability to flood risk and, based on the information now available to us, we consider that the risk of flooding to the existing building is such that we do not consider it is suitable for conversion to a highly vulnerable use. We must therefore **object** to this application on flood risk grounds.
- 1.4 In addition, we highlight the potential difficulties in the future for any occupants in obtaining insurance as no new houses after 2009 built in flood risk areas are guaranteed flood insurance. This could also affect the ability of any future occupiers to mortgage the property.

Advisory comments on flood level estimates

- 1.5 For clarity, we have previously advised that the SEPA Flood Maps can overestimate risk for Sanday and we note that the flood statement has referenced this. We advise that the overestimation is evident where the flood map extents are seen to cover land which is above the 5 metre contour on the Ordnance Survey map when the flood levels the flood maps represent are less than 4 metres AOD. The Flood Map overestimation comes from a technical issue in how the flood levels are projected onto the map, not from the underlying flood levels. We do not believe that the flood level for this location, which has been estimated using the Coastal Flood Boundary (CFB) method, is an overestimate. Furthermore, where we hold levels of previous flooding for Sanday and nearby islands, the flood levels have generally supported the validity of the CFB flood level estimates.
- 1.6 We note that the flood statement references that *“Having lived in Sanday all of my life, there is no history of significant flooding to properties within the island.”* However, we advise that the 1 in 200 year level is an estimate of the level of flooding that has a 0.5% chance of occurring in any one year. This may mean that such a flood may not necessarily occur in a person’s lifetime, but there remains a 0.5% chance of occurrence in any year. Although a 0.5% chance may sound low, the consequences of such a flood are high. In addition, as referenced above, we do hold some records of flooding on Sanday and nearby islands.
- 1.7 In regard to freeboard, this is a standard requirement to account for matters which are not already accounted for in the flood estimates such as the potential effects of wave action, funnelling or local bathymetry, climate change, and as a precaution generally to account for any uncertainties in the flood level estimates. The freeboard level of 0.6m is taken from CIRIA guidance C624 *Development and Flood Risk – guidance for the construction industry* and is a standard freeboard allowance for this type of flood risk.

If you have any queries relating to this letter, please contact me by telephone on 01224 266698 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

