

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

### **CONSIDERATION STAGE**

#### **PPAG comments on promoter's response (16 May) to Group 1 questions following meeting on 7 May 2014**

We note that the promoter has provided a response to our written questions submitted on 12 May following the 7 May oral evidence session, and that this response is posted on the private bill web pages. Unfortunately, this reply was not sent directly to us and we only noticed it today during a routine check of the website.

As we indicated in our letter to you of 14 May, we were concerned that the council would provide answers that simply raise more questions or deflect the points we were trying to make, and our concerns have now crystallised, as this is what their response does.

Had we had sufficient time during the oral evidence session we would have been able to cross examine the council on the issues raised, and ask further questions for clarification. As it is, the council has been able to avoid giving direct answers to many of the questions we have put, and this is simply unsatisfactory.

There is still a lack of clarity from the council about the sidelining of the previous option of rebuilding the school on its existing 2.9 hectare site, despite similar practice at other Edinburgh high schools. We do not believe that such an important decision would not be documented, if indeed it had been properly considered.

The council have failed to adequately explain their actions in respect of the August 2008 opinion, sticking to the line that it was superseded. They suggest that PPAG have misunderstood the standing of a legal opinion. We are clear on this point, and reiterate that the opinion provided in August 2008 closely aligned with the final ruling of the Inner House of the Court of Session, and that as with any legal opinion, it is highly dependent on the exact instruction about the question to be answered. In this instance the council have steadfastly refused to provide this information. The council's failure to acknowledge the relevance of a legal opinion they commissioned, highlighting the legal risk of proceeding without court authority, demonstrates that the council has misinformed the public about this project.

In particular we draw your attention to the responses from the promoter to the following questions, which have not been answered at all or have been inadequately answered: 2, 3, 6, 10, 11, 12, 15, 16, 17,18, 26, 27, 32-40, 41, 44 and 47.

The tone of the council's response indicates a lack of respect for the many people on whose behalf we put forward objections. There are many weaknesses in their answers, and we summarise as follows:

The Private Bill does not oblige the council to provide either replacement open space or free access to the artificial pitches in perpetuity. We have seen from the council's previous actions that they have made undertakings which have subsequently been overturned (we heard from Mr Strachan that standing orders allow decisions to be overturned after 6 months). The council have provided information in a manner most likely to gather support for building on the park without it being accurate or reliable.

As objectors to the Private Bill and residents of the local area, we will be adversely affected if this Bill goes ahead, and no acceptable or enforceable mitigations have been proposed by the council. The Private Bill does not deal with the complex issues arising.

It is unacceptable for the bill to go ahead while these matters are outstanding. We are very happy to provide further clarification or information about the outstanding issues if it would be helpful for the Committee for us to do so.

Portobello Park Action Group  
20 May 2014