

Item: 3

Local Review Body: 21 August 2025.

Proposed Erection of Five Self-catering Pods with Associated Landscaping and Parking near 6 Seafield, Finstown (23/304/PP).

Report by Chief Executive.

1. Overview

- 1.1. Planning application 23/304/PP in respect of the proposed erection of five self-catering pods, with associated landscaping and parking, near 6 Seafield, Finstown, was refused by the Appointed Officer on 26 March 2025.
- 1.2. Under the Town and Country Planning (Scotland) Act 1997 (the Act) and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations), 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.
- 1.3. The applicant has submitted a Notice of Review (see Appendix 1) requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed. The applicant has indicated that they think the most appropriate way for their review to be conducted is by one or more hearing sessions and a site inspection. For the avoidance of doubt the planning application is for full planning permission, rather than planning permission in principle as noted in the Notice of Review. The applicant's statement included a number of non-planning related matters which are being addressed through separate formal process arrangements. The Local Review Body must, with regard to this Notice of Review, make their decision in accordance with Section 25 of the Act.
- 1.4. A letter from the Chief Planner, Scottish Government, issued 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.
- 1.5. Section 21 of the Scheme of Administration states that the Local Review Body will undertake unaccompanied site inspections for all planning applications subject to a local review, prior to meeting to consider the review. The purpose of the site inspection, together with the procedure to be adopted, are set out in section 21.2 of the Scheme of Administration. The applicant and interested parties have been

advised that an unaccompanied site inspection to the site near 6 Seafield, Finstown, is due to be undertaken on 21 August 2025 at approximately 09:15.

- 1.6. As Scottish Environment Protection Agency (SEPA), being a Government Agency, has objected to application 23/304/PP on the grounds of flood risk, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, if the Local Review Body is minded to reverse the decision of the Appointed Officer then the Local Review Body must notify the Scottish Ministers. The Local Review Body must not grant planning permission before the expiry of a period of 28 days beginning with the day of notification. Further details are provided in section 6 below.
- 1.7. The review procedure is set out in section 4 below.

2. Recommendations

- 2.1. The Local Review Body is required to:
 - i. Determine 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.
- 2.2. Should the Local Review Body determine that the decision is reversed or varied, it is required to:
 - i. Determine the reasons, and, if applicable, the relevant matters in respect of potential conditions to be attached to the decision notice.
- 2.3. Should the Local Review Body be minded to reverse the decision, the Local Review Body should notify the Scottish Ministers of its intention to approve planning permission, subject to conditions.
- 2.4. Should the review not be called in by Scottish Ministers for determination, it is recommended that members of the Local Review Body:
 - i. Delegate powers to the Chief Executive, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives, if appropriate, to attach to the Decision Notice.
- 2.5. Should the Local Review Body determine that it does not have sufficient information to proceed to determination of the review, it is required to:

- i. Determine 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 under the procedure set out in Regulation 15 of the Regulations; and/or
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

3. Planning Authority Decision

- 3.1. The Planning Handling Report, Planning Services file and the Decision Notice are attached as Appendices 2, 3 and 4 to this report.
- 3.2. On 26 March 2025, the Appointed Officer refused planning application 23/304/PP on the following grounds:

01. The proposal is contrary to National Planning Framework 4, Policy 2(b) as the proposed development is not sited and designed to adapt to current and future risks of climate change.

02. The proposal is contrary to National Planning Framework 4, Policy 10(a. i and ii) as a proposed development in a coastal area where there may be a need for further coastal protection measures, taking into account future sea level change and/or increases the risk to people of coastal flooding or coastal erosion, and as such is not supportable in the long term, taking into account projected climate change.

03. The proposal is contrary to National Planning Framework 4, Policy 22 as the proposed development would not strengthen resilience to flood risk nor reduce the vulnerability of future development at the site to coastal flooding.

04. The proposal is contrary to Policy 1 of the Orkney Local Development Plan 2017 as the proposed development would lead to an unacceptable level of risk to public health and safety as SEPA coastal flood risk mapping indicates that access and egress for the property would be restricted, including during a current 1 in 10 year event (10% probability any year before even considering climate change uplift) with users being considered as vulnerable . The development represents an unacceptable risk to persons.

05. The proposal is contrary to Policy 13 of the Orkney Local Development Plan 2017 as the proposed development is in a situation where there is a significant probability of being affected by flooding.

