

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 12/00150/ENBOC2**

To: Mr Stewart Campbell  
Barr-nan-craobh  
Kilmichael Glassary  
Lochgilphead  
Argyll  
PA31 8RE

**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 **ACHNASHELLOCH FARM, KILMICHAEL GLASSARY**

**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: 11/02432/PP**) on the **01 March 2012** for the **Formation of motorcycle racing circuit including car parkin, starting gate, race control hut and portable toilets (retrospective)**

#### 4. BREACH OF CONDITION

The following condition has not been complied with:

5. Within 3 months of the date of this permission, a Noise Management Plan shall be submitted in writing and approved by the Local Planning Authority and subsequently all activities on the site shall be carried out in accordance with that plan, or any subsequently approved variation thereof, as may be agreed in writing by the Local Planning Authority. Such a plan shall include (but shall not be restricted to):

##### Management Controls

- The use of suitable silencers on all motor cycles used at the site and no machines to be allowed on the site without a machine manufacturer's silencer or better;
- Static noise tests as stipulated in the Noise Council's '*Code of Practice on Noise from Organised Off-Road Motor Cycle Sports*' 1994 measured in accordance with the protocol devised by the Auto-Cycle Union. Details of the static noise tests performed during the meeting to be logged in a format agreed with the Council and such records to be provided to the Council on request;
- Limitation on the number of motor cycles allowed entry onto the circuit at any one time;
- The location of the start line and paddock and restriction on the running and testing of engines in these areas.

##### Engineering Controls

- The erection of sound barriers to reduce the effect of noise around the track and including the start position. These sound barriers should be effective and if necessary an assessment carried out by a suitably qualified person;
- The access/egress for cars and the location of car parking to ensure that this is configured to accommodate vehicular activity;
- The use of public address systems.

*Reasons: In order to ensure that measures and practices are implemented to control noise emanating from the site, in order to avoid unacceptable noise nuisance in the interests of residential amenity.*

7. Within 4 months of the date of this permission, the junction between the access to the site and the public road shall be constructed as per the standard detail drawing ref SD 08/0001 Rev a, other than the radius is to be 6.0 metres rather than the 10.0 metres indicated on the drawing. Any gates shall be set back a minimum distance of 15.0 metres from the public road.

*Reason: In order to enable two way working at the entrance point in order to help maintain free flow of traffic on the main road in the interests of road safety.*

## **8. 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:

**Submit the above noise management plan with all information requested and form the access as per drawing no. SD 08/0001 Rev a, (including the surfacing of this access).**

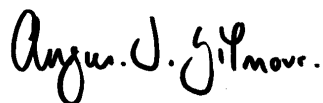
## **9. TIME FOR COMPLIANCE**

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

## **10. DATE THIS NOTICE TAKES EFFECT**

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

Dated: 27 September 2012



Head of Planning & Regulatory Services  
Kilmory  
Lochgilphead

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

<b>WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE</b>
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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.*

<b>DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE</b>
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