

To: Calum Eoghann MacLachlainn
Bad Daraich
Tobermory
Isle of Mull

Allan MacLean
Cearcal-a-Chuainn
Tobermory
Mu

specific flood risk mitigation strategy proposed by the developer and subsequently approved; such a strategy being assessed by the Planning Authority as essential to underpin the reasons for departing from national and local flood risk planning policy and the advice of SEPA.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply/secure compliance with the stated condition(s) by taking the following steps:

- 1.) Submission of details of the type and colour of external materials that are being used in the construction of the building and the flooding refuge area, including render details, cladding and roofing details, window and door details, guttering details, external stair, balustrading and hand rail details for the consideration of the Planning Authority in order to secure compliance with the suspensive element of condition 2.
- 2.) Submission of detailed sections and a written specification showing the existing and the proposed levels of the site for the consideration of the Planning Authority in order to secure compliance with condition 3. These details shall clearly show the extent and method of the proposed site recontouring required to accommodate the development and, specifically, the retaining wall or other means of slope stabilisation/retention. The development shall thereafter be completed in accordance with the approved details and methodology or such alternatives as may be agreed in writing with the Planning Authority.
- 3.) Fully discharge the requirements of condition 6 to the satisfaction of the Planning Authority in consultation with SEPA in respect of flood risk.

6. TIME FOR COMPLIANCE

You are required to comply with the requirements of this notice within 2 months from the date on which you receive this notice by postal delivery.

7. DATE THIS NOTICE TAKES EFFECT

This notice takes effect immediately when it is served on you or you receive it by postal delivery.

Dated: 27th of July 2023



Fergus Murray
Head of Development and Economic Growth
Kilmory
Lochgilphead

On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

Copies of sections 145 and 145A of the Town and Country Planning (Scotland) Act 1997 (as amended) are attached. You will wish to note in particular the points referred below.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) to prove ²

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice, or

(b) where the notice was served on him by virtue of subsection (2)(b), that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) shall \pm

(a) be liable on summary conviction to a fine not exceeding level 5 on the standard scale, and

(b) the court when setting the fine shall have regard to any financial benefit or likely financial benefit that the convicted person may accrue in consequence of the activity which constitutes the offence

(13) In this section ²

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(b) references to carrying out any development include causing or permitting another to do so.

145A

(1) Where a planning authority have reason to believe that, by virtue of subsection (8) of section 145, a person is in breach of a breach of condition notice they may, provided that the conditions mentioned in subsection (7) are satisfied, serve on him a fixed penalty notice as respects that breach.

(2) The fixed penalty notice is to specify ²

(a) the step specified, under subsection (5) of section 145, in the breach of condition notice which has not been taken, or

(b) the activity so specified which has not ceased.

(3) It is not competent to serve more than one fixed penalty notice in relation to a particular step or activity.

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