

T: [REDACTED]  
E: [REDACTED]

[REDACTED]

Our ref: NA-ORK-027  
15 July 2019

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)  
(SCOTLAND) DIRECTION 2009 – CONVERT REDUNDANT STORE TO FOUR FLATS AT  
42 JUNCTION ROAD, KIRKWALL**

1. This letter contains Scottish Ministers' decision on the above application submitted to Orkney Islands Council by [REDACTED] on behalf of [REDACTED]. The application was called in for Scottish Ministers' determination on 31 January 2019.
2. The application was considered by means of written submissions and a site inspection, which took place on 2 April 2019, conducted by [REDACTED] [REDACTED], a Reporter appointed for that purpose. A copy of the reporter's report is enclosed.

**Consideration by the Reporter**

3. The reporter's conclusions and recommendations are set out in Chapter 5 of the reporter's report. The reporter recommended that planning permission be refused.

**Scottish Ministers' Decision**

4. Scottish Ministers have carefully considered the report. They agree with the reporter's overall conclusions and recommendation that planning permission should be refused and adopt his reasoning for the purpose of their own decision, which is summarised below.
5. Scottish Ministers agree with the reporter that although the proposed conversion of the semi derelict building would offer significant benefits in restoring the building to a new use within the town centre, the high risk and very serious consequences of flooding of the new

flats outweigh the benefits of the proposal. Scottish Ministers accept the reporter's findings that the proposed development does not comply with Policy 13: Flood Risk, SuDS & Waste Water Drainage as the serious risk of flooding for the occupiers constitutes a breach of policy 13.

6. Therefore, Scottish Ministers agree with the reporter and conclude that the proposed development fails to comply with the relevant provisions of the Orkney Local Development Plan (2017) on flood risk and that there are no material considerations which would justify granting planning permission.

7. Accordingly, for the reasons set out in the reporter's report and as summarised above, Scottish Ministers hereby refuse planning permission to convert redundant store to four flats at 42 Junction Road, Kirkwall.

8. This decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

9. A copy of this letter and the report has been sent to Orkney Islands Council and SEPA. Those parties who lodged representations will receive a copy of this letter.

Yours sincerely

[Redacted signature]