

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

TEMPORARY STOP NOTICE UNDER Section 144

Ref: 23/00028/ENOTH1

To: Great Glen Holdings Limited
Company Secretary
Suite 222
8 Church Street
Inverness
IV1 1EA

ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council, having their head office at Kilmory, Lochgilphead, Argyll, PA31 8RT, a local authority constituted under the Local Government etc (Scotland) Act 1994, and as such the Planning Authority for the area of Argyll and Bute in terms of the Town and Country Planning (Scotland) Act 1997, as amended ('the Act') because it appears to them that there has been a breach of planning control in relation to the Land Affected as hereinafter defined, the breach consists in engagement in an activity, and it is expedient that the activity is stopped immediately.

2. **THE LAND AFFECTED**

That land approx. 406m South West of Bellanoch Church, Bellanoch shown delineated in red on the plan annexed hereto (hereinafter referred to as 'the Land Affected').

3. **THE UNAUTHORISED ACTIVITY**

Unauthorised engineering works ('the Unauthorised Activity')

4. **PROHIBITION OF ENGAGEMENT IN UNAUTHORISED ACTIVITY**

The Unauthorised Activity is prohibited as from the time and date that this notice has effect.

5. **REASONS FOR ISSUING THE NOTICE**

The Unauthorised Activity does not benefit from planning permission and it is expedient that the activity is stopped immediately. The development of the Land Affected approx. 406m South West of Bellanoch Church, Bellanoch poses consequences for impact upon a National Scenic Area, Impact upon biodiversity and designated nature conservation interests within the immediate vicinity and the proper planning of the area.

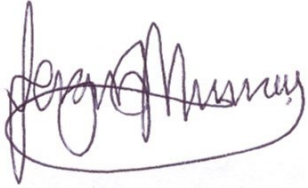
6. **WHEN THIS NOTICE TAKES EFFECT**

This notice has immediate effect from 10.02.23 being the time and date at which a copy of it was first displayed on the Land Affected. This notice will cease to have effect at the end of the period of 28 days from 10.02.23

7. YOUR RIGHT OF APPEAL

There is no statutory right of appeal against this notice.

Dated: 10th February 2023

A handwritten signature in dark ink, appearing to read 'Fergus Murray', written over a faint, light-colored printed signature line.

Fergus Murray
Head of Development and Economic Growth
On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

**STATEMENT AS TO THE EFFECT OF SECTION 144C OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997 AS AMENDED**

RELEVANT LEGISLATION

WARNING

THIS NOTICE TAKES EFFECT ON THE DAY IT IS FIRST DISPLAYED ON THE LAND TO WHICH IT RELATES.

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE.

Section 144C of the Town and Country Planning (Scotland) Act 1997 is set out below. You will wish to note in particular the points referred below.

It is an offence for a person to contravene a temporary stop notice which has been served on them, or a copy of which has been displayed in pursuance of section 144A(4) of the Town and Country Planning (Scotland) Act 1997, as amended. It is also an offence to cause or permit contravention of the notice. An offence may be charged by reference to a day or to a period of more than a day. A person may be convicted of more than one offence if they repeatedly breach the temporary stop notice.

A person convicted of contravening a temporary stop notice is liable on summary conviction to a fine not exceeding £50,000 and on conviction on indictment to a fine.

Section 144C Temporary stop notices: offences

(1) A person is guilty of an offence if he contravenes a temporary stop notice—

(a) which has been served on him, or

(b) a copy of which has been displayed in pursuance of section 144A(4).

(2) Contravention of a temporary stop notice includes causing or permitting the contravention of it.

(3) An offence under this section may be charged by reference to a day or to a period longer than a day.

(4) A person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different days or different periods.

