

**CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL
CONSIDERATION STAGE**

Alison Connelly response to promoter's letter dated 30 April 2014

Thank you for copying me in to the letter to PPAG of 30 April. (today)

I am not responding on behalf of PPAG, who will no doubt wish to respond separately after consulting with members, but on my own behalf as an individual objector to the Private Bill.

Your first comments relate to the challenge to the amendment proposed by Gillian Tee's letter of 31 January. You will have heard at the evidence session on 23 April, the reasons why Roy Martin QC provided a written opinion, and also the reasons for the timing of the submission of that opinion, so I am surprised that you continue to express concern about the fact that it was only provided on 22 April. This enthusiasm for providing sight of legal opinions well in advance strikes me as rather strange, given the struggle that objectors have had to get sight of any legal opinions commissioned by City of Edinburgh Council. You will of course be aware that I am referring to both 2008 opinions, the latter of which dated November 2008 was only released after recourse to the Scottish Information Commissioner, despite it being billed as "robust" and "cast iron" (neither of which turned out to be the case), and the August 2008 opinion which was not provided to PPAG at all, and the release of which is obviously causing great concern to council officials connected to the Private Bill.

Unfortunately we appear to be approaching a repeat of the legal impasse that has become customary in our dealings with City of Edinburgh Council in respect of the common good status of Portobello Park. Objectors had to challenge the Council to get acknowledgement that the land was inalienable common good land, and had to challenge the Council to adhere to the law about the appropriation of inalienable common good land, and now it appears there will be further challenge to the legislative provisions of the Private Bill.

You express, on the Council's behalf, disappointment at the lack on willingness on the part of objectors to engage in discussion with the Council as promoter of the Private Bill, but I am sure that you realise that the relationships between City of Edinburgh Council and any parties who object to the proposals to build on Portobello Park are characterised by disrespect and distrust, and therefore it is extremely naïve to have any expectation of direct engagement with objectors. Efforts at engagement over the past 8 years have generally been frustrating and fruitless.

You mention discussions being "entirely consistent with both the purpose and practice of the Consideration Stage of the Private Bill process", and quote guidance from the Scottish Parliament, but I would point out that the guidance also states that a private bill is not appropriate where a more general change to the law is required, and therefore suggest that the guidance appears to have been dispensed with.

You also suggest that rather than simply criticising the Council's proposed amendment that Group 1 objectors should pro-actively suggest improvements. My personal proposal is that both the amendment (which appears to be somewhat premature, according to the views of the Convenor in her refusal to allow discussion of it at the evidence session), and the Private Bill as introduced, be withdrawn, and that Portobello High School be rebuilt on an alternative site, as was previously the intention of City of Edinburgh Council. I am copying in the clerk at the Private Bills Unit for completeness, as I see that your letter has also been copied to them.

Yours sincerely
Alison Connelly

30 April 2014