

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

### **WRITTEN SUBMISSION FROM BRENDA, JOHN AND GEORGE SARIDAKIS**

The following is our submission on the general principles of the City of Edinburgh Council (Portobello Park) Bill.

1. In light of the Court of Session's ruling that the project is illegal, we consider it wholly inappropriate for the Council to pursue this matter through the Scottish Parliament. The Council's legal teams advised councillors that they have no case, and that the Court of Session's judgment must be respected and the matter pursued no further. Should Parliament be complicit in subverting the law?
2. The Council's assertion that appropriation of the park area for educational purposes is within the terms of "common good" is erroneous - Sir James Millar intended this land to be for "recreational purposes" and the Court of Session upheld this principle in its judgment.
3. Regardless of the Council's disclaimers, a precedent could undoubtedly be set, in which Inalienable Common Good Ground everywhere in Scotland could become vulnerable to development by councils hungry for money, and by businesses, developers and other agencies seeking easy solutions to their plans.
4. Why entirely appropriate alternative brown-field sites have been dismissed is incomprehensible. These sites should be reconsidered and swift action taken to develop whichever of them is deemed most suitable. Through its prevarications and tunnel vision, the Council has been guilty of delaying the whole school project, and of wasting taxpayers' money. Another delay is being created, and more funds are being expended, by the Private Bill procedure. This is to be deplored. Had appropriate action been taken by the Council, Portobello would now have a new high school.
5. It is a well-known and accepted medical fact that access to open green spaces has a positive effect on human beings' health and happiness. The Council has closed the sports pitches and banned ball games, and has deliberately allowed Portobello Park to fall into a parlous state of neglect. Nonetheless, we and others still walk through it. Its loss would grievously undermine our enjoyment and appreciation of the oasis of calm and pleasantness which it provides on this side of Portobello, and would have an undesirable effect on air quality in the area.
6. We have always been in complete agreement that a new school is required. Indeed, all residents of Portobello have been agreed on this point for several years. Portobello has had an enviable record of accord within the community, which has always been friendly and neighborly. (Our family currently comprises third, fourth and

fifth generation Portobello people). However, through the demonisation by the Council of those of us who wish to uphold the law and to do what is right for the community, by its biased and inherently flawed consultation process, and by its dissemination of hyperbolic propaganda, the Council has created a bitterly divided and deeply unhappy community, a situation which grieves us deeply and causes us great anxiety.

We trust that due consideration will be given to the points we have raised, and that MSPs will see fit to vote against this Bill.

9 October 2013