

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

OBJECTION 9 – ELIZABETH, MEHDI, LEYLA, KASRA AND KEYAAN MANSHOURI

We the undersigned, residing at the above address, wish to object to the whole of the above bill being promoted by the City of Edinburgh Council (CEC).

This bill, introduced on 25th April 2013, seeks to alter the status of Portobello Park from inalienable to alienable common good land, thus enabling the CEC to appropriate the land in order to build a new Portobello High School and two all weather football pitches on the park.

We wish to object to the bill in the strongest terms for the following reasons:

- On 12th September 2012, three eminent Appeal Court Judges of the Inner House of the Court of Session ruled unanimously that it was unlawful for the CEC to appropriate the land and build on the park.
- A private bill is necessary when there is no other avenue available. In this case the option to rebuild on site (the preferred option of CEC in 2003) or build on brownfield sites identified by the CEC should be pursued. The CEC is currently in negotiations to purchase a site at Baileyfield in Portobello which would easily accommodate a new school and be in the heart of the community. Rebuilding on site has been the preferred option for a number of Edinburgh schools and is a viable option in this case.
- The amenity, in the past enjoyed and used by my family and many others for recreational purposes, will be lost (the goalposts were removed by the CEC several years ago curtailing the playing of football by local amateur teams). This parkland has, over the years, been sorely neglected by the CEC, resulting in the area being under-utilised due to the dangerous condition of the ground. As now widely recognised by the medical profession, it is very important for the health and mental well-being of local residents, that open green space be retained for exercise and leisure purposes. This park should be available and maintained in a suitable condition to be used in the way it was intended when originally gifted to the people of Edinburgh.
- Living directly opposite the park, uninterrupted views over the protected townscape of Portobello, the Firth of Forth and beyond to Fife, treasured by this family and originally a deciding factor when choosing to live in the area, will be completely obliterated. There will be no outlook from our windows of anything other than a three/four storey building. This will have a severely detrimental effect on our mental well-being and will severely reduce the resale value of the property due to the loss of the unique open aspect.
- The school building, intended to be at least the same height as the ridges of the houses opposite on Duddingston Crescent, will have an adverse impact on the area, completely overshadowing the houses opposite and in Park Avenue. The design of the school building, in no way complements the architecture of the surrounding properties. Artists' impressions of the area after completion, have given the public and those supporting the build, the idea that the visual impact will be minimal. The building will dominate the area and the 24 hour security lighting at low level will have a detrimental visual

impact on the properties around it. The sound and light pollution created by the football pitches will impact greatly on the lives of those living opposite and in Hope Lane.

- The cutting down of mature trees and millennium planting around the perimeter of the park to accommodate the school, thus destroying the habitat of many forms of wildlife, will have a detrimental ecological and visual impact on the area and is not an acceptable loss. The existing Portobello High School has achieved three Green Flags for its ecological achievements, yet the proposed new build will completely contradict this ethos and send out very mixed messages to the pupils.
- The safety of the pupils attending the school will be compromised, especially when using the stretch of pavement between Park Avenue and the traffic lights at Duddingston Park. A safety railing cannot be put in place along the pavement as vehicular access over it is required by homeowners to their garages. Vehicles including lorries, buses and cars move away very quickly and very close to the pavement when travelling east. Children, walking in groups, going to the Milton Road shops will be at risk of being severely injured or worse.
- The school has been designed to accommodate 1400 pupils and the impact on the area will be unacceptable. Park Avenue residents will be severely affected by the increase in vehicular activity due to the dropping off of pupils, deliveries to the school and no doubt increased parking restrictions, imposed to alleviate the problems which will undoubtedly arise. The street, with necessary parking on both sides for residents' cars, is narrow and cannot accommodate increased traffic.
- This bill, if passed by the Scottish Ministers, will set a precedent in Scotland and will send out a clear message to local authorities, that if they are restricted in their use of inalienable common good land, there is the option to change the law as a means to achieving their aims. This would completely undermine the authority of the Court of Session whose role it is to protect the rights of the people of Scotland and uphold the law, thus making a mockery of the legal system.

The final decision of the committee on the future status of the park, will have far reaching consequences for the lives of this family and for many others and we hope that our fears and concerns will be taken into account and our objections will be given due consideration.

23 June 2013