CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL COMMITTEE

AGENDA

4th Meeting, 2014 (Session 4)

Wednesday 26 March 2014

The Committee will meet at 9.30 am in Committee Room 1.

1. City of Edinburgh Council (Portobello Park) Bill: The Committee will consider grouped objections to the whole Bill, taking evidence from objector groups and the promoter—

   Jennifer Peters, lead objector, Ian Ross, objector, Richard Forbes, objector, and Robert Sutherland, objector, Group 2;

   Gillian Dunn, lead objector, Archie Burns, objector, Stephen Carr, objector, and Dr Gordon McCulloch, objector, Group 4;

   Billy MacIntyre, Head of Resources, Children and Families, and Iain Strachan, Principal Solicitor, Legal, Risk and Compliance, City of Edinburgh Council;

   Charles Livingstone, Associate, Brodies LLP;

   Brian Thomson, Managing Director, JM Architects;

and then from—

   David Kilkerr, lead objector, Jean Douglas, objector, and Bill Flockhart, objector, Group 3;

   Beverley Klein, lead objector, Group 6;

   Billy MacIntyre, Head of Resources, Children and Families, and Iain Strachan, Principal Solicitor, Legal, Risk and Compliance, City of Edinburgh Council;

   Charles Livingstone, Associate, Brodies LLP;
2. **City of Edinburgh Council (Portobello Park) Bill - review of evidence (in private):** The Committee will review the evidence heard under item 1.

Mary Dinsdale
Clerk to the City of Edinburgh Council (Portobello Park) Bill Committee
Room T2.60
The Scottish Parliament
Edinburgh
Tel: 0131 348 5209
Email: private.bills@scottish.parliament.uk
The papers for this meeting are as follows—

**Agenda item 1**

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CONSIDERATION STAGE – EVIDENCE SESSION - 26 MARCH 2014

1. At its meeting on 26 March, the Committee will take oral evidence at Consideration Stage in two sessions:
   - Session one – Groups 2 and 4 and promoter
   - Session two – Groups 3 and 6 and promoter.

2. The format for both sessions is detailed in Annexe 2 but will broadly be as follows:
   a. The lead objectors for each group and then the promoter will be invited to make brief general introductory remarks.
   b. For each category of objection—
      - A spokesperson from each group, as appropriate, will be invited to outline each of the key issues in the category. (Therefore, for category one, a spokesperson in turn from each group should speak on each issue – firstly on loss of amenity/use of the Park; then on social, environmental and financial impact; then on replacement open space).
      - The promoter will then be invited to state its position on each of the key issues in the category.
      - Both parties will then have the opportunity to cross-examine each other on all the issues in the category.
      - Lead objectors will have an opportunity to make any final comments on the issues in the category.
   c. Consideration will then move on to the next category of objections and the same format will be followed.
   d. Following conclusion of proceedings on all categories, members will then be invited to question witnesses from both parties.
   e. To conclude, both lead objectors and the promoter will have the opportunity to make brief closing statements.

3. It should be emphasised that cross-examination is the most significant part of proceedings and where the focus of witnesses’ efforts should be concentrated.

4. The Committee already has in its possession the content of all objections and supplementary written evidence - oral evidence should not simply re-state the detail of objections. In addition, the Committee has already
considered a substantial amount of evidence on a number of issues raised in objections at Preliminary Stage (namely, the precedent argument, alternative sites, the Court decision and the consultation process);

5. Six supplementary written submissions have been received from the following objectors—

Jean and Charles Douglas (6 – Group 3)
Alan and Sheila Fletcher (18 - Group 6)
Anne and Tony King (28 – Group 6)
Jennifer Peters and 33 others (Duddingston Crescent Residents) (46 – Group 2)
Gillian Dunn (66 – Group 4)
Evidence session one - Groups 2 and 4

**Group two**
John Kelly (1)
Scott Macpherson and Susannah Fraser (8)
Elizabeth R Manshouri and 4 others (9)
D and M Costello (10)
Gary F Gowans (15)
Ian, Sheila and Morven Robertson (25)
Ian Ross (29)
Richard Forbes and Karen Maxwell (30)
Trevor Laffin and 10 others (31)
Elaine Goodlet (Christians Estate and Hope Lane residents) (32)
Sandrina Gillon (37)
Rhona and Colm Fitzgerald (41)
Ron and Lynn Sylvester (42)
Mrs R Sutherland (43)
Hazel Thomas (48)
Robert D Sutherland (49)
K Gillon (Park Avenue residents) (54)
Jennifer Peters (Duddingston Crescent residents) (46)
Pauline, George, Sara and Emma MacDonald (55)

**Lead objector - Jennifer Peters (46)**

AND

**Group four**
PK and Fl Wraith (4)
Archie Burns (12)
Robert H Davis (19)
Hugh and Colin Cormack (24)
Caroline Hosking (27)
L J Connelly (36)
Sandy Sutherland (38)
Pamela Carr (39)
Stephen Carr (40)
Ursula Wright (51)
Sheila Coventry (and others) (52)
Dr Gordon McCulloch (56)
Graham Kitchener (59)
Sigrid Nielsen (61)
Richard Wright (62)
Gillian Dunn (66)

**Lead objector – Gillian Dunn (66)**
FOLLOWED BY

Evidence session two - Groups 3 and 6

**Group three**
Mr G G and Mrs I Di Ponio (3)
Pauline Cowan (5)
Jean and Charles Douglas (6)
David and Janet Kilkerr (7)
Joyce and Bill Flockhart (13)
Stephen and Fiona Coyle and Harrison and Genevieve Vernon-Coyle (14)
Alex M and Margaret M Hope (16)
David Connelly (Duddingston Park residents) (44)

Lead objector – David Kilkerr (7)

AND

**Group six**
J Madden (2)
Thomas H Taylor (11)
Alan and Sheila Fletcher (18)
Anne and Anthony King (28)
Dr and Mrs Fraser (22)
Jet Cameron (23)
Anna Turtle (34)
Laura Ross (35)
Karen MacLean (63)
Beverley and Deborah Klein (64)

Lead objector – Beverley Klein (64)
ANNEXE 2

PROPOSED FORMAT FOR EVIDENCE SESSIONS

Session one - Group 2 and Group 4

Group 2 lead objector - Jennifer Peters (46)
Group 4 lead objector – Gillian Dunn (66)

1. Introductory remarks
   • Both lead objectors will be invited to provide introductory remarks.
   • Promoter will be invited to provide introductory remarks.

2. Specific issues/category of objection

Category one
   i. Loss of amenity/use of Park (including associated issues of health and mental wellbeing)
   ii. Social, environmental and financial impact (including reduction in property values and loss of income)
   iii. Replacement open space

   • Objectors will briefly outline their concerns on the issues in this category.
   • The promoter will have the opportunity to address the issues raised.
   • Objectors will have the opportunity to question the promoter.
   • The promoter will have the opportunity to question objectors.
   • Any final comments from objectors.

Category two
   i. Road safety/traffic/congestion issues and effects on local community

   • Objectors will briefly outline their concerns in relating to this category.
   • The promoter will have the opportunity to address the issues raised.
   • Objectors will have the opportunity to question the promoter.
   • The promoter will have the opportunity to question objectors.
   • Any final comments from objectors.

Category three
   i. Visual impact/ loss of views
   ii. Impact on golf course

   • Objectors will briefly outline their concerns on the issues in this category.
   • The promoter will have the opportunity to address the issues raised.
   • Objectors will have the opportunity to question the promoter.
   • The promoter will have the opportunity to question objectors.
   • Any final comments from objectors.
Category four (These issues were also previously considered at Preliminary Stage)
i The role of the Parliament legislating subsequent to a Court of Session decision.
ii The precedent argument and the possible use of the private bill process by other councils
iii The pre-introduction consultation process and role of the council
iv Alternative sites
v Misinformation provided to the community/breach of commitment/role of the council.

- Objectors will briefly outline their concerns on the issues in this category.
- The promoter will have the opportunity to address the issues raised.
- Objectors will have the opportunity to question the promoter.
- The promoter will have the opportunity to question objectors.
- Any final comments from objectors.

3. Questioning by Committee members.

4. Closing remarks
- There will be an opportunity for closing remarks from lead objectors and the promoter.

Followed by

Session two - Group 3 and Group 6

Group 3 lead objector – David Kilkerr (7)
Group 6 lead objector – Beverley Klein (65)

1 Introductory remarks
- Both lead objectors will be invited to provide introductory remarks.
- Promoter will be invited to provide introductory remarks.

2. Specific issues/category of objection

Category one
i Loss of amenity/use of the Park (including associated issues of health and mental wellbeing)
ii Replacement open space

- Objectors will briefly outline their concerns on the issues in this category.
- The promoter will have the opportunity to address the issues raised.
- Objectors will have the opportunity to question the promoter.
- The promoter will have the opportunity to question objectors.
• Any final comments from objectors.

**Category two**

i  **Loss of views**
ii  **Traffic and road safety issues**
iii  **Environmental impact**

• Objectors will briefly outline their concerns on the issues in this category.
• The promoter will have the opportunity to address the issues raised.
• Objectors will have the opportunity to question the promoter.
• The promoter will have the opportunity to question objectors.
• Any final comments from objectors.

**Category three** (Issues previously considered at Preliminary Stage)

i  **The role of the Parliament legislating subsequent to a Court of Session decision.**
ii  **The precedent argument and the possible use of the private bill process by other councils**
iii  **The pre-introduction consultation process**
iv  **Alternative sites**

• Objectors will detail their concerns on the issues in this category.
• The promoter will have the opportunity to address the issues raised.
• Objectors will have the opportunity to question the promoter.
• The promoter will have the opportunity to question objectors.
• Any final comments from objectors.

3.  **Questioning by Committee members.**

4.  **Closing remarks**
• There will be an opportunity for closing remarks from lead objectors and the promoter.
Group 2 is made up of objections 1, 8, 9, 10, 15, 25, 29, 30, 31, 32, 37, 41, 42, 43, 46, 48, 49, 54 and 55.

Fourteen separate documents were received by the clerks, who have sought to collate the separate strands into one document.

Wherever possible, the clerks have retained individual documents in their original form, as submitted. Some documents have been edited or not included, either to comply with the Parliament’s policy on the treatment of written evidence, for administrative purposes or due to insufficient relevance to the Committee’s scrutiny of the Bill.

The Group has indicated that it intends to refer to the Portobello/Craigmillar Action Plan (September 2010) to support its oral evidence on Category 1, issue 1 – loss of amenity/use of the Park. A link to the Action Plan is provided below:

Portobello/Craigmillar Action Plan (September 2010)

The Group has also advised that it wishes to refer to item 8.1 of the City of Edinburgh Council meeting on 25 October 2012. A link to that document is accessible on the Council's website:

City of Edinburgh Council meeting, Thursday 25 October 2012
Health and Social Benefits of Open Space

Much research has been done on the health and social benefits of open space and, for example this quote from a report by the Design Council (http://www.designcouncil.org.uk/sites/default/files/asset/document/the-value-of-public-space.pdf) emphasises the universal and egalitarian benefits of freely accessible open space: “The Social Dimension of Public Space: Public spaces are open to all, regardless of ethnic origin, age or gender, and as such they represent a democratic forum for citizens and society. When properly designed and cared for, they bring communities together, provide meeting places and foster social ties of a kind that have been disappearing in many urban areas. These spaces shape the cultural identity of an area, are part of its unique character and provide a sense of place for local communities”.

The same report highlights that: “There is growing concern about the health of the nation and particularly that of our children and young people. A variety of research has identified these startling facts: 20 per cent of four-year-olds are overweight, and 8.5 per cent of six-year-olds and 15 per cent of 15-year-olds are obese.

This increase in obesity is linked to ever more sedentary lifestyles and a reduction in outdoor activity. Evidence shows that adult patterns of exercise are set early on in life. Inactivity breeds inactivity, so a lack of exercise when young can in turn create problems in adulthood such as diabetes and heart disease. It is not just the nation’s physical health that is at risk: there are concerns too about people’s mental well-being, given the stressful lives that many now lead. Each year the economy loses millions of working days through stress-related employee absence.

Clearly these problems need to be addressed. Access to good-quality, well-maintained public spaces can help to improve our physical and mental health by encouraging us to walk more, to play sport, or simply to enjoy a green and natural environment. In other words, our open spaces are a powerful weapon in the fight against obesity and ill-health”.

A report by Operation Groundwork: http://www.operationgroundwork.org.uk/take-action/media-centre/report-launched-at-rhs-chelsea-flower-show/the-benefits-of-green-space identifies that: “Better health linked to green space regardless of socio-economic status: rich or poor, your health is better”

In addition, the Design Council report refers to research that found in a study carried out in the Netherlands a view of a park was shown to raise house prices by 8 per cent and having a park nearby by 6 per cent. It can be assumed then that the loss of a park view or of the park itself will result in a fall in the value of properties affected in this way. Clearly, this affects a great many residents living close to the park, for whom the proximity of the park was a deciding factor in their decision to purchase their homes.
PORTOBELLO PARK PARLIAMENTARY BILL
TRAFFIC AND ROAD SAFETY EVIDENCE

1. EXISTING CONDITIONS

A199 Milton Road is a Greenway & District Distributer Road (DDR) and is the strategic route for all users into and out of the city from east Edinburgh, East Lothian, Midlothian and the south (A1, A68).

Milton Road is a 4 lane carriageway, however it acts as a single carriageway when the bus lanes are in operation. During the AM peak (around 0800 - 0900 hours) the westbound (city) traffic is constantly queued back east of the proposed new access to the school to the pedestrian crossing at Hope Lane and often to the Milton Link from the Milton Road/Duddingston Park traffic signals. During the PM peak, again when the bus lanes are in operation the eastbound traffic is regularly queued back west of the proposed new access to the school from the Milton Link signalised junction.

This currently results in frustration for drivers and causes a significant number of drivers taking the following evasive actions (photographs in report)

Abusing the bus lane

‘rat-running’ down Hope Lane and Park Avenue

‘rat-running’ through Magdelene

2. PROPOSED NEW SCHOOL IN PORTOBELLO PARK

The proposed development of Portobello High School for 1400 pupils – the second largest secondary school in Scotland - with a direct vehicular access and pedestrian access onto Milton Road would generate significant additional car and pedestrian trips. These turning movements and pedestrian crossing delays would occur at the peak morning and evening traffic flows and in the morning would cause further queues and delays on Milton Road and would cause queues on a daily basis back to Milton Link.

As a result this will cause traffic chaos in the morning peak for the traffic including buses from the east and south heading into the city centre and north Edinburgh. It would also result in devaluing the multimillion pound public transport corridor funded by CEC and Scottish Ministers.
3. **ACCIDENTS**

A1 Milton Road between Duddingston Park and Hope Lane - Accident & Casualty data

Based on Eastings 330276 - 330868 and Northings 672780 - 672977

Period January 2009 - September 2013

Casualty summary

<table>
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<th>Year</th>
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<th>Serious</th>
<th>Slight</th>
<th>Total</th>
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<td>2012</td>
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<tr>
<td>2013</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
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<tr>
<td>Total</td>
<td>0</td>
<td>4</td>
<td>9</td>
<td>13</td>
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The table above shows that there have been 13 personal injury accidents on the A199 Milton Road between Hope Lane and Duddingston Park during the period January 2009 to September 2013. This is a significant number of personal injury accidents over a relatively short length of road.

Clearly a number of safety conflicts already exist on this section of the strategic road corridor and the proposed new school with a direct access to Milton Road would generate additional traffic and 1400 pedestrian movements. This would inevitable cause additional conflicts and significantly increase the safety risk to the 1400 pupils going to the proposed school at least twice per day, the local residents and 18000 drivers and passengers who travel on the A1 Milton Road corridor every day.
4. ROAD SAFETY AND TRAFFIC CONGESTION ISSUES

The Local Residents first highlighted the road safety and traffic congestion issues on the existing network at a meeting in August 2010 organised by the City of Edinburgh Council in the existing Portobello High School. This meeting was chaired by a member of the City of Edinburgh Project Management Team and a Consultant from AECOM attended the meeting.

The Local Residents did not believe that the proposed new school with a direct junction on to the A1 Milton Road could be built on Portobello Park without significant road safety risks to the 1400 pupils, the local residents and the 18000 drivers and their passengers who travel on the strategic transport corridor and the local road network. They recommended that a Road Safety Audit as recommended in the CEC’s ‘Movement and Development’ Traffic and Transport Design Guide for Developments should be carried out.

They also shared their concerns regarding the existing westbound (city bound) queues on Milton Road during the AM peaks which blocked off right turning movements out of Park Avenue and Hope Lane. They did not think that the A1 Milton Road and local network could safely accommodate the increased traffic movements generated by the new school without significantly increased traffic congestion on the strategic transport corridor and surrounding local road network. They recommended that the City of Edinburgh Council should undertake a traffic simulation model, as recommended in Planning Advice Note 75. The traffic model would clearly demonstrate whether the A1 strategic road corridor and surrounding road network could operate safely without unacceptable congestion as a result of the increased traffic generated by the proposed school.

The local residents provided written comments to the CEC Management Team at the meeting in August 2010 and in particular requested a road safety audit and traffic simulation model. The CEC Management Team thanked the Local Residents for their comments and agreed to consider all the Local Resident comments. This has not happened over the last 3.5 years despite numerous objection letters and delegations.
5. **NEED FOR ROAD SAFETY AUDIT AND TRAFFIC MODEL**

The Local Residents were both disappointed and seriously concerned that that CEC as both Planning Authority and Promoter of the proposed new Portobello High School with 1400 pupils have not carried out a Road Safety Audit in accordance with their Traffic and Transport Design Guide for Developments.

The Local Residents therefore took the exceptional action to commission an independent road safety report by a qualified Road Safety Auditor. The report was commissioned independently to assess the requirement for the proposed Portobello High School to undergo a Road Safety Audit and to identify potential road safety conflicts and problems which would be raised in a Stage 1 Road Safety Audit.

The report recommends that

Due to the significant material changes proposed to the existing road layout, it is our recommendation that a Stage 1 Road Safety Audit on the Outline Proposals be commissioned to ensure that the full road safety impact of the scheme proposals can be assessed at this early stage in the project.

The importance and urgency of commissioning the Stage 1 Road Safety Audit cannot be overstated as likely mitigation measures to the problems identified in this report are likely to recommend significant alterations to the existing road layout in order to reduce or remove the adverse safety impact of the scheme.

It may also be required (as recommended in Planning Advice Note 75), to undertake traffic modelling to fully assess, and ultimately decide, whether to adopt mitigation measures recommended in a Road Safety Audit. Also, the impact of these measures on the wider scheme proposals and the likely redistribution of traffic on the A1 Milton Road strategic transport corridor and surrounding road network would further add to the urgency of commissioning a Stage 1 Road Safety Audit.

The Road Safety Report is attached as part of the Traffic and Road Safety Evidence.
6. **STANDARDS**

There are a number of locations on the existing A1 Milton Road strategic transport corridor and surrounding local road network where the standards recommended in the CEC’s Traffic and Transport Design Guide for Developments are not met.

The substandard locations were identified as potential road safety problems in the Road Safety Report and are listed below

(i) Hope Lane and Park Avenue - lack of formal pupil drop off zones increases the risk of informal parking, uncertainty and the potential for pedestrians conflicting with vehicles

(ii) Substandard width of proposed Shared Use Footway/ Cycleway on south side of Milton Road between proposed Toucan Crossing and Bailie Place

(iii) Substandard footway /cycleway on north side of A1 Milton Road at tie in to Hope Lane

(iv) Substandard visibility to east from Hope Lane

(v) Substandard access for services / deliveries to proposed school on Park Avenue

(vi) A1 Milton Road adjacent to proposed school location – lack of respect / appreciation of temporary 20mph zone increases risk of conflicts between vehicles and / or vulnerable road users

(vii) Increase in right turn manoeuvres at Park Avenue, Hope Lane and new access to proposed school car park will increase the potential for side impact collision

Substandard width of all existing footways adjacent to A1 Milton Road

Substandard refuge / harbour areas at signalised crossing points for pupils, pedestrians and the disabled
7. SUMMARY

The proposed development of Portobello High School for 1400 pupils with a direct vehicular access and pedestrian access onto Milton Road would generate significant additional car and pedestrian trips. These turning movements and additional pedestrian crossing delays would occur at the peak morning traffic flows and would cause further queues and delays on Milton Road and would cause queues on a daily basis back to Milton Link.

This would cause traffic chaos in the morning peak for the traffic including buses from the east and south heading into the city centre and north Edinburgh. It would also result in devaluing the multimillion pound public transport corridor funded by CEC and Scottish Ministers.

The independent Road Safety Report commissioned by the Local Residents clearly identifies a number of significant road safety concerns which would require to be addressed by the scheme promoter prior to developing the detailed design should the scheme undergo a Stage 1 Road Safety Audit. The Road Safety Report also recommended that in accordance with PAN 75, traffic modelling should be undertaken to fully assess, and ultimate decide whether to adopt mitigation measures recommended in a Road Safety Audit.

There have been 13 personal injury accidents on the section of A1 Milton Road between Hope Lane and Duddingston Park over the last five years and the Road Safety Audit has identified nine significant potential road safety problems associated with the proposed new school. The Local Residents have raised these issues with the CEC over the last 3.5 years however CEC has been unwilling to consult with the Local Residents on the road safety and traffic issues.

The Local Residents strongly consider that that the City of Edinburgh Council, as both Planning Authority and Promoter, has been irresponsible in refusing to consider the serious road safety and traffic issues associated with the new school. This decision could affect the 1400 pupils who would attend the new school each day, the local residents, and the 18000 drivers and their passengers who drive along the A1 Milton Road strategic road corridor each day.
Author

Jim McLean is qualified to undertake Road Safety Audits at Team Leader level as per the Audit Team training, skills and experience requirements of Design Manual for Roads and Bridges Standard HD19/03 – Road Safety Audit. He has eleven years’ experience in Highways engineering with over eight of those specialising in road safety engineering, accident prevention and road safety audits. A current member of the Society of Road Safety Auditors, Jim has also obtained the Certificate of Competency required to undertake Road Safety Audits on the Trans European Road Network as per the requirements of EC Directive 2008/96/EC. He has undertaken Road Safety Audits at all four stages for a variety of Public Sector clients including Transport Scotland, the Highways Agency and City of Edinburgh Council.
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1 INTRODUCTION

1.1 Commission and Terms of Reference

1.1.1 Conditional Planning permission was granted by City of Edinburgh Council on 6th December 2013 to allow a proposed development by City of Edinburgh Council for a new Portobello High School at Portobello Park adjacent to the A1 Milton Road in the East of Edinburgh.

