



**IMPORTANT – THIS COMMUNICATION AFFECTS THIS PROPERTY AND HAS IMMEDIATE EFFECT. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE MAY RESULT IN PROSECUTION**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED BY THE PLANNING ETC. (SCOTLAND) ACT 2006)**

**TEMPORARY STOP NOTICE**

**REFERENCE NUMBER: ED2019/0043/ENF**

**PLANNING PERMISSION REFERENCE NUMBER: TP/ED/16/0466**

**ISSUED BY: East Dunbartonshire Council**

**DATE AND TIME OF DISPLAY: 7 May 2019 at 13:00**

**WHEREAS:**

1. In respect of development on land known as **Broadcroft Road, Kirkintilloch** as identified and delineated in red on the Location Plan, noted as such, and attached and annexed to this Notice.
2. East Dunbartonshire Council, being the planning authority for the land identified above and to which this notice relates, considers that:
  - (a) There has been a breach of planning control under section 123(1)(b) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 at the land described above.
  - (b) That the said breach of planning control consists of the engagement in the activity which is described in **Schedule 1** to this Notice; and,
  - (c) That for the reasons set out in **Schedule 2** to this Notice it is expedient that the said activity is stopped with immediate effect.
3. **NOTICE IS HEREBY** given that as of the time and date recorded above, being the time and date of display of this Notice, East Dunbartonshire Council, in exercise of its powers in

accordance with Section 144A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 now prohibit the carrying out of the activities specified in **Schedule 1** to this notice with immediate effect.

4. **After this Notice has taken effect it is an offence under section 144C of the said Act for any person to either; carry out the specified activity/activities or to permit others to carry out the activity/activities identified in Schedule 1. Section 144C “Temporary stop notices: offences” is set out in Schedule 3 of this notice.**
  
5. Unless it is otherwise **withdrawn** by East Dunbartonshire Council, this notice shall remain in effect until 4 June 2019 at 13:00.

Signed: *Heather Holland*

Dated: 7 May 2019

Heather Holland  
**Executive Officer – Land Planning & Development**

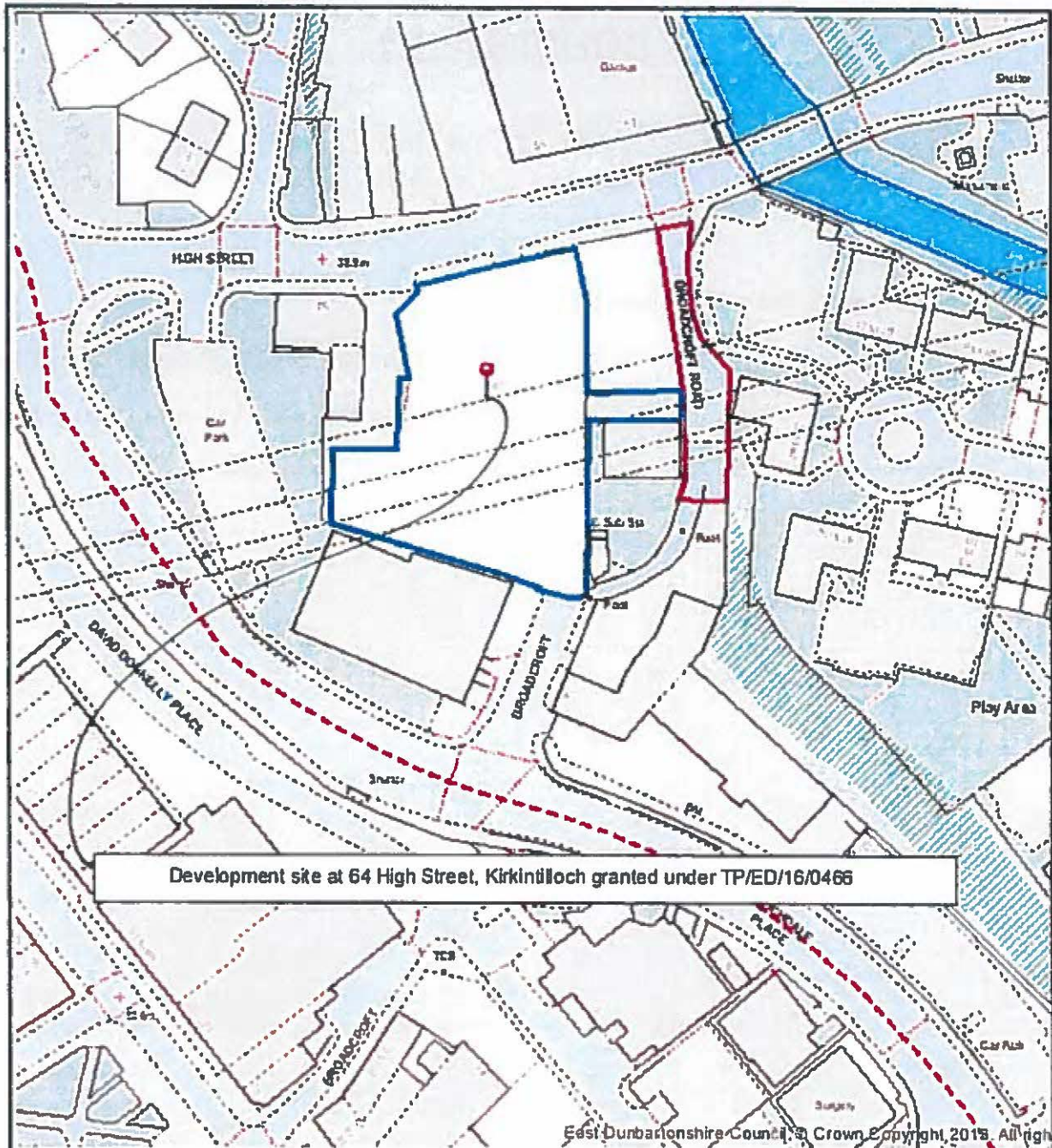
On behalf of: **East Dunbartonshire Council**  
Place, Neighbourhood and Corporate Assets  
Southbank House  
Strathkelvin Place  
Kirkintilloch  
East Dunbartonshire  
G66 1XQ

