

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

WRITTEN SUBMISSION FROM BILL FRASER

I am not a resident of the area and there is no impact to me personally by this proposal. However I am concerned about the precedent such a Bill, if enacted, would create as it challenges the established rights under Common Good.

In September 2012 the Inner House of the Court of Session decided the Council could not appropriate the Park due to its status as inalienable common good land. The law has spoken and ruled that building on the Park is illegal and this ruling should be respected.

If local authorities are allowed to challenge individual decisions of the courts by introduction of legislation this could threaten other common good land and open spaces since local authorities could cite the Portobello bill as a precedent.

This could put common good land and other assets across Scotland at risk.

It is questionable as to whether the parliament should be getting involved in local issues such as the provision of a new school.

17 August 2013