(5) It is a defence in any proceedings under this section that—

(a) the temporary stop notice was not served on the accused, and

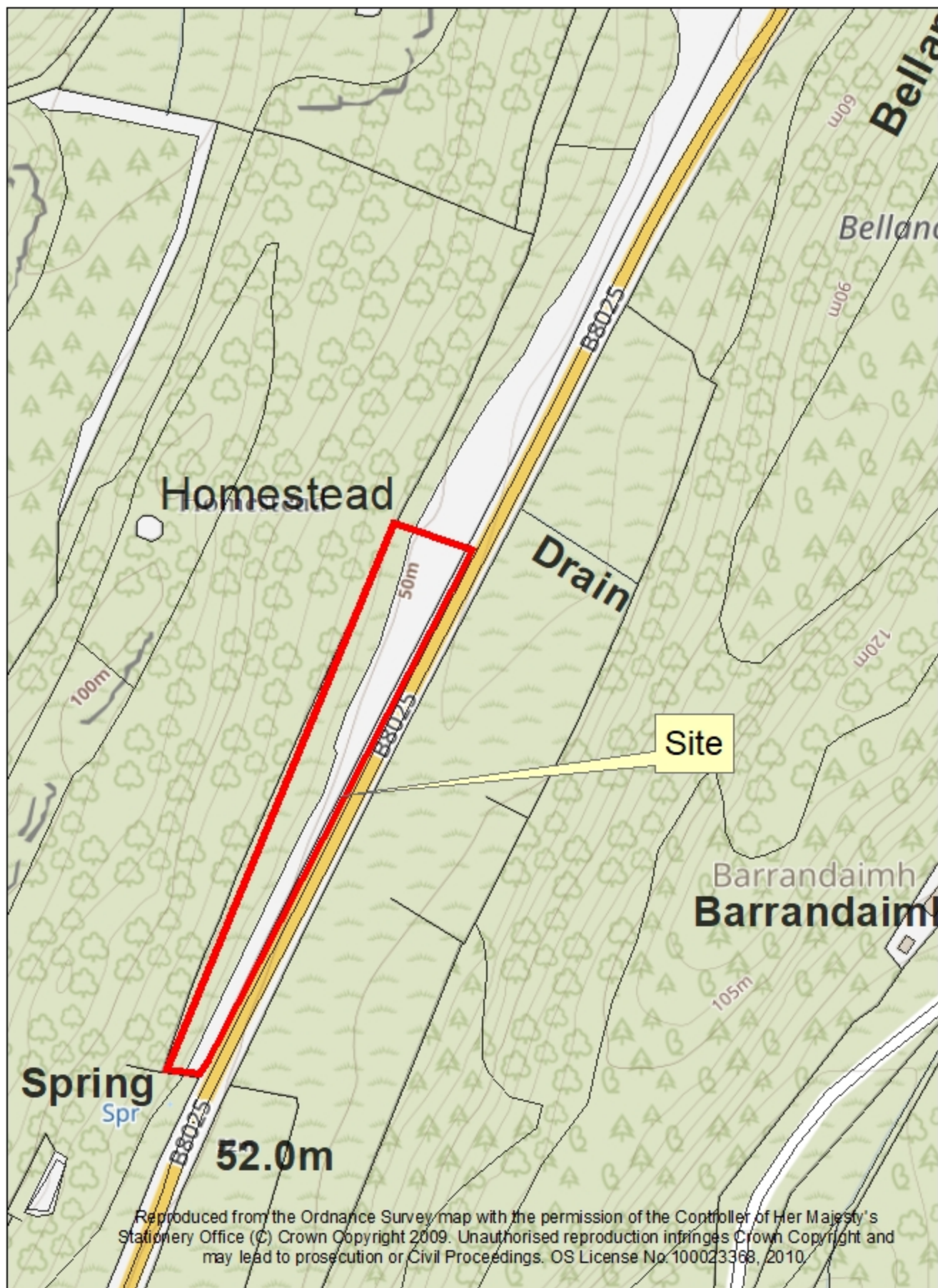
(b) he did not know, and could not reasonably have been expected to know, of its existence.

(6) A person convicted of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000,

(b) on conviction on indictment, to a fine.

(7) In determining the amount of the fine, the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the activity which constituted the offence



**Location Plan relative to: Land approx.
406m South West of Bellanoch Church, Bellanoch
Enforcement Ref. No.23/00028/ENOTH1**

Date: 10.02.23

Drawn By: kmk

Scale: 1:2,500

