

# AGENDA ITEM 5

## APPENDIX 2

### ORIGINAL DECISION NOTICE (2011/0177/DET)

# DECISION NOTICE



Tesco Stores/Santon Group  
c/o Pritchett Planning Consultancy  
PO Box 8052  
Edinburgh  
EH16 5ZF

22 January 2014

Application Reference: 2011/0177/DET

**Type of Application:** Business and industry - Local Application

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED  
BY THE PLANNING ETC (SCOTLAND) ACT 2006  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**The Cairngorms National Park Designation, Transitional and Consequential  
Provisions (Scotland) Order 2003**

**National Parks (Scotland) Act 2000**

CNPA in exercise of its powers under the above mentioned Act and Regulations

**GRANTS conditioned planning permission for:**

Erection of Class I retail store with associated parking, servicing and landscaping  
at;

Land Adjacent to The Winking Owl Grampian Road, Aviemore

and in accordance with the particulars contained in the accompanying application form and the following plans/drawings:

| <b>Title</b>   | <b>Reference</b>   | <b>Date on Plan*</b> | <b>Date Received</b> |
|--|--------------------|----------------------|----------------------|
| Location Plan  | I538(PL)301        | 01/01/11             | 08/07/13             |
| Existing Site Layout   | I538(PL)302        | 01/01/11             | 08/07/13             |
| Proposed Site Layout   | I538(PL)303 REV H  | 01/01/11             | 18/09/13             |
| Proposed Elevations  | I538(PL)304 REV D  | 01/03/11             | 18/09/13             |
| Proposed Sections  | I538(PL)305        | 01/01/11             | 08/07/13             |
| Proposed Roof Plan   | I538(PL)306 REV B  | 01/01/11             | 18/09/13             |
| Proposed Service Yard Plan   | I538(PL)307 REV C  | 01/01/11             | 18/09/13             |
| Proposed Boundary & Surface Treatments                             | I538(PL)308 REV D  | 01/01/11             | 18/09/13             |
| Proposed ATM   | I538(PL)309        | 01/02/11             | 08/07/13             |
| Proposed Trolley Bay   | I538(PL)310        | 01/01/11             | 08/07/13             |
| Proposed Cycle Rack Details  | I538(PL)311        | 01/02/11             | 08/07/13             |
| Proposed Potential Public Realm Enhancements (Indicative)          | I538(PL)312 REV A  | 01/01/11             | 29/03/12             |
| Proposed Sections Around Existing Buildings                        | I538(PL)314 REV B  | 01/03/11             | 08/07/13             |
| Context Sections   | I538(PL)315 REV B  | 01/03/11             | 20/09/13             |
| Demolition Plan  | I538(PL)390        | 01/01/11             | 08/07/13             |
| Proposed Landscape Layout (Indicative)                             | I594 NO.L01 REV F  | 21/09/09             | 29/03/12             |
| Proposed Landscape Layout with Grampian Road Frontage (Indicative) | I594 NO. L02 REV A | 28/03/12             | 29/03/12             |
| Tree Survey  | I594 NO. S01 REV A | 25/11/09             | 05/07/11             |
| Tree Survey Proportion of Native/Non Native Trees                  | I594 NO. S02       | 31/08/10             | 05/07/11             |
| Landscape Design Statement   | I594               | 23/01/12             | 29/03/12             |
| Recycling Centre Typical   | E07.01.01 REV A    | 01/01/01             | 05/07/11             |

|   |                |          |          |
|---|----------------|----------|----------|
| Layout  |                |          |          |
| External Works Drainage Layout  | I1060 REV B    | 08/10/13 | 20/09/13 |
| Compensatory Flood Storage Assessment Report - MNV Consulting Version 3 | GOOD001/1727V3 | 06/02/13 | 20/09/13 |
| Flood Risk Assessment Report - MNV Consulting Version 4                 | GOOD001/1715   | 19/12/12 | 20/09/13 |
| Flood Estimation Record - MNV Consulting Version 2                      | GOOD001/1670   | 19/12/12 | 20/09/13 |

\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.

Subject to compliance with the following condition(s):

- 1 The development to which this permission relates must be begun within three years from the date of this permission.

