

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

OBJECTION 6 – MRS JEAN DOUGLAS AND MR CHARLES DOUGLAS

This letter is to express my, and my husband's (Charles Douglas) objection to the Private Bill proposed by the City of Edinburgh Council. We both object to the entire Bill.

We have been resident in Portobello since 1958 and as Portobello Park means a lot to us and to our family we wish to make the following points which we consider are reasons for objecting to this Private Bill since there are suitable alternatives for the provision of a new high school

- While our children were growing up and attending schools in this area and now that some of our grandchildren are following in their parents footsteps the park has been well used by our families and by the other families in this vicinity. Until recently children learned to ride their bikes there, practised ball games and had their first experiences of golf on the 9 hole golf course. They played in football teams at the week-ends and met their friends there. With 3 football pitches and plenty of other open space there was always room for whatever activities the children fancied. This park is an extremely safe play area. It is level ground and is overlooked on all sides so the children and golfers are always visible. It is never vandalised and there is never any violence and it is not frequented by drug users. In short the Park is a really valuable asset to the people in this community. Recently, however CEC dug up the park and removed the goal posts in preparation for their planned building works. The ground is now uneven with holes and troughs and with no goal posts is unsuitable for the recreational football previously enjoyed on the park. The Council now maintain that the park is not used but do not mention that they (the council) made it unusable. It is not only the children who enjoy the facilities offered by the park but dog walkers, joggers, walkers and other adults also benefit. Personally over my 50 plus years in this area I have always crossed the park on my way to Portobello High Street. It is not the shortest route from my home but even now when I can no longer safely cross the park for fear of twisting an ankle in one of the furrows I still prefer to walk round the perimeter. Having the lovely open views over the Forth and across to the Lomond Hills in Fife is wonderful. Seeing the greenery, the Millenium planting and the open green space in the midst of what is a busy built-up area is very therapeutic and I know that a great many people feel as I do. The walk round the park is physically and mentally uplifting. Also to the west of the park lies Arthur's Seat and recently CEC identified the view from the Park as a "protected view" and gave the community money to erect a notice to that effect and provide a bench beside it. Now the Council wish to put a 3 storey building in front of the view. Although my husband does not use the park as frequently as I do he often walks my daughter's dog especially in the evenings. He particularly enjoys the large open green space in the spring and summer evenings when the views are still visible – this would not be possible if a school were to be built there.
- CEC offer, as compensation for the loss of the Park, to create a new park on part of the present PHS site about 10 to 12 minutes walk away from Portobello Park in a different part of Portobello. This new park would be much smaller (less than half the size of the present park) and located beside an existing large, beautiful park (Figgate Park) which has a large pond, lots of wild life, several lovely walks round it as well as ample open green space for children to play and for dog walkers. A new

park there would add nothing to that area and would be too far away to be of any use to the community which regularly uses Portobello Park. Also in 2008 CEC which had suggested, some years earlier, that the current site of the school would be given as compensation for the loss of Portobello Park, went back on this promise and at a Council meeting in 2008 (recorded in their minutes and so still available) stated that this would now not take place because, they said, that site was too small, was in the wrong location and financially it would make more sense to sell the land as the money was needed. Here again, as has been the case so often with the plans for the provision of a new school, CEC has changed course. We are never quite sure what promise CEC will honour and it is little wonder that so many people do not trust the Council.

- The Council would like everyone to believe that only a small minority of Portobello residents oppose their plans to build on the park but the facts tell a very different story. The people of Portobello who support keeping the park started a fund to fight the Council – if necessary- though the courts since, unlike the Council who can use public funds, individuals have to pay their own costs. There were no large backers and all the money came from the ordinary people in Portobello. The response was tremendous. A six figure sum has been raised and this enabled the park supporters to challenge CEC in the Inner House of the Court of Session (the highest law court in Scotland). Three senior judges presided and the Park supporters won their case. We maintain that CEC should now accept the law of our land and start to build a new PHS – which is badly needed – on one of the alternative brown field sites. Other high schools in the city - all with excellent academic records – are currently having, or already have new builds on very much smaller sites than those available for PHS and the council claim that all these new builds will provide all the facilities which constitute an establishment fit to deliver good education suitable for the 21st century. CEC reluctantly acknowledge that Portobello Park is Inalienable Common Good Land so why should they be given preferential treatment in order to circumvent or overturn a High court ruling simply because the park is their “preferred” choice especially when alternatives exist? What justification is there for the Scottish Government to change the status of the park and over-rule a Court decision? CEC are making a mockery of the law.
- Consultation process: We strongly object to the way in which CEC conducted the consultation process which ran from Dec 1st 2012 and Jan 31st 2013. Information packages were scheduled to be delivered to all homes in the Portobello area and a survey was to be conducted. Some homes in the centre of Portobello did in fact receive this information but many households did not. Two public meetings were arranged for 9th and 17th January but we, and many others, did not receive the information until after the second meeting ie 13 days before the close of the 9 week consultation process. We know that many people did not receive any information. We only knew of the details from friends. No survey forms were included with the information pack and the preferred way (for the Council) for taking part was online. Those who were not computer literate or who did not have access to a computer were disadvantaged and had to go to the Council offices or to a library to obtain a form. CEC claim that their leaflet distributor let them down. We find it very hard to believe that a large local authority was incapable of dealing effectively with this situation and was unable to have a leaflet drop carried out quickly - after all it only involved the Portobello area not the whole of Scotland. Another point is that there was no age restriction for those taking part and at the public meetings the Council clearly stated that all children from birth up were entitled to, with or without parental

