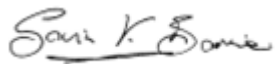

From: Gavin Barrie
Sent: 12 May 2021 07:17 PM
To: Brian Paton
Cc: Stephen Moir; Peter Watton
Subject: RE: Disposal of Common Good Land in Ravelston Park

Many thanks for this, all extremely helpful.

Regards,



On 23rd March 2020 the SNP/Labour Coalition assisted by the Greens, used emergency measures to ensure that independent members of the Council cannot take any part in the decision making process at the Council. A description of what is going on can be read here:

<https://www.edinburghnews.scotsman.com/news/opinion/columnists/edinburgh-councils-ruling-snp-group-playing-politics-despite-coronavirus-crisis-john-mclellan-2546663>

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Gavin Barrie
Councillor for Inverleith Ward, Edinburgh
A member of the Edinburgh Party of Independent Councillors.

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Please call 0131 529 4978 and I will arrange to meet you at a mutually agreeable time and place.



@gavinkbarrie



Gavin Barrie



Gavin Barrie

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From: Brian Paton <Brian.Paton@edinburgh.gov.uk>
Sent: 12 May 2021 17:49
To: Gavin Barrie <Gavin.Barrie@edinburgh.gov.uk>
Cc: Stephen Moir <Stephen.Moir@edinburgh.gov.uk>; Peter Watton <Peter.Watton@edinburgh.gov.uk>
Subject: RE: Disposal of Common Good Land in Ravelston Park

Gavin,

Many thanks for that. In respect of the question asked, a public notice was placed in the Scotsman on 19th and 26th February in accordance with the Court interlocutor dated 22nd January (copies attached). There were no representations made to the advertisements. For the sake of completeness the Court approval dated 17th April is attached.

I trust that this allows you to respond to your constituents. Should you require anything further please do not hesitate to contact me

Regards
Brian

Brian Paton | Senior Surveyor | Strategic Asset Management | Property and Facilities Management | Resources | The City of Edinburgh Council | Waverley Court, Level 1:5, 4 East Market Street, Edinburgh, EH8 8BG | [REDACTED]
| brian.paton@edinburgh.gov.uk | www.edinburgh.gov.uk/commercialproperty

From: Gavin Barrie <Gavin.Barrie@edinburgh.gov.uk>
Sent: 12 May 2021 16:36
To: Brian Paton <Brian.Paton@edinburgh.gov.uk>
Cc: Stephen Moir <Stephen.Moir@edinburgh.gov.uk>
Subject: FW: Disposal of Common Good Land in Ravelston Park

Dear Brian,

Please see below lengthy correspondence I have had over the last couple of days regarding the Community asset Transfer at Ravelston Park.

One point appears to remain outstanding despite my best efforts to respond appropriately. This is the question of public notification of the petitioning of the Court of Session.

Can you confirm that CEC took all the steps it had to in relation to this matter and can you offer any pointers to where the official legislative demands can be viewed.

Regards,



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From: Gavin Barrie

Sent: 12 May 2021 16:28

To: [REDACTED]

Subject: RE: Disposal of Common Good Land in Ravelston Park

[REDACTED]

I will make enquiries of officers to ascertain if City of Edinburgh Council (CEC) has taken all the proper steps regarding notification of the court process in accordance with the relevant legislation.

I am trying to take a neutral stance on this and have tried to the best of my ability to provide factual responses to your questions of me. I do however have some sympathy with any organisation that manages to jump through the numerous legislative hoops to secure a community asset transfer if they are doing so for the right reasons. As previously intimated I believe BCT have done this.

I have no formal or other relationship with any officials from the Blackhall Community Trust although some years ago, within my 10 years term as a Councillor, I did visit the nursery in my role as an elected member for Inverleith and they described to me what they might seek to do going forward. As an elected member it is certainly not unusual to visit such groups or organisations. I have also come across them at various community group meetings I have regularly attended over the past few years where they presented their plans. I have not attended any of their meetings and although another Inverleith Councillor was nominated to liaise with them it was not me and I have no knowledge if the nominated person took any action with regard to the nomination. I have also kept up to date with their progress via their webpage and note from there, that any resident of Blackhall can become a voting member of the Trust if they are age 16 or over. Not living in the Blackhall area means this membership is not open to me.