1.1.2 This report was commissioned by Local Residents of Portobello Park to provide independent comment on the Road Safety impact of the proposed Portobello High School relocation.

1.1.3 The report has been commissioned independently to assess
   a) The requirement of the project to undergo a Road Safety Audit and
   b) Identify potential problems which would be raised in a Stage 1 Road Safety Audit of the Outline Design.

1.1.4 It should be noted that this report is not intended to be a formal Road Safety Audit and has not been undertaken to the benchmark Road Safety Audit Standard HD19/03 (DMRB 5.2.2).

1.1.5 No mitigation measures have been offered in relation to the Problems identified.

1.1.6 There will be no comparison or comment offered relating to the Road Safety impact of other options for the proposed Portobello High School relocation.

1.1.7 The report will provide a non-exhaustive list of indicative road safety problems for consideration with the outline scheme proposals. This is intended to further highlight the requirement of the scheme to be subject to Road Safety Audit.

1.2 Existing Traffic Characteristics

1.2.1 The A1 Milton Road/ Duddingston Crescent is a District Distributor Road which connects the City Centre with the A199 and A1 to the East of the City. At the location of the proposed Portobello High School the Annual Average Daily Traffic is in the region of 18,000 vehicles.

1.2.2 The route suffers from flow breakdown during both AM and PM peaks and bus priority lanes have been installed to improve the flow of public transport. This has resulted in long queues developing westbound during the AM peak from the signalised junction at Duddingston Park and eastbound during the PM peak from the signalised junction at the Milton Link.

1.2.3 The relocation of Portobello High School to this location has been estimated to increase the vehicle flows at this location by 272 vehicles in both the AM and PM peak periods.

1.2.4 The section of A1 Milton Road/ Duddingston Crescent between Hope Lane and Portobello Park (a distance of 624m or thereby) has experienced 13 Personal Injury Accidents in the 5 year period between 2009 and 2013.
2 REQUIREMENT FOR ROAD SAFETY AUDIT

2.1 Planning Application 13/03200/FUL

2.1.1 Conditional planning consent for the proposed Portobello High School relocation was obtained on 6th December 2013. Within that conditional consent, Informative 2 notes that:

“Prior to the occupation of the school, the applicant is to arrange for the design, construction, works and necessary traffic orders:

- To introduce or amend school keep clear markings, part time 20mph speed limits, bus lane operation times, waiting and loading restrictions and bus lanes and to re-determine sections of footway, carriageway and cycle track.
- For a toucan crossing in the vicinity of the main school entrance on Milton Road. The crossing to be operational prior to occupation and be subject to Road Safety Audits at appropriate stages.”

2.1.2 In order to comply with Planning Consent, the scheme promoter, City of Edinburgh Council is required to act in accordance with the Road Safety Audit requirement of City of Edinburgh Council.

2.2 City of Edinburgh Council, Movement and Development Guidelines

2.2.1 Section 11.3 of City of Edinburgh Council’s Movement and Development Guidelines, which is used as the current guidance on roads and transportation within the city boundary, identifies where a Road Safety Audit is required:

“A Road User Safety Audit is required where a development proposes any change to the existing public road layout which will have a material effect on its use by any other road user…… For new developments this involves 3 stages: Stage 1 (outline), Stage 2 (detail) and Stage 3 (on completion of the works)”

2.2.2 There are a number of proposed changes to the existing public road layout which will have a material effect on its use by any road user. Principally these are:

- Proposed Toucan Crossing on Milton Road
- Upgrade to footway on north side of Milton Road within Portobello Park to shared-use facility which will connect to existing footway network at Hope Lane and Park Avenue
- Proposed junction to access new School on Milton Road
- Proposed junction to provide access for deliveries on Park Avenue
- New Shared use footway cycleway on south side of Milton Road

2.2.3 Whilst the Movement and Development Guidelines does not specifically state that a new High School development requires a Road Safety Audit, the above listed individual items would each require one. Due to these individual items being installed simultaneously and affecting the same road users for the same purpose, it would be responsible for City of Edinburgh as both Planning Authority and Promoter to undertake a combined Road Safety Audit on the entire scheme proposals.

2.2.4 It would be our recommendation that, as there are several locations where there is a material change to the existing road layout, the impact of the entire project should be subject to a Road Safety Audit at each of the three stages defined in the Movement and Development Guidelines.
3 Potential Road Safety Problems at Stage 1 (Outline Design)

3.1 Introduction

This section will identify a list of potential Road Safety Problems which would be identified at a Stage 1 Road Safety Audit following completion of the outline development design.

It should be noted that this is a non-exhaustive list and should not be used as a substitute for a formal Stage 1 Road Safety Audit. The intention is to show prominent items of road safety concern which would require to be addressed by the scheme promoter prior to developing the detailed design should the scheme undergo a Stage 1 Road Safety Audit.

3.2 Potential Problems identified at Stage 1 Road Safety Audit

3.2.1 PROBLEM

<table>
<thead>
<tr>
<th>Location:</th>
<th>Hope Lane and Park Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary:</td>
<td>Lack of formal pupil drop off zones increase the risk of informal parking, uncertainty and the potential for pedestrians conflicting with vehicles.</td>
</tr>
<tr>
<td>Detail:</td>
<td>The A1 Milton Road has restrictions which prevent stopping therefore it is likely that the majority of pupil drop offs will take place at these locations. There is no detail in the Outline design for any formal Pupil drop off zones or parking control. The Transport Assessment estimates that there will be 183 vehicle trips per day to the proposed Portobello High School in addition to the existing on street parking and vehicle manoeuvres to/from private driveways. The likely result is the existing streets at Hope Lane and Park Avenue would struggle to cope with this additional traffic over a 30 minute period during both AM and PM peaks. This could result in a significant increase in informal parking with vastly increased pedestrian movements. The uncertainty increases the risk of pedestrians being struck by vehicles at these locations.</td>
</tr>
</tbody>
</table>
3.2.2 PROBLEM

<table>
<thead>
<tr>
<th>Location:</th>
<th>Proposed Shared Use Footway/ Cycleway on south side of Milton Road between proposed Toucan Crossing and Bailie Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary:</td>
<td>Inadequate width and segregation from road carriageway and private driveways increases the risk of conflicts between pedestrians and cyclists and/or these vulnerable road users being struck by vehicles.</td>
</tr>
</tbody>
</table>

**Detail**

The proposed Portobello High School is to be linked to the National Cycle Route 1 via a Toucan Crossing and Bailie Place to the south of Milton Road. The existing footway at this location is approximately 2m in width with various items of street furniture reducing the effective width at single point locations. The Movement and Development Guidelines states that, for shared use paths near a school, a desirable minimum width of 4m (2m pedestrian/ 2m cycleway) is required. In addition the desired minimum verge segregation between a distributor road and a path should be 2m. The existing footway width of 2m significantly increases the risk of pedestrians/ cyclists colliding with each other on the new shared use path. As an alternative, cyclists may choose to use the A1 Milton road in order to avoid the pedestrian conflict, increasing the risk of conflict with buses/ other vehicles at this location.

Additionally, there are a number of private driveways along this section. The increase in use by pedestrians and cyclists without improvements to the width and segregation of this footway increase the risks of vehicles entering/ exiting the driveways colliding with these users.
### 3.2.3 Problem

<table>
<thead>
<tr>
<th>Location</th>
<th>Proposed footway/cycleway on north side of A1 Milton Road at tie in to Hope Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>Inadequate tie in to desire line at crossing point at Hope Lane/ Milton Road increases risk of vehicles colliding with cyclists/ pedestrians</td>
</tr>
</tbody>
</table>

**Detail**

The existing Junction between Hope Lane and Milton Road provides a difficult manoeuvre for right turning vehicles. There is poor horizontal visibility from the junction and no clear path for vehicles turning right into Milton Road westbound from Hope Lane. The proposed shared use path between Milton Road and the new Portobello High School is likely to significantly increase pedestrian and cycle use at this location. An inadequate tie-in to safe crossing points at Hope Lane and Milton Road will increase the likelihood of vulnerable road users not using the crossing. This increases the risk of conflicts between these vulnerable road users and vehicles at this location. In addition there is restricted visibility to the east for vehicles egressing from Hope Lane.

### 3.2.4 Problem

<table>
<thead>
<tr>
<th>Location</th>
<th>Proposed access for services/ deliveries to the Proposed Portobello High School on Park Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>Increased number of large vehicles combined with the significant increase in pedestrians and cyclists increase likelihood of conflicts between these users and existing users of this location.</td>
</tr>
</tbody>
</table>

**Detail**

Pedestrian and Cycle use of Park Avenue is likely to significantly increase following the opening of the new Portobello High School. The service/deliveries access here is likely to increase demand for large vehicles using this street which will add to the existing demand for on-street parking and vehicular movements to/ from private driveways. The combination of increased large vehicle movements and significant increase in vulnerable road users combine to increase the risk of conflicts between these users at this location and with the existing users of Park Avenue.

### 3.2.5 Problem

<table>
<thead>
<tr>
<th>Location</th>
<th>A1 Milton Road adjacent to proposed school location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>Lack of respect/ appreciation of temporary 20mph zone increases risk of conflicts between vehicles and/ or vulnerable road users</td>
</tr>
</tbody>
</table>

**Detail**

The current 85th %ile speeds for vehicles in both directions during the peak and school hours is well in excess of 20mph. Failure to provide a road environment on both approaches of the strategic transport corridor at this location which is conducive to a 20mph zone will increase the potential for this speed limit to be ignored/ appreciated by all approaching vehicles. The considerable increased numbers of vulnerable road users at this location will mean that there is a significant increase in risk of a conflict between vehicles exceeding the 20mph limit and pedestrians/ cyclist should there be inadequate measures installed to reduce existing speeds.
3.2.6 PROBLEM

<table>
<thead>
<tr>
<th>Location:</th>
<th>Junctions at Park Avenue, Hope Lane and New Access to Staff car park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary:</td>
<td>Increase in right turn manoeuvres increase potential for side impact collisions</td>
</tr>
</tbody>
</table>

Detail

The new staff and visitor car park, potential use of Hope Lane and Park Avenue as pupil drop off locations and increase in service/delivery vehicles using Park Avenue are likely to significantly increase the right turning manoeuvres along this section of the A1 Milton Road. Right turning out of a junction across two-lanes of traffic creates a significant potential for road safety problems. During busy periods, which is when the right turn manoeuvre is likely to be significantly increased, there will be very limited safe opportunity to egress these junctions. This will increase the potential for right turners to accept shorter gaps between traffic which increases the risk of side impact collisions along this short section of distributor road. This risk is also increased by the potential for significant speed differentials between traffic in the different lanes on Milton Road due to the bus lane operation. In addition there is restricted visibility to the east for vehicles egressing from Hope Lane.
### 3.2.7 PROBLEM

<table>
<thead>
<tr>
<th>Location:</th>
<th>All existing footways adjacent to A1 Milton Road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary:</td>
<td>Existing street furniture reduces available width increasing the risk of pedestrians straying onto carriageway in conflict with buses.</td>
</tr>
</tbody>
</table>

#### Detail

The proposed Portobello High School will significantly increase the pedestrian demand on the existing footways on the A1 Milton Road. The existing footways are unsegregated from the road and contain considerable elements of street furniture (road signs, lighting columns, bus stop shelters etc.). These combine to increase the potential for pedestrians, particularly school pupils, to stray from the footway into the nearside bus lane. This increases the risk of these pedestrians being struck by buses along this section of the strategic transport corridor.

This is of particular concern at the short section of footway on the north side of Milton Road between Duddingston Park and Park Avenue. Here there is likely to be significant additional pedestrian use combined with footways less than 1.5m width. There are also two private driveways in this short section. Due to the short proximity to shops and a ‘chip shop’ to the west it is likely that this section of footway will see significant pedestrian movement before and after school and also at lunchtime. The large number of school pupils using this footpath will also have to cross the live carriageway at the top of Park Avenue where significant numbers of drop off traffic will be trying to access and egress Park Avenue.

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End of List of Problems identified in this report
4 Conclusion and Recommendation

4.1.1 The purpose of this report was to establish whether there was a requirement for the proposed Portobello High School relocation to Portobello Park to be subject to Road Safety Audit.

4.1.2 The Conditional Planning Consent issued by City of Edinburgh Council on the 6th December 2013 stated that the proposed Toucan Crossing to the south of the proposed Portobello High School on A1 Milton Road should be subject to a Road Safety Audit at all appropriate stages.

4.1.3 City of Edinburgh Council’s Movement and Development Plan states:

“A Road User Safety Audit is required where a development proposes any change to the existing public road layout which will have a material effect on its use by any other road user…… For new developments this involves 3 stages: Stage 1 (outline), Stage 2 (detail) and Stage 3 (on completion of the works)”

4.1.4 There are a significant number of other material changes proposed to the existing public road layout which should be subject to a Road Safety Audit at the three stages prescribed. As a result of this, and the significant change to the use of the surrounding public roads, it is our opinion that the entire project should be subject to Road Safety Audit as described in the Movement and Development Guidelines.

4.1.5 A non-exhaustive list of potential road safety problems, likely to be raised at a Stage 1 Road Safety Audit, is also provided for consideration. This is aimed to highlight significant areas of concern relating to the Outline proposals for the Proposed Portobello High School Relocation to Portobello Park.

4.1.6 Due to the significant material changes proposed to the existing road layout, it is our recommendation that a Stage 1 Road Safety Audit on the Outline Proposals be commissioned to ensure that the full road safety impact of the scheme proposals can be assessed at this early stage in the project, in line with the requirements of the conditional planning consent and City of Edinburgh Council’s Movement and Development Guidelines.

4.1.7 The importance and urgency of commissioning the Stage 1 Road Safety Audit cannot be overstated as likely mitigation measures to the problems identified in this report are likely to recommend significant alterations to the existing road layout in order to reduce or remove the adverse safety impact of the scheme during the development of the detailed design.

4.1.8 It may also be required (and is recommended in PANS 75), to undertake traffic modelling to fully assess, and ultimately decide, whether to adopt mitigation measures recommended in a Stage 1 Road Safety Audit. Also, the impact of these measures on the wider scheme proposals and the likely redistribution of traffic on the A1 Milton Road strategic transport corridor and surrounding road network would further add to the urgency of commissioning a Stage 1 Road Safety Audit.
**Visual Impact** – Supplementary Evidence Category 3(i)

The public only have the artist impressions to go on. If you look at the actual plan the school buildings are as high as the houses opposite.

The remaining parkland in the foreground from the artist impression looks large in comparison to the buildings behind but in reality equates to only 10% of the park with the school development taking up the remaining 90%.

These artist impressions provide only that, an impression, and by no means an accurate picture of what the actual building would look like.

Why have no photo montages been produced by CEC to allay the community’s fears?
The role of the Parliament legislating subsequent to a Court of Session decision

The law was clear CEC cannot appropriate Portobello Park for its own use.

Private Bill rules are equally clear.

‘A Bill should not proceed as a Private Bill if a statutory remedy is not necessary to achieve the result sought; nor should it proceed if the result sought would more appropriately be achieved by means of changes to the general, public law (i.e. by a Public rather than a Private Bill) that would give the same powers or benefits to others in a similar position, without the need to single out the promoter.’

The result sought in this case is a new school for the community of Portobello. This can be achieved without a Private Bill. CEC themselves have identified suitable alternative site options.

In addition, it has been identified in evidence to the Parliament that there is the need for legislation change regarding the common good.

The Private Bill Guidance states in paragraph 2.24 that: “The Private Bill Committee will wish to satisfy itself that the promoter undertook a consultation process that was open, accessible, helpful, clearly timetabled and, where possible, adopted and demonstrated innovative and best practice.”

The consultation by CEC fell far short of this mark.
Precedent Set

There is already a precedent in Edinburgh and wider Scotland of councils developing green space, even when brownfield alternatives exist.

Common Good Land was always considered safe but with common good land of in excess of £190m in Scotland we are seeing a trend starting to form where cash strapped councils are now attempting to develop this, even when they themselves have identified that alternative options exist.

The fact is that already a lot of open space has been developed in Scotland, to name but a few for example:

Denny High School was rebuilt on the Herbertshire Playing Fields
Dingwall Academy was built on the adjacent playing fields,
A school is currently being built East Toll Park in Burntisland,
Holmhills Wood community park was the site for the merged Cathkin High and Rutherglen High school.

In Glasgow there has been development on the following parks:

Ruchhill public park,
Kelvingrove Park,
Queens Park
Richmond Park.

In Edinburgh there has been development on the following parks:

Meggetland
Canal fields
Hawkhill
Double hedges
Jocks Lodge- Royal High playing fields
Gyle
City Park in Edinburgh (planning permission granted for housing).

Common good land currently under threat

Cowan Park, Barrhead (proposed school site) - they have already petitioned the court – what will they do should the legal process fail?

Coo’s Green, North Berwick (proposed car park)
Westerton Park, East Dunbartonshire (proposed school site)
Bogton Park, Forres (proposed retail development)

Queens park Glasgow (large residential facility for elderly people) – Comment from a local ‘We see no evidence that brownfield sites on the south side, such as the sites of schools scheduled for closure, have been considered. This area of Glasgow is one of the most densely built up areas with narrow tenemented streets and with the few recreational facilities or green space other than Queen’s Park,
according to the City’s own ward analyses. The Park and recreation ground therefore represent an exceptionally important facility. The recreation ground, though not well maintained, is frequently used by young people from Crosshill/Govanhill and other parts of the area for football and cricket.
Planning inconsistency – Category 4 (iii)

A planning application for a private nursery at 26 Duddingston Cres in a residential property was refused.

Original decision to refuse:


The reason given: “The proposal is detrimental to road safety and is contrary to Changes in Use of Residential Properties and Movement and Development non statutory guidelines as it will result in drop-offs and pick-ups outside the application property occurring on the public road which is a busy commuter route, high frequency bus lane and adjacent to a pedestrian crossing to the detriment of vehicles, pedestrians and other road users.”

Then they appealed to the Local Review Body which also refused it for the same reason:

Both Proposals are for a 3 floor school

<table>
<thead>
<tr>
<th></th>
<th>Plans for Portobello Park (2010) (m²)</th>
<th>Option 1 Atkins (2003) (m²)</th>
<th>Difference (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>English and modern languages</td>
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<td>1675</td>
<td>-257</td>
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<tr>
<td>Social Subjects and RME</td>
<td>717</td>
<td>800</td>
<td>-83</td>
</tr>
<tr>
<td>Art and Design</td>
<td>581</td>
<td>420</td>
<td>161</td>
</tr>
<tr>
<td>Music</td>
<td>420</td>
<td>300</td>
<td>120</td>
</tr>
<tr>
<td>Drama</td>
<td>164</td>
<td>275</td>
<td>-111</td>
</tr>
<tr>
<td>Physical Education</td>
<td>2517</td>
<td>2631</td>
<td>-114</td>
</tr>
<tr>
<td>Science</td>
<td>1075</td>
<td>1140</td>
<td>-65</td>
</tr>
<tr>
<td>Maths</td>
<td>825</td>
<td>805</td>
<td>20</td>
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<tr>
<td>Business Education</td>
<td>186</td>
<td>305</td>
<td>-119</td>
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<tr>
<td>Computer Science</td>
<td>244</td>
<td>175</td>
<td>69</td>
</tr>
<tr>
<td>CDT</td>
<td>802</td>
<td>585</td>
<td>217</td>
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<tr>
<td>Home Economics</td>
<td>482</td>
<td>305</td>
<td>177</td>
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<td>Additional support</td>
<td>498</td>
<td>350</td>
<td>148</td>
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<tr>
<td>Learning resources/library</td>
<td>349</td>
<td>360</td>
<td>-11</td>
</tr>
<tr>
<td>Community classroom</td>
<td>61</td>
<td>-</td>
<td>61</td>
</tr>
<tr>
<td>Assembly/ Social/ Dining</td>
<td>972</td>
<td>775</td>
<td>197</td>
</tr>
<tr>
<td>Dining/ store</td>
<td>102</td>
<td>120</td>
<td>-18</td>
</tr>
<tr>
<td>Management and Admin</td>
<td>481</td>
<td>420</td>
<td>61</td>
</tr>
<tr>
<td>Ancillary (toilets etc)</td>
<td>653</td>
<td>716</td>
<td>-63</td>
</tr>
<tr>
<td>Plant</td>
<td>353</td>
<td>198</td>
<td>155</td>
</tr>
<tr>
<td>Circulation</td>
<td>3870</td>
<td>2799</td>
<td>1071</td>
</tr>
</tbody>
</table>

**TOTAL** 16770 15154 1616

* a large proportion of the excess on the Portobello Park site is due to increased circulation space
Site Options Analysis

As well as demonstrating quite what a small footprint the 8 floor part of the school actually takes up, what can clearly be seen from the aerial view is that the only difference between the existing school site and the proposed development on the park is the potential for one playing field. Do we really need years of delay, a legal ruling and now a private bill to get one extra field for Portobello High School when this takes it is out of line with what other new High Schools currently being built in Edinburgh are being offered?

It would also expose 1400 children to more road safety dangers given the proposed park site sits on the A1; a major artery road to the east.
Submission from Group 2

Misrepresentation and misleading communications by officials

City of Edinburgh Council have consistently misled the public. At every turn they have allowed the debate to go down the road of School or no school instead of what it actually is a debate about the site for a new school.

At every stage CEC and it’s officials have led the community to believe the park site is no loss, is the best option and is what everyone wants it.

They have consistently, and at every opportunity told the public that Portobello Park is the best site, and they have consistently not explained Why that is.

The following details some examples; there are many more

____________________________

20/12/2012 – Maureen Child’s public email

‘The sixty second animation called "Porty High-Ya" - sets out in simple but stark terms why the community of Portobello is so desperate for a replacement to its ageing high school the largest school in the city to be built on an area of under-used park’.

Comments on behalf of Group 2 - this is not balanced!

____________________________

30/03/2012 Councillor Marilyn MacLaren in an article printed in the Evening News told the public she was “extremely angry” at the actions of a “misguided few”, she went on to say “I am extremely angry at the actions of these obsessive and, in my view, misguided few who have put the interests of a piece of little-used parkland before the education and wellbeing of hundreds of young people. They have, without doubt, truly lost their moral compass.”

Comments on behalf of Group 2 -

The petitioners were named in the same piece. She personally insults anyone trying to save the park. There have always been other site options for the school but Marilyn accepts no responsibility in the delay in getting a new school on behalf of CEC. It is interesting that the protest included only 10 adults and 15 children. How many of these children understand the implications for common good or the fact other site options exist?

This undermines protesters with genuine concerns trying to save a park.

