

# ANGUS LOCAL ACCESS FORUM

Note of the Meeting of the Angus Local Access Forum held on Monday 12 September 2022

**Present:** Nick Hamilton (Chair), Irene McGugan (Vice Chair), John Hamilton, Euan Walker-Munro, Jonathan Dymock, Andrew Matthews, Clair Glaister (Scottish Forestry).

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

**Apologies:** Kelly-Ann Dempsey, Mike Strachan (Scottish Forestry)

The forum noted its condolences on the passing of Queen Elizabeth II

## 1. Minute of previous meeting

The minute of 13 June 2022 was approved as a true record.

## 2. Matters arising

Ferry Road, Monifieth – PC advised that the owner had submitted a planning application which included construction of a wall between the garden and the track, and creation of a new vehicular access to the garden from the public road. The application had not yet been determined.

Cookston Road, Brechin – PC had been in correspondence with the owner, but there had been no change to the situation.

Buskhead Bridge – JH had spoken to a local resident who had been seeking reinstatement of the bridge. That person may be writing to interested parties or seeking a meeting, to try and resurrect the project. Scotways were not currently seeking to be actively involved.

Mill of Murroes – PC had spoken to the landowner again. They believed other residents had evidence to support their claim that there were historically locked gates which would have prevented the establishment of a public right of way. PC would either be writing to other adjacent property owners, seeking information, or issuing evidence of use questionnaires more widely.

Denmill Kirriemuir – PC had attended a meeting with the landowners, along with local councillor, Julie Bell. The path was currently accessible, as the field had been levelled but was not in crop due to an issue with access to the field for farm vehicles. There was some positive discussion, but the owners remained aggrieved over the designation of the core path. Cllr Bell was aware of discussions regarding possible active travel projects around Kirriemuir, which could potentially lead to development of alternative routes. PC had agreed not to signpost the path in the meantime. NH thought this was a capitulation on the part of the Council. EWM had been approached separately, in his capacity as an NFU representative, for advice on the vehicular access issue.

### **3. Correspondence received**

Keptie Pond, Arbroath – The Forum had received a request for advice from Arbroath Scouts, who had historically used the pond kayaking and rafting. Angus Council had recently introduced management rules which prohibited boating without prior written consent. Arbroath Scouts had sought consent, which had been denied following a meeting with a senior representative or the Council and representatives of the Keptie Friends group. Keptie Friends is a local community group that has worked with the Council to improve the environment and water quality of the pond, with the aim of improving it as wildlife habitat. The request for permission was denied as, after discussion, the Council representative concluded that water access would be damaging to the wildlife interest of the pond and to aeration equipment that had been installed.

Forum members questioned the legality of the management rules, as the Land Reform (Scotland) Act 2003 established access rights under primary legislation. PC had not been party to discussions over the introduction of management rules but understood that they were legally competent. The basis of the management rules was set out in the relevant committee reports. AM had some sympathies with the concerns of the Keptie Friends group given the significant work they had put in to improving the environs of the pond, its small size, and the difficulties of managing irresponsible access if one group were seen to be taking access. But he also had sympathy with the Scouts' desire to take access and questioned whether it was appropriate or legally competent to restrict access to responsible access takers. This shouldn't be an alternative to tackling the behaviour of those who may take access irresponsibly. EWM thought it was likely that the work of the Keptie Friends was saving the Council money and that the Council's decision was influenced by a desire not to alienate the group. He suggested that engagement with a local councillor might be appropriate. JD questioned whether there was adequate justification to deny access. The landowner's chosen management aims were not generally justification for restricting people's access rights. There were many other land managers who, given the opportunity, would prefer to give management aims such as wildlife protection priority over public access. After further discussion, NH agreed to draft a response.

### **4. Woodland creation consultation**

The Forum had been consulted on two potential large scale woodland creation schemes.

Glen Clova – This proposal was entirely within Cairngorms National Park, but partly followed the boundary between the national park and the remainder of Angus. PC understood that the agent would be consulting the Cairngorms Outdoor Access Forum. CG advised that Scottish Forestry had been working with the agent for some time to refine the detail of the proposed scheme, and that they had asked them to consult access bodies. The Forum's observations on the overall scheme would be helpful, as well as any specifics affecting the boundary area that was directly within the Forum's remit.

NH had some reservations about the impact such a large area of forestry would have on the landscape and recreational enjoyment of the glen. Others thought that the proposed mix of tree types, which was not primarily commercial conifers, would not be detrimental to the landscape.

It was noted that the proposal appeared to include a good network of tracks which, if accessible, with gates through any fences, would appear to provide reasonable access.

The map did not however include details of proposed fence locations. CG offered to obtain a map of proposed fencing and forward it to the Forum. PC would be responding to the consultation as access officer and would incorporate any observations received from Forum members once the fencing map was available.

Glen Moy – This proposal was at an earlier stage of planning, and the map was only indicative at this stage. The agent was seeking initial information on public access within the area to help inform more detailed designs.

NH believed most walkers would be seeking to access the ridgeline that bordered the site, and that they would access it at various points using a variety of routes. The area was well served with a network of existing tracks, and it was likely that most people would take access using these. There were however various tracks that were shown on Ordnance Survey maps, but not identified on the concept map. The consensus was that the proposed woodland types, which were predominantly native woodland, would not detract from recreational enjoyment of the area. PC would be responding to the consultation as access officer and would incorporate the Forum's observations into his response.

## **5. Appointment of Chair**

NH reminded members that it had been his intention to step down as chair at this meeting. There were no volunteers to take over the role. PC pointed out that the agreed operating principles allowed for the Chair to have a tenure of no more than 2 years. There was agreement that a turnover of Chair was important to the proper operation of the Forum. EWM may consider filling the role but was currently unsure of other commitments. He would have a better idea before the December meeting. NH agreed to remain in the position for the time being.

## **6. Membership and recruitment**

There was discussion of the draft letter that EWM had circulated and AM's suggestions for amendments. It was agreed that they would jointly refine the text and circulate it for comment. PC would then arrange for it to be sent to community organisations together with the previously agreed membership criteria.

## **7. Access issues updates**

PC gave an update on recent issues.

Access to Duchray Hill, Glen Isla – The forest manager had advised that an alternative route, with a ladder stile, was available. But they were reluctant to promote access through the area due to concerns over disturbance to protected species of ground nesting birds. PC had advised that he did not consider the alternative route sufficient unless signposted, as it was not obvious to anyone on the promoted route and the location was one that walkers were likely to seek to use regardless of any promotion, due to its location. He thought the owner may now provide a gate at the requested location, but this had not yet been confirmed. The agent had requested the Forum's advice on how to educate dog owners on proper dog control around ground nesting birds. There were differing views on the use of signs. AM's experience was that people largely ignored them. EWM thought that, whilst many people may ignore them, they did enable land managers to make

responsible access messages clear to the public. PC would be offering signage advice to the forest manager.

Auchmithie Harbour – PC had discussed the possible vehicular public right of way with Angus Housing Association, the landowner. He understood that their main reason for closing the track to vehicles was concerns over liability for future maintenance. The two parties were now aware of a historic access agreement, which was still in effect, which gave Angus Council responsibility for maintaining access routes for non-motorised users. The agreement did not affect motorised access rights but had implications for future maintenance of routes. PC was expecting to have further discussions with the Housing Association.

There was brief discussion of issues at Newbigging and Kinnaird Park, but insufficient time remained to discuss them in detail.

## **8. AOCB**

There was no other business.

## **9. Date of next meeting.**

Monday 12 December 2022. The preference was for another face-to-face meeting.