

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

WRITTEN SUBMISSION FROM JEROME KYNDT

I wish to submit evidence to the City of Edinburgh Council Portobello Park Private Bill which is being promoted by Edinburgh City Council. I do so because I feel that the legal position regarding the park has been stated in a court of law (I refer to the Court of Session ruling that stated it was illegal to build on the park as Common Good Land). I feel very strongly that the law must not be circumvented by Edinburgh City Council through an Act of Parliament, what is the point of having a legal system if this is the case? In addition is this not a local issue? Why is national Government getting involved in a local issue which has already been decided by law?

I am also extremely concerned that if an Act of Parliament grants Edinburgh City Council the right to build on Common Good Land that this will set a precedent for other Council's to build on Common Good Land and urban green space. It is an extremely worrying trend and one that I feel MSPs in Scotland would not agree to. Although I do not deny that schools need to be built or buildings replaced for the benefit of our young people we cannot allow local authorities to, with one hand provide new school buildings and with the other take away important green space. This is as important for children's health, education and well being as the schools themselves. I understand that Council's have a hard time financially, but this must not give rise to them selling off their own green space, particularly when in this case there is clearly, alternative brownfield sites available.

There is no doubt that Common Good Land is there to provide the people of Scotland with a sense of security knowing that the land is protected for the them for all time. Scotland has led on land reform issues and I am sure the current administration who have such a sense that Scotland belongs to Scotland would not wish to take away that Common Good land from the people it belongs to. It would be a shame if the legacy of the current administration was to reduce the legal status of Scotland's Common Good land to nothing more than a historical concept. Obviously the judges in the court case felt so and I urge the MSPs responsible for this Bill to consider rejecting the Bill as a whole.

23 August 2013