

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

OBJECTION 15 – GARY F GOWANS

I wish to submit my objection to the proposed bill by City of Edinburgh Council.

My objection relates to the whole bill and concerns the following aspects:-

1) The bill is purely designed to circumvent existing law and provide a loophole for the Council (and a precedent for others) to appropriate Common Good land for their own purposes and to their own benefit.

I fear that permitting such an action will set a dangerous precedent throughout Scotland. Potentially, allowing councils across Scotland to use this Bill as a justification for similar legislation to suit *their* purposes.

The Park was (and still *is*) legally protected, during which time the Council never contemplated the notion of building on The Park. They were then advised (by whom I don't know) that legislation, such as The Abolition of Feudal Tenure etc (Scotland) Acts 2000 and 2003, would enable them to build on The Park leading to their initial proposals to build two schools and housing on both The Park and Golf Course (subsequently, watered-down to the High School development on The Park only – possibly a calculated move?).

This view was contested and challenged in court – where the courts found in favour of Park supporters. The council then received further 'advice' (see above) that they could use The Scottish Parliament to force through their new found 'need' to build on green space.

Is it really the purpose of The Scottish Parliament to get involved in what is essentially a very local dispute?

2) The bill itself is vague about its actual purpose – given as:

“...to appropriate it [The Park] for the purposes of the Council's functions as an education authority; and for connected purposes.”

This looks pretty much like carte-blanc to me. 'Connected purposes'? What could those possibly be? I dread to think.

But, it's clear that the existing provisions prohibit any construction not directly connected to The Park's use as a recreational and sporting amenity. This bill would allow the council to, effectively, develop the land in any manner they see fit.

3) Although the erection of a new school is not explicitly dictated by this bill, that is the public expectation. However, it's hard to see why this rather contrived process is required simply to facilitate the Council in performing its statutory duty?

A rebuild on the current site was deemed appropriate and achievable for two previous applications for funding. Alternative sites are also apparently available (having previously been declared 'unavailable' or 'unsuitable').

The plans for the school incorporate a 20% increase in the school roll (already inflated by out-of-catchment students) giving an impression that the existing site would be 'too small', even though the proposed design for the school would fit into the existing footprint (although maybe without one of the artificial pitches).

4) The Park itself is a major area of open, accessible green space in the local community. It has previously (until the council destroyed the playing surface) been used by local football teams. It is still much used by local people as a play park and walking, jogging, exercise area. But, mostly, it is appreciated simply because it is *not* an artificial, concrete structure and instead offers a green and open space to all who live on and around The Park and the surrounding area (and a home to a variety of wildlife, insects and flowers, etc.).

Considerable effort and expense has gone into improving The Park (and Golf Course) with new trees being planted, existing trees being managed more carefully and benches added around the perimeter. More *could* be done to improve its facility as a park without destroying the character or amenity.

I know that many who simply pass-by on the main road appreciate the sense of space and openness that The Park conveys. This will be lost (forever) if the Council succeed in circumventing the law on this matter.

The loss of amenity will be felt greatly by all those in the surrounding area and beyond.

5) On a purely selfish and personal level, the loss of The Park would be greatly felt by me (and my family). I often walk round and across The Park. I have played there with my son - when younger – and hope to do likewise with my (potential) grandchildren! We specifically moved to this area because The Park existed – its loss would be a personal one.

Any construction on The Park will entail an extended period of noise, traffic disruption, pollution and inconvenience. Once erected, there will be an increased level of traffic (both on foot and vehicular) in an area already plagued by rat-running peak-traffic. There is a likely increase in litter and vandalism (if the current main routes to the school are to be held as a portent of things to come). The proposals for floodlighting around the 'sports' areas (plastic football pitches) will be likely to produce noticeable light pollution.

I am also concerned with regard to the knock-on effect such construction will have – both in the short-term and longer – on the adjacent golf course. I find it hard to understand why the conjunction of a school and golf course (with main pedestrian routes to the school running alongside and, probably, across an active and popular golf course) is considered a sane and logical choice? How do you think that would end?

Overall, I think it is a sad reflection on the Council's inability to manage its own affairs with any sort of efficiency, logic or credibility that they feel entitled to request that The Scottish Parliament should intervene in a community planning dispute.

On the other-hand, I hope (and would pray, if I were so inclined), that The Scottish Parliament will take a broader, more mature view and treat this Bill with the contempt it deserves and reject it without delay.

I thank you for your time and attention.

21 June 2013