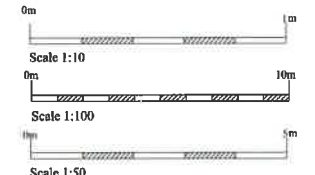
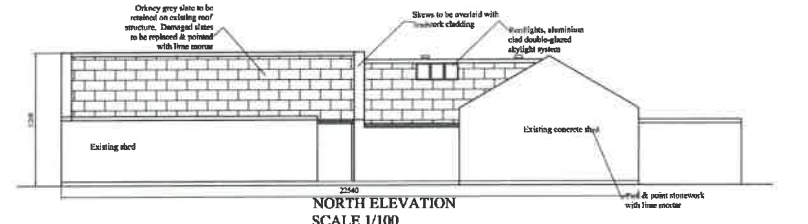
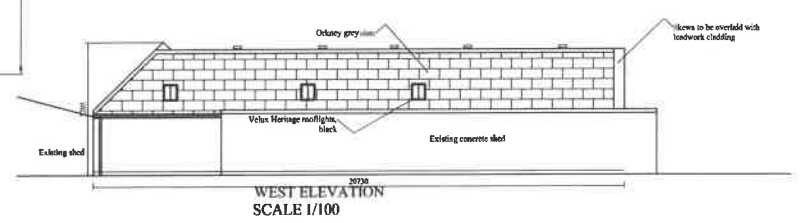
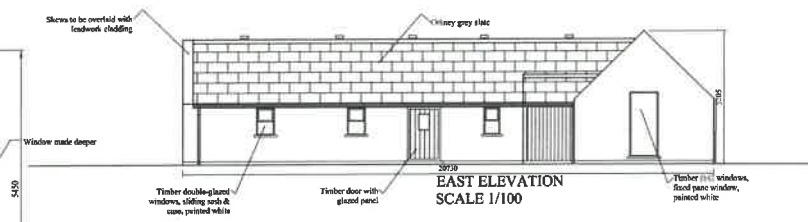
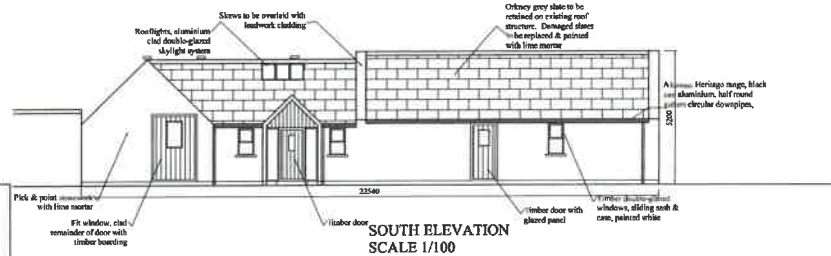
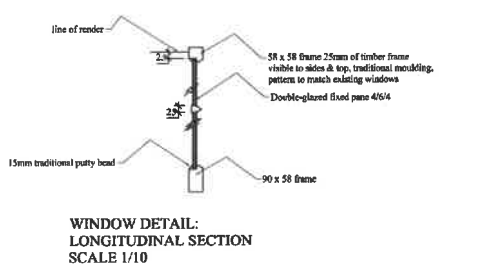
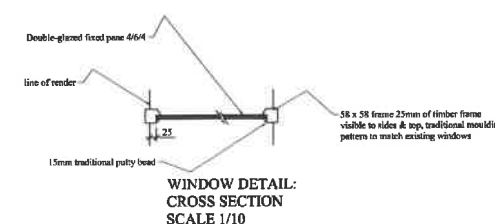
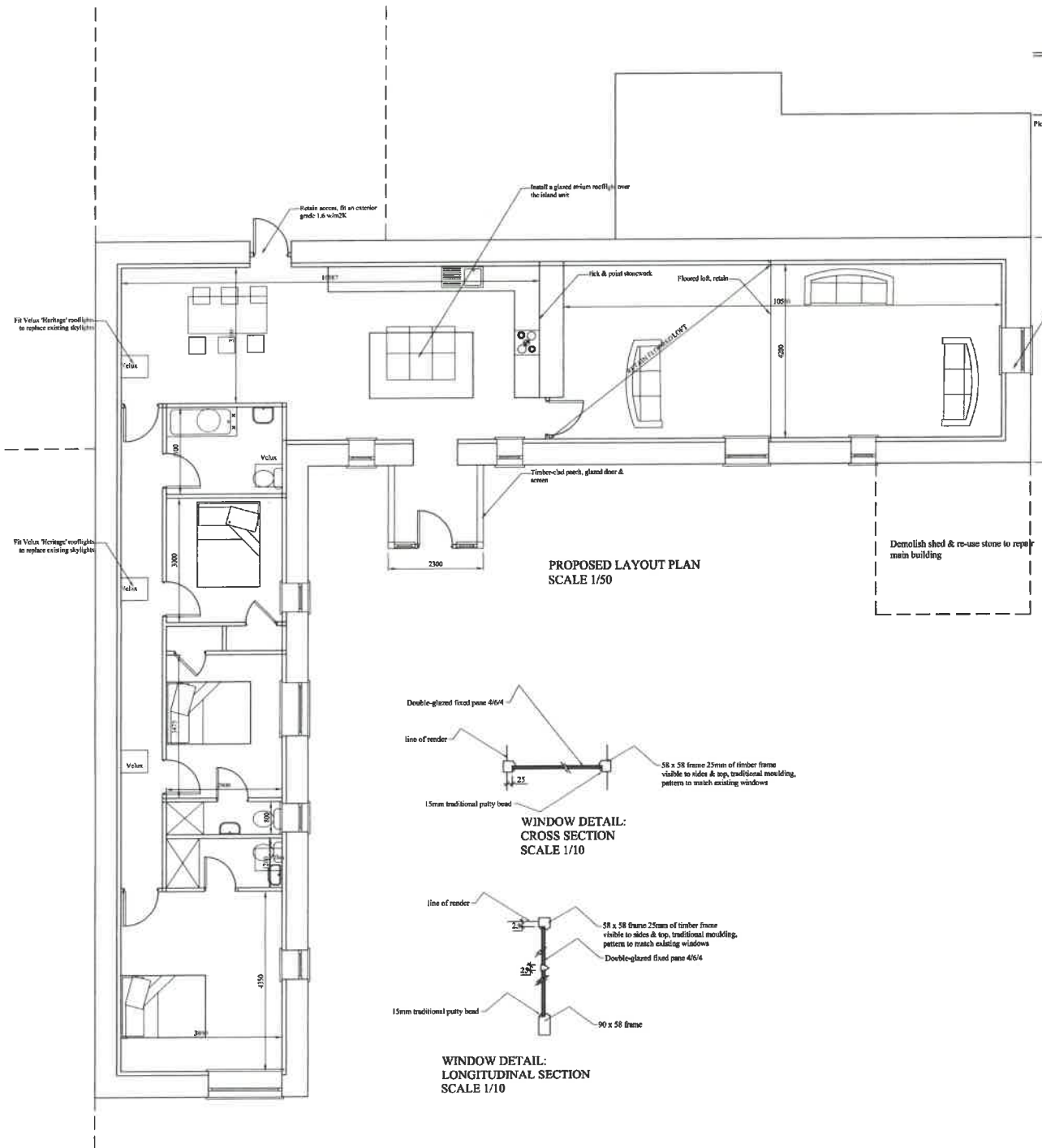
Jessica Fraser
Planning Officer

