

**ANGUS COUNCIL**

**INFRASTRUCTURE SERVICES COMMITTEE**

**3 MARCH 2009**

**SECTION OF FORMER B951 KIRRIEMUIR - GLEN ISLA ROAD**

**BREWLANDS BRIDGE, GLEN ISLA - ADOPTION**

**REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES**

**ABSTRACT**

This Report deals with the proposed “re-adoption” of a section of the former B951 road at Glen Isla, which was the subject of a Stopping-Up Order in 2006.

**1 RECOMMENDATION**

- 1.1 The Committee is asked to note this Report and to agree to the re-adoption of the previously stopped-up section of the former B951 at Glen Isla on the Councils list of Public Roads.

**2 INTRODUCTION**

- 2.1 Reference is made to Article 32 of the minute of meeting of the Infrastructure Services Committee held on 26 August 2008 authorising the Head of Law and Administration to commence the procedure to re-adopt the Section of the original B951 Kirriemuir - Glen Isla Road.

**3 CONSULTATION AND PUBLICATION**

- 3.1 A Public Notice in respect of the proposed re-adoption was published in the “Courier & Advertiser” on 26 September 2008. Letters were sent to the frontagers of the section of road on 23 September 2008 advising of the proposed re-adoption. One letter of objection was received from one of the adjacent landowners advising that they considered that they were the owners of the land in question and that it was inappropriate to re-adopt this area of road.
- 3.2 The Head of Law and Administration responded to the objector advising that notwithstanding the ownership of the area of ground it is appropriate for an area of ground to be held on the list of Public Roads whilst the Council does not have title to the land. The objector advised that if the Council confirmed that the land in question belongs to them then the objection would be withdrawn. The Head of Law and Administration responded advising that in the Council’s opinion the land did belong to the objector. A further letter was then received on 22 January 2009 withdrawing the objection to the revocation of the Stopping-Up Order.
- 3.3 Copies of all correspondence between the parties have been placed in the Members’ Lounge for consideration.
- 3.4 Therefore, as there are no extant objections to the re-adoption of the section of road, Members are requested to authorise the Head of Roads to add the stopped-up section of road to the list of public roads.

#### **4 FINANCIAL IMPLICATIONS**

Re-adopting this section of road will increase future maintenance for the Council. The cost of any future maintenance works are however expected to be minimal and will be contained in the Roads Division Maintenance Budget in future years.

#### **5 HUMAN RIGHTS IMPLICATIONS**

- 5.1 The owner of the adjacent house has a right to peaceful enjoyment of their home which it would appear may have been jeopardised by the effects of the Stopping-Up Order and it was therefore considered appropriate to seek to reverse the position in order to protect their public right of access.

#### **6 EQUALITIES IMPLICATIONS**

- 6.1 The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

#### **7 CONSULTATION**

- 7.1 The Chief Executive, Director of Corporate Services, Head of Finance and the Head of Law and Administration have been consulted in the preparation of this Report.