____________________________

30/03/2012 – Scotsman Newspaper printed

Edinburgh City Council to sue Portobello protest group

Edinburgh City Council has said it will sue a local protest group for £75,000 to cover costs incurred in their recent legal case against the local authority.

Portobello Park Action Group (PPAG) had taken the council to court to try and halt plans to build a new Portobello High School.

The petition was dismissed by Lady Dorrian as it was entered too late, so PPAG said it would appeal.

The council said it intended to pursue PPAG for their costs to date.
Marilyn MacLaren, Edinburgh City Council's convener of education, said: “There is no doubt that Portobello High School urgently needs replaced and there is huge local support for this.

"PPAG's actions to date have already delayed the opening of the new school and despite Lady Dorrian's judgment clearly supporting the council's position, they continue to further delay the plans for the new school".

Phil Wheeler, the council's convener of finance and resources said: "Enough is enough.

"The council has incurred significant legal expenses to date, in excess of £75,000, and the appeal will incur considerable additional costs.

"We have a duty to Edinburgh's taxpayers to ensure their money is not wasted and we intend to pursue PPAG for their costs to date.

"We will also use all measures available to us to protect the council taxpayer from further expense arising from the ongoing legal proceedings".

Comments on behalf of Group 2 –
This article is imbalanced and bullying, undermining the views of what turned out to be over 2000 people and their democratic rights, using threatening behaviour towards them.

http://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-17560782

18/06/2013 Maureen Child email Newsletter - As predicted, this morning’s Transport Infrastructure and Environment Committee - unanimously - agreed to accept the proposal to put forward Portobello Park as a Diamond Jubilee Field which would afford it an extra layer of protection against future development. I hope this goes some way to allaying the persistent fears and claims of a few people in our community that the Council's intention is to build on the whole green 'Common Good' area, and not just the School.

Comments on behalf of Group 2 –
As confirmed by Roy Martin QC, It does not in fact offer any guarantees but again misleads the public into thinking it is safe.

12/09/2013 - FYI - see below. Devastating for Portobello!

From:
Sent: 12 September 2012 11:18
To: undisclosed-recipients
Subject: The City of Edinburgh Council - Reaction to ruling on new Portbello High School court appeal

Date 12/September/2012
Reaction to ruling on new Portobello High School court appeal

The Court of Session has issued a judgement today, 12 September 2012 in relation to the case brought against the City of Edinburgh Council by Portobello Park Action Group Association.

Councillor Paul Godzik, Convener of Education, Children and Families, said; “We are surprised and extremely disappointed with today’s decision and I am sure the vast majority of the local community will share our disappointment. There remains a compelling argument for the new school. We are now seeking legal advice on our next steps.”

Notes to editors;

The judgement can be found here;

http://www.scotcourts.gov.uk/opinions/2012CSIH69.html

Comments on behalf of Group 2 – Why were CEC so surprised when they knew there was highly respected legal opinion that this was not permissible – in addition it was highlighted on their own risk register with the highest risk rating.

The Court’s ruling was not on a new school, it was entirely about the development of this piece of open space, regardless of use, however statements like this from a senior Council official have a misleading effect in encouraging local people to believe that the argument is ‘school or no school’.

12/09/2013 – Maureen Child Email Newsletter - This renewal of the planning consent is a live planning application and I have been careful - up until last night - not to comment, as I was assuming I would take part in the decision process. On reflection, I really was kidding myself! And last night, I commented favourably on the Portobello Community Council decision at the Portobello/Craigmillar Neighbourhood Partnership Meeting. In doing so, I felt myself stepping well over the line.

On reflection, it must be is abundantly clear to all my friends and family, and many local people well know, that I very strongly support the building of a new Portobello High School on Portobello Park. I have four grandchildren who might well all be lucky enough to go to the new school, which could be open January 2016. I want the school building to be the best we can ever possibly have, as quickly as we can possibly deliver it. There is absolutely no truth in the rumour that the Council has succeeded in its bid for the Baileyfield site. Even if it does succeed, the much preferred option – by a very long margin - remains Portobello Park.

So now, I will take no part in the decision on this particular application when it comes to the development management sub-committee of the Planning Committee and will not be in the room when it is being considered by Committee, probably in November.

For me, the good thing is that by sitting this one out I am free – as other Councillors, MPs and MSPs who do not serve on the Planning Committee always are – to forward you the details of how to support the application and back the Bill currently being considered by a Committee of the Scottish Parliament. See below. If you are so minded you might equally take the opportunity to object to the proposals. Whether you are for or against, the deadline for comments to the Head of Planning is 20 September, a week tomorrow. All the details and links are below.

Comments on behalf of Group 2 –
There is no balance, she gives no suggestion of how to object or detail of why she considers it to be the best we can have or what the other options are.

19/09/2012 The Scotsman article
PFANS chair Sean Watters is quoted as saying “Kenny MacAskill reported back to us on some of the possible options for getting a new Portobello High built in the park”
Giselle Baillie said: “It [the court decision] seems to me to make a mockery of the concept of ‘common good’ if the law can allow a small interest group to frustrate the will of this community.

Comments on behalf of Group 2 –
Not about finding the quickest solution to a new school but specifically getting a new school built in the park.

3.1.25 PPAG has, we believe, accepted that a new school is urgently required and, as is exemplified later in this report, the site on part of Portobello Park remains by far the most appropriate site for the new Portobello High School.

Comments on behalf of Group 2 –
There has never been opposition to a new school, only the development of the park, but again, this gives an impression to the reader. Later facts seem inaccurate e.g. the Atkins report supports one playing field on the existing unextended school site yet 3.5.5 suggests that no playing fields could be provided with this option.

‘Are you for the school or against the school’ was the question asked by a group of canvassers for yes votes standing outside a supermarket; and ‘vote ‘yes’ for a new school’ – the public perception was there for all to see.

26/01/2013 – Email to PPAG from a supporter of the park

Comments on behalf of Group 2 –
‘I've just returned from Meadowbank Retail Park where a group of PFANS were standing outside Sainsburys with clipboards asking people to show support for building PHS. They were asking passers by questions such as – Do you support a new building for PHS? If you say yes it only takes a couple of seconds. Leading questions and obviously no mention whatsoever of the Park and the wider issues. Obviously outwith the catchment area and most people would show support for a new school. Without being given the correct information some people would not understand the implications and alternatives and were just saying yes. I doubt they were recording the no’s!

22/10/2013 - Maureen Child Email Newsletter There are still a couple of days left to add your support to the Portobello High School planning refresh, an up-coming Planning Committee decision in which I will take no part. Since I clearly have a very strong interest. The City of Edinburgh Council needs to renew planning permission for the school and, although it should be just a formality, a strong show of support from the community would not go amiss.
Comments on behalf of Group 2 – Reference always made to support for a school not the site of a school

Councillors report Jan 2014 Portobello Developments – Baileyfield and Portobello Park

The Scottish Power Baileyfield Site was put on the market last year with a closing date in December 2012, well over a year ago now. I am being told informally that the sellers are closer to agreeing a sale, but it may not be the Council who are currently one of the shortlisted bidders. This site is master-planned for housing and mixed uses, but will need a lot of remediation and most of the bidders will have put in a conditional offer subject to a site investigation. It is widely expected that parts of the site will be contaminated, given its previous industrial use. This is not the preferred site for Portobello High School. The very best option for our new secondary school remains Portobello Park. The Council’s Private Bill, simply to change the Common Good purpose of the new school site, has passed the first stage in the Scottish Parliament. It was debated by MSPs and agreed by all political Parties in the Chamber. The Portobello Park Private Bill Committee is scheduled to meet again four times over this next phase of consideration but MSPs may not need all four scheduled meetings. My hope and expectation is that the Bill will become law by summer 2014 and allow work to start soon after with an opening possible for the new school term in August 2016. A report on progress will go to the next meeting of the full Council on 6 February. That report will be in the public domain by Friday 31 January.

Comments on behalf of Group 2 –
No explanation why Baileyfield not the best site for PHS. No suggestion that the private bill may not be successful or that there may be further legal action – No doubt this would be ‘Surprising and extremely disappointing’ and nothing to do with them or their process.
Dear Parent or Guardian

New Portobello High School

I am writing to you as a follow-up to my letter of 18 October. Earlier today the full Council considered the report I submitted to them which can be found at http://www.edinburgh.gov.uk/newportobelloschool and copies are available in your school. I am pleased to advise that Council approved the report recommendations including reaffirming that the site on Portobello Park remains the Council’s preferred location for a new Portobello High School.

We will now progress the twin-track approach of which one strand is to pursue legal options to allow us to build the new Portobello High School on part of Portobello Park. However, it is also important that we consider what alternative site options could be available in the event that our preferred approach does not, ultimately, prove to be possible. I appreciate that any alternative site options would represent a significant compromise in comparison with a new school on part of Portobello Park however it is important that we have a back-up plan.

As I explained in my last letter we have explored all possible alternative site options in, or around, the catchment area for both schools and the options identified were very limited. An initial assessment has been undertaken regarding the feasibility of each site; primarily to see if a new school could be accommodated on it and if there are any issues relating to factors such as planning consent and accessibility.

A summary of each site option for both schools has been produced and can be found at http://www.edinburgh.gov.uk/newportobelloschool; copies will be available in your school. Each summary provides the following which we think is important for you to have in considering how appropriate each option would be for a new school:

- The associated pros and cons;
- Where the site is located in the school catchment area including its proximity to the current school population; and

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• An illustrative design showing how the school might be configured on the site.

For options not in Council ownership there are other factors being assessed including acquisition cost and any site issues.

Four fall-back site options for a new Portobello High School have been identified. These are summarised below and compared against the preferred option of building the new school on Portobello Park.

<table>
<thead>
<tr>
<th>Size</th>
<th>Full-size pitches</th>
<th>St John’s Relocation?</th>
<th>Off-site Decant?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred option on Portobello Park</td>
<td>4.7ha(1)</td>
<td>2</td>
<td>No</td>
</tr>
<tr>
<td>1. New build on existing (extended) site</td>
<td>3.46ha</td>
<td>1</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Phased new build on existing (extended) site</td>
<td>3.46ha</td>
<td>1</td>
<td>Yes</td>
</tr>
<tr>
<td>3. New build on Baileyfield</td>
<td>3.0ha</td>
<td>1(2)</td>
<td>No</td>
</tr>
<tr>
<td>4. New build on Brunstane</td>
<td>4.5ha</td>
<td>2</td>
<td>No</td>
</tr>
</tbody>
</table>

(1) The site size for Portobello Park above excludes the area of Millennium Planting of around 1ha to the north of the site but includes an area of 0.6ha to the south east which remains as open space.

(2) The illustrative site configuration shows how it could be possible to fit a single full-size pitch on the site however this is tight and any variation in the design required might reduce the actual size of pitch.

Time to Deliver Each Option

If the existing legal impediment could be resolved in around 14 months (by the end of 2013) and Balfour Beatty retained as the contractor the new school could be built on Portobello Park in an estimated 36 months.

Options 1, 3 and 4 above could be completed in between 48 and 54 months. For option 1, this assumes that St John’s RC Primary School would not have to be moved prior to the construction of the high school starting; by locating the 3G pitch in the area shown in the study and completing this last, this should be possible.

Option 2 could be completed in a period of around 73 months. This is longer than other options as the site currently occupied by St John’s has to be available before construction could start. The time to deliver the high school is, however, assumed to be mitigated to some extent by progressing the project in tandem to ensure construction of the new high school could start when the primary school site was released.

New Option – Phased New Build on Existing Site

The potential for a phased build on the (extended) existing site has now been explored with the conclusion being that such an option is feasible. This was not reflected as an option in the Council report as, at the time of publication, it was still being assessed but has now been added as a new option 2 above.

By using the area occupied by St John’s and the area to the east of the high school site (where the all-weather pitch is located) a new teaching block could be constructed whilst existing school buildings remain in operation. On completion of the new teaching block, the school would decant to it allowing the majority of existing buildings to be demolished to allow the construction of a new sports block.
The existing sports buildings would be retained and used by the school until the new sports block was completed following which they would be demolished and the new 3G pitch built. This option does not come without challenges including a longer build period and the school being in very close proximity to a building site for several years. However it would avoid the disruption and significant cost of a decant.

Some options for a new Portobello High School would have a direct impact on the location and/or timing of a new St John's RC Primary School. A number of options have been identified for a new primary school which I have not detailed in this letter but can be found on our website http://www.edinburgh.gov.uk/newportobellosschool.

Getting Your Feedback

The Baileyfield site is currently being marketed for sale and is one of the options for both schools. If we wish to consider it we need to act quickly. Although the time to do so is short, we want to get feedback from the school communities on the options identified. I hope that the further information above, together with the more detailed summary information now produced for each option, is helpful.

Earlier this week, the Convenor and Deputy Convenor of the Education, Children and Families Committee met with representatives from most of the affected school Parent Councils although not all could attend. The purpose of the meeting was to brief them on the Council report and ask for their assistance in seeking a collective view from their respective school communities on the options identified. I am grateful for their support in doing this in such short timescales and understand they will be in contact with you directly to establish how feedback from your school community can best be provided. We have asked for responses by Tuesday, 6 November to allow consideration in the next report to Council on 22 November which will actually be published on Friday, 16 November.

Although not mentioned specifically above, the option of creating a combined school for Portobello and Craigmillar was considered and two potential sites identified on the Brunstane Estate and in Craigmillar Town Centre. The details are set out in the last Council report at Section 3.6 and in Appendix 5. Any feedback from your school community on such a proposition would be helpful.

Please note that, even if we do decide to purchase the Baileyfield site for either school, a full statutory consultation process would still have to be carried out with the school and local community before any final decision was taken to actually build a new school on the site. This process would take approximately six months to complete and there would be opportunities for detailed feedback at this stage.

I will write to you again in advance of the November Council meeting to advise you of the intended next steps and any associated recommendations.

Yours sincerely

Gillian Tee
Director of Children and Families
Group 4 is made up of objections 4, 12, 19, 24, 27, 36, 38, 39, 40, 51, 52, 56, 59, 61, 62 and 66.

More than 30 separate documents were received by the clerks, who have sought to collate the separate strands into one document.

The Group indicated that they would wish to refer to the Council’s Open Space Strategy (September 2010). A link to that strategy is provided below:

http://www.edinburgh.gov.uk/downloads/file/2016/open_space_strategy

The Group has also indicated that it may refer to the Ironside Farrar report of December 2009 - Portobello Park Usage and Open Space Value Assessment. This document is available on the Committee’s web page, contained within written evidence submitted by the promoter at Preliminary Stage:

http://www.scottish.parliament.uk/S4_City_of_Edinburgh_Council_Portobello_Par k_Bill_Committee/Inquiries/EPPwe26_CEC_Bill_promoter_WEB.pdf

The Group also provided two further documents. Links to these documents are provided below:

Planning Advice Note (PAN 65): Planning and Open Space

Scottish Planning Policy (SPP 11): Open Space and Physical Activity

Wherever possible, the clerks have retained individual documents in their original form, as submitted. Some documents have been edited or not included, either to comply with the Parliament’s policy on the treatment of written evidence, for administrative purposes or due to insufficient relevance to the Committee’s scrutiny of the Bill.
Routes from Existing and Proposed Schools

- Existing school to Portobello High Street (840 metres)
- Proposed school to Portobello High Street (1300 metres)
- Proposed school to hot food outlets and shops (280 metres)
- Proposed school to café and shops in Magdalenes (1) (400 metres)
- Proposed school to café and shops in Magdalenes (2) (450 metres)

Danger Spot – 1.2 metre wide pavement
Urban green space, mortality and morbidity

The James Hutton Institute, University of Edinburgh, University of Glasgow, Heriot Watt University, and Biomathematics and Statistics Scotland

This research is part of the Scottish Government’s GreenHealth project. It asks if there is a link between green space and population health in Scotland. Overall, it finds evidence that access to, and use of, green space is favourably associated with risk of mortality and risk of poor mental health for some people, but relationships between green space and health are weaker in Scotland than England and Wales.

Main Findings

● Relationships between the amount of green space in a neighbourhood and risk of mortality for the resident population as a whole are largely weak or absent in Scotland; however, more green space in the neighbourhood is associated with a lower risk of mortality among Scotland’s poorest men.

● In contrast to England and Wales, socio-economic health inequalities are not significantly narrower in Scotland’s greenest urban areas.

● Scots who use green spaces for physical activity have a much lower risk of poor mental health than those who use non-natural environments such as the gym or streets.

● Green space is not associated with a reduced risk of obesity, or with markers of poor cardiovascular or respiratory health, in Scotland.
Background

Studies from around the world have found a link between how much green space a neighbourhood has and the health of the resident population. We expect to find this link because evidence from experimental studies in the laboratory and field suggests that being in natural environments may reduce stress, enable recovery from fatigue, lower blood pressure and promote healing. Green spaces may also encourage physical activity, and social contact. However, not all studies found a link between green space and health; the relationship varied by country, gender, socio-economic position and, importantly, by the measure of health used. The reasons for this variation are not yet clear.

There has been very little work looking at the relationships between green space and health in Scotland specifically. This research asked three key questions: (1) is there a link between green space and population health in Scotland? (2) is the strength of any link different to that in England and Wales? (3) does the amount of green space in the neighbourhood or use of green space matter more for health?

The research used several different definitions of health and looked at how the answers to the research questions varied by age, gender and level of affluence.

Research undertaken

This research used pre-existing data. Analyses of mortality risk used death records made available to us by the Office for National Statistics and General Register Office For Scotland under special license. We matched them to data describing amount of green space in the deceased's neighbourhood, where the definition of green space included parks, forests and areas of open grass, but excluded domestic gardens. We defined neighbourhood using Census Area Statistics Wards, an administrative unit used in reporting of the decennial census. We allowed for other factors which might explain the association between green space and mortality, including age and sex, affluence (because wealthier people are both more likely to live in greener areas and to be healthier), and air pollution (because greener areas tend also to have less air pollution).

We checked that our results were not particular to the data used and definitions of green space or mortality. We repeated analyses for Scotland, using mortality data at datazone level and an alternative measure of green space from the European Environment Agency. We also checked whether excluding Glasgow (known to have particularly poor population health) affected the results. None of these checks produced different results.

Relationships between green space in the neighbourhood, use of green spaces for physical activity, and morbidity were explored using the 2008 Scottish Health Survey (SHS). Green space data were joined to the SHS survey data under special licence, so that we knew the amount of green space in each SHS respondent’s neighbourhood. The SHS also asked respondents about where they undertook physical activity. Our analyses were able to allow for how much exercise people got overall, other environments they used, their levels of income, age, sex, employment status and, when appropriate, their smoking status. We checked for differences in our results by age, sex and income level.

Mortality

Figure 2 shows the relationship between the amount of green space in urban neighbourhoods and the risk of mortality for working age men. The risk is shown relative to urban areas with the least amount of green space, and the further a bar extends below the horizontal axis, the lower the risk in that type of area.

The risk of death excludes that from external causes such as traffic accidents or suicide. The graph shows that in England and Wales,
the risk of mortality falls as the amount of green space in an urban neighbourhood increases. This relationship is not found in Scotland.

These relationships were also explored separately for men and women, for older, working and younger age people, for more and less urban areas, for richer and poorer groups, for deaths from cardiovascular and respiratory disease and for different definitions of green space and neighbourhood. In Scotland, we only found a significant, protective relationship between mortality and green space for working age men living in the poorest two income-deprivation quartiles. Among these working-age men, those resident in the greenest urban areas were about 16% less likely to die than those resident in the least green urban areas. The absence of effects for women echoes findings in England and Wales, and is likely linked to gender differences in the frequency and type of green space use. Women are known to use green spaces less often than men.

We explored many possible explanations for why some relationships between green space and health appear different in Scotland but were not able to explain it. We could not allow for differences in the quality or types of urban green space within Scotland, and between England, Wales and Scotland, and it is possible that this is partly responsible. More likely however, the Scottish population has a higher level of underlying poor health and risky behaviours such as smoking and drinking. The impact of green space on risk of mortality is, even in England, relatively weak. Any benefits of green space in urban Scotland may be swamped by other things that damage health.

Inequalities

A study in England suggested that socio-economic health inequalities might be narrower among those living in greener urban areas, perhaps because green space in such areas is a freely and readily available resource for protecting health. We looked for the same kind of relationship in Scotland.

We compared the socio-economic health ‘gap’ between the least and most green urban areas. We measured the gap between 5 income-related groups. Figure 3 shows the risk of mortality in income groups 2-4, compared with the wealthiest group, 1.

As income-deprivation increases, the relative risk of mortality rises (the bars on the graph get taller). However, the rise is less steep in the areas with most green space. In the most green urban areas in England, the gap in risk of mortality between the most and least deprived is significantly smaller than in the least green areas. This is also true in Wales, though these results are not shown in figure 3. Whilst the pattern is similar in Scotland, reduction in the health gap in the greenest areas is not statistically significant.

Inequalities

A study in England suggested that socio-economic health inequalities might be narrower among those living in greener urban areas, perhaps because green space in such areas is a freely and readily available resource for protecting health. We looked for the same kind of relationship in Scotland.

We compared the socio-economic health ‘gap’ between the least and most green urban areas. We measured the gap between 5 income-related groups. Figure 3 shows the risk of mortality in income groups 2-4, compared with the wealthiest group, 1.
Morbidity
We explored relationships between green space and mental health, wellbeing, two different measures of obesity, and markers of cardiovascular and respiratory health including blood pressure and c-reactive protein. This work was also able to consider both the amount of green space in a neighbourhood, and whether the individual used green space for physical activity.

We found that regular physical activity in green environments appeared far more protective of mental health than that in other places, like the gym or streets (figure 1, on the front page). Regular users of green space for physical activity had about half the risk of poor mental health among non-users. We also found that levels of c-reactive protein, (a marker of inflammation that predicts cardiovascular disease and for which lower levels are healthier), were lower in men who regularly visited green spaces than in those who did not. We found no other evidence that the amount of green space in the neighbourhood, or regularly visiting green spaces for physical activity brought health benefits that weren’t also provided by physical activity in other non-green environments. We also found no evidence that socio-economic inequalities in these aspects of health were related to levels or use of green space.

Conclusions
Relationships between how much green space people have in their neighbourhood and their risk of mortality, are weak or absent in the Scottish population as a whole. This is different to England and Wales. There does, however, appear to be a protective relationship for Scotland’s poorest men. There was some suggestion that Scottish socio-economic inequalities in health are narrower among populations with more green space in their neighbourhood, but this relationship was also weak and not statistically significant.

However, those who use their green space regularly are at much lower risk of poor mental health than those who do not, and men who are regular green space users may also have lower, and thus healthier, levels of c-reactive protein.

