

## **CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL**

### **OBJECTION 20 – DIANA CAIRNS**

**This objection was signed by the objector and reproduced in typed (electronic) form by the clerking team**

I am writing to object to the Portobello Park Private Bill, being promoted by the City of Edinburgh Council. I object to the whole of the bill.

My reasons for objection are as follows:

The construction on Portobello Park of a school for 1400 would destroy the park, which is a well used and loved public open space that is vital to the health and wellbeing of local residents. Its loss would represent a reduction of 25% of Portobello's parkland. The loss of the park would seriously damage the amenity of this area.

The park is inalienable common good land and the original deed of sale to Edinburgh council states clearly that it should be kept for the recreation of the people of Edinburgh and that no buildings should be allowed to be erected on it. The original intention should be respected.

Three senior judges of the Court of Session last year ruled that the Council could not build on this land. That legal ruling should be respected.

The bill, if successful, would set a precedent for inalienable common good protection to be circumvented by other local authorities, by providing a route that could be easily followed. There are many other battles going on over common good assets all over Scotland so it would be naïve to believe that, if successful, other local authorities would not use the precedent set by the bill as a quick and easy way to appropriate common good land for other purposes than that for which it was originally intended.

The siting of a new school is not a matter for the Scottish Parliament and should be decided at a local level. Private bills should only be used when there is no other way of delivering the objective. If that is to provide a new school then this bill is not appropriate as it is not the only route to delivering a new school. So that begs the question as to what the real objective of the bill is, perhaps to allow building on the park at all costs?

If the school is built on the park, it will be a gateway to wholesale development of the whole area of the park and golf course. This was the original intention of the Council when they first announced their plans in 2006: to build two schools and a major housing development on the park and golf course. Please see enclosed leaflet.

Their intention at that time was also to sell off the existing school site to a housing developer. Whilst the proposal for housing has been removed from the current project, there has never been any reassurance from the Council that the whole area

would not be developed at a future date. I believe that this is their ultimate goal and the real reason behind the drive to build a new school on the park.

There are alternative brownfield sites identified and acknowledged by the council as suitable for the school to be built on and which will provide the same standard of educational facilities. A school should not be built on a park when there are brownfield sites available. One of the alternative sites is the current school site itself, for which 10 years ago the council produced a feasibility study for a rebuild on site. It was only after the feu superiority protecting the land fell following the Land Reform Act of 2003 that the council turned its sights to the Portobello Park and Golf Course site. The other site is at Baileyfield on Portobello High Street and erecting a new school there would regenerate a derelict site, bringing great benefit to the local community by being located in the town centre as this would make its facilities accessible to a larger number of people.

The consultation for the private bill was flawed. It was poorly designed and hastily executed, being launched in the run-up to Christmas. There was no lower age limit, which meant that children could take part but no appropriate arrangements were made to engage children in a meaningful way, as is usually the case when children are included in a consultation. The consultation material was biased, contained misinformation and was clearly designed to steer the results towards a certain outcome, i.e. support for the bill. There was no balanced presentation of the pros and cons of the private bill, yet the parliamentary rules for consultation for private bills state that the consultation must be balanced.

The promise of a new park on the existing site was mentioned as an inducement to people to salve their consciences for supporting the loss of open space that would be occasioned by the construction of a school on the park, yet the new park does not form part of the bill's provisions, so the seriousness of the council's intention to replace the open space that would be lost is questionable.

In fact, the council promised that they would provide replacement open space for that which would be lost when they identified the park as the preferred site for the new school in December 2006. I attach a copy of the minute of that meeting. However in March 2010 they reneged on the promise to replace the open space, saying that to provide a new park on the current school site would be a poor use of council resources as it would mean that they would have to forgo a capital receipt for the land. They also said that the land was not in the right place to compensate for a loss of open space at Portobello Park. I attach the relevant extract of the report. In fact the current school site is adjacent to a park of 14 hectares, so to provide a park in that location would be taking away from one area and giving to another that is already well-provided for in terms of parkland. It is difficult to trust that the council will deliver on the promise of a new park to replace the parkland that would be lost.