### **Construction Stage**

- 2 The normal working hours within the site shall be Monday - Friday between 0700hours and 1800hours and on Saturdays between 0800hours and 1300hours, with no work being carried out on public holidays or Sundays unless otherwise agreed in writing by the CNPA acting as Planning Authority.
- 3 Prior to the commencement of the development detailed proposals to cover the following points shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with Highland Council Environmental Health. Works shall be carried out in accordance with the approved proposals.
  - The applicant shall indicate a range of measures to avoid nuisance to neighbouring residents caused by dust which arises from operations carried out in connection with this planning consent.
  - The applicant shall follow best practice and best management techniques in this regard.
  - In mitigating the effects of noise the applicant is advised to follow the guidance contained within BS5228: Part 1 1997 - Noise and Vibration Control on Construction and Open Sites.

- The applicant shall inform all neighbouring residents who are likely to be affected by the construction works of the proposed timescales and the intended site operations. The applicant/developer shall appoint a person responsible for dealing with complaints and provide a contact telephone number to neighbouring residents. The CNPA shall be notified of this person and their contact details prior to the commencement of development.
- 4 Prior to the commencement of development, a detailed construction method statement shall be submitted to and approved by the CNPA acting as Planning Authority. The statement shall include details of temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS scheme. The method statement shall cover the following:
- Surface water run-off- including measures to prevent erosion, sedimentation or discoloration of controlled waters should be provided along with monitoring proposals and contingency plans;
  - Timing of works to be undertaken to avoid periods of high rainfall
  - Fuels or chemicals- measures to ensure any fuels/chemicals from plant do not cause pollution
  - Landscaping works to minimise run-off
  - All waste streams associated with the works shall be identified.
- 5 Prior to the commencement of development a detailed Construction Management and Traffic Method Statement shall be submitted for the agreement and written approval of the CNPA acting as Planning Authority. The Statements shall include details of:
- Construction traffic and construction traffic parking arrangements
  - All site compounds and associated structures
  - Areas of storage of building materials and associated off-loading points
  - Removal of site materials
  - Full details of any flood lighting for working practices including locations and times of use.

All works shall be carried out in accordance with the agreed statements to the satisfaction of the CNPA acting as Planning Authority. All vehicles relating to the construction works and construction workers shall be parked within the application site.

## Operational Amenity Protection

- 6 Prior to the commencement of this development, a noise impact assessment requires to be carried out by the applicant and submitted for approval by the CNPA acting as Planning Authority in consultation with Highland Council Environmental Health. All measurements and calculations within the noise assessment require to be carried out by an acoustic consultant or other suitably competent person.

The following should form the basis of such an assessment:-

### Description of the development

- A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same.
- A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate.

### Current Ambient Noise Levels and Background Noise

- A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations, neighbouring the proposed site. (Carried out in accordance with BS4142:1997)

### Predicted Noise levels

- A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development.

### Assessment

- An assessment of the predicted noise levels.

### General

- The report should include a detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations.
- The report should have appended to it, the raw data and equations used in the calculation of predicted noise levels.

- 7 There shall be no vehicle deliveries to the store outside the hours of 0700hours and 2200hours. Any delivery outwith this time shall only be carried out with prior approval of the CNPA acting Planning Authority.
- 8 Hours of opening shall be 0700hrs to 23:00hrs Monday to Saturday and 0900hrs to 2100hrs on Sundays. No change to the opening hours shall occur without the prior written approval of the CNPA acting as Planning Authority.
- 9 The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with Noise Rating Curve 25 when measured and/or calculated within any nearby noise sensitive dwelling, and that no structure borne vibration is perceptible within any nearby noise sensitive dwelling.

## **Site Infrastructure**

- 10 Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for adequate arrangements for segregation, storage and collection and management of residential, business and commercial waste from this use shall be submitted to and approved by the CNPA acting as Planning Authority. The scheme shall be carried out and thereafter retained at all times.
- 11 A lighting plan for the entire site shall be submitted to and approved in writing by the CNPA acting as Planning Authority in consultation with Highland Council Environmental Health and Area Lighting Engineer. No additional lighting outside of that agreed by the CNPA shall be erected on the building/site without prior written approval of the CNPA acting as Planning Authority.
- 12 Prior to commencement of development samples of all external materials for the building ( including trolley parks, bridge, bus stop and passive roof vents) and all materials for external floor finishes at the site shall be submitted to and approved by the CNPA acting as Planning Authority. Development shall be carried out in accordance with the approved samples.
- 13 Prior to the commencement of development a statement shall be submitted to and approved by the CNPA acting as Planning Authority setting out what local material will be used in the construction of the supermarket hereby approved.
- 14 Prior to the commencement of the development hereby approved full details of the pedestrian footbridge over the Aviemore Burn indicated on the proposed site layout plan Drawing No I538(PL)303 shall be submitted to and approved by the CNPA in consultation with SEPA and Highland Council Area Roads. The bridge shall be in place prior to the first opening of the store.