The protective relationship between regular use of green space and risk of poor mental health is an important finding. Although this kind of study cannot prove that green space per se protects mental health, it does echo findings from small scale laboratory and field experiments, providing more confidence in our results.

Policy relevance
This work has implications for those involved in planning and managing green spaces, and for those involved in protecting and improving population health in Scotland.

- Simply increasing the amount of green space available in urban areas is unlikely to have impacts on population mortality rates or socio-economic health inequalities.

- Regular use of green space does appear to be good for mental health. Helping people to become and stay regular users could be a useful additional means of protecting and enhancing mental health.

- Those who use green spaces as children are far more likely to do so as adults. Schemes proven to be effective in introducing and encouraging children to use these spaces should be expanded. This may produce a lasting, multi-generational impact.

- Evaluations of local walking groups have found them to be effective at introducing adults to, and maintaining their use of, green spaces for physical activity. These should be promoted as a resource for mental as well as physical health.


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Green space quantity, stress and wellbeing

The James Hutton Institute, University of Edinburgh, University of Glasgow, Heriot Watt University, and Biomathematics and Statistics Scotland

This research was part of the Scottish Government’s GreenHealth project. It investigated whether there is a link between the amount of green space in the residential environment (such as parks, woodlands, gardens and street trees) and the health and wellbeing of residents of deprived urban communities in Scotland. The study found evidence of a link between green space quantity and both perceived stress and mental wellbeing.

Main Findings

- Perceived stress and mental wellbeing were both linked with green space quantity. The strength and direction of relationships varied by gender and likely amount of time spent at home.
- In men, lower self-reported stress was associated with increasing amounts of residential green space, particularly for those likely to spend more time at home. There was no association between mental wellbeing and green space quantity for the total study sample of men; however, for a sub-group of men who were likely to spend more time around the home, higher mental wellbeing was associated with increasing amounts of green space.
- The relationships between green space quantity and stress and mental wellbeing were more complicated for women: only some showed the same patterns in self-reported stress and mental wellbeing as described for men.

Low levels of residential green space vs. high levels of green space, Dundee.
Background
The international evidence suggests that contact with nature and exposure to green or open spaces has a beneficial effect on health and wellbeing. Higher levels of residential green space have been associated with lower mortality rates, lower blood pressure and obesity levels, and better self-perceived health (e.g. Maas et al, 2006). Previous studies also suggest that increasing the availability of green space in the neighbourhood environment in areas of deprivation may help to reduce health inequalities (see Information Note no. 1). The GreenHealth ‘Household Survey’ study sought to investigate the links between stress and mental wellbeing and the amount of green space in the residential environment in deprived urban communities in Scotland. Two key self-reported measures of health were used: (i) perceived stress, and (ii) mental wellbeing.

Research undertaken
Four deprived communities were selected for the study, based on levels of deprivation and relative green space coverage: two in Edinburgh, and two in Dundee. Approximately 100 participants were recruited from each site; however, perceived stress scores were significantly higher in one of the Edinburgh communities compared to those reported at the other three sites, and mental wellbeing scores were significantly lower, suggesting that it was an unusual case. For this reason, one community was excluded from the pooled data analysis, giving a total sample of \( n = 305 \) for the results reported here.

Stress levels were measured using the Perceived Stress Scale (PSS) and mental wellbeing was measured using the shortened version of the Warwick-Edinburgh Mental Wellbeing Scale (SWEMWBS). Four measures of green space quantity around each participant’s home, of differing resolution and composition, were used: (i) Ward (CAS Ward – parks, woodlands, scrub and other natural environments, but no private gardens included); (ii) Zone (Scottish Data Zone, as for Ward green space, but based on smaller area units and with private gardens included); (iii) Zone 300m Buffer (data as (ii) but for a 300m radius area around the home); and (iv) PAN 65 Zone (Scotland Green Space Map typologies: public open space, gardens, and roadside grass and trees).

Relationships between variables were examined using multiple linear regression, and separately for men and women and key sub-groups such as those likely to spend more time at home (identified on the basis of ‘work status’, namely those (i) looking after the home/family; (ii) retired; or (iii) long term sick or disabled). The research also took into account factors other than green space that might influence stress and mental wellbeing, such as age, income, and deprivation. In all cases described below, these potential confounders have been controlled for in our analysis. Affluence was assessed using a four point ‘Income Coping’ measure, and deprivation using the Carstairs Index.

Stress
Lower perceived stress was associated with increased green space coverage for both men and women (Figure 1), but green space quantity was only a significant factor for men, accounting for about 5% of the variability in perceived stress levels. Men’s stress scores were on average 1 point lower on the scale for every 4% increase in green space coverage.

The relationship between perceived stress and green space was much stronger for men considered likely to spend more time at home, however, with green space accounting for up to 34% of the variability in perceived stress (Figure 2), depending on the measure of green space quantity used. In addition to the Zone 300m Buffer green space measure (Figure 2), the PAN 65 Zone measure was also a significant predictor, accounting for 21% of the variance in perceived stress. The stress scores for these men
ranged from 2 to 18 (a higher score means greater stress). Green space coverage ranged from 26–69%. The regression coefficient for Figure 2 indicates a lower stress score by 1 point on the scale for every 1.6% increase in green space coverage.

Figure 2. The relationship between perceived stress and green space quantity for men estimated to spend more time at home (n = 22; Retired 77%, Disabled or long-term sick 23%), expressed as a partial regression plot. The y-axis shows PSS increasing from bottom to top, and the x-axis shows green space quantity (%) increasing left to right. Confidence intervals shown are 95%.

For women, the relationship between perceived stress and green space quantity was more complicated than for the men (Figure 3), with a greater range of stress scores, from 0 to 27. Whilst lower perceived stress appeared to be associated with higher green space for some individuals, as for the men (individuals inside the oval in Figure 3), there was a number of women living in areas with high green space coverage who had some of the highest perceived stress levels recorded (individuals falling outside the oval, Figure 3). Based on visual inspection of Figure 3 and theoretical understandings, preliminary analysis of the two groups (those inside and outside the oval) suggests that stress experienced by women in the high green space/high stress group (those outside the oval) was more strongly influenced by significant recent life events and poorer reported life conditions compared to the other women in the study.

Mental Wellbeing

There was no association between green space quantity and mental wellbeing for the total sample of men in the study. However, for the sub-group who were likely to spend more time at home, higher mental wellbeing was associated with increased levels of green space (Figure 4). Only one green space measure, Zone 300m Buffer, was a significant predictor of mental wellbeing, accounting for 14% of the variability in such wellbeing scores (Figure 4). Mental wellbeing scores for these men ranged from 19 to 35 (a higher score means greater mental wellbeing). Green space coverage ranged from 22–69%. In contrast to the observations for men, for the total sample of women in the study, lower mental wellbeing was associated with higher levels of green space, with green space accounting for about 8% of the variability in such wellbeing. Again, only the Zone 300m Buffer measure significantly predicted mental wellbeing. As with the analysis of stress in women described above, the relationship between mental wellbeing and green space quantity was complex. For some women, it appears that mental wellbeing
may be higher with increased levels of green space, as for men. However, there was a number of women living in areas with high green space coverage who had some of the lowest mental wellbeing values recorded (Figure 5). It is likely that the pattern observed in Figure 5 largely reflects that shown in Figure 3 (and thus for those individuals outside the oval, mental wellbeing is influenced more strongly by other factors). Mental wellbeing scores ranged from 17 to 35, and green space coverage 22–69%.

Conclusions
This cross-sectional study cannot show a causal relationship between green space and health and wellbeing. Nonetheless, it suggests that the amount of green space in the residential environment is a factor contributing to the health and wellbeing of residents of deprived urban communities in Scotland, particularly those who are likely to spend more time in and around their home or neighbourhood. The study suggests that increasing green space coverage in deprived areas where there is little could contribute to reducing stress levels and increased wellbeing for some; however, other aspects of green space which impact on perceptions and use, such as quality and safety, must also be taken into account.

Policy relevance
This work has relevance for those involved in planning, designing and managing green spaces, and for those involved in protecting and improving population health in Scotland.

- Increasing green space coverage in areas with low coverage in deprived urban communities may help lower stress and improve mental wellbeing for some residents, especially those who spend more time around the home.

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References
Urban green space and stress

The James Hutton Institute, University of Edinburgh, University of Glasgow, Heriot Watt University, Biomathematics and Statistics Scotland, and University of Westminster.

This research is part of the Scottish Government’s GreenHealth project. It asks if there is a link between green space and stress in deprived urban communities. Overall, it finds evidence that more urban green space is favourably associated with lower levels of self-reported stress and reduced physiological stress, as indicated by diurnal salivary cortisol patterns in a sample of middle-aged men and women not in work.

Main Findings

● More green space in deprived urban communities is associated with lower levels of self-reported stress (Figure 1) for a sample of middle-aged men and women not in work.
● More green space in the home neighbourhood is associated with lower stress as shown by salivary cortisol patterns for a sample of middle-aged men and women not in work.
● Higher levels of green space have a stronger relationship with diurnal cortisol concentrations in women than in men in such demographic groups in deprived communities.
● We have validated an objective method for measuring salutogenic (health improving) effects of environmental settings within people’s everyday contexts.

Figure 1: mean levels of self-reported stress in areas of low (≤ 43%) and high (>43%) urban green space
Background

Contact with green space has been associated with benefits to mental health, including stress recovery. This outcome is understood to arise from one or more of three possible pathways: the greater opportunities green space affords for physical activity which, in turn, improves mood; the increased opportunities that urban parks and green space offer for social contact – impromptu or planned; and opportunities for psychological restoration from stress and fatigue. It is believed that the ‘soft’ visual stimuli of natural settings support involuntary attention and recovery from the high cognitive demands of urban environments (e.g. from high levels of noise and traffic). However, objective physiological evidence of these benefits is currently limited to a small number of – mostly laboratory – studies showing positive effects of green space on blood pressure, heart rate, skin conductance and muscle tension.

In the last few years a number of studies have begun to explore cortisol as an indicator of stress response to environmental settings. Cortisol – a ‘stress hormone’ – is secreted in the adrenal glands. Most healthy adults have a high cortisol level first thing in the morning, dropping over the day to a low cortisol level at night. Disturbance in this pattern – higher or lower levels of normal secretion – can indicate prolonged or chronic stress. Experiments exploring the impact of green space on cortisol are largely limited to intervention studies measuring levels immediately before and after exposure to different green space settings. Whilst such studies have found that contact with natural environments reduced stress, none of these have measured diurnal cortisol patterns, which offer a more reliable biomarker of someone’s longer-term stress condition. In summary, very little research has examined stress patterns in relation to the long-term effects of familiar, everyday environments, set within the context of people’s normal patterns of activity and experience.

Research questions

Based on the existing evidence we asked the following two questions:

1. Among residents of deprived urban areas in Scotland, is the presence of different levels of green space in the home neighbourhood associated with stress as measured by diurnal patterns of cortisol secretion and self-reported stress?
2. Are there any sub-group patterns, for example in men compared with women?

Research undertaken

After exploratory analysis of several Scottish cities, Dundee was selected as the most appropriate case study area owing to its high levels of deprivation combined with neighbourhoods with varying levels of green space.

An exploratory study was first carried out to test the feasibility of using cortisol as a stress indicator in poor urban communities suffering from unemployment and income coping difficulties. We found this population were able to adhere to the precise sampling regime required to measure cortisol over two consecutive days. Results showed significant relationships between objective measures of neighbourhood green space, self-reported stress and the diurnal pattern of cortisol secretion. Higher levels of neighbourhood green space were linked with lower levels of self-reported stress and a steeper (i.e. healthier) diurnal decline in cortisol secretion.

A second study was carried out to expand these earlier findings within the same socially deprived urban population in a larger sample, paying particular attention to gender differences.
Study Design

The study was cross-sectional in design. Since cortisol concentration is highly sensitive to age, we restricted our sample to men and women aged 33–55 years. In previous research, green space and health links have been shown more strongly in poorer communities and in people whose time is more likely to be spent in and around the home. We therefore targeted recruitment of participants at people not in work for any reason (e.g. job-seeking unemployed, on invalidity benefit, carers) living in socio-economically deprived areas of Dundee as measured by the Carstairs indices of deprivation (Carstairs and Morris 1991), obtained via each participant’s postcode.

Recruitment was carried out either via unemployment centres in Dundee (study 1) or door-to-door, with follow-up appointments carried out by the research team (study 2). Participants were briefed on the protocol for cortisol sampling and completed a short questionnaire on individual characteristics, including how well the household is coping on current income, self-reported stress, wellbeing and exercise levels.

Repeated salivary cortisol sampling took place over two consecutive weekdays (collected over 2 days/4 times per day) with text prompts sent to participants as reminders.

The percentage of green space in each participant’s residential area was measured using the Census Area Statistics (CAS) for Wards. Dundee contains 31 CAS Wards with a mean percentage of green space of 33.89% (2001). The green space measure includes parks, woodlands, scrub and other natural environments, but not private gardens (although participants were asked whether they had access to a garden).

In statistical analyses, we explored green space percentage as a continuous variable (i.e. from 0 to 100%) and as a binary variable split at an optimal level of plus or minus 43% (determined using established statistical methods). The term ‘low green space’ henceforth refers to areas with less than or equal to 43% green space; the term ‘high green space’ to areas with over 43% green space. See Figures 2 and 3 for typical images of high and low green space areas. All analyses looked for effects above and beyond age, gender and level of income deprivation in considering effects of percentage of green space in the residential environment. The analyses explored the diurnal pattern of cortisol (i.e. the slope from 3 hours to 9 hours after awakening) and the average daily concentration (i.e. the mean).

Key findings

Our total sample of 106 comprised 50% women and 50% men, with a mean age of 45.

Self-reported stress: regression analyses showed that the level of green space (continuous variable) was a significant predictor of self-reported stress (p<0.05); self-reported stress was lower in the high green space areas (see Figure 1, on the front page); higher stress levels were more likely in women and (for men only) associated with not having a garden.
Cortisol Slope: A greater diurnal cortisol decline was associated with the binary variable of high green space, compared to low green space.

This pattern is illustrated in Figure 4, showing that participants living in areas of higher green space had a steeper (healthier) cortisol diurnal decline (the solid black line) whilst participants living with lower neighbourhood green space had a flatter (less healthy) slope profile (the dotted line).

Cortisol Diurnal Mean Concentrations:
Significantly lower average cortisol concentrations were found in women, but there was also a significant interaction between percentage green space and gender. More neighbourhood green space was associated with higher – and healthier – diurnal cortisol levels among women (i.e. a steeper slope – the solid black profile in Figure 5). In low green space, women showed a ‘low and flat’ slope indicative of ‘burn out’ and higher stress levels (the dotted line in Figure 5).

Conclusions
● Levels of green space in the residential environment can significantly predict levels of self-reported stress and diurnal patterns of cortisol – a biomarker of stress – in deprived urban communities;
● The effect of green space on stress may be mediated by gender, with a stronger positive effect in our sample of increasing green space on cortisol concentrations in women (meaning green space is having a more positive effect on stress regulation in women than in men). More research is needed to substantiate this for a wider sample and age range;
● Measuring diurnal patterns of salivary cortisol offers an ecologically valid method (i.e. observing people in their real-life contexts) to demonstrate evidence and further understanding of the salutogenic effects of green space.

Policy relevance
Whilst replication of this methodology is required to substantiate findings across urban Scotland, this study suggests:
● Increasing the amount of green space available in urban areas is likely to offer the potential for significant mental health benefits to some residents of deprived communities.
● The benefits may be particularly pertinent to women living in deprived urban communities, who appear to experience higher levels of stress.


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References
Urban green space and wellbeing

The James Hutton Institute, University of Edinburgh, University of Glasgow, Heriot Watt University, and Biomathematics and Statistics Scotland

This research is part of the Scottish Government’s GreenHealth project. It explores the contribution of urban green and open spaces to public health and wellbeing using in-depth qualitative methods with green space users. The findings show that green spaces have different meanings for different people. Hence, there is not a simple cause-effect relationship between green space engagement and wellbeing.

Main Findings

● Meanings of green space, and hence any wellbeing benefits derived from engagement, vary between different people and social groups
● For most people the social aspect of meeting others is a key part of using their local green space and hence important to any wellbeing benefits derived from it
● For a small minority of people notions of escape and ‘getting away from it all’ are important to green space use and hence wellbeing
● For some people engagement with green space is as part of a group; this gives their activity meaning and purpose and provides them with a strong social identity in relation to the space
● The activities of different groups affects the experiences of others both positively and sometimes negatively
● Policy makers, planners and green space managers should ensure that communities have access to a range of different kinds of green space, to allow all to enjoy the wellbeing benefits of using these spaces.
Background
The benefits of green space for health and wellbeing are widely known and increasingly documented. Much of this work focuses on the potential of natural environments to provide opportunities to enhance wellbeing in different ways:

- Physical wellbeing through physical activity and fresh air
- Mental wellbeing through stress reduction and attention restoration
- Social wellbeing through social integration, engagement and participation

Much research has focused on identifying and categorising the environmental characteristics of places, spaces and landscapes associated with particular health outcomes. Another approach has explored social and health inequalities associated with different levels of access and proximity by different social group. Less attention has been given to understanding the ways in which people use, value and benefit from green space in relation to health outcomes. The social dimensions implicit in any environmental engagement (and hence any wellbeing derived from it) are starting to be recognised but the issue requires further exploration. It is important to understand how engagement with green space is complicated through use by different social groups and the power dynamics which exist between them.

Research Undertaken
This research explored everyday green space engagements in two wards in Dundee using qualitative methods, including face-to-face interviews, walking interviews, production and review of video recordings. The aim was to investigate both the ways in which people interacted with local green space, and the meanings through which green spaces are experienced, interpreted and understood.

A qualitative approach was used to explore with participants the role that green, or open, space plays in how human health and wellbeing are produced. In order to understand the relationship between health and green space, there is a need to understand both how and why people engage with green space.

Two study areas were used in Dundee: Baxter Park, which is close to the inner city area of Stobswell, and Finlathen Park, which is close to Dundee’s boundary with rural Angus. Within these two areas there have been: contextualising observation and interviews with key informants, visual and mobile interviews conducted with participants, and transcriptions and analyses of data.

Ten participants were recruited through local community groups, all of whom were regular users of either Baxter Park or Finlathen Park. Participants included both sexes, and age ranged from 19 to 60+ years. All were resident near the case study area. Participants’ motivations for accessing green space varied, according to gender, age and other characteristics, for example interests, ability and lifestyle. Some used green space instrumentally (e.g. to walk a dog); for others it was a social occasion (e.g. visiting the park as part of a volunteer group or with friends and family), while for others it was explicitly a therapeutic experience. Often these reasons occurred together.

Findings were analysed with respect to categories relating to aspects of green space attitudes and behaviour. Particular attention was paid to health and wellbeing meanings of green space, and indirect behaviour relating to health and wellbeing, for example routines, social relations and leisure.
Health and Well-being

The term wellbeing is an attempt to focus health away from the individual and the presence/absence of disease towards a more holistic and positive achievement. It comprises two main elements: feeling good and functioning well. Feeling good is related to subjective emotions such as happiness, enjoyment and contentment. Functioning well concerns relationships and social involvement. The concept thus offers a social model of health which locates individual experiences within a broader social context. Space and place are closely bound up with the social relations that produce (or not) health and wellbeing.

Subjective wellbeing varies between people and over time. Hence it is dynamic rather than fixed. Actions and activities that enhance wellbeing for one person or group may enhance wellbeing for others, or could come at the expense of someone else's wellbeing. The aim of this research was to examine how engagement with green space enhanced (or not) the individual and social wellbeing of different users.

In both of our case study sites we found multiple uses and meanings of greenspace. These meanings can enhance engagement for others, or they can come into conflict. When tension occurs between different users this can affect the meaning that the park has for people, their engagement with it and any potential wellbeing benefits that might be derived from use. One such tension in Baxter Park occurred over the use of a children's play area. At lunchtimes some of the pupils from a local secondary school would use this area, which had an impact on mothers with young children.

The school pupils are physically commandeering space with their bodies, but also appropriating space through squeezing out more welcoming socialities and introducing less welcoming ones. The pupils’ engagement also invites change relating to the ecologies of the park, such as encouraging the seagulls through their litter, which in turn further discourage particular uses and users. Another of our participants commented on the military fitness group, who appropriated space through sound and movement. While she did not enjoy seeing or hearing them, others might have different views of people using the park to exercise.

Wellbeing and Place

Place is often defined in relation to location, setting and meaning, the result of continuing interactions concerning not just where an individual is but also what they are doing and why. Place forms a part of our cultural identity and as such place matters for health and health inequalities. Work on therapeutic landscapes has examined how certain places – such as sacred sites, spas or pilgrimages – become associated with health and wellbeing because they are perceived to have properties or associations that are believed to be conducive to producing experiences associated with health. This concept has been extended to include any places considered beneficial to enhancing health and wellbeing, noting that landscapes can be important in maintaining, not only restoring, health. The subjectivity of individual experiences of both (ill) health and perceptions of landscapes emphasise how the meaning and nature of place with respect to health is different for different people, groups and over time.

Thus, experiences of place derive from engagement with nature within particular social contexts rather than being pre-determined outcomes linked to proximity. People experience environments in quite different ways. Even those visiting nature alone ascribe particular socio-cultural meanings to their experience; and while places may be designed to elicit particular practices, all kinds of other practices may be going on within them which they were never designed to admit.

This research sought to draw attention to the social relations within which urban green space use and management take place, and how these shape the meaning and experiences of various green space users and the wellbeing benefits (or not) for different groups.
Conclusions

Green spaces have different meanings for different people and social groups. People’s understanding and interpretation of green space – who they understand it has been provided for and its purpose, their beliefs about how it should be managed – influence their engagement with such places and hence any wellbeing benefits that might be derived from using them.

Activities that enhance wellbeing for one person or group may also help to enhance the wellbeing benefits for others. Equally, activities may come at the cost of another person or group’s wellbeing.

Green spaces, like other kinds of spaces, become meaningful to users through social processes which may enhance (or not) any wellbeing benefits derived from engagement. However, in the policy debate about health and wellbeing, the focus has been on the material rather than the social qualities of different green spaces. Although it would be impossible to unravel the natural and the social since they are so closely intertwined, we can examine further how the material and social aspects of green spaces are combined.

The social contexts through which green spaces are encountered and understood are multiple and complex and contested between different individuals and groups. Balancing multiple demands between different users to ensure that the wellbeing benefits of some social groups are not achieved at the expense of other groups is an important but significant challenge for policy makers, planners and green space managers. What green spaces mean to dominant groups can result in the accepted uses of the spaces which might enhance wellbeing for some individuals or groups but marginalise or exclude others. Attention thus needs to be paid to how power and knowledge affect meaning, and how different groups are positioned in relation to these resources.

