

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 11/00241/ENBOC2

To: Mr G Little and Ms C Woodrow
Tigh Beag
Kilchoman
Isle of Islay
Argyll
PA49 7UX

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, because it is considered that a condition imposed on the grant of planning permission, relating to the land described below, has not been complied with. 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

The site to which this notice relates (shown edged in red on the attached plan) forms an area of land known as **Tigh Beag, Kilchoman, Isle of Islay**

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by Argyll and Bute Council (**Reference Number: 08/01747/DET**) on the **25th November 2008** for the **Erection of dwellinghouse and installation of sewage treatment plant**

4. BREACH OF CONDITIONS

The following condition has not been complied with:

3. *Prior to work starting on site, the access hereby permitted shall be formed in accordance with the Council's Highway Drawing No. G300 with the bellmouth area surfaced in dense bitumen macadam for a distance of 5.0 metres back from the existing carriageway edge and dropped kerbs formed to the satisfaction of the Planning Authority or as otherwise agreed in writing with the Planning Authority.*

Reason: In the interests of road safety.

7. *Prior to the development commencing a full appraisal to the satisfaction of the Council as Planning Authority of the wholesomeness and sufficiency of the private water supply to serve the development shall be carried out by a qualified hydrologist to the satisfaction of the Council's Chief Protective Services Officer. Such appraisal shall include a risk assessment having regard to the requirements of the Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification and provided to the satisfaction of the Planning Authority.*

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

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:

Surface the access and bellmouth area 5 metres back from the existing carriageway edge and form a dropped kerb; Submit a full appraisal of the wholesomeness and sufficiency of the private water supply serving the development

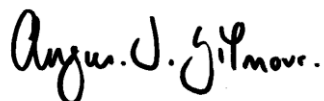
6. TIME FOR COMPLIANCE

Time for compliance: 35 days from the date the notice takes effect.

7. DATE THIS NOTICE TAKES EFFECT

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

Dated: 11 October 2011

A handwritten signature in black ink, reading "Angus J. Gilmore". The signature is written in a cursive style with a large initial 'A' and 'G'.

Head of Planning & Regulatory Services
Kilmory
Lochgilphead

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

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

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

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, 67 Chalmers Street, Ardrishaig PA30 8DX

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial review. A lawyer will advise you on what procedure this process involves.

PENALTIES FOR NON-COMPLIANCE WITH A BREACH OF CONDITION NOTICE

Failure to comply with this notice may result in the Planning Authority instigating further planning enforcement proceedings such as an Enforcement Notice or a Fixed Penalty Notice.

The 2006 Act amended the 1997 Act to introduce a new planning enforcement power enabling planning authorities to issue a fixed penalty notice (FPN) as an alternative to prosecution where a person fails to comply a breach of condition notice to correct a breach of planning control. Failure to comply with this notice may result a fixed penalty notice being issued, with a fine of £300 in respect of a breach of condition notice. Please note that while payment of this fine prevents future prosecution this does not remove your responsibility to comply with the terms of this notice and may, as a result, instigate the undertaking of further planning enforcement proceedings.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE
