

ANGUS COUNCIL

MINUTE of MEETING of the **LAND REFORM SUB-COMMITTEE** of the **COMMUNITIES COMMITTEE** held remotely on Tuesday 15 February 2022 at 10.00am.

Present: Councillors MARK SALMOND, TOMMY STEWART, SHEILA HANDS, BEN LAWRIE AND BETH WHITESIDE.

Councillor SALMOND, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

There were no apologies intimated.

With reference to Article 2 of the minute of meeting of 27 January 2022, in particular Councillor Fotheringham's declaration of interest, it was intimated that Councillor Fotheringham would not be in attendance at today's meeting.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. ACCESS DISPUTE AT 114 FERRY ROAD, MONIFIETH

With reference to Article 3 of the minute of meeting of the Sub-Committee of 27 January 2022, there was resubmitted Report No 30/22, including written submissions received from legal agents on behalf of the interested parties, by the Director of Vibrant Communities and Sustainable Growth outlining a dispute over public access at 114 Ferry Road, Monifieth.

The Report indicated that complaints had been received in the summer of 2020 regarding obstructions to public access at 114 Ferry Road, Monifieth. The Land Reform (Scotland) Act 2003 established a right of responsible access to land and the Council had a duty to uphold those access rights. Appendices 1 to 4 outlined the location plan, route details, photographs of obstructions and consideration of access rights.

The Convener outlined the procedure for the hearing.

Paul Clark, Countryside Access Officer provided a brief overview of the Report.

Scott Milne, Thorntons, legal agent on behalf of the interested parties, addressed the Sub-Committee, in response to the access dispute and also referred to the written submissions as outlined in Appendix 4 to the Report.

The Manager, Legal Team 1 and the Countryside Access Officer also responded to Mr Milne's questions in relation to sight lines, safety concerns, signage and made reference Section 6 of the Land Reform (Scotland) Act 2003. The Manager, Legal Team 1 also highlighted and referred to Sections 6, 15 and 28 of the Land Reform (Scotland) Act 2003.

Mr Milne responded to questions from Councillors Hands, Whiteside and Lawrie, and thereafter he summed up.

Having heard from Councillor Hands and Whiteside, the Sub-Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to proceed with formal enforcement procedures, including serving a notice under Section 14 of the Land Reform (Scotland) Act 2003; and
- (iii) to defend any subsequent court case in the event of the notice being appealed to the Sheriff Court and to take any additional or alternative enforcement proceedings as the Director of Legal and Democratic Services deemed appropriate.