

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 13/00087/ENBOC2**

To: West Highland Gas Ltd  
Site 8  
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, 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 **SITE 8, KILMORY INDUSTRIAL ESTATE, LCOHGILPHEAD**

**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: 09/00971/COU**) on the **8<sup>th</sup> March 2011** for the **CHANGE OF USE OF LAND TO CREATE GAS STORAGE AREA, REMOVAL OF TEMPORARY SHED AND TREES AND REPLANTING SCHEME**

#### **4. BREACH OF CONDITION**

The following condition has not been complied with:

1. *Within 3-months from the date of this consent details of a scheme of boundary treatment and landscaping works must be submitted to and approved in writing by the Council, as Planning Authority: Details of the scheme to include*
  - i) *location and design, including materials, of any walls, fences, hedges and gates.*
  - ii) *precise details of trees removed and their exact location and details of those replacing them*

*All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Council as planning authority, within 3-months from the landscaping scheme being agreed. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting season following the approval of the landscaping and boundary treatment scheme unless otherwise agreed in writing with the Council, as Planning Authority.*

*Reason: In the interests of visual amenity, in order to integrate the development with its surroundings and maintain the landscape character of the area.*

#### **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:

**Submit a scheme of boundary treatment and landscaping works which must include location and design, including material of any walls, fences, hedges and gates and precise details of the trees removed with their locations and details of those replacing them. Once agreed, the replanting shall be carried out in accordance with the agreed scheme in the first planting scheme.**

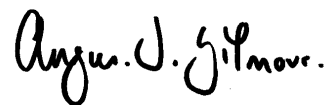
#### **6. TIME FOR COMPLIANCE**

**Time for compliance: 28 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: 03 June 2013

A handwritten signature in black ink that reads "Angus J. Gilmore." The signature is written in a cursive, flowing style.

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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**Location Plan relative to enforcement**  
**Site 8, Kilmory Industrial Estate**  
**Enforcement Ref. No. 13/00087/ENBOC2**

Date: 03.06.13

Drawn By: KMK

Scale: 1:1,250