4. Local 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 representation was received from Development Management and is attached as Appendix 5.
- 4.2. In instances where a representation is received from an “interested party”, the applicant is afforded the opportunity to make comments on any representation received. Comments from the applicant on the further representations received are attached as Appendix 6 to this report.
- 4.3. The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, an indication of relevant matters, in respect of potential planning conditions, are as follows:
 - Duration of consent.
 - Access specification.
 - Parking specification and provision.
 - Restricted use – short term letting purpose only.
 - Annual occupation limitation – 28 days.
 - Biodiversity enhancement.
 - Landscaping (hard and soft).
 - External finishes.
 - Surface water drainage.
 - Foul drainage.
 - Exterior lighting.
 - Finished floor levels and ground levels.
 - Single control and management of the units as a business operator.
 - Hours of construction.
 - Protection of scheduled monument.
- 4.4. All conditions should be in accordance with Planning Circular 4/1998 regarding the use of conditions in planning permissions.
- 4.5. If the Local Review Body is minded to reverse the decision of the Appointed Officer, and the Scottish Ministers do not call in the review for determination following the notification procedure set out in section 6, it is proposed that powers are delegated to the Chief Executive, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives, based on the relevant matters, agreed in terms of section 4.3 above.

- 4.6. If the Local Review Body is minded to reverse the decision of the Appointed Officer, then planning permission must not be granted until the notification procedure set out in section 6 has been undertaken.
- 4.7. 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 under the procedure set out in Regulation 15 of the Regulations 2013; and/or.
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

5. Relevant Planning Policy and Guidance

- 5.1. Section 25 of the Act 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 [here](#). Although the Orkney Local Development Plan is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.
- 5.3. National Planning Framework 4 was approved by Parliament on 11 January 2023 and formally adopted by Scottish Ministers on 13 February 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of National Planning Framework 4 and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 is to prevail as it was adopted later. It is important to note that National Planning Framework 4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in National Planning Framework 4 and can be used to guide decision-making.
- 5.4. It is for the Local Review Body to determine which policies are relevant to this application; however the policies listed below were referred to by the Appointed Officer in the Planning Handling Report:

- National Planning Framework 4:
 - Policy 1 – Sustainable Places.
 - Policy 2 – Climate mitigation and adaptation.
 - Policy 3 – Biodiversity.
 - Policy 7 – Historic assets and places.
 - Policy 10 – Coastal development.
 - Policy 14 – Design, quality and place.
 - Policy 15 – Local Living and 20 minute neighbourhoods.
 - Policy 22 – Flood risk and water management.
 - Policy 30 – Tourism.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 11 – Outdoor Sports, Recreation and Community Facilities.
 - Policy 12 – Coastal Development.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

6. Notification Requirements

- 6.1. The development is subject to objection by a Government Agency, in this case an objection by SEPA in relation to flood risk.
- 6.2. Under the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, should a planning authority, in this case the Local Review Body, propose to approve planning permission for a development falling within any of the descriptions of development listed in the Schedule to the above Direction (including where the application has been subject to objection from SEPA on grounds of flooding), the planning authority shall notify Scottish Ministers.
- 6.3. A planning authority must not approve planning permission for development before the expiry of a period of 28 days, beginning with the date of receipt by the Scottish Ministers of information which the planning authority is required to provide.

For Further Information please contact:

Gavin Barr, Planning Advisor to the Local Review Body, extension 2530, Email: gavin.barr@orkney.gov.uk.

Implications of Report

1. **Financial:** All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing revenue budgets.
2. **Legal:** The legal implications are set out in the body of the report.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of Notices of Review is delegated to the Local Review Body.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - ☐ Growing our economy.
 - ☐ Strengthening our Communities.
 - ☐ Developing our Infrastructure.
 - ☐ Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - ☐ Cost of Living.
 - ☐ Sustainable Development.
 - ☐ Local Equality.
 - ☐ Improving Population Health.
9. **Environmental and Climate Risk:** None.
10. **Risk:** None.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

List of Background Papers

Orkney Local Development Plan 2017, available [here](#).

National Planning Framework 4, available [here](#).

Planning Circular 4/1988, available [here](#).

Appendices

Appendix 1 – Notice of Review (pages 1 – 10).

Appendix 2 – Planning Handling Report (pages 11 – 32).

Appendix 3 – Planning Services File (pages 33 – 288).

Appendix 4 – Decision Notice (pages 289 – 296).

Appendix 5 – Representation from Development Management (page 297).

Appendix 6 – Comments from Applicant on further representation received (pages 298 – 306).

Pages 1 to 296 can be viewed [here](#), clicking on “Accept and Search” and inserting the planning reference “23/304/PP”.

INFRASTRUCTURE AND ORGANISATIONAL DEVELOPMENT

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Planning Application:	23/304/PP
Applicant:	Calum Kirkness
Proposal:	Erect five self-catering pods with associated landscaping and parking
Location:	6 Seafield (Land Near), Finstown,

Notice of Review

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Development proposals are required to be sited and designed to reduce the future risks from the potential impacts from climate change, such as flooding. Siting tourists that are unfamiliar with area, in a location that is vulnerable to flooding, does not reflect the needs of the community or visitors, in the terms of the policy requirement for avoidance as a first principle and reducing the vulnerability of existing and future development to flood risk.

Since the delegated decision, a Chief Planner's letter has been issued in relation to Policy 22 of NPF4, on 11 June 2025. This provides guidance, update, and clarification on various matters including policy implementation. The letter is a material consideration in the determination of planning applications.

Notification Requirements

The development is subject to consultation response objection by a government agency, in this case objection by SEPA in relation to flooding.

Under the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, should a planning authority propose to approve planning permission for a development falling within any of the descriptions of development listed in the Schedule to the above Direction (including where the application has been subject to objection from SEPA on grounds of flooding), the planning authority shall notify Scottish Ministers.

A planning authority must not approve planning permission for development before the expiry of a period of 28 days, beginning with the date of receipt by the Scottish Ministers of information which the planning authority is required to provide.

Development Management **15 July 2025**

Response to Letter of Representation – Planning Appeal

7th August 2025

Calum Kirkness
5 Jib Park, Finstown, Orkney, KW17 2HJ
Email: cwkirkness@hotmail.com

To:
Committee Services
Orkney Islands Council
Council Offices
School Place
Kirkwall, Orkney
KW15 1NY

By Email: Kate.Russell-Duff@orkney.gov.uk, and Hazel.Flett@orkney.gov.uk

Response to Letter of Representation – Planning Appeal

Application Reference: 23/304/PP
Proposal: Erection of Five Self-Catering Glamping Pods
Site Address: Land near 6 Seafield, Finstown, Orkney, KW17 2EW
Appellant: Calum Kirkness

We wish to formally respond to the letter of representation dated 15th July 2025 and received via email on the 28th of July 2025 submitted in relation to my planning appeal. I remain firmly of the view that the refusal of this application is unjustified, disproportionate, and lacks a balanced assessment of the development's nature, purpose, risk profile, and wider benefit to the community.

1. Local Planning Culture, Policy Interpretation, and Public Confidence

There is a growing concern among residents and local businesses that the planning department at Orkney Islands Council has developed a reputation for **finding reasons to refuse applications**, rather than approaching each proposal with balance, pragmatism, and solution-oriented thinking.

It is also well recognised that the department often **interprets planning policy in a way that favours refusal**, rather than supporting sensible, well-considered development. This practice not only contradicts the spirit of planning policy but also stifles innovation, discourages community investment, and undermines public trust.

At almost every public engagement event hosted by OIC, the **planning system is cited as the single greatest source of frustration**. This has been a long-standing issue, with **no visible sign of improvement**.

There is also a growing perception within the community that **certain applicants appear to sail through the process when their face fits or when they are closely connected to decision-makers**. Whether or not this perception is accurate in every case is secondary to the impact it has on public confidence — it fosters a belief that the planning system is not impartial, and that outcomes may be influenced by relationships rather than merit. In a small island community, this kind of perception is particularly damaging and must be addressed through greater consistency, transparency, and accountability.

A further concern within the community is the **inconsistent interpretation and enforcement of planning policy**. Some policies or laws appear to be applied and enforced **to the ninth degree**, creating impossible hurdles for modest private applicants, while others are **selectively ignored** or conveniently downplayed when it suits the agenda or scale of a development. This inconsistency undermines the entire concept of planning integrity and raises serious questions about the fairness and objectivity of decision-making.

This culture risks stifling economic innovation and community-led development, particularly when applications like this—clearly in the public interest—are treated with excessive rigidity or hypothetical worst-case thinking. It is vital that the appeals process restores confidence by applying a fair, proportionate, and evidence-led lens.