Planning Service

ECopy to: info@breckdesigns.com and dean.campbell@orkney.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).



Do not scale drawing, dimensions for Planning & BW purposes only
 (A) Planning amendments

breckdesigns		D Orlows, B Eng (Hons)		Project No: 2542/2024		Client: Mr & Mrs S Oliver	
Drawn by: [initials]	Checked by: [initials]	Approved by - date: [initials]	File Number: [initials]	Date: [initials]	Scale: [initials]	Proposed Accommodation	
Mr & Mrs S Oliver		Barn at Duivels Farm, Sanday		Drawing Number: 2542/2024	Revision: [initials]	[initials]	

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INTERNAL MEMORANDUM TO: Engineering Services

Date of Consultation	10th October 2018
Response required by	31st October 2018
Planning Authority Reference	18/404/PP
Nature of Proposal (Description)	Convert redundant agricultural building to a house
Site	Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN
Proposal Location Easting	367033
Proposal Location Northing	1042026
Area of application site (Metres)	1568
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 18/404/PP
PA Office	Development Management
Case Officer	Mr Dean Campbell
Case Officer Phone number	
Case Officer email address	dean.campbell@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

Further comment flowing receipt of a Flood Risk Statement for the development.

- 1) According to available estimates of the 200 year coastal flood level, a building at the location of the proposed development with a FFL of 3.5m AOD would be at risk of internal flooding.
- 2) Storms and exposure in Otters Wick and Lambaness Firth: At times of extreme high tides when the wind is in an unfavourable direction for the site, the site is no less exposed than the road and seawall south of Klondyke (less than 3km to the east) were when they were washed away in January 2005.
- 3) Emergency access and egress. Information demonstrating that emergency access and egress could be made during periods of predicted flooding events has not been provided.

Based upon the above, we continue to object to the development due to the risk to the building and occupants during predicted coastal flooding events.

PW
12/12/18



REFUSE PLANNING PERMISSION
DELEGATED DECISION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Ref: 18/404/PP

Mr Stephen Oliver
c/o Ms Di Grieve
Breck Designs
Kveldsro
Weyland Terrace
Kirkwall
Orkney
KW15 1LS

With reference to your application registered on 28th September 2018 for planning permission for the following development:-

PROPOSAL: Convert redundant agricultural building to a house

LOCATION: Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN

Orkney Islands Council in exercise of its powers under the above Act and Regulations, hereby **REFUSE Planning Permission for the reason(s) outlined on the next page.**

The plans to which this decision relates are those identified in Schedule 1 attached.

The Council's reasoning for this decision is: The development is acceptable in principle. However, the flood risk assessment fails to demonstrate an acceptable finished floor level and dry access egress requirements. The development is therefore not suitable for its location due to the inherent flood risk. Both SEPA and Engineering Services have objected to the application for this reason. As such, it must be concluded that the development would be at risk of coastal flooding and is therefore contrary to Policy 13 of the Orkney Local Development Plan 2017.

(For further detail you may view the Report of Handling for this case by following the Online Planning link on the Council's web page and entering the reference number for this application).

Decision date: 14th December 2018

Jamie Macvie MRTPI, Planning Manager, Development Management, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

46

Ref: 18/404/PP

REASONS FOR REFUSAL

01. The development is located in an area at risk of coastal flooding. A Flood Risk Assessment (FRA) has been supplied at the request of the Scottish Environment Protection Agency (SEPA), but SEPA has confirmed the FRA does not demonstrate that the development would be free from the risk of flooding. SEPA and Engineering Services have objected to the application for this reason. Policy 13 of the Orkney Local Development Plan 2017 "seeks to avoid situations where development would have a significant probability of flooding" and Policy 1 does not support development that would result in an unacceptable level of risk to public health and safety. Scottish Planning Policy states in paragraph 256, that "the planning system should prevent development which would have a significant probability of being affected by flooding".

SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION

1. Plans and Drawings

The plans and drawings to which this decision relates are those identified below:

Location Plan	OIC-01	1
Site Plan	OIC-02	1

2. Variations

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:

Reasons

RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
 - a. Refuse any application, or
 - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulation 2008, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

Forms to request a review are available from either address below, or from <http://www.orkney.gov.uk/Service-Directory/D/appeal-a-decision.htm>

2. Completed forms to request a review should be submitted to the address below:

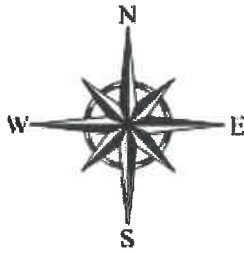
Committee Services
 Chief Executive's Service
 Orkney Islands Council
 Council Offices
 School Place
 KIRKWALL
 Orkney
 KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Planning Manager (Development Management)
 Development and Infrastructure
 Orkney Islands Council
 Council Offices
 School Place
 KIRKWALL
 Orkney
 KW15 1NY

Email: planning@orkney.gov.uk

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Act.



ORKNEY ISLANDS COUNCIL
Town & Country Planning
Planning (Scotland) Acts

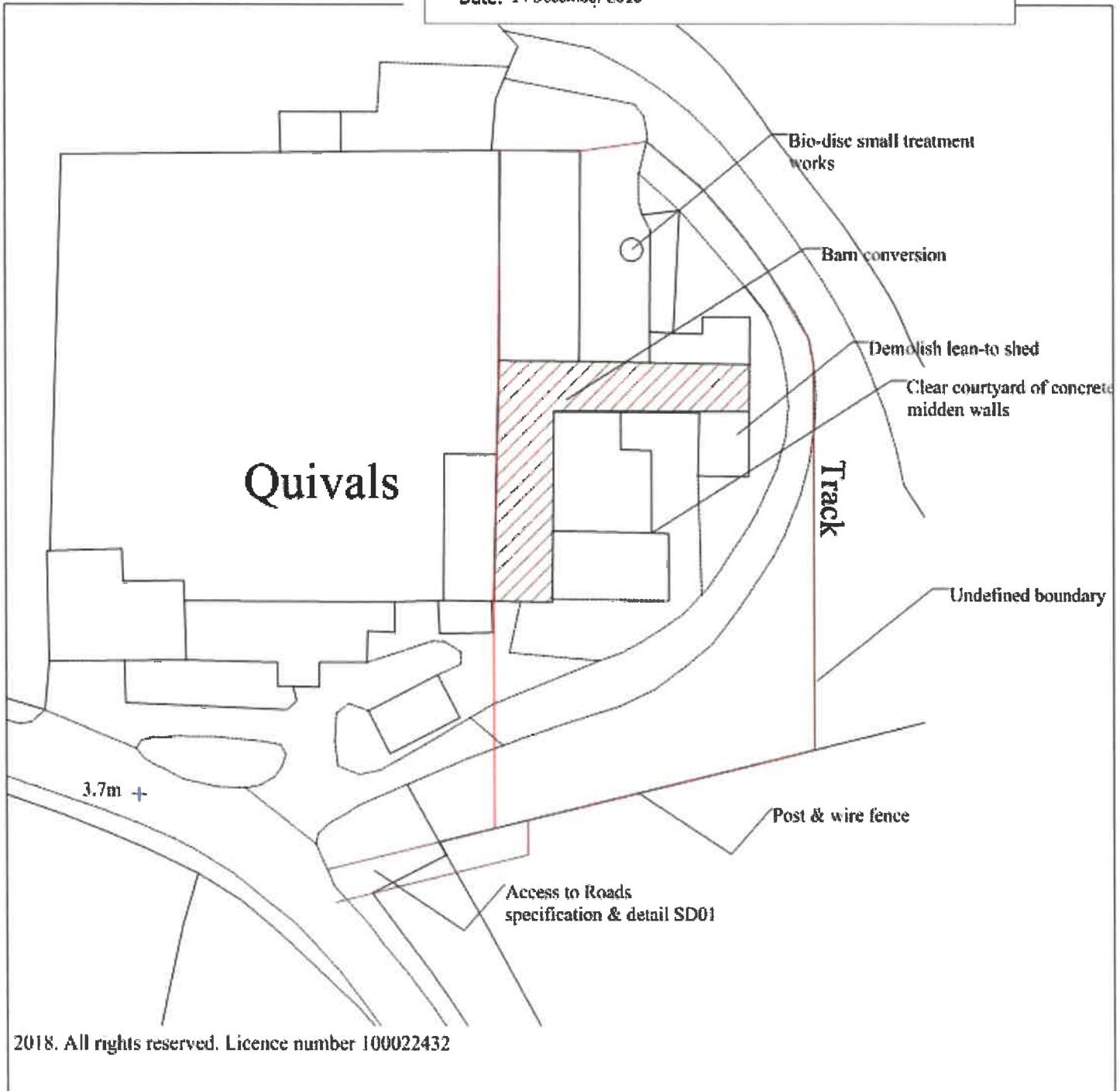


REFUSED

ORKNEY
ISLANDS COUNCIL

Application Number: 18/404/PP

Date: 14 December 2018



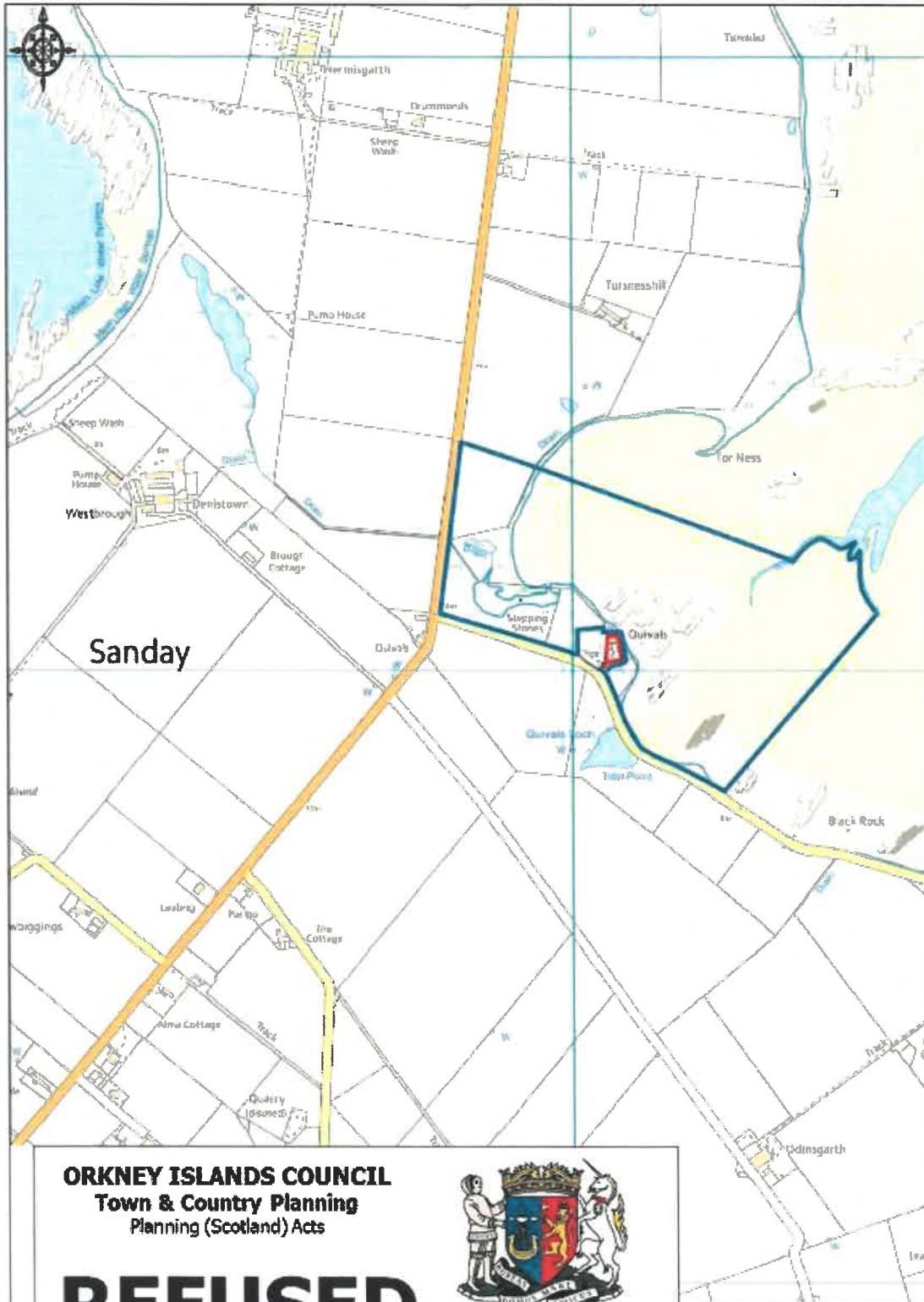
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SITE PLAN
SCALE 1/500

