Caledonian Heritable Ltd v East Lothian Council

Cases under the Land Reform (Scotland) Act 2003 · https://scotways.com/ken/caledonian-heritable-ltd-v-east-lothian-council/

Haddington Sheriff Court, Court ref: B401/05
Interim decision dated 28th April 2006.
Scottish Courts Service decision.

This was the first case to come to court under the 2003 Act. Caledonian Heritable Limited (CHL) was developing a luxury hotel, golf course and housing complex at Archerfield, near Dirleton in East Lothian. The developer obstructed access by: fixing ‘keep out’ notices at the entrances and on a path through a wooded area; by erecting fences; and by removing a bridge. East Lothian Council served a Section 14 Notice on CHL (under the Land Reform (Scotland) Act 2003) requiring them to remove these obstructions, and subsequently also sought an interdict to stop work on erection of a fence. CHL challenged the Notice in the Sheriff Court, Haddington.

There was a preliminary legal debate on whether the notices served by the Council were specific enough, and the Sheriff decided that they were. However, before the proof hearing was held an agreement was reached, that the obstructions would be removed and the bridge restored, and a path provided through the woodland, and the case was settled on this basis.