

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

9 NOVEMBER 2000

**SUBJECT: ENFORCEMENT ACTION
GLEN CLOVA, ANGUS**

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report presents the circumstances relative to a recommendation to take enforcement action in relation to extensive excavation/engineering works on agricultural land resulting in the formation of a loch within Glen Clova, Angus.

1 RECOMMENDATION

It is recommended that the Committee agree to enforcement action being taken in respect of extensive excavation/engineering works on agricultural land resulting in the formation of a loch within Glen Clova, Angus.

2 INTRODUCTION

- 2.1 The land in question lies immediately north of the B955 road and is midway between Inchdowrie House and the Clova Hotel.
- 2.2 These works were instigated by a Mr H Niven, Pitlivie Farm, Carnoustie, the owner of the Clova Hotel and land within the glen and the nearby Glen Doll.

3 CASE HISTORY

- 3.1 On 6 September 2000 it was noted that three earth moving machines were in the process of carrying out extensive excavations and building banks on the perimeters of the work.
- 3.2 Mr Niven was contacted when it was pointed out that such works required to be authorised by planning permission. This had not been applied for and in consequence work should stop and an application submitted. This was confirmed by letter.
- 3.3 The Planning office was contacted by an agent representing Mr Niven who claimed that planning consent was not required. He was asked to put the basis of this claim in writing but was advised in the meantime that work should stop.
- 3.4 The work did not stop and the excavated area has now been flooded (being fed by a hill burn) to create a completely new feature in the glen.
- 3.5 Further repeated attempts have been made to enter into dialogue with Mr Niven and his agent but to no avail. More recently concerns have been expressed by the Director of Roads because the water level of the loch (which is in very close proximity

to the public road) is higher than the road. This has serious public safety implications should the earth bund holding back the water ever be breached.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5 CONSULTATION

5.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in the preparation of this report.

6 CONCLUSION

6.1 It has been made clear to Mr Niven that the excavation/engineering works referred to herein require to be authorised by a formal planning permission. In addition to which there may be public safety issues which require to be adequately addressed. It now appears that given his refusal to make such application or state his claim for permitted development rights, the Council is left with little option but to pursue enforcement action.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/GC/SC
1 November 2000

Alex Anderson
Director of Planning and Transport