

11 MAR 1999

gk/notice/dentonfell

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

**BREACH OF CONDITION NOTICE -
SECTION 187 TOWN AND COUNTRY PLANNING ACT 1990**

Issued by: CUMBRIA COUNTY COUNCIL

1. This is a formal Notice which is issued by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described below, has not been complied with. They consider that you should be required to comply with the condition specified in this Notice.

2. **The land affected by the Notice**

Land at Denton Fell Opencast Coal Site shown edged in red on the attached plan.

3. **The relevant planning permission**

The relevant planning permission to which this Notice relates is the permission granted by the Council on 8 February 1990 for extraction of coal by opencast methods and restoration to woodland, lake and nature conservation areas. Council's reference number 1/89/0866.

4. **The breach of condition**

The following condition has not been complied with -

- (1) Condition number 25: Failure to arrange for annual aftercare meetings to be held with the County Planning Officer's representatives and other interested parties during the 5 year aftercare period and failure to supply one month before each aftercare meeting written details of aftercare measures which have been conducted in the previous year.

5. **What you are required to do**

As the person responsible for the breaches of condition specified in paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps -

- (1) Beginning with the date of service of this Notice immediately to take positive steps to ensure that an annual aftercare meeting is held with the County Planning Officer's representatives and other interested parties on or before Wednesday 24 March 1999; and

- (2) To deliver to the County Planning Officer on or before Monday 22 March 1999 written details of the aftercare measures which have been conducted in the period of twelve months immediately proceeding the date of such delivery.

Time for compliance: In relation to sub-paragraph 1 above 30 days beginning with the day on which this Notice is served on you and in relation to sub-paragraph 2 above 28 days beginning with the day on which this Notice is served on you.

6. When this Notice takes effect

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

Dated: 19 February 1999

Signed: B WALKER

On behalf of: CUMBRIA COUNTY COUNCIL

Warning

There is no right of appeal against this Notice.

It is an offence to contravene the requirements stated in paragraph 5 of this Notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this Notice requires you to do, you should get in touch *immediately* with Mr Kean at The Courts English Street Carlisle CA3 8LZ Telephone 01228 607364.

If you need independent advice about this Notice, you are advised to contact urgently a lawyer, planning consultant or other 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 High Court 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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DENTON FELL
OPENCAST COAL SITE

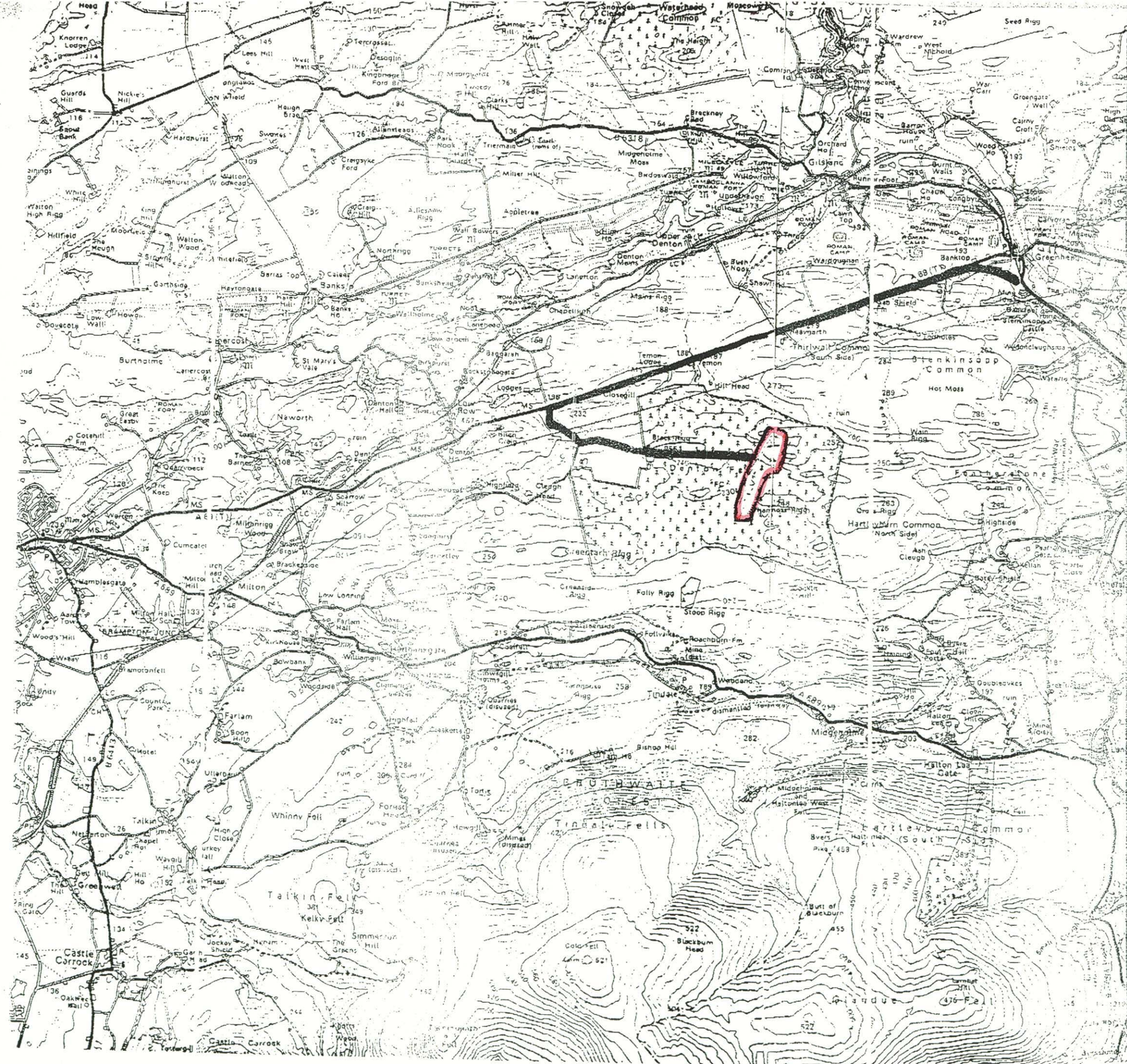
LOCATION PLAN



SITE



COAL HAULAGE
ROUTE



1/89/0866

AGL
1/89/0866

Scale	Date	Drawn
1:50,000	AUG 89	BC
Crawing Number	Revisions	
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