Policy relevance

The work has potential implications for those involved in green space management and planning:

- Policy makers, planners and green space managers should ensure that communities have access to a range of different kinds of green space, to allow all to use it to enhance their wellbeing. This requires understanding, sensitivity and skilful communication of the tensions.
- The identification of mechanisms which support stronger elements of social use, such as coordination groups, e.g. volunteer organisations and ‘Friends of’, can potentially enhance wellbeing through providing a purpose and sense of achievement. However, attention needs to be paid to the effect of such mechanisms on green space values, ownership, use and engagement by others not necessarily part of such groups. This then helps foster public responsibility for maintaining local environments.
- A social value is attached to green networks, providing functions beyond those of biodiversity of wildlife
- Urban green spaces perform a role in raising public awareness of aspects of nature in their local environment, which helps connect people to the land and the seasons, as sought in the Scottish Land Use Strategy.


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Green space Services: Community Engagement Case Study

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This research is part of the Scottish Government’s GreenHealth project. Participatory techniques have been used in a case study to identify community opinions on current uses of urban green and open spaces, and options for the future. Findings show the importance of the multiple services provided by green spaces, such as places for relaxation and escape, and desires to improve the quality and range of benefits.

Main Findings

- Finlathen Park in Dundee is a green space which provides multiple services for communities of place (such as walks), and communities of interest (such as the sports facilities), whilst also contributing to wider green and blue networks.
- In this green space, the attraction of stretches of the Dighty Burn for peace and relaxation is a focus of local interest, with multiple benefits, such as for water quality, recreation and habitats, being derived from the community maintenance of the burn.
- The identification of sub-areas of the green space which support compatible functions could increase the overall effectiveness of such spaces in delivering multiple functions, and safeguard its value for relaxation and escape.
- The loss of small areas of other green spaces, in the vicinity of houses, may adversely impact on well-being by reducing the availability of places for short periods of escape.
- There is community interest in having greater responsibility for the management of areas of green spaces for local benefit.
- The facilitation and mechanisms of community engagement using newly available mapping and visualisation tools has been effective in stimulating interest, eliciting information and producing a ‘bottom-up’ green space plan.
Background

The Vision of the Scottish Land Use Strategy is a Scotland where we fully recognise, understand and value the importance of our land resources, and where our plans and decisions about land use deliver improved and enduring benefits, enhancing the wellbeing of our nation. It sets out guiding Principles and Proposals for sustainable land use to deliver multiple benefits. Its Principles include: Principle i) people should have opportunities to contribute to debates and decisions about land use and management decisions which affect their lives and their future.

Applying the Principles at a local level is envisaged to result in more consistent and integrated land use decisions. Objective 3 of the Land Use Strategy is for urban and rural communities to be better connected to the land, with more people enjoying and positively influencing land use.

This research describes the findings of engagement with local communities in a case study in Dundee. The study involved scenarios of potential green space content, use, and environments conducive to health and well-being identifying people’s preferred choices for future design and uses of green spaces.

Research Undertaken

We chose Finlathen Park in Dundee because of complementary work on the nature of engagement with urban green spaces, and the differences in meaning to different people (GreenHealth Information Note 4). It is located near an area of Dundee with medium to high levels of green space, and high levels of deprivation (GreenHealth Information Notes 2 and 3). The Dundee Open Space Strategy 2008–2011 was used to identify the overall requirements of local open spaces in the city, which involve delivering the desirable functions of formal and informal recreation, nature conservation, visual amenity, and support for frequent local use.

We used a digital map and aerial imagery of the park to represent the principal vegetation distribution and key natural and constructed features, such as the Dighty Burn, viaduct, and surrounding buildings and roads. We used the imagery in discussions with residents and park users to capture information on the different uses of the park; factors which might deter use; means of physical access; and views. This reflected findings of the urban green space and wellbeing study (GreenHealth Information Note 4). We then used photographs and computer simulations of the park from different viewpoints to tailor the design of visualisations of features associated with the park (e.g. trees, burn, sports football pitch), and to test recognition of the site.

The data were used to develop a prototype 3D model of Finlathen Park. This was used with local stakeholders in a virtual reality environment to test its usability and inform the design of engagement activities. We used the model with community groups, with audiences of elected representatives, planners, community workers, residents, and some groups of children and young people, both familiar and unfamiliar with the area.

Audiences were invited to prioritise topics (e.g. woodland, access, facilities transport, lighting, etc.), and then select individual types of feature to locate in the park. Subsequent discussions of opinions within the group identified options for park management and layout or content which might increase use or other benefits (e.g. personal health, biodiversity, water quality in the burn and social space for different age groups).
The geographic distribution of features identified in the engagement sessions led to the mapping of alternative options and associations of key functions within the park. An example is shown in Figure 2. Some of the factors identified by audiences are highlighted, such as more trees along certain edges, or infilling of gaps, and potential functions of sub-areas of the green space.

Figure 2: Example spatial plan for park and adjacent area derived from engagement events.

Although the focus was on Finlathen Park, information was obtained on other green spaces in the locality, or local to participants. The content, quality, proximity to home or work, and issues associated with their use were documented, as were some metrics collected later, such as size, and the type of boundary (e.g. road, wall, building).

Commonly expressed opinions with respect to the uses of the green space for adults and children were:
- Peace and quiet outdoors, and fresh air.
- A meeting place with friends.
- Physical exercise by walking or cycling.
- Walking a dog.

Other uses of the park identified included:
- Observing wildlife
- Activity sports, mainly football and cycling but also fishing

Children specifically identified the park as a meeting place to play with friends (older children), benefiting from the mix of trees, bushes, open grass and the edge of the burn.

Commonly expressed opinions from participating groups were about refurbished, new or extended facilities:
- A desire to increase the woodland around the western and northern edges of the park, thus dampening road noise
- Additional footbridges across the burn to enable more varied routes for walks through the green space
- Additional facilities: play areas; seating for adults; shelters for adults watching children's football or sport; permanent barbeque equipment for community use; dog exercise areas; car parking for weekend football games; improved footpath access to the park.

Disagreement centred on certain revisions to green space:
- Additional lighting for footpaths; some felt this would increase accessibility, especially at night and in winter. Others felt that this was intrusive and reduced the feeling of being in a natural environment.
- Different ideas about where features, such as benches, should be located.
- The risk of vandalism to features, although most age groups believed this would not be a serious problem, given the state of current facilities.

The Dighty Burn was a topic of interest due to: (i) local history, most significantly with respect to the improvements in water quality, and its links with adjacent areas; (ii) its role in the provision of a peaceful location for relaxing; (iii) the focus it provided for community groups (e.g. Dighty Connect).

Other factors raised by participants about access and use of green spaces included the potential for greater involvement in managing part of such spaces. Participants emphasised the role of small spaces for community-identified priorities, with reference made to other discussions in Dundee on the same theme. Concerns were expressed about the loss of small green spaces to housing, which had been used for exercising dogs at night, or for escape from the house where there was no private garden.

Feedback from participants included appreciation of being asked about local green spaces, and a desire to be asked again. Participants were enthused by being able to visualise, interact with and record opinions on options for future services provided by green spaces. Community officers valued the methods used; we have subsequently been asked to run such events for other green spaces.
Conclusions

Finlathen Park provides multiple services for communities of place (generally adjacent to the north and south) and some communities of interest (e.g. relating to the burn and sports facility). Participants identified a number of multiple functions of the green space, in particular the role of additional trees in extending habitats and dampening noise from vehicles.

Investment in some well-designed facilities for encouraging increased use of the green space, such as seating and permanent barbeques could increase use of the space for family and community groups of all ages. Although the park provides multiple services and functions these are not always compatible. Some of those relate most closely to opportunities for, and types of, physical activity and well-being. There is recognition that sub-areas of the park could provide more mutually compatible services, such as areas for peace and escape, others for active sport and play, and a wider context of enhanced ecological and physical connectivity.

The uses identified for small areas of green space in close proximity to houses, for short time periods (e.g. 10 minutes) suggests their loss could be more significant than that of an equivalent area from a larger green space. This may be significant for policies which result in the disposal of green space in some urban areas.

Participants placed different emphases on the value of the engagement process on the one hand, and the research findings on the other. People with formal responsibility for community development and voluntary groups sought advice on mechanisms, access to materials, and opportunities for running equivalent events. Elected representatives stressed the importance of engagement using newly available tools, data, and approaches, reporting that this activity was a good model. Members of the public, across genders and age ranges, identified the green space as an asset, which had a positive contribution to health and personal and community well-being.

Individuals, representatives and community officers all expressed desire for communities to have greater responsibility for managing areas of green space for community benefit and in delivering locally identified priorities. This would be consistent with the development of community planning.

Policy relevance

The activities and findings contribute to a number of areas of public policy. A focus on identifying people’s uses and ideas for planning green space shows the application of several Principles of the Land Use Strategy: encouraging opportunities for multiple benefits from land use; encouraging opportunities for outdoor recreation, public access to land, provision of green space close to where people live; and opportunities for people to contribute to debates and decisions about land use and management decisions which affect their lives and their future.

The findings have potential implications for the planning and design of green spaces to increase the effectiveness of their use, and contribution to wider green infrastructure. These include community recognition of potential multiple benefits from green space such as relaxation and de-stressing, biodiversity, and as a focal feature to adjacent or local communities. This supports the aims of the Scottish Planning Policy (SPP) which recognises the community value of green space, the quality of the space, and the diversity of current uses. However, support for greater engagement of communities in planning requires the provision of appropriate advice and training in processes and tools. This needs to be targeted at the most relevant parts of the governance structures of community planning. This could aid the development of outcomes together with communities.

The research has also identified interests in exploring means of tenure which could permit community authority for management of areas of green space, beyond that of allotments. Findings also support arguments for the provision of ‘extension type’ services for informing urban communities, which is relevant to the current review of land reform in Scotland. The resource implications of such high-tech engagement tools need to be considered, and the outcomes of such exercises compared to those using lower-tech options before selecting the tools most appropriate to the task.

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No. 6
Research report
Morbidity is related to a green living environment
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Evidence based public health policy and practice
Greenspace, urbanity and health: relationships in England
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No. 8
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Document presented to Parliament for Portobello Park Private Bill evidence session 26 March 2014

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FOI develop bill.pdf
FOI information about retender.pdf
FOI legal challenge - parliament.pdf
FOI relocation effect on high street.pdf
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<td>Good Safe Access</td>
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Portobello Park (excl GC)  
Neighbourhood: East  
Postcode: EH15 1JJ  
Classification: City Park  
PQS: 39%  
Bandwidth: Poor
## Portobello Park (excl GC)

**Classification:** City Park  
**Neighbourhood:** East  
**NP:** PC  
**PostCode:** EH15 1JJ

### PQS: 39%

**Bandwidth:** Poor

Criteria Scores Key: 0 = N/A; 1 = Very Poor; 2-4 = Poor; 5-6 = Fair; 7 = Good; 8 = Very Good; 9 = Excellent; 10 = Exceptional

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</tr>
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<td>Management Plan Implementation</td>
<td>0</td>
</tr>
</tbody>
</table>

**Overall Comments:**

**Recommendation 1:**

**Recommendation 2:**

**Recommendation 3:**
**Portobello Park (excl GC)**

**Classification:** City Park  
**NP:** PC  
**PostCode:** EH15 1JJ

**PQS:** 43%  
**Bandwidth:** Fair

Criteria Score Key: 0 = N/A; 1 = Very Poor; 2-4 = Poor; 5-6 = Fair; 7 = Good; 8 – Very Good; 9 = Excellent; 10 = Exceptional

<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria Score</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welcoming</td>
<td>4</td>
<td></td>
<td>Weaknesses: old, faded signs; sign pulled out; too few, unclear entrances; no park structure</td>
</tr>
<tr>
<td>Good Safe Access</td>
<td>5</td>
<td>car parking on street and a few on site; public transport good; safe pedestrian crossing</td>
<td>Weaknesses: step down at entrance close to bus stop</td>
</tr>
<tr>
<td>Signage</td>
<td>2</td>
<td></td>
<td>Weaknesses: old signs, faded; little signage at entrances; sign pulled out and damaged</td>
</tr>
<tr>
<td>Equal Access</td>
<td>3</td>
<td>some seating; some dropped kerbs</td>
<td>Weaknesses: step down at entrance close to bus stop (seen that this is a major obstacle for a gentleman with a walking stick); no path</td>
</tr>
<tr>
<td>Healthy, Safe &amp; Secure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safe Equipment &amp; Facilities</td>
<td>3</td>
<td>other equipment is safe</td>
<td>Weaknesses: major problem is the perimeter fence; many damaged parts with protruding bits of iron; railing supports broken off</td>
</tr>
<tr>
<td>Personal Security in Park</td>
<td>6</td>
<td>off busy road, well overlooked</td>
<td>Weaknesses: small hidden area around gas sub station (SW of site)</td>
</tr>
<tr>
<td>Dog Fouling</td>
<td>4</td>
<td>Some signage</td>
<td>Weaknesses: ugly signage; evidence of fouling</td>
</tr>
<tr>
<td>Appropriate Provision of Facilities</td>
<td>6</td>
<td>suitable for purpose as football venue</td>
<td>Weaknesses: bit limited range of facilities</td>
</tr>
<tr>
<td>Quality of Facilities</td>
<td>4</td>
<td>3 good benches</td>
<td>Weaknesses: 2 benches falling apart; football pitch sloping</td>
</tr>
<tr>
<td>Clean &amp; Well Maintained</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Litter &amp; Waste Management</td>
<td>5</td>
<td>not too much litter</td>
<td>Weaknesses: hardly any bins; bins look tired; bin covers missing</td>
</tr>
<tr>
<td>Grounds Maintenance</td>
<td>5</td>
<td>grass well cut, sprayed around perimeter; distinct areas with longer grass</td>
<td>Weaknesses: limited horticultural appeal</td>
</tr>
<tr>
<td>Building &amp; Infrastructure Maint.</td>
<td>3</td>
<td>building reasonable well maintained</td>
<td>Weaknesses: fencing in poor state of repair; requires painting and major repairs</td>
</tr>
<tr>
<td>Equipment Maintenance</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Sustainability</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pesticides</td>
<td>4</td>
<td>Reasonable use of pesticides (small strip along perimeter)</td>
<td></td>
</tr>
<tr>
<td>Peat Use</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Minimiation</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodland Management</td>
<td>5</td>
<td>older and younger trees</td>
<td>Weaknesses: Many infections with Dutch elm disease; several trees marked in 2008 (incl. ringbarked tree) not yet taken out</td>
</tr>
<tr>
<td>Conservation &amp; Heritage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Fauna &amp; Flora</td>
<td>7</td>
<td>long-grass area; good resting spots for birds</td>
<td></td>
</tr>
<tr>
<td>Conservation Landscape</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Buildings</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Involvement</td>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Green Flag Park Quality Assessment Scores  2009

Portobello Park (excl GC)  Classification:  City Park
Neighbourhood:  East  NP:  PC  PostCode:  EH15 1JJ

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Score</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>PQS</td>
<td>43%</td>
<td></td>
</tr>
<tr>
<td>Community Provision</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Marketing &amp; Promotion</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Information Provision</td>
<td>1</td>
<td>No information provision</td>
</tr>
<tr>
<td>Educ. &amp; Interpretative Provision</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Management Plan Implementation</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Overall Comments</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation1:

Recommendation2:

Recommendation3:
# Green Flag Park Quality Assessment Scores 2010

**Portobello Park (excl GC)**

**Classification:** City Park

**Neighbourhood:** East  
**NP:** PC  
**PostCode:** EH15 1JJ

### PQS: 46%

**Bandwidth:** Fair

Criteria Score Key: 0 = N/A; 1 = Very Poor; 2-4 = Poor; 5-6 = Fair; 7 = Good; 8 = Very Good; 9 = Excellent; 10 = Exceptional

<table>
<thead>
<tr>
<th>A Welcoming Place</th>
<th>Criteria Score</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welcoming</td>
<td>4</td>
<td>Open park visible from main road</td>
<td>Litter evident at entrances</td>
</tr>
<tr>
<td>Good Safe Access</td>
<td>5</td>
<td>Car park, public transport links</td>
<td>Two poor entrances from main road, no paths in park</td>
</tr>
<tr>
<td>Signage</td>
<td>6</td>
<td>Threshold signs and caring for parks sign</td>
<td></td>
</tr>
<tr>
<td>Equal Access</td>
<td>3</td>
<td>Car park, seating</td>
<td>No path and other entrances unsuitable</td>
</tr>
<tr>
<td>Healthy, Safe &amp; Secure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safe Equipment &amp; Facilities</td>
<td>3</td>
<td></td>
<td>Some seating unsuitable, railings along main road damaged in places</td>
</tr>
<tr>
<td>Personal Security in Park</td>
<td>6</td>
<td>Open park with good sightlines across main part, overlooked.</td>
<td>Some hidden areas, not busy</td>
</tr>
<tr>
<td>Dog Fouling</td>
<td>3</td>
<td>Bins at entrances</td>
<td>Lots of fouling present</td>
</tr>
<tr>
<td>Appropriate Provision of Facilities</td>
<td>6</td>
<td>Football pitches, pavilion, seating, bins</td>
<td></td>
</tr>
<tr>
<td>Quality of Facilities</td>
<td>4</td>
<td></td>
<td>Some seats need replaced</td>
</tr>
<tr>
<td>Clean &amp; Well Maintained</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Litter &amp; Waste Management</td>
<td>5</td>
<td>Nicked bins</td>
<td>A lot of litter, no bin at pavilion</td>
</tr>
<tr>
<td>Grounds Maintenance</td>
<td>4</td>
<td>Grass cut ok</td>
<td>Grass around fringes long (no maintenance strip), area around pavilion not maintained</td>
</tr>
<tr>
<td>Building &amp; Infrastructure Maint.</td>
<td>5</td>
<td>Car park and pavilion ok</td>
<td>Graffiti on substation, railings damaged</td>
</tr>
<tr>
<td>Equipment Maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainability</td>
<td>6</td>
<td>Corporate score that incorporates policy on electricity use, carbon management, water metering, green fleet and noise pollution</td>
<td>No current policy exists on use elsewhere.</td>
</tr>
<tr>
<td>Environmental Sustainability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pesticides</td>
<td>4</td>
<td>Natural sites will score highly with no or limited use of pesticides/herbicides</td>
<td>There is an attempt to restrict use of peat where possible and practical however where peat is used a score of 7 will be recorded</td>
</tr>
<tr>
<td>Peat Use</td>
<td>10</td>
<td>Where no bedding is used on site, 10 will be scored.</td>
<td></td>
</tr>
<tr>
<td>Waste Minimination</td>
<td>2</td>
<td></td>
<td>There is little waste minimisation practice being carried out generally. A strategy would be welcome.</td>
</tr>
<tr>
<td>Woodland Management</td>
<td>4</td>
<td>Trees tagged and marked for removal. Some new planting</td>
<td>Trees marked for removal still not down, dead and damaged trees evident</td>
</tr>
<tr>
<td>Conservation &amp; Heritage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Fauna &amp; Flora</td>
<td>7</td>
<td>Lots of habitat due to natural aspect</td>
<td>No clear management</td>
</tr>
<tr>
<td>Conservation Landscape</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Involvement</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Community Involvement**

6 Score was allocated depending on level of involvement as determined by the GF forum.
Green Flag Park Quality Assessment Scores 2010

**Portobello Park (excl GC)**

<table>
<thead>
<tr>
<th>Classification:</th>
<th>City Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood:</td>
<td>East</td>
</tr>
<tr>
<td>NP:</td>
<td>PC</td>
</tr>
<tr>
<td>PostCode:</td>
<td>EH15 1J</td>
</tr>
</tbody>
</table>

| PQS: | 46% | Bandwidth: Fair |

Criteria Score Key: 0 = N/A; 1 = Very Poor; 2-4 = Poor; 5-6 = Fair; 7 = Good; 8 = Very Good; 9 = Excellent; 10 = Exceptional

<table>
<thead>
<tr>
<th>Community Provision</th>
<th>Score</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6</td>
<td>A score of 6 was awarded across the city due to the support offered by the Neighbourhoods in the form of funding and resources.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marketing &amp; Promotion</th>
<th>Score</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>Score was allocated depending on level of involvement as determined by the GF forum.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information Provision</th>
<th>Score</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
<td>Threshold sign and caring for parks sign</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Educ. &amp; Interpretative Provision</th>
<th>Score</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Management</th>
<th>Score</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Plan Implementation</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

**Overall Comments:**

| Recommendation 1: |  |
| Recommendation 2: |  |
| Recommendation 3: |  |
Mr Archie Burns,

Date 27 November 2012
Your ref
Our RFI ref 455864/SD.32/RLW

Dear Mr Burns

Environmental Information (Scotland) Regulations 2004 – Partial Refusal Notice
Subject: Preparation of the initial risk register for the new Portobello High School project

Thank you for your request for information which has been dealt with under the terms of the Environmental Information (Scotland) Regulations 2004. You asked:

"Please provide the agenda, papers and minutes for the meetings which lead to the preparation of the initial risk register for the new Portobello High School project, and the first version of the attached document"

Please find attached two versions of the Risk Register for the Portobello High School project, dated 13 July 2009 and 4 March 2010. These are earlier than the version supplied to you earlier this year. Some elements of the register have been redacted for reasons of commercial confidentiality and for reasons of data protection.

Taking your request overall, under the terms of the legislation, a request for information can be refused where one or more exceptions listed in the legislation apply. In this instance, the Council is claiming the following exceptions to the information that you have requested:  
- Regulation 10(4)(e) making available internal communications  
- Regulation 10(5)(b) substantial prejudice to the course of justice  
- Regulation 10(5)(e) confidentiality of commercial information to protect a legitimate economic interest  
- Regulation 11 disclosure of personal data

Your request for information involves making available internal communications; some of the communications involve the requesting and obtaining of legal advice, other communications provide a financial value to certain possible outcomes. Any release at this point in time would be prejudicial to the Council’s interests if fresh tenders require to be sought, or the legal process continued.

Whilst

ALASTAIR MACLEAN
DIRECTOR

Freedom of Information Unit, Waverley Court Business Centre 3-1 (Legal), 4 East Market Street, Edinburgh, EH8 8BG, E-mail: foi@edinburgh.gov.uk

INVESTORS IN PEOPLE Gold
Whilst there may be a public interest in knowing how the Council constructs entries for its risk register, the Council should be allowed to ‘think in private’, and to consider the financial implications upon a proposed contract of a variety of circumstances when it prepares the risk register without prejudice to the tendering, award and monitoring of a construction contract.