## **Landscape and Trees**

- 15 Notwithstanding the details of the submitted landscape plan and prior to the commencement of the development hereby approved a revised landscaping plan shall be submitted to and approved in writing by the CNPA acting as Planning Authority. The Plan shall address the comments of the CNPA Landscape Officer and Highland Council Forestry Officer, both of which are attached to this decision notice. The plan shall also include details on phasing of landscaping and future maintenance. Landscaping shall be completed during the planting season immediately following the commencement of the development or other such date as may be agreed in writing with the CNPA acting as Planning Authority which shall be implemented prior to the construction of any approved development. Any planting which within a period of 5 years from the completion of the development, in the opinion of the CNPA acting as Planning Authority is dying being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted.

- 16 No development shall commence until a tree protection plan specifically indicating all trees to be retained with methods to protect them shall be submitted to and approved by the CNPA acting as Planning Authority. Trees shown for retention on the approved plan shall be protected by chestnut paling fencing erected around the extremities of the crowns of these trees to the satisfaction of the CNPA acting as Planning Authority and in accordance with BS5837, Trees in Relation to Construction. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the prior written consent of the CNPA acting as Planning Authority and no fires shall be started in a position where flames could extend within 5 metres of foliage, branches or trunks.
- 17 Notwithstanding the details submitted with the application a drawing detailing the landscaping proposals for the area between the car park and Grampian Road together with specifications and costings for the work shall be submitted for approval to the CNPA acting as Planning Authority in consultation with Highland Council TEC Services. These plans shall ensure that a safe and direct route for pedestrians and cyclists will be available between Grampian Road and the main entrance to the store and shall ensure that the layout does not prejudice the ability of the Cairngorms Farmers Market to use the public open space fronting Grampian Road. The agreed plan shall be implemented within 12 months of the store opening. Should the applicant fail to carry out these works a financial contribution equivalent to the cost of the works and specifications on the agreed plan shall be provided to the CNPA acting as Planning Authority.

### **Ecology / Environmental Protection**

- 18 Prior to the commencement of the development hereby approved detailed and costed proposals of compensatory habitat including a pond and translocation of invertebrate species from the existing pond at the site to a recipient pond or ponds shall be submitted to and approved in writing by the CNPA acting as Planning Authority. The measures in the detailed proposals shall be fully implemented prior to the first opening of the supermarket hereby approved. Should the applicant demonstrate to the CNPA acting as Planning Authority that the approved proposals cannot be implemented in practical terms a financial contribution equivalent to the cost of the approved measures shall be provided to the CNPA prior to the removal of the pond.
- 19 Prior to the supermarket being brought into use bat and bird boxes in positions to be agreed by the CNPA acting as Planning Authority shall be located at the site and retained thereafter in line with the submitted Ecological Enhancement Statement.
- 20 Immediately prior to any felling taking place at the site a repeat red squirrel survey shall be carried out and a report submitted to the CNPA acting as Planning Authority.
- 21 At least two months prior to the commencement of any works, a full site specific environmental management plan (EMP) shall be submitted for the written approval of the CNPA acting as Planning Authority in consultation with SEPA. All work shall be carried out in accordance with the approved plan.



## **Retail Floorspace Restriction**

- 22 The retail development hereby approved is limited to Class I: Retail under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The trading floor of the store shall be on a single storey. A minimum of 75% of the trading floor area of the supermarket hereby approved shall be exclusively for the sale of convenience goods. The remaining 25% of the trading floor area may in addition to convenience goods sell a range of comparison goods. No single range of comparison goods shall occupy more than 25% of the trading floor area devoted to the sale and display of comparison goods and no sub-division of the unit is allowed to form separate retail stores.

