

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL COMMITTEE

CONSIDERATION STAGE

Group 1 – questions to the promoter submitted following the 7 May oral evidence session

Please find attached a number of questions that we would have asked in the oral evidence session if time had allowed. The questions all relate to information and data supplied by the promoter in the pre- introduction consultation documents, in the promoter's memorandum and supporting documents, in the oral evidence sessions and in correspondence in connection with the Private Bill.

Category 1

1. Will the council confirm that they are aware that in some circumstances, Fields in Trust agree that green space need not be preserved?
2. According to Secured By Design, lighting and security should be arranged to exclude access when there are no “capable guardians” present. What does this mean and how will it work?
3. Will this have an impact on unsupervised access, especially by children?
4. If individuals from the local area can book the proposed new pitches for free, can teams that currently pay to book other pitches book Portobello instead if they have a single team member from the local area?
5. What activities will be allowed on the pitches?
6. If there is vandalism and littering, what will happen regarding future access?
7. The promoter's response to the convener's letter of 11 October asking about access to artificial pitches (among other things) says “Informal access to the pitches through “cat flaps” would also be available at any time when there were no pitch bookings. Again the actual management of this will be finalised at a later date” Does the council still believe this to be workable in view of the Secured By Design guidance and the Community Access To School Facilities report?
8. Can you provide details about number of respondents who made suggestions for the new replacement park on the existing school site? Were these all respondents who had also supported the Private Bill proposal? What % of total responses was this?

Category 2

9. At what stage in a large development would the City of Edinburgh Council usually require a Road Users Safety Audit?

10. How many pupils are expected to cross Milton Road or Duddingston Park at lunchtimes when no temporary speed restrictions will apply?
11. In common with all other areas in Edinburgh the pedestrian controlled lights at the crossing outside the school entrance will have to be linked to the lights at Duddingston Park so they will not respond immediately, encouraging pupils to cross when the lights are at green. How has the council assessed this safety risk?
12. Why is it that the busy A1 at Milton Road is not regarded as a concern by the council?
13. Where will parents drop their children off when driving them to school?
14. The city of Edinburgh has the tenth worst road safety record around schools in the whole of the UK as evidenced by an article in the Edinburgh Evening news of 30 August 2013 (<http://www.edinburghnews.scotsman.com/news/education/edinburgh-10th-worst-uk-city-for-school-road-safety-1-3067997>) which shows a complacent attitude in this regard. Why do the council continue to downplay the road safety risks posed by siting this school on the A1?

Category 3

15. Why were to scale photomontages not provided as part of the planning application for the school to show people an accurate image of the impact on the surrounding area and the protected view?
16. Why was the protected view of Arthur's Seat from Hope Lane not included in the assessment of views carried out as part of the planning application?
17. Why has there never been any representation of this protected view showing the disruption to the view by the high fencing round the pitches and elsewhere within the site?
18. Does the council have any comments to make about the significant view identified in the Parks and Gardens Strategy across the golf course to the Firth of Forth, and the impact of the loss of this view?
19. The impact on two out of 12 of the viewpoints assessed in the Environmental Statement (chapter 6) of the planning application was rated as "major adverse" even after 15 years and the impact of a further six out of the 12 viewpoints assessed was rated as either moderate or minor adverse. The townscape impacts assessment also identified that the impact on Portobello park and Golf Course would be "major adverse" remaining so for 15 years. However, the promoter stated at column 261 on 23 April that: "I explained at the previous meeting that the new school has been designed to fit sympathetically with its surroundings". How can these two contradictory statements be reconciled and why does the promoter assert that its view takes precedence over a considered professional assessment?

Category 4

20. The pitches will be sunk down and lower than Milton Road. The floodlights will be about the height of the ground floor windows of houses in Duddingston Crescent. If deflectors

don't work, as in other parks, what will the solution be?

