

IMPORTANT : THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
PART VI SECTION 145
As amended by PLANNING ETC. (SCOTLAND) ACT 2006

BREACH OF CONDITION NOTICE

SERVED BY PERTH & KINROSS COUNCIL

RELATING TO:

SUBDIVISION OF PLOTS 1 AND 2 TO ERECT FOUR DWELLINGHOUSES ON LAND AT FORMER COAL YARD, OLD EDINBURGH ROAD, BRIDGE OF EARN.

THIS NOTICE IS SERVED ON:

MR DAVID GAHAN, BRONTONFIELD HOUSE, EDINBURGH ROAD, BRIDGE OF EARN, PERTH, PH2 9PP.

MAPLEWOOD DEVELOPMENTS, MR DAVID RUSSELL, EASTER CORNHILL, OLD MUCKHART ROAD, DOLLAR, CLACKMANNANSHIRE, FK14 7PL.

1) THIS IS A FORMAL NOTICE which is served by the Council under Section 145 of the above Act because it considers that a condition imposed on a grant of planning permission relating to the land described below has not been complied with. It considers that you should be required to comply with the condition specified in this notice.

2) THE LAND AFFECTED BY THIS NOTICE

The site to which this notice relates (shown edged in red on the attached location plan), is Land at Former Coal Yard, Old Edinburgh Road, Bridge Of Earn.

3) THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is:
11/00722/FLL, granted by Perth and Kinross Council, 25 September 2013;

4) THE BREACH OF CONDITION

The following Condition on permission has been breached:
Condition 2, 11/00722/FLL;

Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

(i) the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage.

(ii) measures to treat/remove contamination to ensure the site is fit for the use proposed

(iii) measures to deal with contamination during construction works

(iv) condition of the site on completion of remediation measures.

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

5) WHAT YOU ARE REQUIRED TO DO

As the person or persons responsible for the breach of condition specified in paragraph 4 of this Notice, you are required to comply with the stated condition by doing the following:-

Submit to the Planning Authority evidence carried out by an appropriately qualified engineer that all contamination across the site has been appropriately dealt with in accordance with the submitted Phase II Geo-environmental and Geotechnical Interpretive Report report by McGregor McMahon & Associates Consulting Engineers dated January 2010 (Contaminated Land Report (CLR)).

Those measures to be assessed and verified are:

In para 9.4 of the CLR, 600mm capping of clean imported material for all soft landscaping and garden areas.

In para 9.4 of the CLR, 1000mm of hydrocarbon contamination excavated and removed from site for appropriate disposal as illustrated in Figure 5.

In para 9.5 of the CLR, metallic or barrier mains water supply pipes in widened trench excavation backfilled with clean imported material.

In para 9.6 of the CLR, gas membrane to conform to Amber 1 conditions as per National House-Building Council guidance.

Time for Compliance 35 days

6) WHEN THIS NOTICE TAKES EFFECT

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

Signed:
(Council's Authorised Officer)

Dated:27/09/2017.....

On Behalf of Perth & Kinross Council, Planning and Development, The Environment Service,
Pullar House, 35 Kinnoull Street, Perth. PH1 5GD.

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

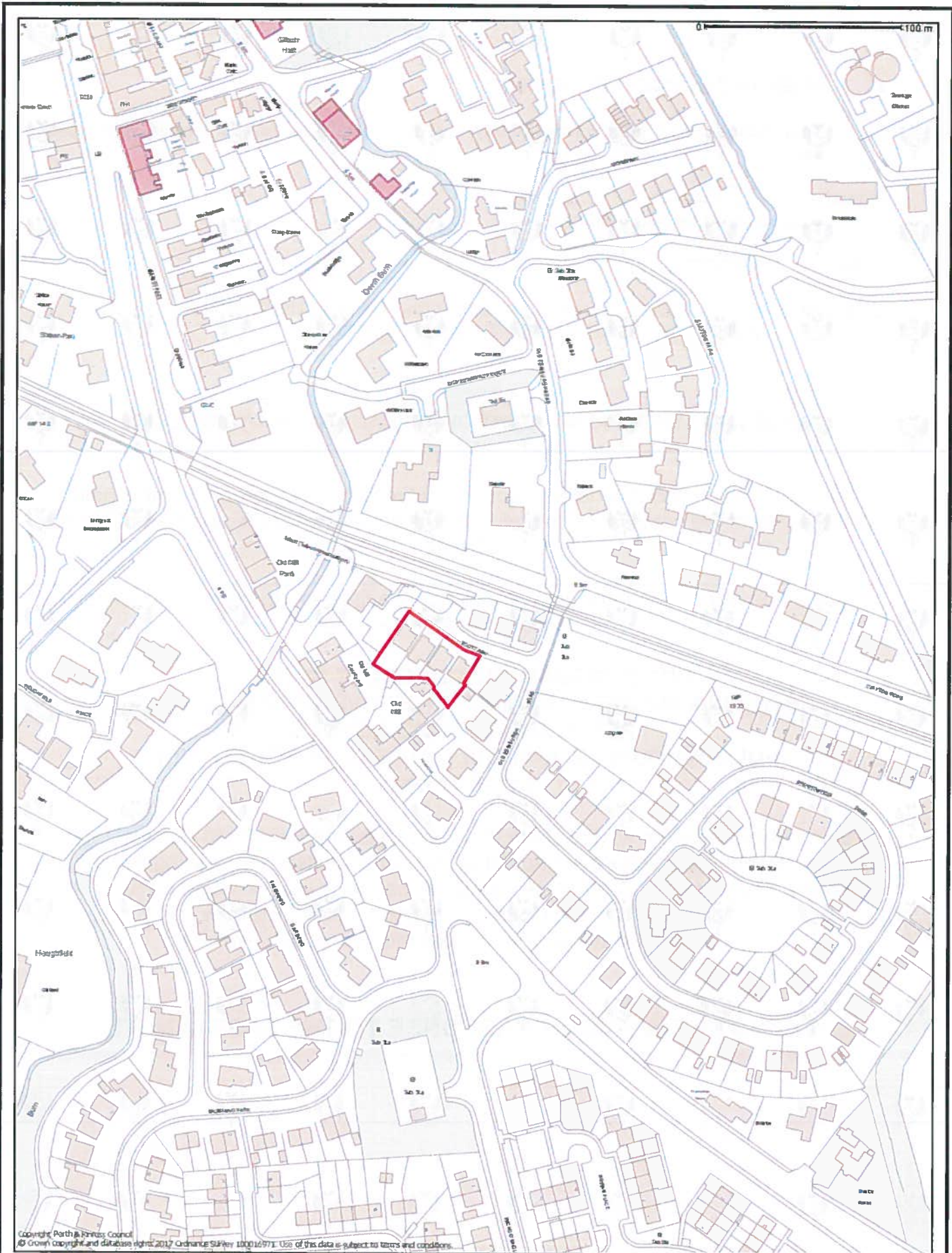
It is an offence to contravene any requirement stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence is £1,000.

If you are in any doubt about what this Notice requires you to do you should get in touch immediately with

**EDDIE JORDAN, ENFORCEMENT OFFICER
PLANNING AND DEVELOPMENT, THE ENVIRONMENT SERVICE,
PERTH AND KINROSS COUNCIL
PULLAR HOUSE, 35 KINNOULL STREET, PERTH. PH1 5GD.
01738 475341**

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or another professional adviser 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 this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE



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Scale 1:2500

Plan referred to in notice