## **Access, Roads and Transport**

- 23 Detailed proposals for pedestrian access to the site including proposals for pedestrian crossings on Grampian Road and the northern link road shall be submitted for the approval of the CNPA acting as Planning Authority in consultation with Area Roads. The approved measures shall be put in place prior to the development first being brought into use.
- 24 Prior to the commencement of development a dimensioned car park layout and parking management plan shall be submitted for the approval of the CNPA acting as Planning Authority in consultation with the Area Roads Authority. The car park layout shall be constructed and maintained thereafter in accordance with the approved plan.
- 25 The development hereby approved shall not be put into use until all parking and turning areas have been provided and surfaced in accordance with details subsequently approved and shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.
- 26 The developer shall meet the costs of introducing any formal parking restrictions deemed necessary to maintain the safety and free flow of traffic on the public roads surrounding the site.
- 27 Prior to opening of the store a suitable Travel Plan shall be prepared for the approval of the CNPA acting as Planning Authority. The Travel Plan shall accord with the requirements of the Travel Plan Framework in the submitted Transport Assessment; including the appointment of a suitable Travel Plan Co-ordinator and the introduction of measures to ensure effective monitoring, review and marketing of the plan. All measures shall be implemented within 12 months of the first opening of the store unless otherwise agreed.
- 28 Prior to opening of the store a bus stop and real-time enabled shelter meeting Highland Council's specification shall be provided for northbound bus services at an agreed location on Grampian Road. This shall include a real-time screen with up to date timetable information shall be provided within the store. The annual maintenance costs of the screen shall be met by the developer.

- 29 Visibility splays shall be provided and maintained on each side of each road junction. These splays are the triangles of ground bounded by the first x metres along the centreline of the minor road (the x dimension) and the nearside edge of the main road (the y dimension) measured in either direction from the intersection with the access road.
- At the junction of the main access road and the Aviemore Highland Resort North Link road, visibility splays of 4.5 metres x 70 metres shall be provided and maintained.
  - At internal road junctions, visibility splays of metres 4.5 metres x 30 metres shall be provided and maintained.
  - Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.05 metres positioned at the x dimension and an object height of 0.6 metres anywhere along the y dimension.

### **Land Contamination**

- 30 Prior to the commencement of development on site an assessment shall be made of the site for potential land contamination in accordance with BS10175:2001. Any contamination found on the site shall be dealt with in accordance with the aforementioned guidance and to the satisfaction of the CNPA acting as Planning Authority in consultation with Highland Council Scientific Officers.
- 31 All drainage measures shall accord with SUDS principles and satisfy the respective requirements of SEPA, Scottish Water and Highland Council. Appropriate design and check certification shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with Highland Council TEC Services.

### **Other Conditions**

- 32 Prior to the opening of the store details of the content and design of environmental interpretation information to be located at the site shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. Thereafter the material shall be provided on site in accordance with the approved details within 6 months of the store opening.
- 33 Prior to work starting on the construction of the building hereby approved details of the environmental performance and Design Statement, shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority .

- 34 Before the store hereby approved opens to the public a sales floor plan shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. This plan shall show the delineation between the comparison and convenience goods, and further sales floor plans may be requested by the Cairngorms National Park Authority as required.
- 35 The landscape and buffer zone shall be maintained in accordance with the approved details with an annual monitoring and maintenance report to be submitted to and approved by the Cairngorms National Park acting as Planning Authority throughout the lifetime of the development unless an alternative time scale is agreed in writing. Any remedial landscaping and maintenance works identified in the report shall be implemented in the first planting season following agreement of the report.
- 36 No work shall commence on site until a site specific environmental management plan (EMP) is submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA and SNH. This plan to include details of the working practises to be followed to ensure no sedimentation of watercourses. The construction shall thereafter be carried out in accordance with the approved plan.
- 37 That the development hereby approved shall not be occupied unless all works to provide compensatory flood storage have been completed in accordance with the approved scheme:
- The development proceeds as per the layout shown in drawing number I538(PL)303 Rev H 'proposed site layout' to ensure that the compensatory storage arrangements required can be implemented;
  - The compensatory storage arrangements outlined in the report 'Compensatory Flood Storage Assessment' version 3 by MNV Consulting Ltd dated February 2013 are implemented in full. This will include landscaping of areas shown shaded on drawing number I1060/500/RevB by Goodson Associates entitled External Works Drainage Layout.
  - The areas of compensatory storage are created prior to landraising of areas within the functional floodplain to ensure there is no short-term loss of floodplain capacity during the construction phase.

The National Park Authority's reasons for imposing these conditions are:

- 1 To comply with Section 58 of the Town and Country (Planning) Scotland Act 1997 or as amended by the Planning etc. Scotland Act 2006.
- 2 To protect the amenity of neighbours during construction.
- 3 To protect the amenity of neighbouring residents during construction.
- 4 In the interests of protecting the environment.