21. In other residential parts of the city floodlighting is subject to a 9 pm curfew but it is proposed to have floodlighting on the pitches at Portobello Park until 10 pm. Why?
22. How will you mitigate any problems experienced as a result of light spillage from the floodlighting?
23. Plant design has not taken place yet so noise levels are as yet unquantified. How will you mitigate the noise levels?
24. How can you guarantee that plant noise won't be a nuisance?
25. What impact will the increase in traffic plus 1400 extra children and over 100 teachers travelling to the site every day will have on noise levels in the surrounding area?
26. There is a goods entrance planned for Park Avenue and LGVs and HGVs will use that. In the promoter's response to Group 1, 4.2 they say that: "The volume of traffic on Park Avenue resulting from deliveries, etc. once the school is operational is **likely** to be low. Other smaller delivery vehicles would be **likely** to use the car park entrance on Milton Road to drop off supplies." What does likely mean in this context?
27. The planning application identifies that bats commute, forage and perhaps roost on the site. What will happen to any bat roosts found on the site?
28. In the Environmental Impact Assessment, it is recommended that in order not to deter bats from the park that light levels be kept as low as possible. Yet in direct contrast the advice on lighting in the Police Secured By Design (SBD) report suggests an even higher level of lighting, including floodlighting of the school site (as opposed to the pitches) and a high uniformity of light. How have these two contradictory bits of advice been reconciled?
29. The current planning permission is conditional. For example: "Submission of a fully detailed landscape plan and habitat management plan, including full details of the extent of the removal of Millennium Planting on the site's northern boundary will be submitted to the Planning Authority for approval". Has this been done yet?
30. How many tall trees will be felled and what is the commitment to replacing with tall tree species?
31. You will recall that in the assessments of other sites for the school they were marked down as they contained Millennium planting yet there was no mention of Millennium planting on Portobello Park. How much of the Millennium planting will be removed? (as a % of the total amount)

Category 5

32. The Atkins Report of 2003 confirmed to the council that it was possible to rebuild Portobello High School without moving St John's RC Primary School. When and by whom

was the decision made that Portobello High School could only be rebuilt on its current site if St John's moved first and where is this decision recorded?

33. Have council considered rebuild of PHS with St John's in situ with longer term plan to use St John's area for artificial pitch if/when St John's is rebuilt elsewhere?
34. Do the council acknowledge that in both 2003 and 2004 there were plans to rebuild on site, and if this option had been adopted in 2009 when funding became available the school would be built by now?
35. Which councillors knew about the August 2008 legal opinion regarding the need to seek court permission to build on the park?
36. Can we see written correspondence, records of meetings, telephone calls and emails between council officials and any legal advisers involved in either of the QC opinions regarding these opinions?
37. In 2009 when funding was identified, both legal opinions were in council possession. Did the council consider the risk in deciding to pursue park option rather than rebuild on site, given there has been no evidence for discarding that option?
38. Why was legal risk not factored in when funding became available in 2009?
39. Does the council agree that a school with similar accommodation, with exception of artificial pitches was proposed in the Atkins study?
40. Does the council agree that it is satisfied with the design and facilities that are being provided at Boroughmuir and James Gillespie's, and that there are highly regarded school buildings on constricted sites elsewhere in the city?
41. In previous evidence it was stated that all physical education would be provided on site. What are the areas of physical education that are not currently provided on site?
42. Can the council provide a list of the off-site facilities that have been booked in the past year in respect of physical education?
43. Does the council have more detailed cost analysis information with fully disclosed assumptions available for scrutiny? We have made various requests to the council for figures to support some of the comparisons of costs but have had very limited feedback.
44. Can the council guarantee that it will not have to re-tender this project, particularly given the very high level of contractor interest in the original tender?
45. The council indicated at the last evidence session that they put a notice in OJEU to advise previous unsuccessful bidders in Feb 2014 and that they have had no expressions of concern. Can the council confirm that they made this notification because they are aware that changing the terms of a contract can lead to challenges by previously unsuccessful contractors?

46. Can the council provide a copy of the Notice in the OJEU?

47. Can the council advise if they were aware of this requirement to notify potential contractors when they provided the information regarding the tender/procurement during the consultation in 2012/13 and the introduction of the bill in April 2013?

11 May 2014