

Action Group to appeal court decision over Portobello Park

The Reporter has heard this morning from the local campaign group who will be following their further legal advice and going back to court. They have been trying for some considerable time to thwart the council's plans to build the new Portobello High School on part of a green space. A decision [was issued earlier this month](#) in favour of the council.

This is their statement:-

“Portobello Park Action Group has decided to appeal the ruling by the Court of Session in PPAG v CEC. The judgement said that The City of Edinburgh Council did not have to seek permission to build on Portobello Park and that Portobello Park Action Group was too late in bringing the action, even though the Council has not yet taken the decision to appropriate the park. Our legal advice is that there are strong grounds for an appeal.

Aside from the loss of a substantial area of public open space, the consequences of this decision are disastrous for people across Scotland. If this judgement is allowed to stand, this means it will be impossible to challenge decisions to appropriate or alienate common good land in law. This means that councils, especially in these cash-strapped times, could sell off, or appropriate for other uses, our common good assets, regardless of public opinion and with no compensation to the common good fund. This is no longer just an issue for Portobello but for the whole of Scotland and therefore we believe that there is a strong public interest factor in appealing this decision.

The Council recognised in 2006 that uncertainty over the legal issues was a risk to the completion of the project and had decided in 2008 to approach the Court for a ruling. If it had done so, the legal position and any appeal would have

been settled by now. Also, none of the other suitable sites would have been subject to these issues and had the Council gone ahead on one of those sites the new school could have been built by now with support from the whole community.

The campaign has never been about opposing a new school but about opposing the irretrievable loss of 25% for Portobello's parkland, particularly when there are other suitable brownfield sites where the new school could be built. The health benefits of open space have been medically proven and this is an important recreation space for the hundreds of properties close to the Park that do not have private gardens.

We hope that the people of Portobello and beyond who have given our campaign such sterling support over the last six years will continue to do so, as we believe that this is a very important principle that is worth fighting for."

You can [support the campaign here.](#)