It is debatable as to whether this bill is appropriate business for the parliament as the provision of a new school is a local issue, or is it a way perhaps of undermining the protection of common good land by the back door, instead of introducing proper legislation to review the way common good assets are dealt with?

The bill would affect my interests as I use the park regularly for exercise and recreation. It is the only sizeable piece of open space in the area and is useful for walking circuits. I need easily accessible green open space in order to get fresh air and exercise, which is essential for my physical, mental and emotional wellbeing. Its unique characteristics are its semi-wild borders, its mature trees, and its rural feel, which is not experienced in other parks in the area. I particularly appreciate the public views across it to the Firth of Forth and Fife and also the protected view to Arthur's Seat. As it is adjacent to a well-used municipal golf course, the site gives a feeling of a wide expanse of space which is very rare in an urban setting and is what makes this park unique.

The reality of this plan is that the vast majority of the park (around 92%) would be taken up by the school buildings, car parking for 110 cars and two synthetic sports pitches. The views across Portobello to Fife would be completely obliterated and the protected view to Arthur's Seat mostly obstructed by the school and also ruined by 5 metre high fencing and 13.5 metre high floodlighting poles, if a school was constructed on the park. There would be CCTV cameras installed for security purposes and at least 18 mature trees would be felled, so the character of the area and the natural feel of the park would be changed forever and destroyed.

Green space is precious and once it is built on it is lost forever. There is simply no reason to build on open space when brownfield alternatives exist. The children of Portobello need a new school but we also need green open space for future generations. This bill, if passed, will have far-reaching adverse unforeseen consequences, so please do not allow it to proceed.

I enclose my cheque for £20. For the record, I think it is unfair and wrong to expect people to have to pay to express their views and I know a number of people who have been unable to exercise their right to representation because of it.

20 June 2013

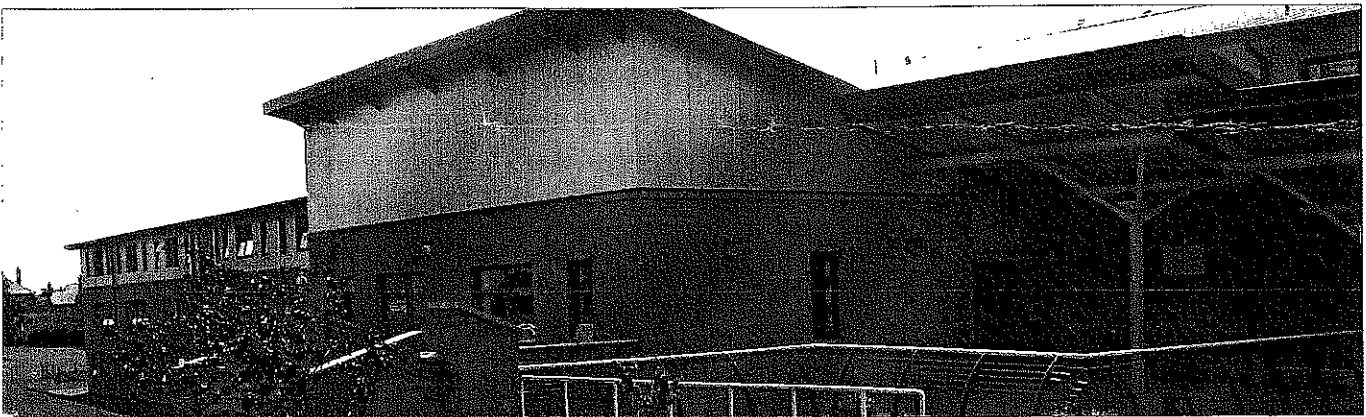
A new

Number 1  
March 2006

# High School for Portobello

## A better High School for Portobello

**F**or some time now it has been obvious that the Portobello High School building is becoming unfit to deliver the high quality education our children need. The 1960s eight-storey block, in which around 1400 pupils are taught, is deteriorating and there are serious concerns about many issues such as congestion on staircases, the movement of pupils between classrooms, and the inflexible layout of teaching spaces.



