

ANGUS LOCAL ACCESS FORUM

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

Present: Nick Hamilton (Chair), Irene McGugan (Vice Chair), John Hamilton, Jonathan Dymock, Andrew Matthews.

In attendance: Paul Clark (Countryside Access Officer, Angus Council), Michelle Spink (prospective member), Norma Lyall (prospective member).

Apologies: Euan Walker-Munro, Mairi Simms

1. Welcome and introductions

NH welcomed MS and NL to the meeting. The meeting was being held online due to weather conditions making travel unsafe.

2. Minute of Previous Meeting

The minutes of 12 September 2022 were approved as a true record.

3. Matters Arising

Ferry Road, Monifieth – PC advised that the owner's planning application had not yet been determined, and that further action on the access issue was on hold pending determination. NH asked whether this was a delaying tactic on the part of the landowner or the Council, and whether the Council still intended to pursue the access issue. PC advised that he was not involved in determination of the planning application, but that he believed there had been some progress in discussions with the owners' agent. It was still very much the Council's intention to ensure that the track was re-opened for public access.

Buskhead Bridge – JH has spoken to the local resident again. He understood that they had written to the Scottish Government about possible changes to legislation that may be relevant. JD was not aware of any relevant legislative changes.

Mill of Murroes – PC advised that the Council has distributed evidence of use questionnaires for the possible public right of way. He had also written to adjacent residents seeking any relevant information. To date he had received two questionnaires. Based on the information currently available there was unlikely to be sufficient evidence to support the existence of a public right of way.

Denmill, Kirriemuir – PC had nothing new to report. NH asked whether the owner intended to plough the field again. PC understood that this was unlikely due to the issue of access for farm machinery. The core path route was currently accessible.

Keptie Pond – NH had written to Arbroath Scouts, stating that the Forum believed access should be available for kayaking. PC advised that there had been some internal discussion and that he understood that the head of the Parks service hoped to have further discussions with the parties in the hope of brokering an agreement. PC suggested that there might be a role for the Forum in helping to mediate any such discussions. There was further discussions of the management rules, which the Council considered lawful, and

which may be rolled out to other parks. PC agreed to send details of the relevant committee reports to members again.

Glen Clova woodland creation – A map of proposed access routes and fence crossings had been provided by the agent and circulated with the agenda. There had been limited opportunity for members to look at the map in detail, as moving the meeting online had meant that paper copies were not available. Overall, the impression was that there appeared to be reasonable provision for access. It was agreed that members would look at the map in more detail and pass any observations or concerns to PC.

Glen Moy woodland creation – PC had included the Forum's observations in his response to the agent and had received an acknowledgement.

Duchray Hill – The forest manager had advised PC that a pedestrian gate had now been installed at the upper edge of the forest, where the new fence meets the edge of the older plantation. The forest manager had also advised that, in the meantime, someone had left the existing leaf gate lying on the ground, letting deer into the plantation.

Auchmithie Harbour – PC advised that, following discussions with the owner, the track was now open to vehicles. And, under the access agreement, Angus Council was responsible for maintaining the track for non-motorised users. In response to questions regarding maintenance responsibilities for vehicles, he advised that the Council has no obligations under the agreement and that under common law the landowner does not have responsibilities for maintaining the surface of a public right of way. Any necessary repairs for non-motorised access would however benefit vehicular users.

4. Membership and recruitment

MS and NL were given the opportunity to introduce themselves and ask any questions about the Forum. MS has previously worked as a ranger at Lunan Bay and has a particular interest in outdoor learning. NL has interests as an access user, as well as experience of living on and working for an upland estate. Both confirmed that they were still interested in becoming members of the Forum. There was agreement that the Forum should recommend that the Council appoint them to the Forum.

There was further discussion about the overall make up and balance of the Forum. Land managers were currently under-represented following John Rymer's recent resignation. NL had some relevant experience to represent land management, although her primary interest was as an access user. There is a legislative requirement for the Council to appoint a balance of land management and access user representatives, with guidance from the time the legislation was introduced also recommending that community should be represented. To date members had been appointed as a representative of either Users, Land Managers, or Community. But discussion at the March 2022 meeting had concluded that balance could be achieved by ensuring broad areas of interest were represented rather than fixed groups. The groups did however make it easy to see where the primary areas of representation were, and members questioned whether the Council's committee would accept an alternative approach. PC would give further consideration to this prior to reporting to committee.

5. Appointment of Chair

NH reminded members of his intention to step down, having now been Chair for more than 2 years. There were no volunteers to take over the role. EWM had advised that he was not

able to take on the role due to other commitments. NH confirmed that he was willing to remain Chair up to and including the June 2023 meeting, but no longer.

6. Access issues update

Newbigging, Tealing – A track between Shielhill Road and the Speckled Hen café had been ploughed in spring 2022. PC had written to the landowner on several occasions, most recently asking for the track to be re-instated. He had not received any response to date. Consideration would be given to what further action was required. NL asked whether the route was a public right of way. PC advised that it wasn't currently clear whether the necessary criteria had been met. The evidence was however that it was a well-used route, so he considered the removal of the track to be an unreasonable obstruction to access rights. NH had spoken to people locally and believed it was well-used, including for access to the café and a nearby bus-stop.

North Lodge, Kinnaird Park – The Council had received a recent enquiry about a locked gate on a main driveway to Kinnaird Park policies, near Brechin. PC understood that the gates had been locked for many years due to issues with through use by vehicles. The nature of the location, being a long-standing entrance through a boundary wall, meant that it was not straightforward to provide an alternative for non-motorised users. The locked gate was a barrier to those who sought to use the route, but it was unclear how often it would be used, particularly by walkers and horse riders, as the access from Brechin was via a busy main road with no footway. JD spoke as a representative of the landowner. He confirmed the reason for the locked gate and advised that the landowner was considering options for accommodating access. This would however be expensive. And accommodating equestrian access would be particularly difficult. He would be interested in the Forum's views on whether this was necessary. There were alternative access points elsewhere on the estate wall. The Forum was pleased to note that the landowner was considering options. AM had used the route in the past, as a cyclist, but had not found the detour particularly inconvenient on occasions when he had found the gates locked.

Auchterforfar, Kingsmuir – PC had received an enquiry about a barrier to access over a former railway line. The obstructed area was part of an active quarry that had received planning permission many years earlier, and therefore land where access rights did not apply. The landowner had advised that an alternative route was available.

Fergus, Glen Isla – The Council had received an enquiry about Private signs on tracks that lead through Fergus, Glen Isla. The tracks were used as longer distance through routes. They may pass through curtilage, where access rights do not apply, but there were no easy routes around the area. NH was familiar with the location and had not experienced any difficulties taking access. PC intended to raise the matter with the owner.

7. 2023 meeting dates

Provisional dates for 2023 had been circulated with the agenda. They were agreed. The next meeting will be Monday 13 March 2023.

8. A.O.C.B.

There was no other business.