

7 ENFORCEMENT ACTION - MAST AT 534 STRATHMARTINE ROAD, DUNDEE (AN177-2008)

Reference is made to the information report noted by the August Development Quality Committee concerning the Reporter's decision to dismiss the Enforcement Notice appeal and uphold the Enforcement Notice but varying the timescale for compliance from 28 days to 2 calendar months. The revised Notice came into effect on the date of the appeal decision, 23 July 2008 meaning that compliance (ie the removal of the temporary mast) must take place by 23 September 2008.

Failure to comply with the Enforcement Notice would constitute an offence. Section 135 of the Act also provides that the Council may enter the land and undertake the steps required by the Enforcement Notice and thereafter to seek recovery of the expenses involved (direct action).

In the event that the Enforcement Notice is not complied with it is requested that the Committee authorises the Director of Planning and Transportation in consultation with the Depute Chief Executive (Support Services) to undertake enforcement proceedings from the options outlined above as may be most appropriate in the circumstances.