2. Consistent Lack of Transparency

Throughout this application process, there has been a persistent and deeply concerning **lack of transparency**:

- We requested access to tidal records specific to Orkney or guidance on where such data could be found — this request was met with silence.
- We submitted an Environmental Information Request (EIR) asking for all correspondence relating to this application — again, no response was received within the statutory timeframe, an **unlawful failure**.
- We submitted a formal complaint regarding this unlawful EIR silence — and were again met with **yet further lack of transparency**.
- Part of our original planning appeal letter was **redacted without consultation or lawful justification**, undermining our right to fair representation.
- The planner's letter of representation refers to both the **SEPA objection** and a **letter from the Chief Planner**, yet **neither has been disclosed**.

This is not only unacceptable in this case, but it raises a critical question: **how many other applicants are being subject to censorship or suppression of material before it**

reaches the planning committee? The integrity of the planning process depends on openness, accountability, and full disclosure. This case shows a pattern of behaviour that directly undermines those principles.

3. Temporary, Non-Residential Use

This development involves short-term, self-catering holiday pods — **not permanent dwellings**. They are designed for tourism use, with guests staying typically 2–5 nights at a time. As such, the development does not fall under the same category of risk as permanent housing or essential infrastructure. The application should be evaluated with this distinction in mind.

4. Site Management and Early Warning Systems

Any theoretical flood risk would not occur without warning. As part of standard operating practice, weather monitoring would be integrated into day-to-day site management. In the event of any severe weather warning or flood risk forecast, **bookings would be cancelled or rescheduled, and guests on-site would be relocated as a precautionary measure**. This level of proactive flexibility is a key advantage of tourism accommodation and ensures public safety remains paramount.

5. Flooding Risk is Minimal and Short-Lived

Even in a worst-case scenario, **local experience suggests that any flooding would be shallow and short-lived — lasting no more than one hour**. The chance of such an event occurring during the peak summer holiday season is practically nil. It is therefore disproportionate to judge this application on the assumption of severe, seasonally mistimed flood events with no warning — especially when there is no local precedent for this.

6. Design Life and Adaptability

The entire development has been designed with a maximum intended lifespan of **40 years**, not the 75–100 years that are typically referenced in long-range flood risk projections. Additionally, the pods are modular in nature and can be **raised, modified, or removed entirely** in response to any change in site conditions. To apply a 75-year hypothetical model to a 40-year adaptable development is illogical and inconsistent with proportionate planning principles.

7. Local Support and Zero Public Objections

It is important to note that **no members of the public objected to this application**. In fact, it has received expressions of support from local residents who recognise its potential to strengthen tourism and economic resilience in Orkney. In an area where economic diversification is actively encouraged, the absence of public opposition should be taken seriously and seen as an endorsement of the proposal's alignment with local needs.

8. Clear Net Benefit

This project provides clear social and economic benefits:

- It supports Orkney's tourism sector,
- It uses a low-impact, sustainable development model,
- It strengthens the rural economy,
- It does so without any identified public opposition or measurable risk to life or property.

Any manageable risk is far outweighed by these public benefits.

9. No Observable Sea Level Rise in Orkney

Despite repeated claims made in theoretical models, **there is no tangible, observable evidence of sea level rise in Orkney**. Many coastal markers, harbours, and heritage sites have remained unchanged for generations. Forecasts predicting sea level change have consistently proven to be overstated, and no locally validated data has been presented to justify the projections used in this case.

10. Computer Modelling is Not a Sound Basis for Refusal

This application has effectively been refused on the basis of speculative **computer-generated projections reaching up to the year 2100**, despite the development's much shorter lifespan and adaptability. These models are based on assumptions that are neither consistent nor proven. To base land-use decisions on such abstract forecasts — especially when they lack local context — is not good planning. It is, at best, guesswork; at worst, fear-based policy-making.

11. Contextual Response to SEPA’s Objection – Sea Level and Flood Risk

SEPA’s objection appears to be based not on site-specific evidence, but on a **broad-brush application of national policy assumptions** drawn from generalised climate models. These models, such as those found in **UKCP18** and **Dynamic Coast**, do not reflect the actual topography, geological resilience, or adaptable nature of the proposed development site in Orkney.