The new Craigmount High School offers excellent opportunities in an attractive setting

The children of Edinburgh and Portobello deserve to fulfil their potential and the best way to achieve this is to offer them a positive experience of school. A very important factor is the surroundings in which they are taught: better buildings inspire better learning. It therefore seems sensible to examine all the options for improving Portobello High School in order to find how best to enhance pupils' educational experience.

The site of Portobello High School is adjacent to St John's RC Primary School, which has 450 pupils. It is overcrowded, its classrooms are too small, and a considerable number of children are currently being taught in Temporary Units. Any review of arrangements at Portobello High School clearly offers an opportunity to assess the needs of St John's pupils also.

In considering improved arrangements, it is useful to see whether it might be possible for both schools to benefit by sharing some facilities and costs. For example, neither school currently has on-site provision of outdoor sports pitches, with Portobello High School pupils having to be bussed to the Jack Kane centre.

# The Way Forward

**A** local High School needs to be at the heart of the community, and centrally located for all the children in the catchment area. Lower-level schools of around two or three storeys provide a better learning environment than the present eight-storey block. We also wish to encourage healthy lifestyles and pupils are more likely to participate in sports if there are outdoor sports pitches on the site.

The Council has already made some informal investigation into several options, and these are listed below. No firm proposals are yet on the table and no conclusions have been reached. This newsletter is being issued partly to inform the Portobello community of the Council's current thinking and partly to begin the process of sounding out local opinion. There will be full public consultation on formal proposals before final decisions are taken.

## The Options

The Council has examined several main options for improving Portobello High School:

### **Refurbish the school on its existing site**

Although this could offer benefits by improving the building's appearance, this is a short-term option which will not solve the

bigger problems of providing the flexible accommodation needed for 21st century teaching and the safety issues in an eight-storey building. It would not provide on-site playing fields.

### **Rebuild the school on its existing site**

The 'footprint' of the existing site is not big enough for the optimum low-level school with sports pitches. In addition, the 1400 current pupils would have to be 'decanted', ie sent to school in other locations while the old school was demolished and a new one built. There is no temporary accommodation on this side of the city suitable for such a large number of pupils over a period of possibly two years.

### **Build a new school at the Holy Rood RC High School site**

Although the Holy Rood site appears to have a lot of land around it, it is almost all designated as Greenbelt, contains an Urban Wildlife Site, and development possibilities are very restricted. It is on the western edge of the catchment area, and not centrally positioned.

### **Build a new school on the Freightliner terminal site**

Situated between the railway tracks

and Sir Harry Lauder Road, this site is awkwardly shaped, too small and is badly located for access. Moreover, the land is not Council-owned.

### **Build a new school on the current Powerleague site**

This site in Westbank Street, formerly known as the 'Pitz', is too small.

### **Build a new school in Portobello Park**

Purpose-built outdoor sports pitches and two new schools (Portobello High School and St John's) would take up around one third of the Park's area and there would be more opportunities for the community to benefit from better school facilities. A third of the area would remain as parkland, with existing sports provision maintained. Sympathetically-designed housing, built to fund the school improvement, would take up around a further third of the park. There are no plans yet about where the buildings would go, and no restrictive covenants on the parkland.

Based on initial investigations, the Portobello Park option seems likely to deliver the most attractive and cost-effective solution. However, there are no firm proposals at this stage and no decisions have been taken. We would be glad of your feedback at this stage (see overleaf for contact details) and wish to reassure the community that, before formal proposals are presented for consultation, we will conduct fuller assessments.

