

Robertson Fire & Safety Ltd &  
Orkney Media Group Ltd  
c/o Hell's Half Acre  
Hatston  
Kirkwall  
KW15 1GJ

Angela Kingston  
Committees Officer, Chief Executive's Service  
Orkney Islands Council  
School Place  
Kirkwall  
KW15 1NY

10.01.2022

Dear Ms Kingston,

**Planning App 21.128.PP**  
**Proposed Erection of Two Storage Sheds and Create Hardstanding at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston**  
**Review of Conditions 2 and 4**  
**Notice of Review**

Thank you for forwarding OIC Roads Services' representation of 21<sup>st</sup> December 2021 for the above local review.

It is disappointing that Roads Services has sought to seek to justify the retention of planning condition 04 by making representation to this review. No request was made by Roads Services during consideration of the planning application for Development Management to restrict permitted development rights. This retrospective attempt to justify the retention of the condition is an arbitrary sanction and procedurally cruel.

The implications of the retention of the condition are twofold:

1. The restrictive condition seeks to limit the normal permitted development rights for the site in perpetuity. This will result in additional challenges in seeking to secure finance for the development. Mortgage providers in their loan risk assessments seek to ensure that they can offer properties to an unrestricted market when considering repossession implications. The condition acts to restrict that market, and in so doing, the attractiveness of the development to financiers.
2. The construction of the buildings and site works constitute a substantial investment, especially in these times of economic uncertainty following Brexit and the ongoing Covid-19 pandemic. Flexibility of permitted development should not be unreasonably withheld.

The General Permitted Development and Use Classes Orders are designed to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. Development Management should not seek to unreasonably restrict permitted development in this case.

The reason given for the planning condition is as follows:

*“Reason: To enable the planning authority to consider the implications of any subsequent change of use.”*

Development Management should not seek to control every aspect of development or future change, nor should the Planning Authority seek to retrospectively justify retaining such a restrictive condition, when no such justification was stated within the reason for the condition at the time of granting planning permission.

If the Review Body determines that the condition should be retained, this will risk setting a precedent that would act to encourage the Development Management service to use such conditions more widely to the detriment of Orkney’s development sector, increasing avoidable pressures and challenges during this period of unparalleled economic uncertainty.

Thank you for providing opportunity for us to address Roads Services’ representation to the review. I hope our submission communicates the concerns and difficulties we have with the condition clearly and reasonably.

I look forward to hearing from you.

Yours Sincerely,

A black rectangular box redacting the signature of Craig MacInnes.

Craig MacInnes

On behalf of Robertson Fire & Safety Ltd & Orkney Media Group Ltd