To date, **no site-specific flood risk assessment or localised sea level rise data has been provided by SEPA** to support their objection. Instead, the objection appears to stem from a **precautionary use of national flood maps and worst-case scenario projections** — projections that are based on global high-emission trajectories and **fail to account for Orkney’s post-glacial isostatic uplift**, which naturally offsets relative sea level rise.

Historical data from tide gauges in nearby locations such as **Wick** and **Lerwick** indicate an average sea level rise of only **1.3–1.6 mm/year**, equating to approximately **15 cm over the past century**. These modest figures stand in stark contrast to the alarm implied by future forecasts, which remain **highly speculative and not grounded in local observation**.

Furthermore, the proposed development is:

- Not a permanent or fixed structure;
- Designed with adaptability in mind, meaning it can be elevated or removed if future conditions require;
- Located in an area where there is **no recorded history of coastal inundation or flooding**.

It is therefore **disproportionate — and arguably unreasonable — to apply long-range sea level forecasts for the year 2100 to a development with a realistic operational lifespan of 20–40 years** and a built-in capacity for adaptation.

12. Misuse of Post-Decision Correspondence and Lack of Transparency

We note that the planner’s representation refers to a letter dated **11 June 2025** from the **Chief Planner** concerning **NPF4 Policy 22**. However, the planning refusal decision was made on **27 March 2025** — **prior to** the issuance of this letter. It is procedurally unfair and inappropriate to use a **post-decision document to retrospectively justify or support the refusal**. Doing so would compromise the integrity and neutrality of the planning process.

In addition, the letter of representation refers to both the **SEPA objection** and the **Chief Planner's letter**, yet **neither document has been provided** or attached. This is **unprofessional, lacks transparency, and leaves both the applicant and the committee members guessing** at the basis for key claims. Decision-makers must not be expected to assess references without full disclosure of the underlying materials.

13. Concerning Trends in Land Control

I also raise a broader concern about the apparent use of flood policy and environmental risk as **tools of land control rather than public safety**. Increasingly, it appears that policies are being applied to **limit private land use, devalue rural property, and make way for future institutional acquisition**.

What we are witnessing is not a climate protection strategy — it is a **land repositioning strategy**. Under the guise of “climate resilience,” governments and global institutions are increasingly targeting rural and coastal areas for restrictions, only to later **purchase those same areas at reduced value**.

As long as speculative modelling and precautionary risk are prioritised over observable evidence and proportionality, **climate change will continue to disproportionately affect the areas they most want to acquire** — not through weather events, but through manipulated perception and planning policy.

While the official planning narrative speaks of sustainability and environmental protection, there is growing public concern that the current implementation of environmental policy in Scotland **disproportionately benefits large multinational corporations while severely restricting private individuals**. We are witnessing the **unchecked industrialisation of remote and rural landscapes** — including vast energy infrastructure developments — while **small-scale, low-impact private projects face extreme scrutiny, delays, and refusal**.

It raises serious questions about the true direction of land use policy. Scotland is increasingly being positioned as the so-called ‘**renewable energy powerhouse of Europe**’, yet this vision appears to **exclude the people who live here**. The cumulative effect of these policies risks **hollowing out rural communities under the banner of Net Zero** — turning Scotland into an energy export zone rather than a place where sustainable local living is genuinely supported.

We have first-hand experience of viewing the **true environmental and carbon cost of the new electrical infrastructure being constructed to export renewable energy from Scotland**. The carbon footprint of these projects is massive and will **never be net zero**. The **Finstown substation**, for example, is being built behind a huge earth mound — strategically hidden from public view — while the **carbon and environmental impact of the associated cable track is eye-watering**. If carbon emissions were truly the issue,

these projects alone would **push the planet over the edge before it had a chance to recover.**

What makes this worse is that these energy infrastructure projects are being built **at the expense of the energy customer**, yet deliver **no tangible benefit to Scotland** or to the communities whose natural environments are being destroyed in the process. Those living in affected rural areas are not only excluded from the benefits — they are often charged **some of the highest electricity rates in the UK**. That is not sustainability — **that is economic and environmental exploitation masquerading as progress.**

Furthermore, while the dominant policy narrative frames CO₂ as a pollutant, the reality is that **CO₂ makes up just 0.04% of the atmosphere**, and only **a small fraction of that is attributable to human activity**. The science has **never conclusively proven** that human-produced CO₂ is the primary driver of climate change, and it has certainly **never proven that the 3% caused by humans has more impact than the 97% produced naturally**. CO₂ is not a poison — it is the **gas of life**, essential for plant growth and photosynthesis.

