

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

WRITTEN SUBMISSION FROM MRS AGNES COWAN

I write with concern regarding the possible passing of the Private Bill initiated by Edinburgh City Council in order to circumvent the legal ruling that Portobello Park cannot be built upon.

It has taken 7 years to get to the situation where Edinburgh Council were advised by the Court that Portobello Park was indeed Inalienable Common Good Land and could not be built on.

However, Edinburgh City Council now seek to have the status of the park changed by a Private Bill in order that they may build a new Portobello High School there, despite the fact that they themselves have identified other suitable sites for the school, which includes a brownfield site. This would not then involve the loss of valuable green space and would be a better alternative.

I fail to see the point of having covenants in place, which have a legal status if, when it doesn't suit, you can submit a Private Bill to have the status changed.

The Council have been sending out the message that the passing of this Bill would be 'a one off' but to believe that you would indeed be foolish. If this bill is passed it will set a precedent and I'm sure there are many local authorities waiting and watching this case for the outcome. This is not only an issue for Edinburgh but for the whole of Scotland.

Daily we are being told of the lack of fitness of the up and coming generation in particular and how all of us, no matter what age, should be taking exercise in the open air, walking, running, playing sport etc - yet - daily we read about communities trying to protect their playing fields and parks from development.

How are we supposed to have any faith in our politicians and councillors when they contradict themselves at every turn, disregard the views of their constituents and change the law to suit what situation confronts them at a given time.

Is it the case that individuals should not seek recourse through the Courts but meekly accept whatever councillors/politicians decide, without comment?

Ofcourse, we all want the best for our children. It is not a case of not wanting a new school but to take away valuable green space which benefits the whole community when an alternative site is available does seem so wrong.

This park could be a beautiful place for all ages:

Football AND Rugby pitches

An open space for others to run and play ball, throw a frisby etc

Seats for walkers, runners, the elderly, parents & grandparents out with children

A children's play area

A few flower beds

A couple of picnic benches

Politicians and Councillors have but a short time in power and they should use it wisely. I know they have difficult choices to make but should think of the future and the environment they leave behind. I do not wish to digress but think of our once beautiful city - then think - TRAMS! That is a heartbreak and how many schools could have been built and Health Services improved with that money?

I understood that Edinburgh City Council had the power to manage and make decisions regarding the building of schools in the city. It therefore does not seem appropriate that they should seek to have existing laws overturned by involving the Scottish Parliament in order to achieve their own desired result.

Other concerns on the building of a new school on this site:

1. A School opening out on to a very busy road - the A1?

I have seen a photograph provided by the Council of the A1 with ONE car on it. I do not know when that was taken but it is misleading to the point of wilful dishonesty.

2. The impact the resulting traffic will have on Park Avenue which is a relatively narrow road. I understand this will include buses, delivery lorries and undoubtedly cars dropping off children as they wont be able to drop them off on the A1. Many of the houses in Park Avenue do not have frontages which enable them to take their cars off the road so it will cause further traffic problems.

3. Stanley Street is also a problem given that it is already difficult to manoeuvre your way up or down that particular street.

4. I note in the Private Bill the suggestion that new green space would be provided on the site of the existing school once it is demolished. While this is doubtful it would also seem to be pretty pointless, creating further green space alongside the already sizeable Figgate Park. I'm sure the neighbouring area would be quite happy but that really doesn't address the issue of taking away Inalienable Common Good Land.

5. I also note in the Bill that they say the park is not really used. I have lived here for many years and I know this not to be true. My own children used to play in this park every day after school together with their friends. I note that they (The Council) did not mention how they failed to maintain either the park, it's surroundings or the fences practically since they announced that they wished to build the school. They then took down the football posts and then in August 2011 arranged for an archaeological dig over the park. Subsequently, they announced that they would not be returning the parkland to it's original condition as they would just be going to build on it. **They did not have approval to build on the park - and still don't**. This resulted in the park being unplayable for any kind of sport due to all the ruts created by the digging and was unsuitable to walk across without danger of injury. People then had to walk or run around the edges. In July of this year, 2 years later, they spent 2 weeks attempting to repair the damage. WHY?

The case of Portobello Park went to Court and it was ruled that it was Inalienable Common Good Land and could not be built upon.

4.

The existing law should be respected and I trust that you will give this matter your utmost consideration.

Yours faithfully,

Agnes Cowan (Mrs)

22 August 2013