



PUBLIC PETITION NO.

PE01422

Name of petitioner

Wendy Barr

Petition title

Inequality of Land Reform (Scotland) Act 2003

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to consider the need to change the Land Reform (Scotland) Act 2003 to ensure equality for all.

Action taken to resolve issues of concern before submitting the petition

Issues and concerns raised all through consultation period of path planning process with local authority. Discrepancies not fully resolved by local authority before being passed to Reporter for Public enquiry.

Local authority's response was that they had followed policies and procedures. Reporter's findings concluded in favour of local authority.

Consulted local councillor's for our area. They were sympathetic and diplomatic when discussing the issues we raised. No real support given and nothing was resolved.

Consulted MP and MSP's all gave support to the issues we raised. Again discrepancies were noted and discussed but nothing changed even after new evidence was brought to light by MSP's questions to the Scottish government that were raised on our behalf. Situation stayed the same. MSP advised writing to Scottish Public Service Ombudsman. At present case being reviewed

Petition background information

My petition has arisen from the Countryside Access Strategy 2005-2010. The whole process of Core Path Planning was undertaken and I have experienced the full extent of the legislation. My property has had 2 private access roads changed. One to a Right of Way and the other a core path.

During the consultation process of Core Path Planning I found that the legislation was not always adhered to. How and who decides the interpretation of "Reasonable" access and what defines consultation with land owners/managers. If there is a criteria set for a path why do authorities select what fits into their selected path/s? Where access rights do not apply, working quarries and other surface workings was not taken in account within my situation. I have looked at other local authorities objector's cases and they highlight similar circumstances of interpretations of the legislation being used to draw up core paths. Path networks encroach on individual houses privacy and

curtilage rights. I have noticed from other objector's objections that they highlight common concerns: privacy and security, Public liability, Health and Safety issues, Core Path criteria not met alternative routes that are available but authorities refuse to use/acknowledge, irresponsible access, fly tipping, dog fouling, illegal car parking and maintenance issues on paths. I do not object to responsible individual access however I believe the inequality of the Land Reform (Scotland) Act 2003 should be addressed. I would request the Committee considers how local authorities deliver this particular area of service to and for communities insuring they work to the legislation and impartially. The legislation delivers only on access and local authorities only address access rights. This is delivered through authorities own Access Teams, Local Area Access Forums and Council Committees. All work on access only and for the groups they represent, working for a majority not on individual responsible access. There is no support for the individual's who's property is being accessed. Majority of the objector's objections were overruled and paths applied. Information on such issues is not given freely by authorities but on a need to know bases.

It is difficult to write a full account for my petition. I have had over 5 years of correspondence and communications to evaluate on and as an individual feel I have been treated unfairly and unjustly. I have commented on a few points they are as follows:

The first point I would like the Committee to consider is the inequality of the Land Reform (Scotland) Act 2003. The legislation gives every individual responsible access rights. However for individuals who have to cope and live with individuals exercising access rights there is only responsibilities and no rights. I request the Committee address the legislations inequality for owner/occupiers ensuring they have rights within this legislation that addresses the various aspects of the legislation. The legislation as it stands at present is impossible to appeal against. The legislation is forced onto landowners/managers and authorities will not deal with objections for landowners/managers. They have to deal with this situation themselves or pay for legal advice that has little hope of success given that landowners/managers have no rights within this legislation only responsibility. To address this inequality for landowners/managers a separate independent body could be set up to deal with objections/appeals.

My second point is property ownership. Regardless of property size surely the owner/occupier should have certain rights on how and who uses their property. The purchase of any home is a substantial commitment and addresses a choice of lifestyle for the owner. The legislation can affect a home owner's privacy and safety as many individuals exercising responsible access rights do so irresponsibly being abusive and rude. In my case I have reported incidents to Police but little is done to eliminate the problems.

The third point is property value. A rural property with a private access road is valued higher than one that has public access on it. Why should private land owners have to loose out on their property's value? I have questioned this and I was informed that I required a solicitor to mediate this on my behalf again a cost I would have to finance. I don't describe myself as a landowner/manager however the legislation segregates rural and urban property ownership with this label. Where is the equality in this?

Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01422>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect

signatures online?

NO

How many signatures have you collected so far?

0

Closing date for collecting signatures online

N/A

Comments to stimulate online discussion