Regards,

Gavin K. Barrie

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From: [REDACTED]

Sent: 12 May 2021 15:45

To: Gavin Barrie <Gavin.Barrie@edinburgh.gov.uk>

Subject: Re: Disposal of Common Good Land in Ravelston Park

Dear Gavin Barrie

We note your response.

Notwithstanding any previous decision made by EDC, it would be very important to allow the significant numbers of those who disagreed or strongly disagreed to make representations at the court stage. It does not appear that you have addressed the important points made in [REDACTED] previous email about the lack of information with regard to the petition to the Court of Session? It is of little surprise therefore, that there is considerable consternation amongst those who did disagree and consider that they were not given an opportunity to make representations to the Court.

Our reading of your emails, is that you appear to be unwilling to try and assist us and that you are rather in fact, arguing in favour of BCT and appear to be sympathetic to their cause? Do you know or have any dealings with BCT or any of its office holders?

[REDACTED]

[REDACTED]

[REDACTED]

On 12 May 2021, at 14:58, Gavin Barrie <Gavin.Barrie@edinburgh.gov.uk> wrote:

[REDACTED]

I'm afraid there seems to be some misunderstanding of the sequence of events and their relevance to this matter.

Whilst of course the decision of the Court of Session is vital to the legal process of the transfer of the land to the Community Trust, the decision to transfer the land was made unanimously by a cross party group of Councillors at a meeting of the Finance and Resources Committee on the March 7th 2019.

As intimated at the link previously supplied, all the detail is there as a matter of public record, as is the minute of the meeting that includes the decision of the committee. At that time the committee had the officers report and no one objected to the proposal either in writing or sought to address the committee in opposition to the proposal. The report also contains a map of the land in question, as such elected members were aware of what was at stake. I hope this answers the question 'who at the Council made the decision to OK it.' I also note that from the figures supplied almost twice as many people strongly agreed or agreed with the proposal, as against those who disagreed or strongly disagreed. Had the proposal been anything other than to go ahead on a two to one majority in favour, this would have caused great consternation.

With regard to the advertising in the Scotsman of the petition to the court, this is I believe a statutory duty placed upon the Council, but as intimated above, the decision to transfer the land, albeit dependant on the agreement of the Court of Session, had already been made. In my humble opinion it would be unusual to object at this stage and not at the prior stage where the Councils decision was being made at a public meeting.

As far as I can see, over many years, the Council and the Blackhall Community Trust have followed all the legislation and guidance with regard to the Community Empowerment (Scotland) 2015 Act in relation to the transfer of assets to community groups and The Disposal of Land by Local Authorities(Scotland) Regulations 2010.

On this basis, and at this very late stage, I see little grounds for seeking that officials don't complete the process that has been ongoing for so many years.

Regards,

<image001.gif>

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<image003.jpg>

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@gavinkbarrie

<image005.gif>

Gavin Barrie

<image006.gif>

Gavin Barrie

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From: [REDACTED]

Sent: 12 May 2021 08:36

To: Gavin Barrie <Gavin.Barrie@edinburgh.gov.uk>

Subject: Fwd: Disposal of Common Good Land in Ravelston Park

Dear Mr Barrie

Just for the avoidance of doubt, copied below are the concerns expressed by one of the other interested parties. As you will note, the concern is not about the transfer of the nursery, it is about the extent of the **land removed from common good** which is apparently going to be transferred to the trust.

We look forward to hearing from you

[REDACTED]

[REDACTED]

— the issue isn't with the CAT plan for the Nursery and it's plot.

The issue is the large area of land requested for removal from Common Good and transfer to the BCT,
and who at the Council made the decision to OK it.
- BCT have produced no plans justifying why they require such a **large** area transferred.
The Community via the Consultation pointed out:
- that this land was already regularly used by numerous user groups
- that the BCT had produced no plans justifying such a large land transfer— — —

[REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: 11 May 2021 at 18:29:34 BST
To: Gavin Barrie <Gavin.Barrie@edinburgh.gov.uk>
Subject: Re: Disposal of Common Good Land in Ravelston Park

Dear Gavin Barrie

Thank you for your reply and all noted.

