Supplementary written evidence from City of Edinburgh Council

I refer to the Long Leases (Scotland) Bill, and the submissions that Council officers have previously given the Rural Affairs, Climate Change and Environment Committee, and prior to that the Justice Committee. This message is addressed to you, since I am told that you are the relevant minister, with copies for information to Annabelle (who is a member of the Committee) and to Willie as my party leader, as well as to the Committee Clerk.

As you will be aware, the Council’s position is that the site of Princes Mall (formerly the Waverley Market Shopping Centre) should benefit from a specific exemption from the ambit of the Bill, should the ultra-long lease currently registered over the site not otherwise be excluded.

At the recent evidence session on 29 February, I understand that Annabelle suggested that the Council might wish to make an additional submission to the Committee exploring further the proposed exclusion of the site for reasons of public policy, and not simply for reasons related to how the Bill might be better drafted so as to exclude commercial leases. It is in connection with this that I am contacting you.

Yourself and the Committee will naturally be well acquainted with the significance of this site both nationally and internationally, lying adjacent as it does to both Princes Street Gardens and Waverley Station. From the evidence which has been given to the Committee, and the Justice Committee before that, in connection with the Bill, the Council is not aware of any other local authority owned property in Scotland which is potentially subject to the provisions of the Bill and has a location of such distinctive importance.

The Council’s concern is that should this long lease be converted to ownership, then it will effectively remove the Council’s ability to be involved in the site going forward. While the Council may still have an interest through its statutory functions, including as Planning Authority, this would not allow the Council the same level of direct involvement in, for instance, any future redevelopment plans, which may in turn affect the views of the Castle which can be enjoyed from other parts of the City.

As this property is within an UNESCO World Heritage Site, the Council has a particular interest in ensuring that its future use and development is in-keeping with this much prized World Heritage status, particularly given the location’s prominence on the global stage during the Festival and Hogmanay celebrations. In connection with this, it is worth highlighting that the Old and New Towns of Edinburgh have had this World Heritage status since 1995, and they are together 1 of only 4 such sites in Scotland, and 28 in the UK (including 3 in overseas territories). While ownership alone will not safeguard this status, it will provide the Council with a greater ability to protect it, and preserve it for future generations.
As mentioned by Council officers in their previous submission, the Bill’s provisions entitling a landlord to compensation in the event of a lease being converted to ownership are, I would respectively submit, unlikely to give the Council and the City’s residents appropriate recompense for the loss of the property, as they do not recognise an important non-financial interest such as this, let alone one of such special cultural significance.

In conclusion, the Council understands and supports the policy reasons behind the Bill. However, I have a concern that if the Bill is enacted in its current form, it would result in the Council being divested of its ownership of this important property without having resolved to do so, and so removing a large element of control over its future use and development. As such, I would urge the Committee to consider a specific exclusion of Princes Mall from the ambit of the Bill, if it is not otherwise excluded.