

## **CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL**

### **OBJECTION 26 – MIKE CARDWELL**

I wish to lodge an objection to the *City of Edinburgh Council (Portobello Park) Bill*.

I object to the whole of the Bill, for the reasons stated below.

Following statutory consultations in 2006, City of Edinburgh Council concluded that Portobello Park would be the best of three available locations for a new school to replace the existing Portobello High School. However, in September 2012 the Inner House of the Court of Session decided that the Council could not appropriate the Park, as it is inalienable Common Good land.

At this point the Council should have respected the Court's judgement and accepted that Portobello Park was simply not available for this purpose. It should have selected one of the alternative locations - without the loss of any park land. Instead it searched for a means of circumventing the ruling and, in the absence of any other means with a realistic prospect of success, it promoted a Private Bill to effectively strip the land of its special legal protection.

The original deed for the park states that the land should be kept in perpetuity as a public recreation ground for the people of Edinburgh. However, the Bill would enable a change in function for which the land is held and the use to which it is put. Any such change would clearly be detrimental to the status of the site as park land, reducing the available space dedicated to public recreation.

My primary objection to this Bill is based upon the immediate adverse effect it would have upon me as a resident of Edinburgh and a frequent visitor to Portobello. I live near the city centre, which can be noisy, busy and congested with traffic. This Bill would result in damage to a valued local amenity that provides both recreation and essential respite from the noise and bustle of the city. Studies over the years have shown that such park lands and open spaces improve physical and psychological health, and make our cities and towns more attractive places in which to live and work.

In addition to its immediate effect, this Bill would set a precedent in Portobello for the removal of the current legal protection for other parks and open spaces. One of the traditional features of Portobello has been the town's importance as a local resort for Edinburgh and the surrounding area. As a regular visitor to Portobello since the 1980s, I've been impressed by the revival of its visitor facilities in recent years - driven by initiatives from both the Council and from the local community. However, such a revival is fragile and could be inadvertently undermined by damage to the town's assets as a local resort - such as any ongoing loss of public recreation space.

Moreover, I'm concerned that the Bill would set a precedent throughout Edinburgh for the removal of the current legal protection for parks and open spaces. From a personal point of view, I would be most concerned about the protection of my nearest amenity, Inverleith Park, which has been the subject of various development proposals in recent years and would be vulnerable to encroachment by means of a similar Bill.

Ultimately, if the City of Edinburgh Council is successful in passing this Bill then other local authorities throughout Scotland would introduce similar measures. It would establish a process for councils to take Common Good land for purposes other than that for which it was originally intended. Stated bluntly, it would set a precedent for other Common Good land throughout Scotland to be built upon. One of the consequences of this would be to undermine the security of Scotland's park land for future generations.

Significant loss of park land would be a great blow to the country for many reasons. Most of all, there is evidence to show that when people have good access to parks, they exercise more. Regular physical activity has been shown to increase health and reduce the risk of a wide range of diseases. These diseases include several conditions that afflict Scotland quite severely - such as heart disease, hypertension, colorectal cancer and diabetes.

The use of Common Good land for building schools is an example of short-term decision-making. It does not have regard for the good of the community as a whole, including the health and well-being of both the current and future residents. When all things are considered, the costs outweigh the benefits for the *current* generation, and this disparity will be even more marked for *future* generations. Modern school buildings have a limited lifespan. Within a few decades, it's likely that the proposed school building in Portobello will need to be replaced. What then? Rebuilding on a brownfield site? If the Council is currently not prepared to undertake the task of reclaiming and redeveloping a brownfield site, why should they do so in future? Having removed the legal protection and set the precedent, the easiest "solution" will inevitably be to claim another portion of the ever-diminishing park land.

Given all the unintended consequences of this Bill, I write now to request that you consider my objection and call a halt to it.

23 June 2013