# Green spaces

We are very proud of Edinburgh's reputation as a beautiful city and, over the past few years, we have created more than 300 acres of new green space in the city. Portobello is more fortunate than many areas of the city in being flanked by lots of open space, with the huge Holyrood Park to the west, and the beach and the sea to the east. In addition, it is richly provided with parks with not only the picturesque Figgate Burn Park, Rosefield Park, Abercorn (or Daisy) Park and Brighton Park but also, within the Portobello High School catchment area,

Bingham Park and playing fields, Jewel Park and Joppa Quarry Park.

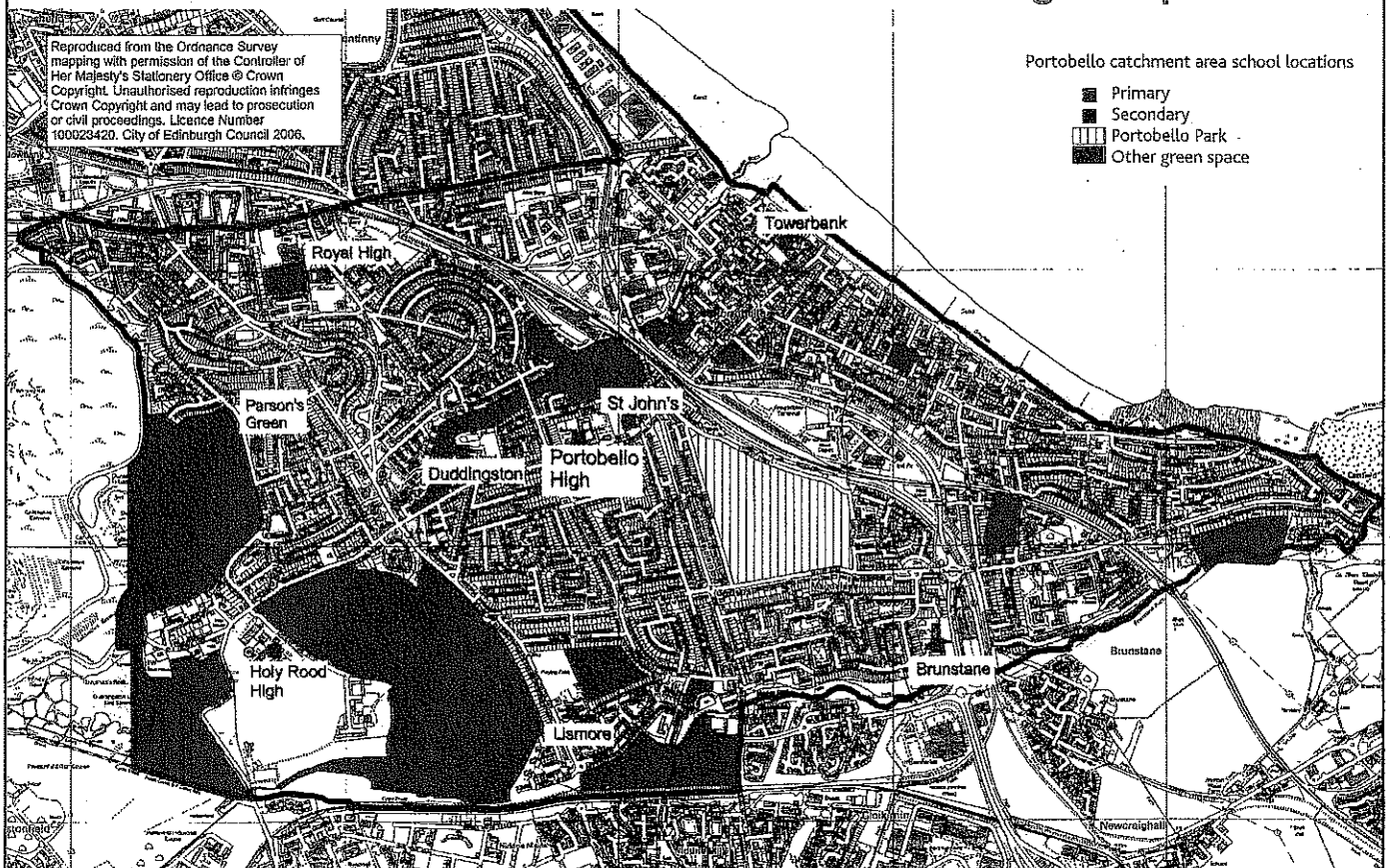
The central location of Portobello Park is an asset for the whole community and, if it were decided to proceed with this option, around one third of the Park (an area only slightly smaller than Calton Hill) would still be available as open parkland for community use, and the treescape would be largely maintained. In addition, if houses are built on the existing school site, 20% of that area will be designated as green space. It should be noted that,

