

To: [REDACTED], Anderson Strathern
From: [REDACTED]
Ref: AR7-5-1
Date: 17 May 2005

[REDACTED]
Adverse Claim to Foreshore – Isle of Ulva, Mull

I refer to your memo dated 12 May 2005. Please accept my apologies for the delay in responding to you.

I have reviewed the contents of your memo dated 6 January 2005 and note your comments concerning the Affidavits. I would suggest that we adopt the first suggestion in the last paragraph, in that we admit the claim for the majority of the foreshore but excluding the section/s affected by the cables and other works.

You have mentioned the bridge which was constructed at the Gometra side of the island but did not have details concerning the area of foreshore which was sold for the construction of a pier on the Mull side. According to our records this area was sold to Lady E M P Congleton in 1978.

I have enclosed a For Information Only plan (for internal use only) which shows the area occupied by the pier (coloured pink) and the aforementioned cables. Would you propose that we adopt the same view taken for the bridge, in that it would be possible for a claim to the foreshore to be successful now provided that the claimant had a habile title and that it could be demonstrated that there had been acts of possession of the foreshore for a 20 year period between 16 March 1978 and now? The reason I ask is that we would prefer not to admit the claim in respect of this area unless you believe that there is sufficient evidence to displace our ownership here.

I understand that there is some urgency with this, not least because the papers have been on my desk for some time, therefore if you wish to discuss this matter further please do not hesitate to contact me. I will not arrange for any plans to be prepared at this stage.

Thanks.