

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

WRITTEN SUBMISSION FROM ROSE HARVIE

I wish to submit several observations to the private bill that might allow local authorities in Scotland to disregard the legal protection from development afforded to Common Good land.

Some years ago I was involved in a case involving Common Good land in Dumbarton. The local authority wished to sell part of the Common to the Scottish Courts Authority in order to build a new sheriff court, while accepting that the land was Common Good land. (Harvie, Murray and McKechnie vs Dumbarton District Council). Lord MacLean found against the Council, and on appeal the Council again lost the case. Thus Dumbarton Common was protected by Scottish Law in the Supreme Court from any future development.

Common Good is a unique Scottish definition of land (and other assets) ownership, established many times in the courts, and should not be tampered with. If a precedent is set by this bill, then many other pieces of land and other assets will be threatened by local authorities across Scotland, seeking to sell what belongs to the Scottish people without consultation or permission.

I think that public interest would not be served should this proposed bill become Scottish law.

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