QUIVALS FARM
SANDAY

QUIVALS FARM SANDAY



ORKNEY ISLANDS COUNCIL
Town & Country Planning
Planning (Scotland) Acts

REFUSED

Application Number: 18/404/PP

Date: 14 December 2018



ORKNEY
ISLANDS COUNCIL

Scottish Environment
Protection Agency

Buidheann Dion
Àrainneachd na h-Alba

Our ref: PCS/163447
Your ref: 18/404/PP

Angela Kingston
Orkney Islands Council
Department of Development Services
Council Offices
School Place
Kirkwall
KW15 1NY

If telephoning ask for:
Jessica Fraser

4 February 2019

By email only to: angela.kingston@orkney.gov.uk

Dear Ms Kingston

Town and Country Planning (Scotland) Acts
Planning application: 18/404/PP
Convert redundant agricultural building to a house - notice of review
Quivals, Otterswick Road, Sanday, Orkney, KW17 2BN

Thank you for your email which SEPA received on 24 January 2019 informing us that application 18/404/PP has been refused and that the applicant has submitted a Notice of Review.

We note that we provided formal comments on this application in our letters referenced PCS/161680 (22 October 2018) and PCS/162260 (22 November 2018).

We can confirm that there has been no change to the information we hold regarding flood risk to the site and therefore our position also remains unchanged. The information available confirms that the proposed dwelling house would be at risk of flooding and we do not consider that the application complies with the flood risk principles of Scottish Planning Policy. The comments in our most recent letter (PCS/162260) remain valid and we continue to **object to this planning application on flood risk grounds**. As our previous advice has been provided over a number of responses, to assist we have provided an overview below in section 1. We have also provided some additional comments in respect of issues raised in the review documents. In particular, please see the summary in section 1.13.

In the event that the planning authority proposes to grant planning permission contrary to our advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood risk

Summary of flood risk

1.1 The application site lies entirely within the medium likelihood (0.5% annual probability or 1

in 200 year) flood extent of the SEPA Flood Map*. The 1 in 200 year flood level for the location is 3.49mAOD and is an estimated flood level based on the Coastal Flood Boundary (CFB) method. Please note that the CFB method does not account for localised funnelling effects or bathymetry, or the effects of climate change. It is a 'still water' level and does not include any allowance for wave action.

- 1.2 In our previous advice we made reference to the fact that the SEPA Flood Maps can overestimate risk for Sanday and we note that this is referenced in the flood statement. We advise that the overestimation is evident where the flood map extents are seen to cover land which is above the 5 metre contour on the Ordnance Survey map when the flood levels the flood maps represent are less than 4 metres AOD. For clarity, the Flood Map overestimation comes from a technical issue in how the flood levels are projected onto the map, not from the underlying flood levels. We do not believe that the flood level for this location of 3.49mAOD is an overestimate. Furthermore, where we hold levels of previous flooding for Sanday and nearby islands, the flood levels have generally supported the validity of the CFB flood level estimates.
- 1.3 We note that both the flood statement and the applicant's review statement reference no history of flooding on this site. However, we advise that the 1 in 200 year level is an estimate of the level of flooding that has a 0.5% chance of occurring in any one year. This may mean that such a flood may not necessarily occur in a person's lifetime, but there remains a 0.5% chance of occurrence in any year. Although a 0.5% chance may sound low, the consequences of such a flood are high. In addition, as referenced above, we do hold some records of flooding on Sanday and nearby islands. Consideration of the 1 in 200 year flood event is required by Scottish Planning Policy.
- 1.4 Topographic information available to us indicates that the building is on land at a level of around 3.2 metres above Ordnance Datum (m AOD) which indicates that the application site would be at risk of coastal flooding. The Flood Risk Statement that was submitted also confirms that the finished floor levels will be 3.5mAOD and that the access track will slope up from 3.35mAOD.
- 1.5 Scottish Planning Policy states in paragraph 255, that "the planning system should prevent development which would have a significant probability of being affected by flooding."

