

The Waterfront Owners Association

24 June 2012

The Public Petition Committee
The Scottish Parliament
Pàrlamaid na h-Alba

Ladies and Gentlemen, Members of the Public Petitions Committee,

**PE1422 – Wendy Barr, Inequality of Land Reform (Scotland) Act 2003
Citizen's response to the petition**

The replies to the SPICe especially those from Ramblers Scotland, ScotWays and the National Heritage only dealt with the impact of the Act on rural lands and the right of access to the outdoors. The reality of the situation is that the Act has been used by local authorities in urban areas and city centres to force through core paths through relatively small sized private land and gardens against the owners' wishes and with no direct consultation.

I would like to bring to the committee's attention our experience below, which is highly relevant to this petition:

I am a vice chairman of the Waterfront Owners Association which represents 278 homes
These homes (flats) were built in the late
1980's on land that was conveyanced by The Clyde Port Authority to the City of Glasgow
District Council in 1985, who in turn sold it to Laing Homes Ltd, which included the
Windmillcroft Quay wall on the river Clyde. Laing Homes sold the homes to private
individuals, and I am one of them, with one of the burdens being to maintain the quay wall in
a safe condition.

Glasgow City Council began planning a core path following the Land Reform (Scotland) Act 2003 coming into effect in 2005 and unfortunately for us this included a path along our Quay Wall for public access. We were never directly consulted about this. Moreover, Glasgow City Council demolished the fence bordering our land at the quay wall and when we wanted to reinstate it, we were asked to submit a planning permission. We did and that was refused on the grounds that it conflicted with the core path plans.

I hope the committee can see from the above that 278 home owners' rights were not considered by the local authority when they drew up the plans and more over, our privacy and rights of enjoying our property has been taken away with no consultation, compensation or even indemnification for the ongoing maintenance and litter that is accruing from public thoroughfare through our land and gardens.

In reply to Scottish Heritage's reference to Access Forums, I respectfully submit we were not invited to join such forums nor were informed where to participate. As for no loss of property value, our homes are now lower in value than those who have managed to block public access in similar circumstances to ours (viz. Festival Park Development). Homes that have their living room's patio door literally 2 to 3 metres from the planned core path were bought from Laing Homes at a premium for their proximity to the river and their view of the City of

Glasgow across the river, now have their curtains closed and their patio door locked permanently, because of the public thoroughfare only feet away from their living rooms. This is the situation now; I hate to think what it would be when the core path plans are fully implemented.

The Land Reform (Scotland) Act 2003 never intended that ordinary citizens in Scotland who just own a small home lose the private use of their homes in this way, and if private rights must be sacrificed for the public good, then the value of such property should be respected and the owners properly compensated.

I have raised the above issues with our MSP, Nicola Sturgeon, who has written to Glasgow City Council on our behalf; however we are as of this time no further forward.

Therefore, I urge the committee to vote in favour of this petition and to update the Land Reform (Scotland) Act 2003 to award some rights to home owners that are caught in this spiral of core path planning that local authorities are embarking upon with no compensation or due regard to property rights.

I will be happy to appear in front of the committee as a witness and will supply the necessary supporting evidence for the above statements.

Yours sincerely,

Hamid Khatib, *B.Sc (Hons), MIET, CEng, Eur Ing*
Vice Chairman