**If you require any further information in respect of this Notice please contact:**

**Mr Max Wilson (Acting Development Applications Manager)**  
East Dunbartonshire Council  
Place, Neighbourhood and Corporate Assets  
Southbank House  
Strathkelvin Place  
Kirkintilloch  
East Dunbartonshire  
G66 1XQ

Tel: 0141 578 8637

# LOCATION PLAN



This is the Location Plan referred to in the foregoing Temporary Stop Notice in accordance with the terms of Section 144A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 relating to the land known as Broadcroft Road, Kirkintilloch as identified and delineated in red.

Signed: *Heather Holland*

Dated: 7 May 2019

Heather Holland, Executive Officer – Land Planning & Development, on behalf of East Dunbartonshire Council, Place, Neighbourhood and Corporate Assets, Southbank House, Strathkelvin Place, Kirkintilloch, G66 1XQ.

## **SCHEDULE 1**

**DESCRIPTION OF ACTIVITY/ACTIVITIES OF THE BREACH OF  
PLANNING CONTROL REFERRED TO IN THIS NOTICE**

The activities to which this notice relates comprise of:

1. The unauthorised arrival of vehicles to the development site at 64 High Street, Kirkintilloch by way of Broadcroft Road, Kirkintilloch, and
2. The unauthorised departure of vehicles from the development site at 64 High Street, Kirkintilloch by way of Broadcroft Road, Kirkintilloch.
3. The unauthorised parking of vehicles at Broadcroft Road, Kirkintilloch.

## **SCHEDULE 2**

### **REASONS FOR ISSUING THE TEMPORARY STOP NOTICE**

East Dunbartonshire Council's reasons for issuing this notice are:

1. It is the Council's view that the unauthorised use of Broadcroft Road, Kirkintilloch as an access route for vehicles entering and exiting the adjacent development site at 64 High Street, Kirkintilloch as outlined in **Schedule 1** is contrary to the requirements of the Construction Methodology Statement approved in accordance with Condition 2 of the Full Planning Permission granted on 14 February 2017 under TP/ED/16/0466 for this development.

The Construction Methodology Statement states that:

- "all construction/delivery vehicles will use the main route to the A803 Glasgow Road/Kilsyth Road; via Eastside, via High Street, Kirkintilloch, turning left onto the site"
- "all construction/delivery vehicles when leaving the site will turn left onto High Street then onto the A806 New Lairdsland Road, Kirkintilloch", and
- "all vehicles must turn left into and out of site"

2. It is the Council's view that the unauthorised use of Broadcroft Road, Kirkintilloch as an access route for vehicles entering and exiting the adjacent development site at 64 High Street, Kirkintilloch as outlined in **Schedule 1** is having an adverse impact on road safety, public safety and the amenity of the area.

Broadcroft Road is well-used as a route by pedestrians going to and from Kirkintilloch Town Centre. There is a lack of footways on this route and the existing partial footway is substandard. This lack of footway infrastructure forces pedestrians to walk on the road/carrage-way in Broadcroft Road. Given the likelihood of conflict between vehicles and pedestrians, the use of Broadcroft Road by construction related vehicles is not considered acceptable.

