

## CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

### OBJECTION 36 – L J CONNELLY

I object to the entire bill, promoted by the City of Edinburgh Council, which proposes the building of a new Portobello High School on Portobello Park.

The reasons I am objecting are as follows:

i) I consider that Portobello Park is “inalienable” common good land having been bought for all the people of Portobello for their recreation and enjoyment. If any building is permitted on the park this would defeat the intentions of the original deed whereby the land was purchased for the people of Portobello and would bring about a loss of open space so vital to everyone’s well being in our modern cities amidst all the hurly burly of the 21<sup>st</sup> century.

ii) The matter has already been fully processed through the Scottish Courts and it was finally decided that no building was allowed on this common good land. In other words this local matter has been resolved legally despite the City of Edinburgh Council and their “blinkerered” supporters’ protestations that their action was legal though now shown, unanimously by the highest court in the land, would have been illegal. Now the City of Edinburgh Council seeks to promote a bill in the national parliament in an attempt to try and “retrospectively reverse” a legal decision. If this course of action were to be successful it would set a very serious precedent for all future local matters in Scotland and create a dangerous precedent for all of Scotland’s taxpayers in the days and years ahead. Instead of dealing with important national matters the parliament could get bogged down in costly exercises both in terms of time and taxpayers’ expense reopening local matters which have already been resolved legally at the very highest level. This is neither how I understood nor expected a national parliament in Scotland would operate!

iii) It is not essential for Portobello High School, nor any other buildings, to be built in/on Portobello Park as City of Edinburgh Council have identified suitable alternative brownfield sites and building the school on one of these would preserve the open space of the whole park and more importantly have regard to the original intentions of the deed. This would better encourage future benefactors to show similar generosity to their fellow citizens as opposed to dissuading them from even considering such an action.

iv) I also object to any great credence being given to a survey promoted by the City of Edinburgh Council (itself already shown to have been discredited by the courts as far as the recent history of this whole matter is concerned) to garner support for their actions with regard to the private bill. The survey/consultation to my mind was a pure cosmetic exercise and fatally flawed when very young children are organised by parents/teachers

2.

to support the Council and subvert the outcome of the full legal process and importantly the stated intentions of the deed! The inclusion of votes of young children must have completely skewed the "for" figures in the Council's own survey. Effectively the Council's survey grants certain households 3,4,5 or more votes against say certain council taxpayers who may only have 1 or 2 votes in their household yet their intentions are not for themselves but for the good of all Portobello residents for the remainder of the 21<sup>st</sup> century and hopefully beyond.

Were building to be permitted on Portobello Park by the passing of such an act there would be a great loss of amenity and the clear possibility of a precedent being used to reduce common good land in other parts of the country which clearly would have far more far reaching consequences. Speaking for myself I have enjoyed (and continue to do so) countless happy and enjoyable hours in and around the park playing all manner of sporting activities ( including walks/training runs, etc) as well as being the place where I learned to play and enjoy golf.

I have always enjoyed the open space, the scenery and the views especially from the south side of the park with the spectacular views (slowly being reduced as the bushes and trees grow) on a nice day looking across the park to the Forth with the Paps of Lomond and north Fife in the background. I don't know how many years I have left on this planet but I hope to continue to have the same uninterrupted views that I have enjoyed throughout my life. As I have relatives and friends, either bordering or living in very close proximity to the park, I would expect to continue to enjoy the amenities of the park several times a week at least till my dying days.

The present state of the proposed site for the school is shocking and can't be used for one of its main sporting activities for many years viz. football. It was pleasant from time to time watching some of the matches taking place. Now the south side of the park is a disgrace and I hold the City of Edinburgh Council responsible for the excavations which took place and for not restoring it to its former state such that normal activities could be played and enjoyed. If I was to be cynical I might suggest that this failure by the Council is both deliberate and political and if I am correct the Council should be thoroughly ashamed of themselves.

I trust suitable regard will be had to my objections, both subjective but even more importantly objective, and that this proposed bill is thrown out/defeated and thus prevent the City of Edinburgh Council's attempt to despoil such a beautiful and priceless park held in trust for all the townspeople of Portobello.

21 June 2013