

**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:**

**MODIFICATION OF EXISTING CONSENT 09/02039/FLL SUBDIVISION OF PLOTS 5 AND 6 TO ERECT ONE ADDITIONAL DWELLINGHOUSE ON LAND AT FORMER COAL YARD, OLD EDINBURGH ROAD, BRIDGE OF EARN.**

**THIS NOTICE IS SERVED ON:**

**SCOTT HUGH MCKECHNIE, 6 LOGIE MILL, BEAVERBANK BUSINESS PARK, EDINBURGH, EH7 4HG.**

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

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**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:  
11/00968/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, 11/00968/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 verification 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 by McGregor McMahon & Associates Consulting Engineers dated January 2010 (Contaminated Land Report (CLR)).**

##### Step 1:

**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.**

Three soil samples to a depth of one metre to be taken at locations identified and prefixed 'BH' on the attached plan, of the source material and submitted to a UKAS accredited chemical testing laboratory for detailed chemical analysis to determine the suitability of use as residential garden ground. Sample one, should be taken from immediately below the broken existing ground level; sample two, should be taken at a depth of approximately 300mm and; sample three should be taken at a depth >600mm and <1000mm.

Analyses of each sample in accordance with current guidance:

- **Metals suite (As, Pb, Ni, Cd, Hg, Cr total, Cr VI, Se, Cu, Zn, B) (1mg/kg limit of detection)**
- **Organic matter (0.1% limit of detection);**
- **Phenol (1mg/kg limit of detection);**
- **Cyanide (1mg/kg limit of detection);**
- **PAH (speciated) (0.01mg/kg limit of detection)**
- **Petroleum hydrocarbons (VPH/EPH speciated); (C5-C7/ C7-C8/ C8-C10 10-g/kg and C10-C12/C12-C16/C16-C21/C21-C35 1mg/kg limit of detection)**
- **Asbestos; and**
- **pH.**



The results of the analyses are to be submitted directly to the Planning Authority for consideration in consultation with Environmental Health.

**Time for Compliance                      56 days**

**Step 2:**

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

Three soil samples to a depth of one point five metres to be taken at locations identified and prefixed 'BH (b)' on the attached plan, of the source material and submitted to a UKAS accredited chemical testing laboratory for detailed chemical analysis to determine the suitability of use as residential garden ground. Sample one, should be taken from immediately below the broken existing ground level; sample two, should be taken at a depth of approximately 300mm and; sample three should be taken at a depth >1000mm and <1500mm.

Analyses of each sample in accordance with current guidance:

- **Metals suite (As, Pb, Ni, Cd, Hg, Cr total, Cr VI, Se, Cu, Zn, B) (1mg/kg limit of detection)**
- **Organic matter (0.1% limit of detection);**
- **Phenol (1mg/kg limit of detection);**
- **Cyanide (1mg/kg limit of detection);**
- **PAH (speciated) (0.01mg/kg limit of detection)**
- **Petroleum hydrocarbons (VPH/EPH speciated); (C5-C7/ C7-C8/ C8-C10 10-g/kg and C10-C12/C12-C16/C16-C21/C21-C35 1mg/kg limit of detection)**
- **Asbestos; and**
- **pH.**

The results of the analyses are to be submitted directly to the Planning Authority for consideration in consultation with Environmental Health.

**Time for Compliance                      56 days**

**Step 3:**

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

A sample of backfill material from a point to be agreed on site, adjacent to the private mains water supply connection between Scottish Water infrastructure and each dwellinghouse. A further sample from the surrounding material shall be taken at the point of structural entry to each building. Each of these samples to be recovered and submitted to a UKAS accredited laboratory for UKWIR compliant suite analysis.

**Time for Compliance                      56 days**

**Step 4:**

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

- Photographic record of gas membrane installation to be submitted as a matter of record.
- Invoice of delivery of appropriately specified material being delivered to site.
- Internal gas sampling in all properties including the Dental Surgery using 1.4 litre Silcocan integrated sampler over a 24 hour period to assess the potential for bulk gas ingress into each property. Gas sampling should be undertaken on two separate occasions at differing atmospheric pressures. Details of the dates of monitoring and the atmospheric pressures should accompany the results

The photographic record, invoice and results of gas sampling are to be submitted directly to the Planning Authority for consideration in consultation with Environmental Health.