#### **8 CONCLUSION**

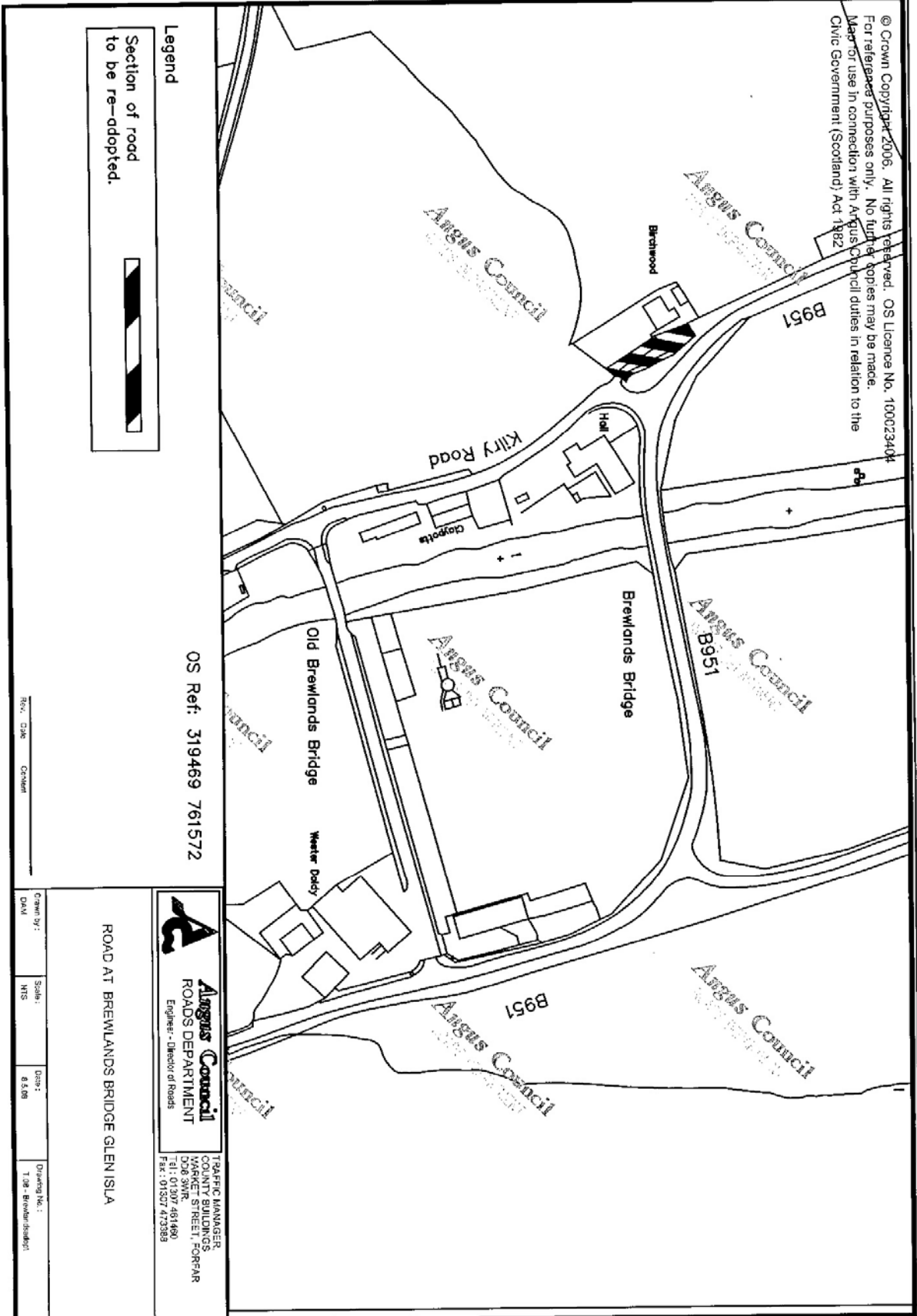
- 8.1 The Council acted in good faith in promoting the former B951 Kirriemuir - Glen Isla Road at Brewlands Bridge, Glen Isla (Stopping-Up) Order 2006 but as this was based on a misunderstanding as to the ownership position, it is now considered appropriate for the Council to re-adopt this Section of road by including the relevant section of road on the List of Public Roads.

#### **NOTE:**

The following background paper, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), was relied upon to a material extent in the preparation of this report - Report 807/08 by the Director of Infrastructure Services.

ERIC LOWSON  
DIRECTOR OF INFRASTRUCTURE SERVICES

© Crown Copyright 2006. All rights reserved. OS Licence No. 100023404  
 For reference purposes only. No further copies may be made.  
 Map for use in connection with Angus Council duties in relation to the  
 Civic Government (Scotland) Act 1982



Legend

Section of road  
 to be re-adopted.



OS Ref: 319469 761572

Scale: 1:500

Drawn by: DAV  
 Scale: 1:500  
 Date: 8.8.09  
 Drawing No.: T 08 - BrewlandsBridg

**Angus Council**  
 COUNTY BUILDINGS  
 ROADS DEPARTMENT  
 12 MARKET STREET, FORFAR  
 Angus Council  
 Traffic Manager  
 Tel: 01307 461480  
 Fax: 01307 473889

ROAD AT BREWLANDS BRIDGE GLEN ISLA