although there seems to be some local speculation that the Powerleague is planning to relocate to a site on or near the Park, we are not aware of any plans for this.

## Portobello Golf Course

We are conscious that the 120 members of the Portobello Golf Club will be concerned about their pastime. We have been exploring alternative sites for the golf course and we intend to buy land nearby to build an entirely new and better golf course. This, together with the remaining land at Portobello Park, and the new green space at the existing school site, would result in more publicly accessible green space than at present.

Portobello catchment area – school locations and green spaces



# How will the new schools be funded?

Recent and planned improvements in many Edinburgh schools have been financed through the Scottish Executive's PPP (Public Private Partnership) scheme, where the Council joins with a private partner to meet building costs, repaying the sum over 25 years. During the latest round of

bidding for PPP funds, Portobello High School narrowly missed inclusion and it is unlikely that any further PPP funding will become available for several years.

Rather than inhibit the education of Portobello's children, the Council wishes to

draw up proposals to resolve the present situation. To allow us to fund an improved school, we are investigating the possibility of building and selling housing on two sites in Portobello: the site currently occupied by the two schools, with further housing within a section of the Park. A certain proportion of the housing would be affordable housing, and the money raised through all sales would go towards the new schools which would be owned by the Council.

## Public consultation

There will be lots of opportunity for consultation with both the school community across the whole catchment area and the wider Portobello community. Indeed, formal consultation is statutory for any proposal to move the site of a school.

As yet, however, there are no formal proposals. At present, we are taking soundings. There have so far been some informal discussions with Chairs of School Boards, with the Community Council and with the Golf Club. A report will go to Council's Education Executive on 25 April.

Subsequently, taking into account all the concerns raised, we will assess all aspects of a proposed move, including projections on school rolls, traffic management, safe routes to school and patterns of development within Portobello and surrounding areas. Detailed proposals will be worked up for full public consultation and normal planning procedures will be followed.

This newsletter is intended to offer preliminary information on options for improving Portobello High School, and to inform a debate about the best way forward. If you wish to contact us on this matter, please write to Roy Jobson, Director of Children and Families, The City of Edinburgh Council, 10 Waterloo Place, Edinburgh EH1 3EG or e-mail portobello.schools@edinburgh.gov.uk

You can get this newsletter in Braille, large print and various computer formats if you ask us. Please contact Interpretation and Translation Services (ITS) on 0131 242 8181 and quote ref 06099.

للحصول على معلومات حول ترجمة هذه الوثيقة  
اتصل بخدمات الترجمة على الرقم 06099  
مشيرا الى الدليل 0131 242 8181

এই দলিল অনুবাদ করার ব্যাপারে ইন্টারপ্রেটেশন  
এন্ড ট্রান্সলেশন সার্ভিস-কে রেফারেন্স নম্বর  
06099 উল্লেখ করে 0131 242 8181 নম্বরে  
ফোন করতে পারেন।

欲得到本文件的翻譯資訊，請致電  
愛丁堡城市議會傳譯及翻譯服務部  
(ITS)及引用參考號碼 06099，  
電話：0131 242 8181。

اس دستاویز کے ترجمے کے بارے میں معلومات کیلئے انٹرنیشنل  
ایڈز ٹرانسلیشن سروس کو 0131 242 8181 پر فون کریں اور  
ریفرنس نمبر 06099 کا حوالہ دیں۔

# Minute of meeting of City of Edinburgh Council on 21/12/06

## **Consultation on Site Options for the Replacement of Portobello High School and St John's Primary School**

A consultation process had been undertaken on the options to replace Portobello High School and St John's Primary School. Evaluation of the benefits, timescales, cost and deliverability supported building a new Portobello High School in Portobello Park, with a site for St John's being reserved at the current High School site.