**Time for Compliance**                      **56 days**

**Step 5:**

A Ground Gas Risk Assessment (GGRA) in accordance with the requirements of BS 8576: 2013; Guidance on investigations for ground gas - Permanent gases and Volatile Organic Compounds (VOCs) and CIRIA C665; Assessing Risks posed by hazardous ground gases to buildings. Gas monitoring to be undertaken at locations identified 'BH' and 'BH (b)' and suffixed '(Gas)' on the attached plan.

The GGRA is to be submitted directly to the Planning Authority for consideration in consultation with Environmental Health.

**Time for Compliance**                      **84 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: .....26/02/2018.....

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.

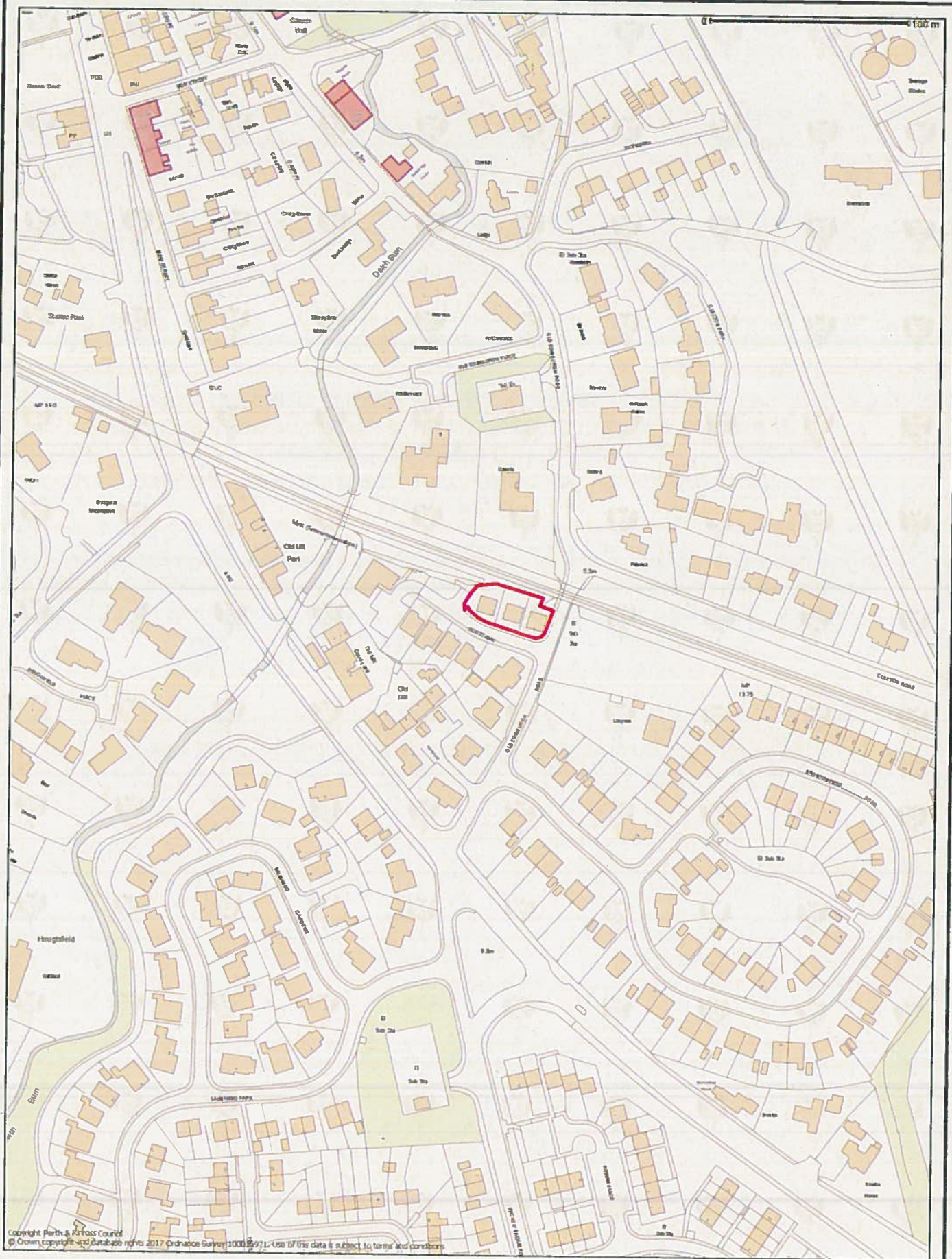
If you are in any doubt about what this Notice requires you to do you should get in touch immediately with

**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







