

[REDACTED]  
[REDACTED]

[REDACTED]  
Senior Planner  
Orkney Islands Council

[REDACTED]

Your ref: 18/267/PP  
Our ref: NA-ORK-027  
31 January 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**

I refer to your Council's e-mail notifying the above application to the Scottish Ministers following consideration by Orkney Islands Council who were minded to grant planning permission against the advice of the Scottish Environment Protection Agency (SEPA).

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

The Scottish Ministers have given this Direction in view of the proposed development's possible significant adverse impacts as two of the properties are at a medium to high risk of flooding and no mitigation measures are proposed.

Regulation 35 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires the planning authority to serve notice on the applicant for planning permission of the terms of the Direction, of the reasons for issuing it, that the application has been referred to Scottish Ministers and that the decision of Ministers will be final. In connection with the service of notice, your attention is drawn to regulation 48 of those Regulations which applies section 271 of the 1997 Act. I should be glad if your Council would serve the required notice and let me have a copy. The planning authority is also required to include a copy of the decision to call in the application on the planning register in accordance with regulation 16 and paragraph 3(d) of Schedule 2.

In terms of the Town and Country Planning (Appeals) (Scotland) Regulations 2013, the application will be submitted to the Directorate for Planning and Environmental Appeals (DPEA) in Falkirk for an examination by a Reporter. I would be grateful if you would prepare all the application documentation and send it to David Henderson, Head of Performance and Administration, DPEA, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR who will make arrangements for processing the case. Information can also be sent electronically via DPEA's ePlanning and Sharepoint sites by contacting the DPEA office mailbox, [dpea@gov.scot](mailto:dpea@gov.scot), for access and advise on use. Thereafter the appointed Reporter has been asked to submit a report with recommendations to Scottish Ministers for their consideration and determination.

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

Yours sincerley



## PLANNING DECISIONS



**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**

The Scottish Ministers, in exercise of the powers conferred on them by Section 46(1) of the Town and Country Planning (Scotland) Act 1997, and of all other powers enabling them in that behalf, hereby direct that Council refer to them for determination the application for full planning permission under the Town and Country Planning (Scotland) Act 1997 received by them from [REDACTED] on behalf of [REDACTED] to convert redundant store to four flats at 42 Junction Road, Kirkwall.

This Direction is given in view of the proposed development's possible significant adverse impacts as two of the properties are at a medium to high risk of flooding and no mitigation measures are proposed

This Direction may be cited as the Town and Country Planning (Reference of Application) (Orkney Islands Council) (Planning permission to convert redundant store to four flats at 42 Junction Road, Kirkwall) Direction 2019.

## **PLANNING DECISIONS**

Scottish Government  
Directorate for Local Government and Communities  
Planning and Architecture Division  
Planning Decisions  
Victoria Quay  
EDINBURGH  
EH6 6QQ

31 January 2019