### **Decision**

- 1) To acknowledge the high level of considered and measured debate that this consultation had generated, with nearly 800 people attending 3 public meetings, in addition to the individual and group submissions detailed in the joint report by the Directors of City Development and Children and Families.
- 2) To approve the selection of Option C (Portobello Park) as the preferred location for a new Portobello High School, subject to:
  - (a) confirmation, through the courts if necessary, of the land being useable for this purpose;
  - (b) an audit of usage of the current park being undertaken to inform the re-provisioning of adequate facilities to meet that need;
  - (c) the identification of local available land for open space provision in compensation for the loss of part of Portobello Park;
  - (d) this land (which may include the current St John's Primary School site) being identified and secured prior to the commencement of construction of any new Portobello High School; and
  - (e) assurances that no housing would be built on the remaining green space of Portobello Park/golf course.
- 3) To approve the selection of Option A (rebuild within the Portobello High School site) as the preferred location for a new St John's Primary School with a commitment to ongoing dialogue about possible further improvements to be made to the current school site.
- 4) To delegate authority to the Directors of Children and Families and Finance to:
  - (a) develop a funding strategy for the delivery of these schools;



- (b) submit an initial case to the Scottish Executive in January 2007 in advance of submission of a full business case; and
  - (c) explore, with the Scottish Executive, possible delivery mechanisms for the Portobello High School and St John's Primary School rebuild programmes.
- 5) To call for a report on the consequences of:
- (a) increasing the size of the new Portobello High School to 1400 places in line with demand;
  - (b) setting an intake limit for the 2007/2008 start of session which would be appropriate for a school of 1400 places; and
  - (c) considering the possible need to review the catchment area for the school at a suitable time prior to the opening of the new school building.
- 6) To call for a further report on new build versus refurbishment of St John's Primary School.

(References – Act of Council No 2 of 4 May 2006; joint report no CEC/144/06-07/CD+C&F by the Directors of City Development and Children and Families, submitted).

Extract from City of Edinburgh  
Council report of 11/3/10.