- 5 In the interests of the safety and amenity of existing residents and neighbouring businesses.
- 6 To protect the amenity of neighbours during the operation of the store.
- 7 To protect the amenity of neighbours during the operation of the store.
- 8 In the interests of protecting neighbouring amenity.
- 9 To protect the amenity of neighbours during the operation of the store.
- 10 To ensure that adequate bin storage is available at the site.
- 11 In the interests of ensuring adequate lighting while preventing light pollution to neighbouring premises.
- 12 In the interests of the appearance of the building and visual amenity of the wider area.
- 13 In the interests of sustainability.
- 14 To encourage pedestrian access to the store from the new housing development to the west of the site.
- 15 To ensure a satisfactory scheme of landscaping which will help assimilate the development into its surroundings and to ensure that proposals accord with Policy 6 Landscape of the CNP Local Plan.
- 16 To ensure trees marked for retention are protected and retained.
- 17 In the interests of providing an enhanced landscape setting and to improve the landscape of the wider area.
- 18 To ensure that that the proposal complies with Policy 5 Biodiversity of the CNP Local Plan.
- 19 To enhance Biodiversity at the site in line with Policy 5 Biodiversity of the CNP Local Plan.
- 20 To provide an up to date survey to inform any potential requirement for a licence from SNH.
- 21 To control potential pollution of air land and water.

- 22 In order to retain an element of control over the non-food goods on sale, and therefore the impact of the supermarket on the vitality and viability of the retail offer in Aviemore and nearby settlements.
- 23 In the interests of securing proper pedestrian access to the site.
- 24 To ensure that the car park and layout is appropriate and retained as such.
- 25 To ensure that appropriate access and parking is available to the building prior to it being brought into use.
- 26 In the interests of preventing inappropriate parking around the site.
- 27 To promote a range of sustainable travel options to the store.
- 28 To provide appropriate public transport options from the site.
- 29 In the interests of ensuring appropriate visibility.
- 30 To ensure that any contaminated material is dealt with in an appropriate manner.
- 31 To ensure adequate drainage measures are implemented at the site.
- 32 In order to provide environmental information for visitors and residents in accordance with Local and National park planning policies.
- 33 To ensure that the development complies with Local Plan policies on sustainable design.
- 34 In the interests of effective planning control.
- 35 In the interests of maintain and retaining an enhanced landscape setting and to improve the landscape of the wider area.
- 36 To ensure there is no environmental damage in accordance with local plan policies.
- 37 In order to ensure a suitable scheme of compensatory flood is implemented on site in order to minimise any loss of floodplain storage as a result of the development in accordance with local plan policies on flooding.

## **Variations: None**

### **Section 75 Obligation:**

An obligation in terms of Section 75 of the 1997 Planning Act relates to this development. The terms of the Section 75 are as follows:

- Developer Contribution

The full Section 75 Obligation can be inspected at the local planning office.

- Reason(s) for approval**
1. The proposal is considered to accord with the aims of the Cairngorms National Park.
  2. The proposal complies with the relevant provisions of the development plan and there are no material considerations that indicate otherwise.

### **Advice Notes:**

1. The applicant shall agree the full details of any works within or alongside any adopted public roads with Highland Council, as local roads authority, in consultation with the planning authority. All such works will require the prior permission of the roads authority in the form of Road Construction Consent or Road Opening Permit.
2. The development shall be free from the adverse effects of a 1 in 200 years flood event and shall not increase flood risk to any properties above or below the application site.
3. This development has been approved subject to signature of a Section 75 legal agreement which should be read in conjunction with the term and conditions of this decision notice.

### **Informatives:**

1. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended, pursuant to Section 27A(1) of the Town & Country Planning (Scotland) Act 1997.

2. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town & Country Planning (Scotland) Act 1997.

**Dated: 22 January 2014**

**Simon Harrison – Head of Planning**

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

**THIS IS A LEGAL DOCUMENT -  
PLEASE RETAIN WITH YOUR TITLE DEEDS**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED  
BY THE PLANNING ETC (SCOTLAND) ACT 2006  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (SCOTLAND) REGULATIONS 2008**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## **NOTES**

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that the mains water, drainage or other public services are, or will be available: or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.



## **NOTICE OF REQUIREMENT FOR NOTICES**

### **Notification of Initiation of Development**

The person who intends to implement the development must inform the CNPA acting as Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town & Country Planning Act 1997 and the CNPA acting as Planning Authority may take enforcement action.

The permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the CNPA acting as Planning Authority or seek professional advice. If you do not comply fully with the conditions the CNPA acting as Planning Authority may serve a Breach of Condition Notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

### **Notification of Completion of Development**

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the CNPA acting as Planning Authority using the enclosed Notice of Completion.

Please note, the CNPA acting as Planning Authority may take enforcement action where such notice is not given.

**PLEASE NOTE –  
THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR  
REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY OTHER  
LEGISLATION**