Submission from the Cockburn Association

The Cockburn Association is Edinburgh’s Civic Trust, established in 1875. We are a registered Scottish charity, No:SCO11544. The Association’s remit is to protect and enhance the City of Edinburgh and its setting. We have a longstanding interest in all issues relating to transport, the planning process and the safeguarding of Edinburgh’s civic amenity.

The Association’s attention was drawn to the issues surrounding Common Good assets by our member Miss Mary Mackenzie and we have followed the research of Andy Wightman on the matter. If Scotland does hold an estimated £1.8 billion in Common Good assets it is vital that these remain for public benefit and are not transferred in to private ownership as an unintended consequence of the Bill. It remains the case that not all local authorities have published full and transparent registers of their Common Good accounts and therefore the impact of the Bill cannot be appreciated. In light of this we would support an amendment as drafted by Andy Wightman for the 2011 Bill and supported by the City of Edinburgh Council amongst others to exempt Common Good assets from the Bill. The alteration should be inserted as Section 1(4)(e) “it is of land forming part of the common good of a burgh”.

It is notable that the Justice Committee has accepted the amendment proposed by the Peterhead Port Authority to the 2011 Bill and exempted harbours where related to a harbour authority but not exempted Common Good despite a number of submissions. The Association calls upon the Rural Affairs, Climate Change and Environment Committee to revisit the matter and give it the necessary weight to protect a public benefit.

Andy Wightman has raised the issue that the land Princes Mall stands upon remains Common Good and a consequence of the Long lease (Scotland) Bill will be to effectively facilitate the sale to the current lessee for 40p. The City of Edinburgh Council refutes that it remains Common Good but Mr Wightman remains unsatisfied and refers to the fact that no legal provision has been made to remove said land from the Common Good.¹ It would be remiss of the Scottish Government to facilitate the loss of such a financial asset to the people of the City of Edinburgh and it is hard to imagine a private property owner allowing it to occur.

Cockburn Association
31 January 2011

¹ See para 19 of 07.01.11 written submission from Andy Wightman