

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

CONSIDERATION STAGE – WRITTEN EVIDENCE TO SUPPORT ORIGINAL OBJECTION

JENNIFER PETERS AND 33 OTHERS (DUDDINGSTON CRESCENT RESIDENTS) (OBJECTION 46)

Roy Martin's legal view given (verbally) to the Bill Committee was that Portobello Park could not remain Common Good Land should the bill be passed and council get permission to develop it- This will mean that the common good fund would require to be compensated accordingly with the value of this land. This does not seem to be addressed by CEC and I would urge the Scottish Parliament to ensure they have addressed this.

There is much reference to whether or not this bill sets a precedent for the rest of Scotland. Clearly by its nature a private bill in itself does not change the law for any other common good land, but we are already seeing other councils follow in the wake of CEC, Cowan Park in East Renfrewshire being an example, and I would ask the Scottish Parliament to acknowledge this precedent and take this into account in its deliberation.

Given that the private bill consultation was presented to the community as a quick solution ahead of the tender expiring in Feb 2013, the community was led to believe that a private Bill could be passed ahead of this and certainly this is a view that Kenny MacAskill expressed to children and parents alike. I would suggest therefore that there has been misrepresentation of the bill process in the consultation, given the recent confirmation of the proposed bill timetable. I believe this is yet another reason why the results of the consultation cannot be viewed as representative of the views of the local community or wider Edinburgh.

The Council in its planning report admits that 'only 0.6 ha would remain as open parkland' and that many households would fall short of its own greenspace standards for proximity to this open space. In the council's Open Space Strategy the loss of Portobello Park would amount to 25% of Portobello's parkland disappearing. Kezia Dugdale in her submission to the bills committee was clearly misinformed as the claims she made were misleading and factually incorrect e.g. 'only 0.4 hectare of green space would be lost'. I urge the bill committee to establish the correct information by themselves and the accurate figures be placed on record.

I urge MSPs to demand the council are transparent and offer full disclosure of the recently reported cost figs for building the new school on Portobello Park versus the alternatives. If as the council are now claiming , the park is the only affordable site, this needs to be evidenced clearly with facts, not just with headline figures and this should be made public.

7 February 2014