Please note that this letter constitutes a formal refusal notice under regulation 10(1) (a) of the Environmental Information (Scotland) Regulations 2004.

Please note that this letter also constitutes a formal refusal notice under regulation 10(3) of the Environmental Information (Scotland) Regulations 2004 in respect of the personal details of people cited in the risk register.

Your right to seek a review

If you are unhappy with the way we have dealt with your request, you can ask us to review our actions and decisions by writing to the:

Head of Legal, Risk & Compliance,
The City of Edinburgh Council,
Waverley Court Business Centre 3:1,
4, East Market Street,
Edinburgh, EH8 8BG
or email: legal.foi@edinburgh.gov.uk.

Please note that your request must be in a recordable format (email, letter, audio tape etc), and that you have 40 working days upon receipt of this letter to ask for a review. You will receive a full response to your review request within 20 working days of its receipt. Please remember to quote the RFI reference number above in any future communications.

If you are not content with the outcome of the review, you can ask the Scottish Information Commissioner to review our decision. You must submit your complaint to the Commissioner within six months of receiving our review response. The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner
Kinburn Castle, Doubledykes Road
St Andrews
Fife KY16 9DS
Telephone: 01334 464610; Fax: 01334 464611
Website www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

Yours sincerely,

R L WILLIAMS
FREEDOM OF INFORMATION UNIT
Please ensure that the information is available for the evidence sections of the private bill committee.

Regards
Archie Burns

-----Original Message-----
From: Archie Burns [mailto:]
Sent: 27 February 2014 13:55
To: 'Archie Burns'; legal.foi@edinburgh.gov.uk
Cc: enquiries@itspublicknowledge.info;

Subject: RE: request to review: FOI Request (edir:2506)

The email below identifies the existence of information which the council hold that is relevance to a legal challenge to the viability of the Portobello Private Bill.

"The disclosure of the information requested would impact on the fairness of these legal proceedings, and would substantially prejudice the Council's position in defending any litigation."

It is unclear what this information is and if the Council are planning to suppress this information to enable them to circumvent the appropriate legal processes.

Please provide this information

-----Original Message-----
From: informationcompliance3@edinburgh.gov.uk
Sent: 21 February 2014 15:18
To: 
Subject: FOI Request (edir:2506)

Mr Archie Burns

Our ref: 2506

Dear Mr Burns

Freedom of Information (Scotland) Act 2002 - Partial Release of Information

Subject: Portobello Park Private Bill
Thank you for your request for information which has been dealt with under the terms of the Freedom of Information (Scotland) Act 2002 ("FOISA").

Legal Services would be the only service area within the Council which would have had any contact with the Private Bills Unit at the Scottish Parliament in relation to the City of Edinburgh (Portobello Park) Private Bill (SB Bill 29). The Convener of the Private Bill Committee and the Director of Children and Families, as Bill Promoter, have also communicated, in an official capacity with each other in relation to procedural issues connected with the Private Bill, but such letters have been published by the Parliament, and are therefore in the public domain. The participation by Council officials in the evidence sessions of the Committee has also been minuted and these are publicly available.

This information is available at the following location:

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/63954.aspx

Under the terms of FOISA, a request for information can be refused where one or more of the exemptions listed in the Act apply. In this instance, the Council is claiming an exemption under section 25 of the FOISA because this information is 'otherwise accessible'.

Regarding the "copies of correspondence including notes of telephone conversations between Council Officials and the Private Bills Unit regarding the Portobello Park Private Bill" the Council will not be releasing this information. Under the terms of the FOISA, a request for information can be refused where one or more exemptions listed in the legislation apply. In this instance, the Council is applying the following exemption to the information that you have requested: Prejudice to the effective conduct of public affairs Section 30(c) of FOISA.

In order to apply this exemption the Council needs to meet a number of tests. The 4 tests which the Council is required to meet and the grounds on why they are met are set out below.

1) Would the effective conduct of public affairs be (or be likely to be) adversely affected by disclosure?

The project to replace the current school with a new build on part of Portobello Park is dependent upon the successful conclusion of the present Private Bill process. The contact with the "Bills Unit" by the Council's Solicitors in Legal Services has been wholly in the capacity as legal advisers to the Portobello High School project, and as such we would not wish details of any telephone calls or correspondence to be released into the public domain at this time. There have been specific references to the possibility of further legal challenges to the process being initiated against the Council, to prevent the successful completion of the parliamentary progress of the Private Bill and the construction of the proposed new Portobello High School. The consequence of future litigation, which has now been effectively threatened, makes the withholding of all the requested communications and information all the more imperative until the Private Bill process has been completed and any future litigation concluded.

The disclosure of the information requested would impact on the fairness of these legal proceedings, and would substantially prejudice the Council's position in defending any litigation. Following the successful conclusion of the Private Bill process and the construction of the proposed new Portobello High School the Council will naturally be willing to reassess this position and if appropriate release the relevant correspondence.

2) Does the information fall within the scope of the exemptions under section 30(a) or section 30(b)(i) or (ii) of FOISA?

The information you are seeking does not fall within the scope of the exemptions under section 30(a) or section 30(b)(i) or (ii) of FOISA.
Consequently the information we are seeking to withhold satisfies the second test for the application of Section 30(c).

3) Would disclosure cause the level of harm required?

As noted above the correspondence between our solicitors in Legal Services and the Private Bills Unit at the Scottish Parliament officials relates to the replacement of Portobello High School. Placing the information requested into the public domain prior to the enactment of the Bill, if that is the decision of the Scottish Parliament, would cause "substantial prejudice" to the process. This is due to the sensitive nature of the project and that the process is not yet completed. Furthermore placing the communications of our solicitors into the public domain when there are possible future legal challenges would substantially harm the Council's ability to prepare its legal responses, if the basis of that legal response is already available to those bringing the legal challenge. As noted above following the successful conclusion of the Private Bill process and the construction of the proposed new Portobello High School Project this would be a position the Council is willing to review.

4) Where does the public interest lie in relation to the information?

The Council acknowledges the undoubted public interest in relation to the progress of the Private Bill and the Portobello High School project. In particular there is a clear public interest in ensuring transparency in the process and accountability of the Council Officers in who are involved in this project. The Council's position however is that this public interest is currently outweighed by the public interest in allowing the Council to prepare its defence to any legal challenges in private. It would be practically impossible to prepare a legal defence to legal challenges to the Private Bill and the construction of the proposed Portobello High School if these communications were released prior to any court hearing.

Please note that this letter constitutes a formal refusal notice under section 16 of the Freedom of Information (Scotland) Act 2002.

To promote transparency and accountability, please note it is the Council's policy to publish all request details and responses made under the freedom of information legislation. This information will be made available through the Council's website and will not include your personal details. The disclosure log is available at the following link:

http://www.edinburgh.gov.uk/info/20249/disclosure_log

Your right to seek a review

I appreciate that our decision may disappoint you and I am sorry that we have not been able to release all the information you requested on this occasion. If you are unhappy with the way we have dealt with your request, you can ask us to review our actions and decisions by writing to the Head of Legal Risk and Compliance, The City of Edinburgh Council, Waverley Court Business Centre 2:1, 4, East Market Street, Edinburgh, EH8 8BG or email: legal.foi@edinburgh.gov.uk

Please note that your request must be in a recordable format (email, letter, audio tape etc.), and that you have 40 working days upon receipt of this letter to ask for a review. You will receive a full response to your review request within 28 working days of its receipt. Please remember to quote the above reference number above in any future communications.

If you are not content with the outcome of the review, you can ask the Scottish Information Commissioner to review our decision. You must submit your complaint to the Commissioner within 6 months of receiving our review response. The Commissioner can be contacted at:
The Office of the Scottish Information Commissioner Kinburn Castle Doubledykes Road St Andrews Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
Website www.itstownknowledge.info
E-mail: enquiries@itstownknowledge.info

Yours sincerely,

[Redacted]

Information Compliance Officer
Records & Information Compliance Unit
Level 2:1, Waverley Court, Edinburgh EH8 8BG Tel 0131 200 2340 foi@edinburgh.gov.uk
www.edinburgh.gov.uk
Subject: FW: FOI Request (edir:2505)

-----Original Message-----
From: informationcompliance3@edinburgh.gov.uk
Sent: 17 February 2014 11:42
To: zzz@zzzz
Subject: FOI Request (edir:2505)

Mr Archie Burns
zzzz@zzzzzz
Our ref: 2505

Dear Mr Burns

Freedom of Information (Scotland) Act 2002 - Excessive Cost
Subject: Maintenance and improvements to parks in Edinburgh

Thank you for your request for information. Unfortunately, we are unable to provide you with the information you have requested as the cost of locating, collating and providing you with the information is greater than the statutory maximum of £600.

You requested that the Council provide the following:

“A summary of the expenditure on the parks within Edinburgh for each of the years from 2000 to 2013 dis-aggregated by park”

This information is not held in this format by the Council. To collate the data in the manner which you have requested the Council would be required to analyse all the relevant raw data. As you will appreciate, this would be a significant undertaking as there is a large amount of information held across a number of separate service areas.

Section 12 (1) of the Act does not oblige a Scottish public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the statutory limit.

The total cost of complying with your request is £750.00. This sum has been calculated as follows:
* Staff time to collate the information, 2 hours @ £15.00 per hour £30.00
* Staff time to retrieve the information, 48 hours @ £15.00 per hour £720.00
* Total cost: £750.00

You may wish to refine and resubmit your request so that it reduces the cost to within the prescribed limit. Please contact me for further advice on refining your request quoting the above reference number.

Your right to seek a review

If you are unhappy with the way we have dealt with your request, you can ask us to review our actions and decisions by writing to the Head of Head of Legal Risk and Compliance, The City of Edinburgh Council, Waverley Court Business Centre 2:1, 4, East Market Street, Edinburgh, EH8 8BG or email: legal.foi@edinburgh.gov.uk

Please note that your request must be in a recordable format (email, letter, audio tape etc.), and that you have 40 working days upon receipt of this letter to ask for a review.
You will receive a full response to your review request within 20 working days of its receipt. Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the review, you can ask the Scottish Information Commissioner to review our decision. You must submit your complaint to the Commissioner within 6 months of receiving our review response. The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner Kinburn Castle Doubledykes Road St Andrews Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
Website www.itstppublicknowledge.info
E-mail: enquiries@itstppublicknowledge.info

Yours sincerely,

[Name]
Information Compliance Officer

Records & Information Compliance Unit
Level 2:1, Waverley Court, Edinburgh EH8 8BG Tel 0131 200 2340 foi@edinburgh.gov.uk
www.edinburh.gov.uk
-----Original Message-----
From: informationcompliance3@edinburgh.gov.uk
To: xxx@zzzz
Subject: FOI Request (edir:2519)

Mr Archie Burns
xxxxx@xxxxxxxxxx

Our ref: 2519

Dear Mr Burns

Freedom of Information (Scotland) Act 2002 - Release of Information

Subject: Portobello Community Council Election 2013

Thank you for your request for information which has been dealt with under the terms of the Freedom of Information (Scotland) Act 2002. Your request for information has been considered and the information is enclosed.

1) Please provide details on election methods considered and the reason for adopting the voting method applied to this election.

Community Councils ("CCs") were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, also made provision under Section 22 for the continuation of CCs. Under the Act, each local authority is required to produce a Scheme for CCs which provides the framework for governing their creation and operation. The legislation allows the local authority to amend their scheme provided CCs are given the opportunity to make 'representations as respects to the proposals' and in accordance with the statutory review process.

On 13 December 2013, the Council authorised a Review of the Scheme and comments were invited on all aspects of the Scheme including membership, enforcement of the Code of Conduct, arrangements for special meetings, timing of the AGM and accountability. The Review aimed to provide a modernised framework for CCs to operate with clear and improved guidance. Feedback from the Review of the Scheme revealed that some respondents were in favour of conducting CC Elections by online voting.

Scheme for Community Councils - Election Provision

The Scheme sets out provisions for CC elections covering eligibility of elected and nominated members, the returning officer, election process and method of election. Under the method of election the Scheme states that:

"Elections shall be conducted by secret ballot of local electors, organised by the Returning Officer approved by the City of Edinburgh Council in accordance with the Scottish Local Election Rules but subject to modification and simplification as deemed necessary by the City of Edinburgh Council."
Provisions in the Scheme for elections have remained largely unchanged as a result of the review process with two exceptions:

- The clause ‘outwith the Local Government election year’ has been removed to ensure CC elections can be held in a three yearly cycle regardless of the timing of the local government elections.
- The rules relating to the governance of elections have been amended to remove specific reference to the 2007 Scottish Local Election Rules to allow for flexibility should there be future changes to these rules.

All that is required under the scheme is a secret ballot of electors in the area with rules based on the Scottish Local Election Rules (currently the Scottish Local Government Election Order 2011) but simplified as appropriate.

The method of election is not specified in the Scheme, rather it refers to an approach simplified and modified from the Local Government rules. While local government elections do use an STV (WIG) system, the electoral system that has been chosen for Community Council elections is first past the post. The aim is to deliver a simple, secure election operated in the interests of the voter. Given that there are between 9 and 16 non-political elected members per community council, a first past the post system, with electors being able to vote as many candidates as there are vacancies, is a simple system, easily understood by the voters and able to reflect the wishes of the electorate, without the lack of choice or wasted votes which are often criticisms of first past the post.

Voting Methods considered

Turnout in Community Council elections has historically been very poor. The Council is committed to ensuring support for greater engagement. In this context a number of options for voting were considered:

- voting in person at a polling place
- all postal ballots or
- a combination of methods including postal voting and some level of online voting for those that would prefer it (indeed with an online approach there could also be “in person voting” at terminals in libraries acting as local polling places, or via iPads taken around old people’s homes etc)

In reaching a decision with respect to a voting method factors considered included:

- Participation – options that would maximise turnout from across the electorate
- Integrity – any poll would need to be secure and transparent, to the highest standards of electoral integrity
- Resource implications

Attempting to increase turnout was a particular concern. A method which would make it convenient for as many people as possible to participate in the election was felt to be important. An option which allowed polling at a polling place, a postal vote or via the internet offered a range of opportunities to engage in the election.

2) Please provide details of any advice provide by councillors, council officials or third parties.

As outlined above, a number of options for the delivery of the citywide CC elections were considered in an effort to refresh the electoral process and increase turnout to add democratic legitimacy to CCs. A report to the Communities & Neighbourhoods Committee on 24 September in relation to the establishment of Gilmerton/Inch CC referenced the preferred election process of electronic and postal ballot and this was approved by Committee.

3) Please explain why the full ballot papers are not available for scrutiny.

The election was undertaken electronically. There are no ballot papers. The electronic data can be scrutinised should it be necessary. I would note that in any normal election following the count, the ballot papers are sealed and put into secure storage, only to be
opened and scrutinised on the orders of the court in the case of an election petition. It is not normal practice to allow inspection of ballot papers following a poll.

To promote transparency and accountability, please note it is the Council’s policy to publish all request details and responses made under the freedom of information legislation. This information will be made available through the Council’s website and will not include your personal details. The disclosure log is available at the following link: http://www.edinburgh.gov.uk/info/20249/disclosure_log

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Telephone: 01334 464610
Fax: 01334 464611
Website www.itsspublicknowledge.info
E-mail: enquiries@itsspublicknowledge.info

Yours sincerely,

[Signature]

Information Compliance Officer

Records & Information Compliance Unit
Level 2:1, Waverley Court, Edinburgh EH8 8BG Tel 0131 200 2340 foi@edinburgh.gov.uk
www.edinburgh.gov.uk
<table>
<thead>
<tr>
<th>Risk No.</th>
<th>Date Raised</th>
<th>Description of Project Risk</th>
<th>Direct Consequence</th>
<th>Severity</th>
<th>Probability</th>
<th>Risk Factor</th>
<th>Trigger</th>
<th>Assessed Risk $</th>
<th>Weighting %</th>
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**Key**
- Severity scored (1) Minor to (5) Severe.
- Probability scored 1 very unlikely to 5 very likely. (Opportunity scored -5)
- Risk Factor = Max. Severity X Probability

**Trigger**
- (Code/Description)
## PORTOBELLO HS - RISK REGISTER

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<th>Direct Consequences</th>
<th>Severity</th>
<th>Probability</th>
<th>Risk Score</th>
<th>Trigger</th>
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<th>Weighting</th>
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**TOTAL RECOMMENDED CONTINGENCY:**

**Key:**
- Severity scored 1 Mild to 5 Serious
- Probability scored 1 Very Unlikely to 5 Very Likely
- Opportunity scored 1
- Risk Passes = Max, Severity X Probability
I have not had a response to this message
Regards

From: Archie Burns [mailto: ]
Sent: 05 March 2014 12:00
To: [redacted]
Subject: RE: Freedom of information request 2014-513776

REQUEST FOR INFORMATION: 2014-513776
Thank you for your request for information received on 4th March 2014 asking for the following information:
"copies of all correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill."

Your request is being handled in accordance with the Freedom of Information (Scotland) Act 2002. It is not clear from your request precisely what information you are looking for, and therefore to enable us respond to your request we would be grateful if you could provide:
You have asked for copy documentation, but not for information per se. The Act entitles you to access information which is held in documents, not the documents themselves

Thanks for the clarification.
I have identified some of the information I am looking for and have separated them into topics to allow you to respond to each topic as soon as the information is available rather than waiting till all the information becomes available
The information am looking for initially is:

FoI request 1  A list of the topics referred to in all correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill."

FoI request 2  Details of discussions regarding the project timetable initial and revisions contained in all correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill."

FoI request 3  Information relating to the possibility of a legal challenge contained in all correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill."
Foil request 4  Names and post of the officials involved in any of the correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill.”

Foil request 5  Information on the options for replacing Portobello High without using Portobello Park in any of the correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill.”

Foil request 6  Information relating to the use of Portobello Park in contained in any of the correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill.”

Foil request 7  Information regarding the common good in any of the correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill.”

Foil request 8  List of MSP who are mentioned in any of the correspondence (emails, letters, records of telephone calls, records of meetings and any other correspondence) between the City of Edinburgh Council and their representatives with the Scottish Parliament and its representatives regarding the Portobello Park Private Bill.”

Regards
Archie Burns

From: [Redacted]
Sent: 05 March 2014 10:04
To: [Redacted]
Subject: Freedom of information request

Dear Mr Burns,

I enclose a letter asking for clarification of your freedom of information request.

Kind regards

[Redacted]

Information Management & Governance Team

Direct Dial Tel: [Redacted]
RNID Typetalk [Redacted]
Fax: [Redacted]
Email: [Redacted]
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Fàd aìr a bhith ann am Pàrlaimid na h-Alba troin Ghàidhlig. Tha barrachd fiosrachaidh ri thaighinn sa phìl ann Ghàidhlig againg aig http://www.scottish.parliament.uk/gyd/help/43259.aspx
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Please provide details of the development of the Private Bill identifying the people and dates and costs involved. Please provide the initial time table as a step by step program with dates for completing the bill and evidence of the viability of the time frame. Please provide the revisions to this time table and supporting evidence to support their viability. Please provide any information provides by the parliament to support these timetables. Please provide the entries in the Portobello High School project risk register to reflect the information regarding the time scale and viability of the Private Bill.

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Please provide details of the information you would like to receive.

The response to Freedom of Information request CEC 2506, Portobello Park Private Bill contains the following statement.

"The consequence of future litigation, which has now been effectively threatened, makes the withholding of all the requested communications and information all the more imperative until the Private Bill process has been completed and any future litigation concluded. The disclosure of the information requested would impact on the fairness of these legal proceedings, and would substantially prejudice the Council's position in defending any litigation."

Has the significance of this information relating to the legality of the Private Bill been shared with the Scottish Parliament? If so please provide their response.

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This document sets out the response from the City of Edinburgh Council (“the promoter”) to the issues raised by the objectors in Group 2 (including the supplementary written evidence for Objection 46) and those raised by the objectors in Group 4 (including the supplementary written evidence for Objection 66). The submission has been organised by reference to the issues identified for these Groups in the Proposed Format for Evidence Sessions document issued on 14 March 2014.

The responses provided below are an overview of the promoter’s position on these issues. The aim of this document is to identify the key areas of disagreement that exist between the promoter and the objectors.

The promoter’s letter to the Convener of 31 January 2014 sought to prompt discussions with the objectors with a view to potentially resolving some of the outstanding areas of disagreement, including several of the issues raised by these Groups. However, no objectors have indicated that they wish to withdraw their objections either in whole or in part. Indeed, no objectors have sought to engage with the promoter in respect of the matters raised in that letter of 31 January 2014, or otherwise in respect of the substance of the issues in their original objections. The promoter is therefore proceeding on the basis that all issues raised by the Groups 2 and 4 objectors remain live.

Paragraph 5.34 of the Scottish Parliament’s Guidance on Private Bills states that it is not necessary for written evidence at Consideration Stage to repeat material already available to the Committee in the accompanying or other documents. Where the promoter believes that particular issues have already been addressed in other documents, or in the earlier evidence session with Group 5, we will not repeat our position on those in full. There is significant overlap between the issues raised by Groups 2 and 4 and those raised by Groups 3 and 6. However, we have prepared each submission so that it can stand alone, rather than cross-refer between them, so
that each set of objectors has separate notice of the promoter’s position on the issues they raise.

Many of the issues raised by Groups 2 and 4 are planning matters. The promoter notes the statement at paragraph 57 of the Committee’s Preliminary Stage Report that “the Committee is obviously very conscious that its role is to scrutinise and reach a view on a Bill that has been referred to it, and not to take over the Council’s own role as the local planning authority”. The promoter believes that matters relevant to, and raised within, the planning process are (largely) not relevant to the Private Bill process. The Bill does not seek to authorise the construction of the school, nor does it deal with any of the matters raised by objectors which are related to that.

Many of the points of objection raised by the objectors in Groups 2 and 4 were raised by objectors in the planning process, and considered by the Council’s Development Management Sub-Committee (DMSC) when approving both the original planning permission in February 2011 and the renewal of that permission in December 2013.

The promoter’s letter to the Committee of 31 January 2014, and written submission in respect of Group 5, contained links to the DMSC report of 4 December 2013. The letter also listed a number of criteria imposed by the DMSC relating to specific areas of concern raised by objectors. For ease of reference we have provided another link to that report here. In addition, we provide a further link here to the various documents supporting the application for renewal of planning permission and the decision letter which was issued confirming approval of the renewal. Where parts of the planning decision documents are relevant to these objections this submission will largely just cross-refer to them, with further explanation given only where necessary.
RESPONSES TO SPECIFIC ISSUES RAISED

Category one

1 Loss of amenity/use of the Park (including associated issues of health and mental wellbeing)

1.1 The Committee, in its table entitled ‘Suggested Groupings and Lead Objectors’, defined “loss of amenity” to include: recreational/green/open space, exercise, walking, jogging, football, other sports, dog walking etc. We have used the same definition here.

