

## CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

### OBJECTION 42 – RON AND LYNN SYLVESTER

**We wish to object to the whole of the above Bill.**

City of Edinburgh Council has already stated there are alternative sites on which to build the school, which therefore negates the conditions within the Private Bill regulations that state 'the Private Bill is the only way to achieve their objective'. The City of Edinburgh Council in its consultation process did not make clear what the alternatives were.

**We object** to the fact that the City of Edinburgh Council has chosen to ignore that three senior judges at the Inner House of the Court of Session has decreed that Portobello Park is inalienable common good land and as such shall not be allowed to be built upon. **We object** to the City of Edinburgh Council being able to ignore the judgement of the Inner House and to promote a Private Bill to overturn the Inner House decision. If successful, this will put pressure on the judiciary system whereby anyone who doesn't agree with the legal system will look to promote a Private Bill to circumvent the law. This law, if passed, **will set a major precedent for the whole of Scotland** as it will provide for Local Authorities across the country to appropriate inalienable common good land as they see fit via a Private Bill similar to this, and indeed we understand that other Councils are already considering this.

**We object** to the loss of open green space. City of Edinburgh Council has deliberately neglected the upkeep of the park over the past 7 years. We were informed by the Council two years ago that following an archaeological dig in the park the surface would not be re-instated. The goalposts for the football pitches which were used by Joppa United and other football teams were removed to prevent football matches taking place. The park was left in an unkempt and unrepaired state, dangerous and difficult to walk across due to the surface being rutted and with deep depressions that could cause injury to anyone walking across it. This state of affairs suited the Council's plans, but now, two years on and with a Private Bill to promote, the Council have suddenly decided to make good the deep ruts and are in the process of filling in, levelling and re-seeding the areas of the park affected by the dig. Whilst welcome, and having already refused to maintain the park, is this being done to disprove any accusations of neglect?

**We object** to the fairness of the consultation process carried out by the Council. This was biased in favour of the Council's desired result, both in the way the questions were phrased and in the distribution of relevant information to affected households. In terms of a fair Consultation process

the City of Edinburgh Council should have presented both sides of the argument in an equitable process. The City of Edinburgh Council both in its literature for the Consultation process and in its Consultation meetings, both public and drop-in at various locations, did not provide an equal argument for the merits of whether a school should not be built on the park. Instead, it asked leading questions which would encourage people to opt for the Council's desired outcome. Residents most affected by the plans did not receive any information from the Council regarding the consultation until week 5 of an 8 week consultation period. This matter was pointed out to the Council at a public meeting where \_\_\_\_\_ replied that there had been a problem with the company delivering the leaflets. At both public Consultation meetings set up by the Council, the Council encouraged conflict between the two opposing sides rather than promoting its plans for the park.

**As residents of Duddingston Crescent** we will be losing a substantial area of freely accessible open green space, which we not only overlook but use every day to walk in and enjoy.

**The increase in traffic** generated by a 1400 pupil (plus teaching staff) on a very busy main arterial route into/out of Edinburgh will increase congestion in both directions, but especially at school opening and closing times.

**Added disadvantages** include loss of our views across the park towards the Firth of Forth and across to Fife. Our house will be overshadowed by a mass of tall concrete buildings and if the building is allowed to proceed it will result in the loss of quite a few mature trees, wildlife and flora.

21 June 2013