

ANGUS LOCAL ACCESS FORUM

Note of the Meeting of the Angus Local Access Forum held at Angus House, Orchardbank Business Park, Forfar on Monday 11 September 2017

Present: Cathy Stephenson (Chair), Gavin Dobson, James Gray-Cheape, John Hamilton, Lesley Anderson, Fiona Waddell, Patricia Harrow, Antony Gifford

In attendance: Paul Clark - Countryside Access Officer, Angus Council

Apologies: Peter Fiabane, Gill Lawrie, Barbara Thompson, Jill Paterson

1. Welcome and introductions

CS welcomed everyone to the meeting. AG offered to take notes of the meeting.

2. Minute of previous meeting

An error in the date of next meeting was noted. The minutes of 12 June 2017 were otherwise approved as a true record.

3. Matters arising

Election of a Vice Chair should be added to the current agenda, as per the minutes.

PC advised that the appointment of FW and JP was being submitted to the Council's Communities Committee for approval on 26th September.

4. Logie Estate, Kirriemuir

CS thanked GD for hosting the site visit and those who attended the visit. She reminded members of the notes PC had circulated for the benefit of those who were unable to attend, and signage suggestions that PF had circulated.

GD had experienced increased levels of public access recently, together with some inappropriate behaviour, in an area which was close to Logie House, other houses, and the walled garden. He considered that this unreasonably interfered with the privacy and peace of mind of residents, and wished to discourage access through this part of the estate. There was an alternative route available, which he had shown to Forum members on the site visit.

There was lengthy discussion of the issues, including the extent of areas which are excluded from access right on the grounds of privacy or curtilage, the quality of the alternative route, and whether existing signage may be inadvertently encouraging access to the walled garden. There was consensus that there were some areas which should certainly be regarded as private, and others where it was less clear. The question was whether the public could follow a through route without interfering with privacy. There was discussion over access past gate houses, with reference to the Scottish Outdoor Access Code and to caselaw from the Ross and Creelman cases. It was noted that people were passing closer to the former gatehouse at Logie than they were to the gatehouses in either of these cases.

There was general consensus that a sign saying 'Access to Logie House and Cottages only' was reasonable. It was suggested that signage of the alternative route could be improved, and that some pruning of branches and cutting of grass at the ends of the path would help make the route more obvious and attractive.

GD was asked whether he wanted a formal response from the LAF with their views. He did not consider it necessary at present.

5. Access issues update

Lintrathen – PC advised that the first court hearing was taking place on Friday 15th September. This was a private action and the Council was not a formal party to the proceedings.

Pitkenney – PC has investigated a report of a 'No Horses' sign. This had been raised by the responsible party who had raised concerns about horses damaging the track surface which increased maintenance costs. He did not consider this a legitimate reason to exclude horses and would continue to seek removal of the sign if necessary.

Drumgley – PC had followed up a report of potentially obstructive behaviour. The incident was on a track which led through a farmyard, where access rights do not apply, and he had received differing reports of the event. He has given advice on appropriate signage to direct people to an alternative route.

Newtyle Hill – PC advised that the owner had agreed to change 'Beware of the bull' signs to 'Bull in field', in line with current HSE guidelines. They reported on-going problems with dogs not under proper control, and PC had recommended advisory signage. There had since been problems with livestock escaping as a result of gates being left open. This had resulted in gates having to be locked.

Glenquiech – PC had received a report of a locked gate. There was a stile alongside, but this did not allow access for riders or cyclists. There was also a sign which said 'Private, Beware of Dogs'. This was on a claimed public right of way, and a location where PC also considered access right to apply. PC was seeking removal of the sign and provision of a gap alongside the gate.

Balruddery Den – PC had received a report of log barriers, which prevented access by horse riders and also made it very difficult for walkers or cyclists to use the path. The landowner advised that the barriers had been installed to prevent access by joy riders. Gaps had now been provided to enable legitimate access.

Kinnordy Loch – PC had received a report of flooding on a core path, due to beaver dams. The RSPB had taken action to reduce water levels and was monitoring the situation. AG advised that Kinnordy Estate had asked RSPB to maintain the water at a lower level.

Kirkinch – PC reminded Forum members of an issue with log barriers which had been raised last year. The landowner had agreed to widen the gap to improve access for riders. PC had recently received a further enquiry following an incident in which a horse had bolted. He had visited the site and found that the gap was 1.35 metres, with a post to mark the edge of the adjacent ditch. This was within the recommended width range for gaps to enable equestrian access. He circulated photographs. FW thought the gap looked reasonable, but couldn't be certain without seeing it herself. PC had recommend that local riders meet the landowner to explain their requirements, and had offered to facilitate a meeting if required.

Edzell – PC had received an enquiry about a new locked gate on a core path. He had visited and found that there was a 1.2 metre wide gap between the fence post and the adjacent fence. This was the minimum recommended gap for horses, but FW advised that

the barbed wire on the adjacent fence may make access difficult for riders. PC intended to discuss alterations with the owner when looking at signage of the core path.

Tullybaccart – The forestry manager had advised that they did not have a budget to install an additional self-closing gate. They confirmed that on-going maintenance of the existing gates and stile was planned for, and that they would consider installing a dog flap beside the stile.

6. Pitnappie Cutting

There were no updates.

7. Election of Vice Chair

After discussion AG volunteered to fill the role of Vice Chair, on the proviso that he could review his position in a year's time in light of other commitments.

8. A.O.C.B.

LA advised that Brechin Landward Community Council was still taking an interest in the Buskhead bridge, and hoped to set up a meeting with Millden and Dalhousie estates.

9. Date of next meeting: Monday 11 December 2017. Angus House, Orchardbank, Forfar.