As you point out in relation to the consultation process “The consultation was primarily undertaken online, through the City of Edinburgh Consultation Hub website. In order to make the public aware of the consultation, information, including the link to the site and other ways the public could access the consultation were advertised through social media (twitter and facebook), notices placed on site, notices in Blackhall library and intimation to the Community Council. The proposals were advertised for the duration of the consultation period.” That process therefore was widely advertised, hence the reason that representations were made and a very significant number of respondents either disagreed or strongly disagreed. That is in stark contrast to the notification given of the petition to the Court of Session which appears to have been some notice placed in the Scotsman. I’m sure it will come as no surprise to you that there may be many people who do not read the Scotsman, including many of those who were respondents in the consultation process. That is likely to have applied all the more so, during the COVID pandemic. There are many electronic means available including email and social media and the types of public notices that were deployed in the consultation process, that could have and should have been used at such a key part of the process. There is little doubt, that had the petition been properly advertised and intimated to those with a substantial interest in this matter, representations would have been made at the court of session stage.

It would appear from our reading of what you have quoted from the council official, that there is still time yet available, for representations to be made to Edinburgh District Council, about the ultimate disposal of this piece of land. Given that, we would be grateful to know, if you would be willing to assist in requesting that the official in question, takes no further steps until proper representations can be made in the interests of overall fairness? However long the trust has been in existence, it is clear that the most important events have been the consultation process and the recent petition to the Court of session. The former may have been properly conducted, but the latter was certainly has not in terms of adequate intimation.

We look forward to hearing from you as a matter of urgency.

[REDACTED]

[REDACTED]

[REDACTED]

On 11 May 2021, at 16:50, Gavin Barrie
<Gavin.Barrie@edinburgh.gov.uk> wrote:

[REDACTED]

I note from the newsletter you sent me the second sentence is 'Five years after the formation of the Trust, which came about as a result of an extensive community consultation, we are finally making some huge steps forward!'

I am certainly aware of the five year journey the Trust has been on, the public consultation that has taken place and the online information that has been freely available to anyone with an interest. There has also been a council meeting where this was discussed and a decision made, the final step being permission of the courts.

Information regarding the consultation appended below and more detail can be found here [Proposed sale of an area of common good land to Blackhall Community Trust - City of Edinburgh Council - Citizen Space](#) including the report and decision of the council committee in March 2019.

A recent communication from a council officer offered this:

The purpose of the consultation was to inform the petition to the Court of Session to remove the inalienable common good status and to allow the community asset transfer of Blackhall Pavilion to Blackhall Community Trust to proceed. The consultation ran for an eight week period from 19 August 2019 to 11 October 2019.

The consultation was primarily undertaken online, through the City of Edinburgh Consultation Hub website. In order to make the public aware of the consultation, information, including the link to the site and other ways the public could access the consultation were advertised through social media (twitter and facebook), notices placed on site, notices in Blackhall library and intimation to the Community Council. The proposals were advertised for the duration of the consultation period.

At the conclusion of the consultation period, 316 responses were received with the results as shown in the following table:

Option	Total	Percent
Strongly agree	179	56.65%
Agree	22	6.96%
Neither agree nor disagree	5	1.58%
Disagree	20	6.33%

Strongly disagree	86	27.22%
Not Answered	4	1.27%

The petition was submitted to Court in December 2020 and as required, public advertisements were placed in the Scotsman advising of the proposals and requesting representations. None were received and the Court approval was granted earlier this month. We are now proceeding with the community asset transfer and expect this to be completed in the next few weeks.

I'm afraid that given all of the above, including that a City of Edinburgh Council (CEC) decision has been made, and that any other groups have had five years to set up a competitive trust or maintain opposition, it is extremely unlikely that the decision will be changed.

A condition of the transfer will be that it can only be used by the Trust for what it was described in their application, and if for any reason it should cease to be used for such things the ground will revert to the Council.

I would hope that you would find some solace in that the use of the land will be to the benefit the youngest and some of the most vulnerable in our society, nursery age children, and that the usage of the land in question will certainly be all day, every week day, from circa 08.00 to 18.00hrs as a nursery, and then as a community facility in the evening (and parts of the day and weekends.)

