

ANGUS LOCAL ACCESS FORUM

Note of the Meeting of the Angus Local Access Forum held online on Monday 13 September 2021

Present: Nick Hamilton (Chair), Euan Walker-Munro, Jonathan Dymock, John Hamilton, Irene McGugan, Andrew Matthews, Mike Strachan.

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

Apologies: Fiona Waddell, John Rymer

1. Welcome and introductions

NH welcomed everyone to the meeting.

2. Minute of Previous Meeting

The minute of 21 June 2021 was approved as a true record.

3. Scottish Forestry, roles and responsibilities

This item was brought forward to allow MS to leave the meeting afterwards. He had been unable to attend recent LAF meetings due to limited staff resources and other work pressures. He was keen to hear whether there were many forestry related access issues in Angus. The Perth and Kinross forum was dealing with a number of large new planting schemes where public access had not been adequately planned for. This was in part because consultations on proposals did not always reach access officers or the local access forum. He was encouraging agents to consult access officers at an early stage. PC advised that there had been some planting schemes in Angus where he had not received consultations. But consultations now appeared to be happening, both at the early planning stages and after applications were submitted to Scottish Forestry. He typically responded to these as access officer, but did not normally refer them to the Forum. He dealt with consultations on planning applications in the same way. There was agreement that this was appropriate, and that he could use his discretion to direct any applications of particular interest to the Forum.

MS expected the design of planting proposals not just to retain accessible routes, but to take into account factors such as views from paths, and utilise open space and native species to provide good quality access routes. EWM noted that this was different to the approach that the LAF had recently taken recently when asked for advice on a planning application that affected a core path, but the difference here was that the new forestry was being funded with public money. PC said that he takes into account the nature and purpose of a core path in his responses to consultation. Some paths are primarily used for recreation, and in this case protecting views and natural surroundings is important. Others provide functional routes from one place to another, and these factors may be less important.

4. Matters Arising

Buskhead Bridge – NH has spoken to the Glen Esk representative of Inveresk Community Council, who had outlined his understanding of matters. NH had prepared notes on the discussion, with further notes from PC. He had since had another conversation with the Community Council representative. There was discussion of the contents of the paper, including the status of the route over it as a 'claimed' public right of way, the implications of the Scottish Water pipeline, and ownership and liabilities. PC believed that the bridge, being on the boundary of two land ownerships, would be the joint responsibility of the two

landowners. And that, in the absence of any agreement that stated otherwise, the landowners were likely to be liable for the safety of the existing structure and replacement structure. JD concurred with this, and believed it was necessary for a landowner to take steps to prevent access to an unsafe structure. He also thought that landowners would be unlikely to want to take on the liability for a new structure and that a more realistic way forward might be for ownership to be transferred to another body such as the Council. PC said it was unlikely that the Council would accept responsibility for maintaining a bridge at this location. There were however community councils elsewhere who had done so. He had previously advised the community council representative that any replacement bridge would likely need to be signed off by an engineer, and that landowners would likely expect maintenance responsibilities to be clarified before agreeing to any new structure. There was agreement that it wasn't appropriate for the Forum to become directly involved in proposals to replace the bridge.

JH referred to previous mention of a possible change of ownership of one of the landholdings. It had not been possible to find the newspaper article referred to. He suggested that in future members might retain newspaper cuttings, etc., which refer to any matter which might potentially come before the forum.

Denmill – NH noted that the crop had now been harvested. PC advised that there had been no further action on the part of the Council, but that he hoped a proposed meeting may still go ahead.

Ferry Road – PC advised that he has received legal advice and that he expected the case to report to committee soon, seeking authorisation to proceed with formal enforcement measures.

Section 11 exemption, Carnoustie – PC confirmed that the Order had been confirmed by Ministers. Scottish Government staff had sought details of the Forum's response as part of their checks.

Berryhill Solar Farm – PC confirmed that he has send the Forum's response to the person who had raised the matter.

5. Access issue, Cookston Road, Brechin.

PC had circulated a paper outlining the issue, which has arisen over the summer. Locked gates and signage had been erected over a well-used route. He had agreed to seek the opinion of the Forum following a meeting with the landowner. The landowner had advised that there were issues with illegal activity associated with vehicular access, and also had concerns over conflict between public access and land management activities including spraying crops and regular cleaning of crop spraying equipment.

During discussion EWM commented that it was common for farms to have an area that was designated for cleaning spraying equipment, but this did not justify permanently restricting public access to the area. The other concerns were common to most arable land, and again not a reason to obstruct access rights. There was agreement that installing gates or barriers to prevent vehicular access was justified, but it was not reasonable to prevent people from exercising access rights. There were barrier arrangement available that could be used to stop vehicles without restricting non-motorised access.

PC thanked the Forum for their observations and confirmed that he would follow up the matter further with the landowner.

6. Access issues update

PC outlined a number of recent access issues he was investigating. These included a locked gate near Arbirlot, a locked gate in Milldewan Hill, locked gates in Glen Esk, an obstruction to a path at West Haven, and alterations to the curtilage of a house on Panmure Estate.

7. Membership and recruitment

PC advised of proposed changes to the Council's representation on the Forum, following changes to the staff structure within the planning service. This would be reported to committee in September.

There was agreement that it would be desirable to fill current vacancies on the Forum. PC confirmed that the Council would seek applications for membership via its social media channels and by direct contact with community councils.

6. A.O.C.B.

JH had been approached regarding a development in Arbroath which may affect a public right of way. PC agreed to check the planning history and contact him directly.

JH asked when the Forum could return to face to face meetings. PC advised that he did not know when Council meeting rooms would be available, but he would advise of any updates.

7. Date of next meeting : Monday 13 December 2021