These foundational contradictions further call into question the **true motives behind Net Zero policies** and the sweeping restrictions being imposed on individuals under the guise of environmental protection. If carbon were genuinely the threat it's made out to be, we would not be watching industrial-scale infrastructure projects tearing up rural landscapes across Scotland with government approval.

The planning system should be used to **protect people and communities**, not to facilitate corporate land grabs or suppress grassroots development in rural areas.

14. Excessive Delays and Poor Administrative Handling

This application took an astonishing **19 months** and involved the submission of over **95 documents** before ultimately being refused. By any reasonable comparison, this is **far more drawn out and administratively burdensome than other similar applications** for small-scale tourism or rural accommodation developments — both locally and nationally. This raises serious concerns about the internal handling of this particular case and the disproportionate level of scrutiny applied.

To compound this, the **planners' handling report was finalised on 17 January 2025**, yet the **decision notice was not issued until 27 March 2025** — more than two months later, with no clear justification for the delay. Even more concerning is the fact that the **handling report was not uploaded to the planning portal until 27 March 2025**, after the decision had already been issued. This sequencing undermines transparency and raises questions about the integrity of the documentation timeline.

Furthermore, once the decision notice was issued, the number of documents available on the planning portal relating to the case **fell from 95 to 63**. This reduction was only reversed following a formal **EIR complaint**; however, the **EIR response made no reference whatsoever to the disappearance and subsequent reinstatement of those documents**. Such omissions and manipulations erode public trust and suggest a concerning lack of accountability within the planning system.

Such drawn-out and inconsistent handling undermines trust in the process and imposes significant personal and financial strain on applicants — particularly small businesses or individuals who lack the resources to navigate endless procedural hurdles.

15. Economic Harm and Missed Community Opportunity

This project was originally conceived, in part, to support the **Orkney Island Games** by providing additional visitor accommodation during the event — a plan which was **supported by the Island Games Director** at the time. This demonstrates that the proposal was never just for commercial gain, but also intended to contribute meaningfully to the wider community and the island’s international reputation.

Since then, the cost of manufacturing and installing the pods has **risen significantly over the past two years**, due to inflation, supply chain pressures, and general cost-of-living increases. These compounding delays have **undermined the commercial feasibility** of the project, despite the applicant having acted in good faith throughout.

More broadly, the **unpredictability of the planning system** makes it extremely difficult to make sound commercial decisions in Orkney. When modest, sustainable developments face **multi-year delays, document removal, shifting policy interpretations, and unlawful procedural silence**, it becomes commercially risky to attempt any form of rural enterprise.

This is not just harmful to applicants — it is **harmful to Orkney’s economy, reputation, and resilience**.

16. Wasted Compliance – Reports Given No Evidential Weight

Throughout the application process, we complied fully with the planning department’s repeated requests for detailed specialist reports. These included, but were not limited to:

- Flood Risk Assessment,
- Sustainable Urban Drainage (SUDS) report,
- Traffic and access assessments,
- Biodiversity and habitat considerations,

- Design and visual impact statements.

Each report was prepared in good faith by competent professionals, at significant time and financial cost. However, the final decision documentation offers **no evidence that these were given any meaningful weight**. The reasoning appears to rely solely on abstract modelling and policy interpretation — rather than the specific, technical evidence submitted.

This gives the impression that the reporting process is **procedural theatre** — requested for formality, then discarded once received. It undermines the credibility of the system and punishes applicants who invest in the planning process in the belief that it is objective and evidence-led.

If evidence-based reports are to be dismissed or ignored in favour of worst-case speculation and unchallenged policy interpretation, then applicants are left with no clear or rational pathway to successful development.

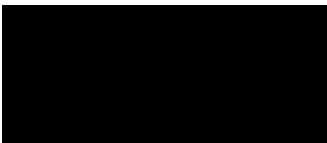
Conclusion

This application has been wrongly judged through the lens of speculative modelling, local overreach, excessive delay, and opaque decision-making — while overlooking its temporary nature, adaptability, public support, and tangible economic benefit.

I respectfully ask the planning committee members to consider the full context, the absence of measurable risk, and the overwhelming imbalance between speculative harm and proven benefit. A rational, transparent, and locally grounded approach would lead to this appeal being upheld.

Truth does not mind being questioned, a lie does not like being challenged.

Kind regards,



Calum Kirkness