6   NEW ROADS - FAILURE TO COMPLY WITH CONDITIONS OF ROAD CONSTRUCTION CONSENT - NEW ROAD AT SOUTH VICTORIA DOCK ROAD, CITY QUAY PHASE 4, DUNDEE (CC07/15) AND THORTER NEUK - CITY QUAY PHASE 5A, DUNDEE (CC07/17) (AN154-2010)

FM City Quay Dundee Ltd was granted road construction consent for the above sites on 13th August, 2007. A condition attached to these consents gives the developer three years to complete the road to the required standard.

FM City Quay Dundee Ltd has gone into administration and is therefore unable to complete the works.

Zolfo Cooper was appointed as administrators on behalf of FM City Quay Dundee Ltd and a letter was sent to them on 10th September, 2010 requesting an indication of when the works would be completed. At the time of writing this agenda note no response has been received.

In terms of Section 21(5) of the Roads (Scotland) Act 1984 where a condition of a road construction consent has been contravened or not complied with, the local authority may, by notice served on the person holding the consent, require him to bring the new road into conformity with the construction consent within such reasonable period as they shall specify.

Approval is sought from Committee to serve notice on FM City Quay Dundee Ltd that if the works specified within the notice to bring the said roads in compliance with the road construction consent are not carried out within the time specified in the notice, this being 30 days from the date of the notice, Dundee City Council shall in accordance with Regulation 13 of The Security for Private Road Works (Scotland) Regulations 1985 construct the said roads in accordance with the said construction consents and thereafter call up the bonds and apply the proceeds thereof to the cost of the said works.

Approval is also sought from Committee for the instance where the developer fails to comply with the above notice, to instruct the works required on the said roads to be carried out and call up the road bonds to apply the proceeds thereof to the cost of the said works.