Finished floor levels

- 1.6 We consider that a proposed finished floor level of 3.5mAOD for the development would not be sufficient to ensure that the property is free of flood risk up to the 1 in 200 year event required by Scottish Planning Policy. In the event of sea level rise as a result of climate change, the risk over time would increase. A freeboard over and above the flood level is therefore required to account for this and other matters such as potential effects of wave action, funnelling or local bathymetry and as a precaution generally to account for any uncertainties in the flood level estimates. This is particularly important for vulnerable development types such as this. CIRIA guidance C624 *Development and Flood Risk – guidance for the construction industry* indicates that the freeboard should be at least 0.6m. This is a standard freeboard allowance for this type of flood risk and would mean that development design levels should be at least 4.09mAOD. Although there are some situations where lower freeboard values such as 0.3m are used, these tend to be in town centre locations where the flood risk is from surface water which is not applicable to this case.

Access and egress

1.7 The ground levels immediately outside the building are such that dry access and egress is also not secured for the proposed property.

SEPA's flood warning service

1.8 We note that the applicant's review statement also references signing up to SEPA's flood warning service and infers that this would mitigate the risk of flooding at the site. However, our flood warning service should not be used as a reason to allow new development, or new land uses, in areas at risk from flooding.

1.9 In addition, we would highlight that our Flood Warning service in Orkney is very new, and though it is based on the best forecasting and modelling information currently available, it does not fully replicate real world processes and has not been tested so far by any major events. As covered in the information on our website, we try to issue messages 3-6 hours in advance of expected flooding, but this may not be possible to do so when water levels or waves rise more than predicted in the forecast conditions. Our terms and conditions note that SEPA cannot accept responsibility for any loss or damage caused by flooding; by issuing, or failing to issue, Flood Alerts and Flood Warnings; or by our customers not accessing a Flood Alert or Flood Warning in time to take action. We expect our service in Orkney will improve over time as we learn and adjust the models with each event from which we can gain experience.

1.10 Flood Warning is provided to try to reduce the impact of flooding to areas already at risk, by providing some additional warning time to prepare. In all cases, it should not be relied upon to justify an increase in the number of people living in properties at risk. Avoidance of risk is the best method of managing flood risk.

Vulnerability of the land use

1.11 The proposed development is for the conversion of an existing building. However the existing use as an agricultural building is considered a "less vulnerable" use in our [Land Use Vulnerability Guidance](#) and the proposed use is a "highly vulnerable" use. Therefore the application represents an increase in vulnerability to flood risk.

1.12 We note that the applicant's review statement questions how an existing building can be more at risk from flooding by changing its use. Solely the building itself will be at no more or less risk from flooding than in the existing situation. However, the new proposed use of the building, as a residential use, has a greater vulnerability to that flood risk than the existing use. This is because people would be living and sleeping in the building. It is therefore particularly important that flood risk is fully considered to ensure that people and property are safe from flood risk.

Summary

1.13 The available information demonstrates that the site is at risk from coastal flooding. The proposals include an increase in land use vulnerability. We do not consider that the finished floor levels are sufficient to ensure the property itself will be free from flood risk. In addition, dry access and egress is also not secured for the proposed property. Therefore, unfortunately, the risk of flooding to the existing building is such that we do not consider it is suitable for conversion from an agricultural building to a residential dwelling. We must therefore **object** to the application on flood risk grounds. We note that this position is

echoed by Orkney Island Council's flood engineer in their response of 12 December 2018.

- 1.14 In addition, we highlight the potential difficulties in the future for any occupants in obtaining insurance as no new houses after 2009 built in flood risk areas are guaranteed flood insurance. This could also affect the ability of any future occupiers to mortgage the property.

If you have any queries relating to this letter, please contact me by telephone on 01224 266698 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Jessica Fraser
Planning Officer
Planning Service

ECopy to: planningconsultation@orkney.gov.uk, info@breckdesigns.com and dean.campbell@orkney.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

** (For background information please note that the [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland).*

Appendix 6.**Proposed Conditions – 18/404/PP**

01. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.