1.2 The objectors are concerned that building the school on the Park will result in a loss of recreational green and open space. In respect of this, the promoter would refer to the Design and Access Statement and Environmental Impact Assessment which supported the planning permission renewal, which can be found at the link provided above. The issue was considered by the DMSC when approving the planning application in February 2011, and considered again at:

- DMSC’s Report of 4 December 2013, pages 9 to 12; and
- Scottish Natural Heritage’s comment on the application and Environmental Statement dated 28 October 2010, set out on pages 34-35 of the DMSC’s Report of 4 December 2013.

1.3 The DMSC’s overall conclusion was that there are clear benefits to the local community from the replacement school which outweigh the loss of open space, including compensatory measures such as the conversion of part of the existing combined site of Portobello High School and St John’s RC Primary School to open space and the provision of funding towards improved play facilities at Magdalene Glen.

1.4 The promoter also notes that at paragraph 127 of the Preliminary Stage Report, the Committee recognised “that the promoter’s plans include compensatory measures in terms of recreational facilities and open space
which would go some way to balancing any loss of amenity afforded by the current Park”.

1.5 The promoter would also highlight that, if the Bill is enacted and the proposed school is built on the Park, the school building, playground and car park would cover approximately 2.64 hectares. Most of the Park’s 6.43 hectares would therefore be retained as open space:

- 1.57ha for the two all-weather pitches (replacing the Park’s existing grass pitches);
- 1.62ha (a quarter of the parkland) as woodland, improved public pathways or new cycle paths; and
- 0.6ha (slightly smaller than a full size football pitch) for a landscaped open area in the south-east of the Park.

1.6 With the new area of open space of 2.16ha to be created on the existing combined site of Portobello High School and St John’s RC Primary School, there would be only a small net loss of open space in the area of 0.48 ha.

1.7 A number of objectors further claim that the loss of open space will impact on health and well-being. The Council believes that any such potential impact is suitably mitigated by the compensatory measures proposed in connection with the delivery of the new school on the Park (as summarised at paragraphs 63 and 64 of the Promoter’s Memorandum). In addition to the new 2.16ha of open space to be created, a sizeable area of parkland and the paths around the site and around the golf course will remain at the Park site, and indeed will be enhanced by improved landscaping and lighting. Green space will therefore still be available at the Park for exercise and leisure, and the Park entrances and paths will be improved to give everyone better access, particularly those with pushchairs, disabilities and mobility issues. The all-weather surfaces and integral lighting of the pitches will make them significantly more versatile than the grass pitches, as they will be available in the evenings and weekends all year round. The new cycle path along the eastern edge of the Park and golf course will fill a missing link in the Sustrans Cycle network across Edinburgh.
1.8 In any event, Portobello Park is not well used; a 2009 audit of Park usage demonstrated that the Park was mainly used for dog walking, with very little wider recreational use. The full details can be found in the report to Council of 11 March 2010, a link to which can be found here. In developing the project design, one key objective was to ensure that existing uses of the Park, mainly as a walking venue, should not only be preserved but improved and enhanced where possible. The promoter believes the proposals achieve this objective. Indeed, the improved facilities should encourage greater use of the Park site for leisure and recreation purposes. There would be no activity currently undertaken at the Park that would not be possible on the replacement facilities. There should therefore be no discernible loss of amenity for any particular leisure activity.

2 Social, environmental and financial impact (including reduction in property values and loss of income)

2.1 A majority of objectors in Group 2 and a number in Group 4 object to the environmental impact of the new school, including loss of trees and wildlife habitats. The promoter would again refer to the Design and Access Statement and Environmental Impact Assessment which supported the planning permission renewal, which can be found at the link provided at page 2 above, and believes that the mitigation measures proposed in connection with the planning permission suitably address those concerns.

2.1.1 Scottish Natural Heritage (SNH) commented on the original 2011 planning application and referred back to those comments for the 2013 planning permission renewal, as set out at pages 33-35 of the DMSC’s Report of 4 December 2013. SNH confirmed that “We have no objection to this development. The Environmental Statement is thorough and contains the required surveys and assessments, as well as robust mitigation proposals”. The promoter’s proposed mitigation measures will include additional planting to mitigate against the removal of some Millennium planting and trees, as well as protection and improvement of remaining woodland and trees, and the woodlands being brought into an active management programme.
2.1.2 In addition, condition 4 of the DMSC’s decision letter of 6 December 2013 requires that a detailed landscape and habitat management plan be approved by the Planning Authority, with all recommendations and mitigation measures to be implemented prior to occupation of the new school. As is normal with such projects, the contractor will be obliged to prepare and implement this plan. A link to the decision letter (to which we also linked in our letter to the Convenor of 31 January 2014) can be found at page 2 above. The promoter will comply with these conditions.

2.2 Other points of objection that could be categorised as social or environmental relate to alleged noise and light pollution from the new football pitches (raised in the majority of Group 2 objections). Again, the promoter would refer to the Design and Access Statement and Environmental Impact Assessment which supported the planning permission renewal, which can be found at the link provided at page 2 above, and the promoter believes the mitigation measures proposed suitably address those concerns.

2.2.1 The pitches would be flood-lit, however the lighting is designed to not spill out to neighbouring houses, and planning consent was subject to hours of use being restricted to between 8am and 10pm. The DMSC’s comments and conclusions on the issue can be found at:

- DMSC decision letter of 6 December 2013, condition 3 and informative 8;

2.2.2 Noise issues were specifically addressed at page 14 of the DMSC’s Report of 4 December 2013. Planning condition 3, restricting the pitches’ hours of use, was regarded as suitable to mitigate any noise impact for Hope Lane residents.

2.3 A number of objectors in each Group claim the Bill will result in a reduction in property values.
2.3.1 Some objectors are concerned that the new school will adversely impact the character of the neighbourhood. This matter was also considered in the planning process. See:

- DMSC Report dated 4 December 2013, pages 9-10;
- DMSC Report dated 4 December 2013, pages 12-14; and

2.3.2 The DMSC concluded that, although the proposal would alter the intrinsic residential character of the area, the proposals have been sensitively designed in order to negate any detrimental impact on residential amenity.

2.3.3 Other specific concerns under this heading include loss of amenity due to litter, noise and vandalism. The existing school is in a residential area and has an excellent relationship with neighbours. It is the first secondary school in Scotland to receive five Eco Schools Green Flags. One of the mandatory topics to be included in an Eco Schools submission is its approach to litter management, and this has been given high priority; in 2012/13 the school undertook a five month anti-litter campaign that included its annual litter pick-up at Figgate Park and Portobello beach, and it has also worked with litter wardens to reduce littering at lunchtimes by targeting those areas between the school and shops.

2.3.4 In any event, it is not possible to predict what impact there may be on house prices. It may well be that proximity to a new, well-provisioned school could lead to an increase in prices.

2.3.5 While the promoter does not dispute that the school will result in changes to the existing Park and its surroundings, the wider community benefits of the development would significantly outweigh any impact (perceived or actual) on individual properties.
2.4 Objection 12 (Group 4) suggests that the new school would lead to less expenditure in Portobello town centre because pupils would use “closer alternatives”. However, the new school would not be significantly further away from Portobello High Street than the existing school. In any event, one of the objectives for the design of the new school (wherever it was sited), and of all new schools in Edinburgh, is to create dining and social facilities within the new school building that are more attractive to pupils and so encourage them to stay in the school and benefit from a nutritionally-balanced school meal.

2.5 Objection 51 (Group 4) suggests a loss of revenue for businesses relying on tourism in the area. As with property values, it is not possible to predict with any certainty what impact the new school would have on local businesses. However, it would deliver significant community benefits, and the enhanced sport and leisure facilities have the potential to draw positive economic benefits to the area.

3 Replacement open space

3.1 The promoter has undertaken to create a new 2.16ha area of open space on the existing combined site of Portobello High School and St John’s RC Primary School. This is within a 12 minute walk of the Park (using the route followed by the Committee on their official visit to the Park and existing school site on 4 October 2013). At paragraphs 133-135 of the Preliminary Stage Report, the Committee welcomed the promoter’s commitment to protecting this space by giving it Fields in Trust status.

3.2 The promoter’s letter to the Committee of 31 January 2014 (section 3) confirmed the commitment to securing the area of replacement open space, offered to provide a further express undertaking to the Committee to that effect, and summarised the promoter’s intention to secure Fields in Trust status for the site including through ongoing discussions with Fields in Trust. On 6 February 2014, the Council’s elected members unanimously approved giving Fields in Trust a written undertaking to the effect that both the replacement open space and the remaining area of open space on the Park
will, once created, be dedicated as Fields in Trust (this is of course subject to the Bill being enacted).

3.3 The promoter would also improve the remaining open space at the Park, and believes this would increase the use of the Park. These proposals would meet the needs of existing Park users, and also have a very positive effect on community use and enjoyment by virtue of:

- floodlit pitches suitable for a range of sport year round in all weathers, to be available to those in the local community free of charge;
- improved entrances and better paths (a particular benefit to those with pushchairs, disabilities and mobility issues);
- a new cycle path to fill a missing link in Edinburgh’s Sustrans Cycle network; and
- improved outdoor play facilities in Magdalene Glen.

**Category two**

4 Road safety / traffic / congestion issues and effects on local community

4.1 Road safety and traffic issues were considered as part of the planning process, in respect of both the original application and the renewal process. The promoter submitted detailed traffic management documents as part of the planning renewal process (i.e. the Design and Access Statement, the Transport Assessment, and the Pre-Application Consultation Report), which can be found at the link provided at page 2 above.

4.2 Relevant passages from the planning documents can be found at:

- DMSC Report dated 4 December 2013, pages 7, 8 and 15; and
- DMSC Decision letter dated 6 December 2013, specifically informatives 2 and 3.

4.3 The DMSC’s overall conclusion was that the proposed location raised no road safety issues of particular concern. The DMSC also noted that a number of
infrastructure measures form part of the proposals and will assist in getting pupils safely to and from school, and that a travel plan will be produced. The promoter’s letter to the Committee of 6 November 2013 also covered these issues, providing links to the traffic management documents noted above (which can also be found at the link at page 2 above alongside the various documents which supported the planning permission renewal). The promoter is confident that the proposed measures will be sufficient to mitigate any traffic issues that may otherwise arise.

4.4 It may also be worth noting that siting the new school on the Park would not require any pupils to cross Milton Road who would not also have to do so to reach the existing site. However, the promoter is very mindful of pupil safety and risk mitigation measures will be put in place, including part-time 20mph speed limits, bus lane operation times, waiting and loading restrictions and the installation of a toucan crossing near the main school entrance on Milton Road (which would be subject to road safety audits at appropriate stages). There is also a requirement that prior to the occupation of the school a travel plan would be agreed with the Roads Authority, and a management agreement put in place. As with the landscape and habitat management plan referred to at paragraph 2.1.2 above, the travel plan and management agreement would be the responsibility of the contractor. As with all local authority schools, safety of pupils arriving and leaving school would be kept under review by the school’s management.

4.5 Transport issues are also an important aspect of the Green Flag awards referred to above, and the school has promoted car share / car free days, encouraging staff to use more sustainable forms of transport, alongside activities to encourage more pupils to cycle to school.

4.6 In her supplementary written evidence, Gillian Dunn (Objection 66 and lead objector for Group 4) claimed that proposed new housing in Newcraighall will exacerbate traffic and pollution issues that would allegedly arise in relation to the school. This issue was not raised in Ms Dunn’s original objection, and any such issues relating to that development would be considered as part of the planning process for the development in the usual way, entirely separately
from the proposed new school and with conditions imposed by the Planning Authority if required.

**Category three**

5 **Visual impact / loss of views**

5.1 Objections have been expressed about the visual impact of the proposed development.

5.2 The DMSC’s conclusions on this point are set out at:

- DMSC Report of 4 December 2013, page 7; and

5.3 The promoter’s letter to the Committee of 6 November 2013 provided details of the height of the proposed school building relative to adjacent buildings on Park Avenue and Milton Road. The school would be no higher than the closest buildings, and far enough away from other buildings to avoid any overshadowing. It would not impact on daylight reaching any houses.

5.4 Objections have also been raised regarding the height of fencing, which it is claimed would have an adverse visual impact. The majority of the fences, and particularly those along the front of the school on Milton Road, will be low (approximately 1.2 metres) and integrated within boundary planting in the form of post and wire fences. The fences around the pitches are 3m on the north and south sides, with 5m fences at the goal ends. The fencing around the playground area on the north side of the school site will be 2.4m. These higher fences will have a minimal visual impact due to the site having lower ground levels than Hope Lane and other adjacent streets (see DMSC Report of 4 December 2013, page 13) and also as a result of the planting that will be retained and enhanced between the golf course and the north side of the school.

5.5 In terms of views, the Council’s planning guidelines identify key views across the city that should be protected. The view to Arthur’s Seat across Portobello Park is protected, but the view to Fife is not deemed a ‘key view’ and is in any
event currently restricted by the Millennium planting between the Park and the golf course. The school building has been deliberately designed to not exceed the height of the existing trees, and so retain the view of Arthur’s Seat. This is a planning issue, and was highlighted and considered as part of the original planning application and the planning renewal process – see the DMSC Report of 4 December 2013, at page 13.

6 **Impact on golf course**

6.1 Objectors 19 and 38 in Group 4 suggest that the Bill would have an impact on the golf course, in terms of the loss of amenity, changes to holes and the threat of further development or changes in the future.

6.2 These issues were addressed by the promoter both in its written response to the Group 5 objectors and at the first oral evidence session on 12 March 2014. The promoter does not propose to add anything here to what has already been said on these issues.

**Category four (These issues were also previously considered at Preliminary Stage)**

7 **The role of the Parliament legislating subsequent to a Court of Session decision**

7.1 The promoter is content to echo the Committee’s comment on this issue at paragraph 65 of the Preliminary Stage Report, subject to clarifying one point coming out of the objections. Certain objectors claim that the Court of Session decided that the Council cannot build the new school on Portobello Park. They say that this ruling should be respected and suggest that, in promoting the Bill, the promoter is attempting to circumvent or undermine the law. However, the Court was not asked to approve, and did not comment on, the merits of the Council’s proposals for the Park. The Court’s decision was solely concerned with whether or not there is a mechanism within the existing statutory regime by which local authorities may appropriate inalienable common good land from one statutory function to another. The Court decided that there was not, and the promoter respects the Inner House’s judgement.
on that matter. The Bill does not seek to address that wider issue, but rather
simply seeks to empower the Council to appropriate the Park for education
purposes. Again, the Bill does not affect any land other than the Park.

8 The precedent argument and the possible use of the private bill process
by other councils

8.1 The promoter is content to echo the Committee’s comments on this issue in
the Preliminary Stage Report, at paragraphs 66 to 69.

9 The pre-introduction consultation process and the role of the Council

9.1 The details of the consultation process for this Bill can be found in the
Promoter’s Memorandum (paragraphs 66 - 97).

9.2 It is clear from the level of response that people both within and outside the
local area were very aware of the consultation, which produced 12,000
responses (a record for a consultation by the promoter).

9.3 The promoter sought to involve children in the local community in the
consultation because they would be as, if not more, likely to be affected by the
proposal as anyone else. In any event, analysis of the consultation results
showed that the percentages supporting and opposing the proposals would
have been similar even excluding those not on the electoral register (i.e.
excluding responses from children, amongst others).

9.4 The information leaflet used in the consultation set out the alternative options,
explained why the Council believes the Park is by far the best option for the
community, and referred to further information available on the Council's
website and in local libraries.

9.5 The promoter is confident that the vast majority of households in the
distribution area received a leaflet in December 2012. However, in response
to concerns raised about distribution in certain areas, a second leaflet drop
began on 7 January 2013, prioritising those areas to ensure leaflets were
received before the first public meeting on 9 January 2013. Further
information on the second leaflet drop was provided in the promoter’s written
response of 25 September 2013 to questions raised by the Committee at the meeting of 11 September 2013.

9.6 The leaflet drop focused on the Portobello area because the issue is of greatest interest to and impact on, those living in the area. However, the consultation was promoted across the entire city. It is clear from the responses that people across the city (and beyond) were aware of the consultation, with nearly 3,500 valid responses coming from outside the leafleted area.

9.7 In paragraph 120 of its Preliminary Stage Report, the Committee “encouraged the promoter to reflect on the lessons learned from each aspect of the process and the issues raised, particularly in relation to the need to ensure a balanced approach in the presentation of consultation material, early management with those affected and a clearer explanation of how responses to any consultation could be made earlier in the process.” The promoter has done this, and concluded that while many positive points came out of the consultation that can be adopted for future consultations, the following actions will be considered where appropriate:-

- using only distribution companies from an approved Council framework for the delivery of consultation materials;

- ensure that multiple copies of response leaflets are distributed to all libraries in the city;

- for any public meetings which involve non-Council representatives, all participants should be able to provide feedback before future meetings regarding any changes they would propose to the meeting format;

- information and supporting material relating to complex proposals should be reviewed by someone unconnected with the proposal before they are finalised, to ensure they are as easy to understand as is practicable in the circumstances;
• undertake early engagement with key stakeholders regarding the proposed approach to the consultation, to seek their views before the consultation commences.

10 Alternative sites

10.1 The majority of objectors in these Groups object to the consultation process, claiming that the promoter failed to explore properly the option of rebuilding on the existing site, and ruled out other alternatives without adequate justification.

10.2 An extensive assessment of potential sites took place in 2006 (see paragraph 8 of the Promoter's Memorandum). Following that, and a full statutory consultation in December 2006, the Council's elected members agreed that the Park was the best option. The assessment of potential sites was updated in June 2010 as part of the original planning process and again in late 2012 to investigate whether any new potential sites had arisen (the promoter provided a link to the Council report of 25 October 2012 in the Promoter's Memorandum, but for ease a further link is provided here). Six sites were identified for more detailed consideration (please see the report to Council of 22 November 2012; a link was provided in the promoter's letter of 30 August 2013, but for ease a further link is provided here).

10.3 The Park remains by far the best quality and best value option for the local community, and as such remains the promoter’s preferred option. However, the promoter identified two potential alternative sites for the new school, in case the Bill is not enacted: (i) a phased rebuild on the existing site (extended to include the area currently occupied by St John’s RC Primary School); and (ii) building on the site known as Baileyfield. Details of these options and the Council’s consideration of them are set out in the Promoter’s Memorandum (paragraphs 43-62) and the report to Council of 22 November 2012 (see above).

10.4 At paragraph 27 of its Preliminary Stage Report, the Committee noted that it did not consider it appropriate to take a view on issues which were for the Council to reach a position on, and so did not explore the detail of the review
or options appraisal carried out in relation to the other sites. The promoter is
nevertheless conscious that no objectors have withdrawn their objection on
this point.

10.5 Both fall-back options are significantly inferior to the Park for the reasons set
out in the Promoter’s Memorandum.

10.6 The revised assessments of delivery timescales and costs for the three
options are set out in the report to Council of 6 February 2014 (see the
promoter’s letter to the Committee of 31 January 2014). A new school on the
Park could open in August 2016, at a cost to complete of £33.6m. A new
school on Baileyfield would cost an estimated £9.6m more, with an estimated
school opening in February 2018. A phased rebuild on the existing site would
cost an estimated £13.4m more than the Park, with an estimated opening in
October 2020. The additional relative costs of these fall-back options reflect
the need for new design, planning and procurement processes before either
alternative could proceed, plus additional construction cost inflation due to the
longer construction periods and later completion dates. The figures for each
option are now higher than those stated in the Promoter’s Memorandum due
to changes explained in the report to Council of 6 February 2014.

10.7 A phased re-build on the current school site would entail the entire school
population remaining on-site during construction and would also require the
relocation of St John’s RC Primary School, creating additional disruption,
delay and expense.

10.8 Using Baileyfield would not have required the relocation of St John’s RC
Primary School, but would have had a number of further disadvantages other
than additional delay and cost: it is not in a central location within the
catchment; its shape does not allow flexibility of design and layout and it
potentially has significant site remediation issues.

10.9 In any event, the promoter does not own the Baileyfield site. Having
previously been told that it was not the preferred bidder (as explained in the
promoter’s letter to the Convenor of 31 January 2014), the promoter has now
been advised that the sale of the Baileyfield site to another party has now
been concluded and settled. Baileyfield is therefore no longer a possible alternative if the Bill is not enacted, leaving a phased re-build on the current site (extended to include the area currently occupied by St John’s RC Primary School) as the only remaining fall-back option.

11 **Misinformation provided to the community / breach of commitment / role of the Council**

11.1 The Committee summarised the background to the current proposal at paragraphs 15 to 23 of its Preliminary Stage Report. Paragraph 24 noted the history relating to potential development of the Park and the golf course (which pre-dated the current proposal), but also that the proposals detailed in the Bill relate solely to the development of the Park for the school.

11.2 The issues arising directly from this Bill, and the related proposals to build the new school on the Park, are the relevant issues for the consideration of the Bill itself. However, the promoter would, of course, be happy to address the background history in oral evidence, if that would be of assistance to the Committee.

11.3 The Duddingston Crescent residents (objection 46) suggested in their supplementary written evidence that there was a misrepresentation of the Bill process in the consultation, on the basis that the community was “led to believe” that a private bill could be passed ahead of February 2013 (presumably meaning 2014). This issue was not raised in the original objection 46. However, the promoter has always been mindful that the Bill’s timetable and passage is outwith its control and entirely in the hands of the Parliament, and for that reason has never offered more than what at the time was a best estimate as to the date by which the Bill might be enacted (if first approved by the Parliament). Indeed, the timescales given in the consultation for the alternative options were similarly no more than estimates. A full update on the estimated timescales for the various options was set out in the report to Council of 6 February 2014, to which a link was provided in the promoter’s letter to the Convenor of 31 January 2014 and again [here](#).
11.4 In any event, whether the Bill should be enacted, and in what form, is not dependent on it being enacted by a particular date.
Group 3 is made up of objections 3, 5, 6, 7, 13, 14, 16 and 44.

The Group has indicated that it will refer to pages 7 and 12 of the Design and Access Statement (August 2013) to support their oral evidence in relation to traffic and road safety issues.
High School

New Portobello

The Analysts
CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL COMMITTEE

CONSIDERATION STAGE - WRITTEN SUBMISSION IN SUPPORT OF ORIGINAL OBJECTIONS FROM GROUP 6

Group 6 is made up of objections 2, 11, 18, 22, 23, 28, 34, 35, 63 and 65.