## **SCHEDULE 3**

### **EXTRACTS OF RELEVANT LEGISLATION FOR THOSE IN RECEIPT OF A TEMPORARY STOP NOTICE**

#### **Relevant Legislation**

A copy of Sections 144A, 144B, 144C and 144D of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 is below.

#### **144A Temporary stop notices**

- (1) If a planning authority consider that—
  - (a) there has been a breach of planning control in relation to any land,
  - (b) the breach consists in engagement in an activity, and
  - (c) it is expedient that the activity (or any part of the activity) is stopped immediately,they may issue a temporary stop notice.
- (2) The notice must be in writing and must—
  - (a) specify the activity in question,
  - (b) prohibit engagement in the activity (or in so much of the activity as is specified in the notice), and
  - (c) set out the authority's reasons for issuing the notice.
- (3) A temporary stop notice may be served on any of the following—
  - (a) a person who appears to the authority to be engaged in the activity,
  - (b) a person who appears to the authority to have an interest in the land (whether as owner or occupier or otherwise).
- (4) The authority must display on the land—
  - (a) a copy of the notice, and
  - (b) a statement as to the effect of section 144C.
- (5) A temporary stop notice has effect from the time a copy of it is first displayed in pursuance of subsection (4).
- (6) A temporary stop notice ceases to have effect at the end of the period of 28 days starting on the day the copy notice is so displayed.
- (7) Except that if a shorter period starting on that day is specified in the notice, the notice instead ceases to have effect at the end of that shorter period.
- (8) And if the notice is withdrawn by the authority before that period of 28 days, or as the case may be that shorter period, expires the notice ceases to have effect on being so withdrawn.

#### **144B Temporary stop notices: restrictions**

- (1) A temporary stop notice does not prohibit—
  - (a) the use of a building as a dwellinghouse, or
  - (b) engagement in an activity (either or both)—
    - (i) of such description,
    - (ii) in such circumstances,as may be prescribed.
- (2) A temporary stop notice does not prohibit engagement in any activity which has been engaged in (whether continuously or not) for a period of more than 4 years ending with the day on which a copy of the notice is first displayed in pursuance of section 144A(4).
- (3) But subsection (2) does not prevent a temporary stop notice prohibiting—
  - (a) activity consisting in, or incidental to, building, engineering, mining or other operations, or
  - (b) the deposit of refuse or waste materials.
- (4) For the purposes of subsection (2), any period during which the activity in question is authorised by planning permission is to be ignored.
- (5) A second or subsequent temporary stop notice must not be issued in respect of the same activity unless the planning authority have in the meantime taken some other enforcement action in relation to the breach of planning control which is constituted by the activity.
- (6) In subsection (5), “enforcement action” includes obtaining the grant of an interdict under section 146(2).

#### **144C Temporary stop notices: offences**

- (1) A person is guilty of an offence if he contravenes a temporary stop notice—
  - (a) which has been served on him, or
  - (b) a copy of which has been displayed in pursuance of section 144A(4).
- (2) Contravention of a temporary stop notice includes causing or permitting the contravention of it.
- (3) An offence under this section may be charged by reference to a day or to a period longer than a day.
- (4) A person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different days or different periods.
- (5) It is a defence in any proceedings under this section that—
  - (a) the temporary stop notice was not served on the accused, and
  - (b) he did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable—
  - (a) on summary conviction, to a fine not exceeding £20,000,
  - (b) on conviction on indictment, to a fine.
- (7) In determining the amount of the fine, the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the activity which constituted the offence.

**144D Temporary stop notices: compensation**

- (1) A person who, as at the date on which a temporary stop notice is first displayed in pursuance of section 144A(4), has an interest (whether as owner or occupier or otherwise) in the land to which the notice relates is entitled to be compensated by the planning authority in respect of any loss or damage directly attributable to the prohibition effected by that notice.
- (2) But subsection (1) applies only if the circumstances are as set out in at least one of the following paragraphs—
  - (a) the activity which is specified in the notice is authorised by planning permission granted on or before the date mentioned in that subsection,
  - (b) a certificate in respect of the activity is issued under section 150 or granted under that section by virtue of section 154,
  - (c) the authority withdraws the notice other than following such grant of planning permission as is mentioned in paragraph (a).
- (3) Subsections (3) to (7) of section 143 apply to compensation payable under this section as they apply to compensation payable under that section; and for the purpose of that application references in those subsections to a stop notice are to be taken to be references to a temporary stop notice.