- 3.27 The 2006 Council decision acknowledged that the loss of part of Portobello Park would require compensatory measures. At that time, the presumption was to provide (replacement) local available land. Current thinking is now informed by the audit of the current usage of the park which has been undertaken, the recent city-wide audit of open space and the draft Open Space Strategy. These provide a policy context which was not available in 2006.
- 3.28 An audit of all open space within the city was approved by the Policy and Strategy Committee on 1 December 2009. The position within the Portobello/Craigmillar Neighbourhood Partnership area was summarised as follows:
- There are 210.48 hectares of significant open space, of which 168.64 hectares are accessible.
  - There are 6.94 hectares of accessible open space per 1,000 people (based on a population of 24,288 as estimated in 2008 by the General Register Office for Scotland) compared with 4.15 hectares per 1,000 people across the Council area.
  - 95% of houses and flats are within 400 metres walking distance of some type of significant accessible open space. This is one of the highest percentages for all neighbourhood partnerships, and is partly due to the inclusion of Portobello Promenade as civic space.
  - The beach is not classified as open space in this audit however it has an important role in providing space for leisure and recreation purposes.
  - 67% of public parks and gardens met the city-wide quality standard of 'good' (2009).
  - Less than the average proportion of residential amenity greenspaces were rated as 'good' (1 in 10) and above the average were rated as 'fair' (8 in 10). The number of 'low' quality spaces was consistent with the city-wide average.
- 3.29 A draft city-wide Open Space Strategy has been prepared for Edinburgh which aims to ensure that a coordinated approach is taken to protecting and developing the city's network of open space. It will set the standards that the Council will be expected to meet. This will be accompanied by action plans prepared in participation with the 12 Neighbourhood Partnerships. These documents were approved by the Policy and Strategy Committee on 23 February 2010 and will be subject to public consultation between March and May with a view to final approval in August 2010.
- 3.30 The draft Open Space Strategy recognises that quality of space is as important as the quantity of open space and includes, within its actions, creating or improving access to existing spaces and changing from one type of open space to another. The strategy recognises that, in a few cases, actions will be delivered through built development on open space. Those actions will result in less space overall, but higher quality open spaces which better meet the standards and needs identified in the strategy.
- 3.31 The Portobello area is recognised to be well provided for in terms of the quantity of open space although Portobello Park is assessed as being only fair quality. The opportunity to focus on improving the quality of Portobello Park rather than providing alternative open space therefore aligns with the Open Space Strategy.
- 3.32 Were the original intended approach to be followed there are a limited number of sites on the Children & Families account which could be provided as compensation, the most obvious being the site of the existing Portobello High School. This site is not necessarily in the right location to mitigate the effects of the reduction in open space at Portobello Park. It has recently been valued by City Development (Corporate Property) at £3.9m; this is based on a cleared site as the costs for the project to build a

new Portobello High School already include an allowance for demolishing the existing school buildings. If this site was converted to open space the potential capital receipt of £3.9m would be lost to the Council. This is not considered an efficient use of Council assets, particularly given the unprecedented financial difficulties and pressures on capital budgets.

- 3.33 It is proposed that any receipt from the disposal of the site of the existing Portobello High School is ring-fenced for future reinvestment into the Children and Families estate either for new investment or to assist in addressing the considerable backlog of asset management works which exist within the Children and Families estate.
- 3.34 The focus should be on ensuring that the existing uses of the park, mainly as a walking venue, should not only be preserved but improved wherever possible. This, in turn, would improve the quality of the existing provision in the area.
- 3.35 It is therefore proposed that, rather than identifying and providing local available land for open space provision in compensation for the loss of part of Portobello Park, the following alternative compensatory measures be provided:
- Improve the facilities on, and around, Portobello Park:
    - Provide broad corridors of open space along the frontage and east end of the school facilities by paying careful attention to the configuration of the all-weather pitches. Develop the existing woodland by selective under-planting and amenity landscaping.
    - Upgrade the open space corridor along the millennium planting line and adopt a more considered approach to the merging of the area between the school and the golf course through effective landscaping.
    - Open up the perimeter of the entire Park by introducing a network of paths around the full perimeter of the parkland, including the edges of the golf course, and implementing formal routes through the established woodland which are generous, safe and attractive to use providing access to areas previously considered inaccessible by the public.
  - Contribute to off-site improvements in the local area including a potential upgrade of open space in Joppa Quarry Park and/or the provision of a commuted sum to deliver upgrades to multi-pitch venues in line with the Open Space Strategy. Those areas in greatest need of improvement will be identified in consultation with Services to Communities.
  - The proposals for two all-weather pitches providing facilities for both school and community use all year round will significantly enhance the formal recreation opportunities. The re-provisioning of state-of-the-art changing facilities within the school linked to sports and fitness spaces, including the swimming pool, will also provide a range of opportunities for community use.
- 3.36 The rationale for these measures is explained in more detail in Appendix 3. It is considered that this combination of measures involving an estimated investment of £0.5m would ensure appropriate re-provision of the facilities currently used in Portobello Park as evidenced by the usage audit.
- 3.37 These measures will continue to be explored through the pre-planning consultation process during which the local community will have the opportunity to see the proposals and comment on the extent to which these would address local needs thus influencing the final outcome.