IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 17/00143/ENBOC1

To: Macleod Construction Limited
Kilmory Industrial Estate
Lochgilphead
Argyll
PA31 8RR

SERVED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is served by Argyll and Bute Council, under Section 145 of the Town and Country Planning (Scotland) Act 1997 (as amended), because it is considered that there is non-compliance with conditions or limitations regulating the use of land imposed upon a grant of planning permission. It is considered that you should be required to comply or secure compliance with the condition specified in this notice.

2. THE LAND AFFECTED BY THE NOTICE

That plot or area of ground shown delineated in red on the attached plan forming part and portion of the subjects known as Land South Of Dunavon, Connel, Argyll And Bute. (hereinafter referred to as 'the Land Affected')

3. THE RELEVANT PLANNING PERMISSION

The planning permission to which this notice relates is the permission granted by Argyll and Bute Council (**Reference Number 16/02889/PP)** on the **23 February 2017** for the **construction of a sustainable urban drainage system** upon the Land Affected.

4. BREACH OF CONDITION

The following condition subject to which the planning permission has been granted have not been complied with:

2. Within three months of the date of approval of this planning application, full details of the maintenance arrangements and responsibilities for the sustainable urban drainage scheme

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 conditions by taking the following steps:

1. Submit to Argyll and Bute Council full details pertaining to the ongoing maintenance requirements for the proposed sustainable urban drainage scheme. Such details could include but may not be limited to a maintenance scheme or program.
2. Submit to Argyll and Bute Council full details as to whom will be responsible for the ongoing maintenance of the sustainable urban drainage scheme. Such details could include but may not be limited to any necessary legal documentation for the vesting of the scheme to Scottish Water and or Argyll and Bute Council Roads Authority.

6. TIME FOR COMPLIANCE

You are required to comply with steps 1 and 2 listed above on or before the date this notice takes effect.

7. DATE THIS NOTICE TAKES EFFECT

This notice takes effect from 23rd August 2017.

Dated: 12th June 2017

Angus J. Gilmour.

Head of Planning and Regulatory Services

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

PENALTIES FOR NON-COMPLAINCE WITH A BREACH OF CONDITION NOTICE

Section 136A of The Planning etc. (Scotland) Act 2006 provides the Planning Authority with power to issue a fixed penalty notice for breaching the terms of a breach of condition notice. There is no right of appeal against a fixed penalty notice. The Town & Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2008 sets out that the penalty for breach of a breach of condition notice is £300. Payment of the penalty does not discharge the requirement to comply with the terms of the breach of condition notice, while prosecution proceedings can be taken where a fixed penalty notice is unpaid.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence is £1000.00.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately by telephone, followed by written enquiry to:

Planning Services, Municipal Building, Albany Street, Oban, Argyll, PA34 4AW.
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