

19th February 2018
Mr Douglas Hill
Director Of Roads
Angus Council
Angus House
Orchard Business Park
Forfar DD8 1AN



Dear Sir

Tighnduin Gardens, Monifieth

Yesterday I put a note on the access website advising that the footpath and carriageway of Tighnduin Gardens were in need of some small repairs. I was telephoned this morning by Mr J McKenzie of your office advising that he could not find our street listed on the list of public roads and could not therefore consider any repairs.

I advised him that this really surprised me as I had a letter on file from your Council stating that Tighnduin Gardens is a public road. I promised to find the letter and phone Mr McKenzie back. When I did so I advised that the letter was dated 13th April 2001, signed by the then Director of Roads Dr Bob McLellan and stated that he accepted that our street was a public road. Mr McKenzie thanked me for the information but eventually phoned back to say that the letter could not be traced in your department and would I be good enough to send a copy to you. The copy is attached.

I hope the following information may be of some assistance to you. Tighnduin Gardens is a short cul-de-sac serving three houses which were built individually by the owners in around 1976/77. We could have constructed a "leafy lane" driveway serving the three houses but as a partner in a local firm of chartered surveyors I

recommended to my neighbours that we construct the street to the adoption standard specification required by the then Dundee Local Authority. This was done and we all understood that the street would be taken over by the Local Authority once the normal one years maintenance period by the contractor had been completed. Indeed I do recollect speaking to the Dundee Authority many years ago when it was confirmed that the road and footpath had been adopted. When Monifieth was transferred to Angus Council some 20 years later in 1996 we assumed that the adoption was automatically transferred as well.

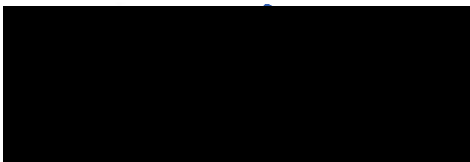
Around the end of 2000 I wrote to your Council about a problem we were having with vehicles hitting our boundary wall. Initially Dr McLellan replied advising that Tighnduin Gardens was not on the list of public roads. I replied giving much of the above information and pointed out that the street has been named, lit, cleaned and gritted as necessary by the Dundee and Angus authorities since it was constructed in 1976. I also pointed out that the street is extensively used as a turning point by the public taking children to Seaview Primary School.

Dr McLellan replied, after looking into the matter, and confirmed that he was prepared to accept that Tighnduin Gardens was a public road as you will see from his copy letter attached. I do not understand why the list of Public Roads was not amended at that time.

I am very disappointed that this matter has raised its head once again. The three owners constructed the street to the adoption specification required by the then local authority in 1976 and I did check with the local authority some time later that it had been adopted. The street has continually been named, lit, swept, gritted, repaired and cleared by both local authorities for the 40 years I and my neighbours have lived here. I assume that there has been some clerical error when Monifieth was returned to Angus Council in 1996 which resulted in the correspondence with Dr McLellan in 2001. I would much appreciate it if you could now ensure that the list of Public Roads is amended this time to include Tighnduin Gardens so that this matter is not raised again in the future.

I shall be pleased to hear from you in due course.

Yours sincerely



DAM/JMcE/TD 1.2

13 April 2001



ROADS

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Dear Mrs Milne

TIGHNDUIN GARDENS MONIFIETH

Further to my letter of 2 March 2001 regarding the above I have looked into this matter further with my Maintenance Manager. It would seem that whilst the street does not appear on the formal List of Public Roads it has been receiving formal maintenance by my Department.

As such I am prepared to accept that Tighnduin Gardens is a public road.

Notwithstanding the above, I am not quite sure what can reasonably be done to resolve the occasional situation whereby a boundary wall is damaged by turning vehicles. The symbol on the street name plate already indicates that it is a cul-de-sac and this should discourage drivers from entering who believe there is a through route.

I trust the above comments are of assistance however should you wish to discuss the matter further please contact D Munro on 01307 473395.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Dr Bob McLellan'.

Dr Bob McLellan
Director of Roads

cc Planning Department - (Jane Fox)