assistance, a vote. CEC say they checked all the returns against the Electoral Register. We cannot see the point of this since obviously none of the children appeared on that and apparently no-one was excluded anyway if they were not registered. The survey forms did not ask for details of age, gender, or occupation. Only names and addresses were required. Surely it would have been fair to differentiate between votes from adults and from children. There was a lack of transparency in this consultation process. It was run by the Council, counted by the Council and no other interested or independent party had access to any part of this. Requests for involvement were refused. Why did the Council refuse scrutiny what was it hiding? Price Waterhouse's involvement after the count was limited and their report did not reflect on the overall running of the survey. Based on their survey results CEC claim that two thirds of the people are in favour of building on the park and, in the circumstances, this is not surprising since all the children in the feeder primary schools and in PHS were encouraged to take part. Mini polling stations were set up within school premises and the children were urged to "vote for the school" 1200 + from the high school with at least 1500 from the primary feeders plus all the under school age children whose parents could vote on their behalf would account for an impressive total. This survey effectively gave parents of children extra votes while childless adults or those families whose adult children had left home had no such advantage. Is this really Scottish democracy and should this survey be used as a valid measure of support for building on common good land?

- CEC claim that the building of the school on Portobello Park would benefit the local community and increase their amenities. These supposed benefits are listed as follows:

A) two all weather pitches would be available for hire by prior booking by the community out with school hours. How can these pitches behind 15 feet wire fencing, available at restricted times be an improvement on 3 open pitches available at all time and to any number of children on a spontaneous basis? Also how can 15ft high enclosures and floodlights be more aesthetically pleasing for the community than a large open green space? The present PHS has one all weather pitch but as far as we know it is never used by the public.

B) the swimming pool, again out -with school hours, would be available for hire. The present school has a pool which is used by groups. Use by individuals is impossible as there is no lifeguard and groups must provide their own. Presumably the same would apply to any new pool. Anyway there is a lovely Council owned leisure Centre on Portobello Promenade with 2 good pools available to the public at low cost and without the limitations of school hours.

C) A path would be created behind the school building for dog walkers but we fail to see how that is an improvement for either dog or owner. Being restricted to a tarmac path instead of having the freedom of a large grassy park is hardly an advantage for dogs. Walking behind a school would be less safe for the owners as they could no longer be seen from the road or surrounding houses.

- Everyone in Portobello wants a new school for our children and we do not deny that a school is very important. Having taught Science for many years in Secondary schools in this area I certainly value good quality education. My husband feels as I do having been a History teacher. Green space, however, such as that provided by Portobello Park, is just as important for children and adults alike. The Park is on the very busy A1 road bringing all the traffic from the South East into the City Centre

and surrounded by densely build up streets so the park is a most welcome oasis which if built upon on would be lost for ever. This park was given (this is well documented in the history of the park) to the people of Portobello over 100 years ago and before the town merged with CEC. It was given for “recreational purposes only” and “in perpetuity”. The wording on the Title Deeds are very specific. Surely there is a moral obligation to honour this and ensure that this area in Portobello and the people of Edinburgh in general continue to benefit from such a generous gift.

- Portobello can still have a lovely new school in a good location in the heart of the community because there are alternatives. We should be able to have our modern school and our Park. One should not preclude the other. This issue has torn Portobello apart and what is needed now is for CEC to show respect for the legal system of our country so that the community can settle down without further challenges.

Thank you for reading this letter. We hope you will decide that the High Court ruling should be upheld and that CEC should not build on Portobello Park.

14 June 2013