Regards,

<image001.gif>

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<image003.jpg>

<image004.gif>

@gavinkbarrie

<image005.gif>

Gavin Barrie

<image006.gif>

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From: [REDACTED]

Sent: 11 May 2021 12:31

To: Gavin Barrie <Gavin.Barrie@edinburgh.gov.uk>

Subject: Disposal of Common Good Land in Ravelston Park

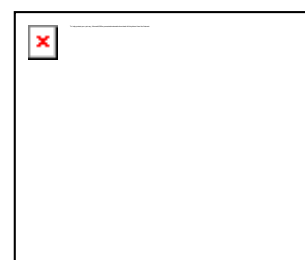
Dear Gavin Barrie

We are forwarding a copy of the May edition of the Blackhall Community Trust (BCT) newsletter. We are concerned to discover, that following a petition to the Court of Session to permit the disposal of inalienable common good ground in Ravelston Park, Edinburgh District Council (EDC) now appear to be in the process of transferring that area of ground to BCT. Despite a previous consultation process and representations being made by local residents, it appears that this is now being presented as a *fait accompli*. If some form of notification was given as part of the application to the Court of Session by EDC, it does not appear to have been adequate and had it been so, undoubtedly, representations would have been made to the Court. The area of ground in question is in constant recreational use by local residents and other park users. It may well be that those with an interest in retaining the current recreational use of that area of the park, would be

interested in acquiring it and if necessary forming a trust to do so.

We would be grateful therefore, if you would please make contact as a matter of urgency with EDC (we understand that it is Brian Paton - Operational Estates that is dealing with it) and request that no further action is taken by EDC, until a proper opportunity is given to all interested parties, to make representations as to the future disposal of the ground in question.

We thank you for your help and look forward to hearing from you.



Blackhall Community Trust eNewsletter

May 2021

Latest News from Blackhall Community Trust

The Board of Blackhall Community Trust is delighted to share good news with you. Five years after the formation of the Trust, which came about as a result of an extensive community consultation, we are finally making some huge steps forward!

The **Community Asset Transfer of Ravelston Park Pavilion** from the City of Edinburgh Council to Blackhall Community Trust, on behalf of Blackhall residents should be completed in the next few weeks. This is now possible because of the **successful Court of Session petition** in April 2021 by the City of Edinburgh Council to dispose of the inalienable common good designation on the building and adjacent ground. Until the disposal, no alteration of any kind could be made to Ravelston Park Pavilion. Now, we can begin in earnest on devising a **new Ravelston Park Pavilion for the Blackhall community**. You may recall that a community space and more places for local three-to-five year olds at Blackhall Nursery were in the top three community 'needs' expressed through the community consultation.

The board of directors/trustees has applied for a grant from the Scottish Government's Strengthening

Communities Fund to employ a fulltime development officer for three years. The intention is that the development officer will work on community engagement and communication, creating and delivering fundraising strategy, managing the design, consultation and planning process for the new Ravelston Pavilion and also be able to support the BCT Board.

After all these years – literally – of form-filling, consultations, grant applications and much more, community ownership of Ravelston Park Pavilion has nearly been achieved. Please be assured that proposals for the next steps towards creating a community space, along with ten more free places for local children at Blackhall Nursery and fit-for-purpose facilities for the children and staff will be brought to the wider community. We would usually have three public meetings a year in which to update residents plus door-to-door delivery of newsletters; however, as these are not currently possible, we are likely to have online meetings instead.

If you have any questions, please email blackhallcommunitytrust@gmail.com. Please note: We will share any further updates with you via this eNewsletter and we put more details on our website, as information becomes available. The plan showing the community asset transfer land can be viewed on the City of Edinburgh Council's web page for the 2019 consultation [here](#). Please note: we were advised to acquire additional land to the west of the building to create a space for a temporary depot to enable construction work because of the difficulties of undertaking building work in a public park. The intention is to return it to open grassland.

How can you help Blackhall Community Trust?

We would be delighted if you could show your support and interest by:

- forwarding this email to encourage others in the community to become members or sign up to our occasional eNewsletters (we will not use contact details except in relation to Blackhall Community Trust and we will keep details securely);
- joining our Board of Directors - email us and tell us about your enthusiasm, skills and experience via blackhallcommunitytrust@gmail.com. We'd really like to hear from you if you're willing to share your expertise!
- following us on [Facebook](#) and/or [Twitter](#).