The group provided its evidence through a combination of electronic and hard copy submissions. Hard copies have been scanned by the Committee clerks.

The Group provided an electronic copy of the record of the public meeting held at Meadowbank Sports Centre on 17 January 2013. This record is already available on the Committee’s web page, as it was submitted within written evidence by the promoter at Preliminary Stage:

http://www.scottish.parliament.uk/S4_City_of_Edinburgh_Council_Portobello_Par k_Bill_Committee/Inquiries/EPPwe26_CEC_Bill_promoter_WEB.pdf

Wherever possible, the clerks have retained individual documents in their original form, as submitted. Some documents have been edited or not included, either to comply with the Parliament’s policy on the treatment of written evidence, for administrative purposes or due to insufficient relevance to the Committee’s scrutiny of the Bill.
Staff time is not recorded or costed in the way you suggest.

---

Dear Mr MacIntyre

Thanks you for your e-mail which I have just picked up. I am grateful to have the information provided but have yet to digest it. However, one point does spring to mind at this time; can you please advise, and I daresay that this is something the Council routinely does with project work and the likes, as to a figure for expenditure related to staff/officers' time/input into the court and related matters as referred to below?

Many thanks

---

Dear

Firstly an apology for the delay in responding; I have had a particularly busy week which regrettably has not yet finished. I have provided a response to your points below which I trust is helpful.

Regards

Billy MacIntyre

Dear Mr MacIntyre

Thank you for your very full reply which I picked up just before heading off to Meadowbank. A great deal of information is contained therein and I will digest the contents in due course and
may return to you for your further assistance. However, a couple matters occur to me now. I
would refer you to the stridently-worded terms of the Appeal Court judgment, and the criticism of
the Council’s ongoing failure to engage with opponents of building on the Park, in providing
reasonably-sought information, even when made, as I understand it, as part of an FOI request.
Given that, is the intention of the Council to engage fully and frankly with those seeking
information relating to the consultation when it is concluded? For the avoidance of doubt, does
the Council anticipate merely providing information via the FOI route which would, inevitably,
delay matters yet further?

The Council will respond to enquiries received in accordance with the timescales which have been
determined for dealing with any such correspondence or requests. Where possible an early
response will be provided; an example being the response I personally provided to you on 17
January 2012 to your previous which was within just two working days of you having submitted
it. Notwithstanding the fact that I was personally very busy during these two days I took the
time to deal with this as soon as possible and to respect your request. I, and colleagues, have
many responsibilities within our job remit therefore it might not always be possible to respond to
requests as quickly. However, you have my assurance that we will do out utmost do ensure that
any enquiries are dealt with as expediently as possible.

Would you also be so good as to inform me how much the Council had spent pursuing the court
action/opposing PPAG/on the consultation process and any other relevant or related matters? If
possible, I would be most obliged if it can be broken down into its constituent parts.

Can I first correct what you have said. The Council has not pursued the court action; it had, by
necessity, to defend a court action which was brought against it by Portobello Park Action
Group. I am not entirely clear what you mean by ‘other relevant or related matters’. The legal
costs which have incurred to date are as follows:

Private Bill - £1,663.50

Litigation (which includes the court action and also related common good advice and other
associated matters) - £172,116.50

Also, in line with your answer relating to the numbers of out of catchment children currently at
the school, I appreciate you may not have had precise figures to hand, which you conceded, but
would be grateful if these could be conveyed to me. Given that, class, and indeed year group,
1/3 of pupils are out of catchment which amounts to 20 children, I was surprised by your
estimate of around 160 children for the entire High School but am aware it was merely your
estiamte.

The figure I quoted at the meeting was, indeed, incorrect and I had confused the statistic with a
different one entirely - with hindsight I should not have sought to provide a specific answer to a
question for which I did not have the answer to hand. Catchment data within schools is collated
annually as part of the school census during September. As at September 2012, out of a school
roll of 1,309 there were 321 pupils from outwith the catchment area (or 24.5%).
Dear

Thank you for your email of 14 January 2013.

The Council is consulting on the proposals to pursue a Private Bill to change the use of Portobello Park from being a public park to being the location for a new Portobello High School. The proposed Private Bill will encompass the proposed change of use of the park and not what is included within that area however the Council’s proposals regarding what would be included within that area are those for which planning permission was sought and approved in February 2011. The area of the golf course is not included in these proposals nor does it form part of the area which would be subject to the proposed Private Bill.

The Council is accepting all responses, either electronic or by hard copy, which include a fully completed name, address and post code. This information was requested with the explicit purpose of firstly confirming what responses have come from the local community or elsewhere in the city and, secondly, to ensure that only one response per individual is recorded. This was made clear in all related public information together with an assurance that this personal data would be used for internal purposes only and that no personal details would be published. The provision of this data is sufficient to allow any duplicate responses by the same person from the same address to be established; this is something which we very much want to identify to ensure that any such duplicate responses are discounted when considering the final outcome.

At the time of sending you this email the Council had received a total of 4,508 responses of which 4,240 have been subject to initial. Of this total, 272 related to responses from outwith the City of Edinburgh area leaving a balance of 3,968 within which 63 have been identified as being duplicates. The duplicates would, in the main, appear to be as a result of some individuals having submitted one response very early in the process and then submitting a further response some weeks later. This might have been as a result of simple oversight however, regardless of the reasons, any such duplicate responses will be identified and discounted.

The identification of duplicate responses by the same individual from the same address is, however, entirely dependent on the details regarding each address being complete. In instances where the address provided by a respondent is incomplete; again this response will be discounted as there is obviously the risk that this might be a duplicate response which cannot be
checked as all relevant data is not available to do so. Whilst this may discount responses which are not duplicates I am sure you will agree that it is better to err on the side of caution. Again, out of the total responses received and which have been subject to initial validation, within the balance of 3,968 relating to responses from the City of Edinburgh area a total of 246 have been identified as having incomplete address details and will be discounted.

As an additional check to further validate the data, the responses received from complete and valid addresses within the City of Edinburgh area will be compared against the electoral register as at 1 December 2012. However, should a respondent not appear on the electoral register this would not, in itself, mean that that response should be questioned and/or disregarded. The electoral register only contains information relating to eligible persons who are 18 or over or will become 18 during the period the register is in force and is only entirely accurate at a given point in time therefore any respondents who are younger than this would not appear. However this information can, together with other data, be helpful in identifying any potential data issues.

No data regarding the age of the respondent was requested as age is not a factor in determining who could, and could not, respond to the consultation. This is not an electoral vote therefore no age restrictions were applied in determining who could participate in the consultation. This is common practice in many consultations undertaken by the Council and also extends to more formal processes such as being able to comment on planning applications where, similarly, no restriction on age is applied.

The consultation materials have neither actively encouraged nor discouraged children from taking part. In inviting responses from the local community we did not apply any restriction on age as this issue affects children as much as adults, arguably even more so. The matter which is the subject of the consultation process obviously affects children in a variety of different ways and relates not just to when, and where, the new Portobello High School should be provided but also whether changing the use of Portobello Park would be the best thing to do in the circumstances (children may well be current, or potential, users of the park) and, if it was, what would the best use of the proposed new open space on the combined existing site be.

Whilst responses from children were very much welcomed this then did pose the issue regarding to what extent, if at all, local schools should be proactive in engaging children in discussion and/or debate on the questions posed by the consultation process. Whilst there is logic in local schools having an active engagement with children regarding these questions, having given careful consideration to this matter it was determined that this would not be appropriate in the circumstances. As this is a consultation process based on very specific proposals by the Council; regardless of what the reality might be, any such discussion or debate in schools could be perceived, or accused, by those who might wish to challenge the consultation process as being biased towards the Council’s proposals. This, in turn, could have undermined the consultation process which is something we obviously want to avoid. For this reason, any such discussion and/or debate was considered to be best left to the parents of the children and local schools were
instructed that they should not seek to engage in any direct discussion and/or debate on this matter with children during their time at school.

In accepting any responses it is presumed that the actual respondent has made the actual submission however it is not possible to identify any instances where the submission was made on somebody’s behalf be they a child or an adult. Whilst there might be circumstances where could be entirely legitimate to do on somebody’s behalf where they were otherwise not capable of doing so themselves (such as on behalf of a blind person which I cite purely as an illustrative example) I would expect such circumstances to be very limited.

You advised that you have been informed that many parents have been encouraged to fill in forms on behalf of their children and you go on to suggest that, in many of these cases, this applies to children who cannot even write their own names on the forms. I am not aware of any such encouragement having been made, and this is certainly not something which the Council has done nor would encourage, and I would welcome any further information you have regarding these suggestions and on what evidence they are based.

Regarding your final point regarding undue influence; again in accepting any responses it is presumed that the views expressed by the respondent are their own and have been freely expressed; it is not possible to check definitively that they have been expressed free from any undue influence be they from children or adults.

I sense from your comments that you appear to have a concern that there might be a significant number of responses from children and that these responses might, in some way, have been subject to undue influence from their parents. I would sincerely hope and expect that this would not be the case and that parents would act responsibly in discussing the matter openly and honestly with their children if they did wish to respond to the consultation and that their views on the matter would be respected.

At this point, after deducting responses from outwith the city and also duplicate submissions and those with an incomplete address, the number of responses received and validated is 3,659. Initial analysis of the underlying data would suggest that the number of children who are responding to the consultation process might actually not be that significant. The 3,659 responses were received from 2,758 different addresses.

If it is assumed that, for any household from which children may have submitted a response, both parents would also have responded it would only be those addresses from which three or more submissions have been made which would be likely to include responses from children. There were 168 addresses which fell into this category from which a total of 577 responses were received. These represent a mix of views with some households supporting the Council proposals and others not being in support. If it is further assumed that within each household both parents have each submitted a response this would represent 336 responses leaving a balance from those households of 241 which could be from children but, similarly, could be from
other adults within the household. This is obviously purely illustrative but I hope helpful in providing some context to the submissions already received.

I hope this is helpful.

Yours sincerely

Billy MacIntyre, Head of Resources, Children and Families

From:  
Sent: 14 January 2013 18:47  
To: Billy MacIntyre  
Subject: RE: Portobello Park Private Bill Consultation

Dear Mr MacIntyre,

I am sorry for taking so long to get back to you and thank you for your own prompt response which I appreciate. Given the terms of your answer, I wonder if you can confirm whether there remains a possibility that any other kind of building/structure/use could take up the space left in the Park and/or golf course; this would include the prospect of any 'extension' to the school, should it be built on our Park?

I wonder if you can also confirm whether the Council is accepting consultation forms filled in on behalf of children? I ask this as I have been informed that many parents have been encouraged to do so, in some case on behalf of children who, of course, would not be entitled to participate in a more conventional ballot/vote/referendum and who will not appear on the voters' roll. Indeed, in many of these cases, this applies to children who cannot even write their own names on the forms. The issue therefore arises, aside from the obvious unfairness, as it appears to me, but in respect of what possible steps the council can take to satisfy itself that a) the children exist (which is, after all why the rest of us have been asked to provide our own addresses and b) that they are capable of expressing a view free from any undue influence.

I would be grateful if this information could be provided ahead of Thursday's meeting at Meadowbank. If you are unable to follow this up in person, can you please confirm it will be passed onto a colleague to ensure a timeous reply?

Thank you for your time.

Sincerely,

Subject: Portobello Park Private Bill Consultation  
Date: Tue, 18 Dec 2012 22:09:29 +0000
From:
To:

My apologies I omitted to take a note of your name earlier this evening and only have your email address.

As requested here is the link to the Council report of 21 December 2006 regarding the outcome of the statutory consultation process which was undertaken during 2006 relating to the site for a new Portobello High School


The minutes of that meeting can be found at the following link http://www.edinburgh.gov.uk/download/meetings/id/4586/minute_211206. I would draw your attention to point 2 (e) under the decision of Council in this matter on Page 4) which was that the decision to approve the selection of Option C (Portobello Park) as the preferred location for a new Portobello High School was subject to assurances that no housing would be built on the remaining green space of Portobello Park/golf course. That was the context for my response to your question this evening as this position was, and has remained the case, for the duration of the project since its effective inception following the Council decision in December 2006.

I trust that this is helpful.

Billy MacIntyre

*****************************************************************************
Dear Parent or Guardian

New Portobello High School

I am writing to you as a follow-up to my letter of 18 October. Earlier today the full Council considered the report I submitted to them which can be found at http://www.edinburgh.gov.uk/newportbellosschool and copies are available in your school. I am pleased to advise that Council approved the report recommendations including reaffirming that the site on Portobello Park remains the Council’s preferred location for a new Portobello High School.

We will now progress the twin-track approach of which one strand is to pursue legal options to allow us to build the new Portobello High School on part of Portobello Park. However, it is also important that we consider what alternative site options could be available in the event that our preferred approach does not, ultimately, prove to be possible. I appreciate that any alternative site options would represent a significant compromise in comparison with a new school on part of Portobello Park however it is important that we have a back-up plan.

As I explained in my last letter we have explored all possible alternative site options in, or around, the catchment area for both schools and the options identified were very limited. An initial assessment has been undertaken regarding the feasibility of each site; primarily to see if a new school could be accommodated on it and if there are any issues relating to factors such as planning consent and accessibility.

A summary of each site option for both schools has been produced and can be found at http://www.edinburgh.gov.uk/newportbellosschool; copies will be available in your school. Each summary provides the following which we think is important for you to have in considering how appropriate each option would be for a new school:

- The associated pros and cons;
- Where the site is located in the school catchment area including its proximity to the current school population; and

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INVESTORS IN PEOPLE Gold
- An illustrative design showing how the school might be configured on the site.

For options not in Council ownership there are other factors being assessed including acquisition cost and any site issues.

Four fall-back site options for a new Portobello High School have been identified. These are summarised below and compared against the preferred option of building the new school on Portobello Park.

<table>
<thead>
<tr>
<th>Site Size</th>
<th>Full-size pitches</th>
<th>St John’s Relocation?</th>
<th>Off-site Decant?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred option on Portobello Park</td>
<td>4.7ha(1)</td>
<td>2</td>
<td>No</td>
</tr>
<tr>
<td>1. New build on existing (extended) site</td>
<td>3.46ha</td>
<td>1</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Phased new build on existing (extended) site</td>
<td>3.46ha</td>
<td>1</td>
<td>Yes</td>
</tr>
<tr>
<td>3. New build on Baileyfield</td>
<td>3.0ha</td>
<td>1(2)</td>
<td>No</td>
</tr>
<tr>
<td>4. New build on Brunsfane</td>
<td>4.5ha</td>
<td>2</td>
<td>No</td>
</tr>
</tbody>
</table>

(1) The site size for Portobello Park above excludes the area of Millennium Planting of around 1ha to the north of the site but includes an area of 0.6ha to the south east which remains as open space.

(2) The illustrative site configuration shows how it could be possible to fit a single full-size pitch on the site however this is tight and any variation in the design required might reduce the actual size of pitch.

**Time to Deliver Each Option**

If the existing legal impediment could be resolved in around 14 months (by the end of 2013) and Balfour Beatty retained as the contractor the new school could be built on Portobello Park in an estimated 36 months.

Options 1, 3 and 4 above could be completed in between 48 and 54 months. For option 1, this assumes that St John’s RC Primary School would not have to be moved prior to the construction of the high school starting; by locating the 3G pitch in the area shown in the study and completing this last, this should be possible.

Option 2 could be completed in a period of around 73 months. This is longer than other options as the site currently occupied by St John’s has to be available before construction could start. The time to deliver the high school is, however, assumed to be mitigated to some extent by progressing the project in tandem to ensure construction of the new high school could start when the primary school site was released.

**New Option – Phased New Build on Existing Site**

The potential for a phased build on the (extended) existing site has now been explored with the conclusion being that such an option is feasible. This was not reflected as an option in the Council report as, at the time of publication, it was still being assessed but has now been added as a new option 2 above.

By using the area occupied by St John’s and the area to the east of the high school site (where the all-weather pitch is located) a new teaching block could be constructed whilst existing school buildings remain in operation. On completion of the new teaching block, the school would decant to it allowing the majority of existing buildings to be demolished to allow the construction of a new sports block.
The existing sports buildings would be retained and used by the school until the new sports block was completed following which they would be demolished and the new 3G pitch built. This option does not come without challenges including a longer build period and the school being in very close proximity to a building site for several years. However it would avoid the disruption and significant cost of a decant.

Some options for a new Portobello High School would have a direct impact on the location and/or timing of a new St John’s RC Primary School. A number of options have been identified for a new primary school which I have not detailed in this letter but can be found on our website http://www.edinburgh.gov.uk/newportobelloschool.

Getting Your Feedback

The Baileyfield site is currently being marketed for sale and is one of the options for both schools. If we wish to consider it we need to act quickly. Although the time to do so is short, we want to get feedback from the school communities on the options identified. I hope that the further information above, together with the more detailed summary information now produced for each option, is helpful.

Earlier this week, the Convenor and Deputy Convenor of the Education, Children and Families Committee met with representatives from most of the affected school Parent Councils although not all could attend. The purpose of the meeting was to brief them on the Council report and ask for their assistance in seeking a collective view from their respective school communities on the options identified. I am grateful for their support in doing this in such short timescales and understand they will be in contact with you directly to establish how feedback from your school community can best be provided. We have asked for responses by Tuesday, 6 November to allow consideration in the next report to Council on 22 November which will actually be published on Friday, 16 November.

Although not mentioned specifically above, the option of creating a combined school for Portobello and Craigmillar was considered and two potential sites identified on the Brunstane Estate and in Craigmillar Town Centre. The details are set out in the last Council report at Section 3.6 and in Appendix 5. Any feedback from your school community on such a proposition would be helpful.

Please note that, even if we do decide to purchase the Baileyfield site for either school, a full statutory consultation process would still have to be carried out with the school and local community before any final decision was taken to actually build a new school on the site. This process would take approximately six months to complete and there would be opportunities for detailed feedback at this stage.

I will write to you again in advance of the November Council meeting to advise you of the intended next steps and any associated recommendations.

Yours sincerely

Gillian Tee
Director of Children and Families
Download and display a poster in your car or house window. Showing your support.

Sign the petition if you haven't already done so on the site at http://www.facebook.com/newportperry.story

Sheed Library. You don't have to say anything but your presence will send a clear message that this school must go.

Come along this Thursday, 26th April, at 7.30pm, Porthobello Community Centre, Adolph Grove (behind the school). We need your help.

So please.

To fight this for us, WE MUST show our commitment.

We believe that the Porthobello Community wants the new High School to proceed. We cannot wait for other people. Our young people have the right to a proper education in their local area.

The meeting will ask the Community Council to back our call for the appeal to be dropped immediately. For the benefit of the school, the pupils, the wider community and other schools in Dublin. As discussed in our meeting on our new High School.

Come along and show your support for the City of Dublin Council to build the new High School.

This week an emergency meeting of the Porthobello Community Council will take place on Thursday, 26th April at 7.30pm. The meeting will ask the Council to back our call. The meeting will take place in our Secondary School.

Also, we will further delay the beginning of construction works, for an unknown length of time.

Dear Parent/Carer

Porthobello High School - a message from Parnassus (Parnassus) for a New School
OUR NEW HIGH SCHOOL ON THE PARK: JUST SORT IT!

The building of our desperately needed new high school has been halted by a court decision which many people think is wrong.

That decision has stopped a shovel-ready new school being built. The £40m of funding, the planning consent, the contract and contractor and the design were ready.

Now due to a legal loophole, the interests of a handful of householders stand in the way of the wishes of the whole community – and the wellbeing and education of thousands of children and young people is being harmed.

The Council must urgently establish whether the park is really ‘Common Good’ at all. If it’s not, the building could start immediately. They also need to explore every legal route to deliver this desperately needed school, including a Private Bill and an appeal to the Supreme Court.

The Scottish Government can also help – they need to look at the law because this court ruling has reduced councils’ powers to promote the ‘wellbeing’ of communities and young people.

There are no other suitable sites in the catchment. Our high school is a great asset to this community; we do not want it to be split up. We are not prepared to settle for a rushed and ill-thought-out alternative. We will not settle for second best.

Rebuilding the high school on site is unacceptable; the existing site is too small and the whole school would have to be put into portable cabins, a temporary ‘village’ of huts to accommodate a population five times the size of Duddingston Village.

We want a new high school on Portobello Park. So we need the Council and the Scottish Government to work together – fast – and SORT THE LEGAL LOOOHOLE that has stopped our school from going ahead.

The entire City of Edinburgh Council meets in a few weeks’ time on 25th October to decide what to do now. Please leave them in no doubt that this community needs a new high school on Portobello Park – and we need it now.

THREE THINGS YOU CAN DO

Please display this poster in your car or house window, showing your support.

Write to or email scottish.ministers@scotland.gsi.gov.uk and make some of the points outlined above.

Write to or email the Leader of the Council, andrew.bums@edinburgh.gov.uk and your local councillors maureen.child@edinburgh.gov.uk; michael.bridgman@edinburgh.gov.uk; stefan.tymkewycz@edinburgh.gov.uk; alex.lunn@edinburgh.gov.uk; joan.griffiths@edinburgh.gov.uk; david.walker@edinburghlabour.com and Education Convener, paul.godzik@edinburgh.gov.uk and make it clear what you think.

You can find more information and sign up for the mailing list here www.newporthigh.org.uk and discussion here www.facebook.com/new.phs.park

This leaflet is distributed on behalf of Portobello High School Parent Council and authorised by your own School Council.
NO DECANT
NO DELAY
THE PARK IS THE ONLY WAY

www.facebook.com/new.phs.park
The Royal High Primary School Parent Council

Many thanks,

Your opinion counts – let us know!

complete the survey.
The council deadline means that you only have until midnight on Saturday 3rd November to
For those without internet access there are paper copies available from the school office.
http://www.surveymonkey.com/s/DB9TXG. This should not take more than a few minutes.
Please make you opinions known to us by completing this survey at

help inform their recommendations.

CCE has asked the Royal High Primary School to seek the views of the school community to
(CEC) regarding the various options for a Portobello High School rebuild.

You should now have received a letter from Gillian Teo, at the City of Edinburgh Council

HAVE YOUR SAY ON A NEW PORTOBELLO HIGH SCHOOL

04/10/2012

Councillor (g)
- 5.6Ha - can accommodate all the required facilities in one location; two full sized all-weather pitches
- Central to the catchment
- Good transport links
- Easy to access
- Shovel ready - 20 month construction period should it be able to proceed.
- No decant required
- Long term - should the school need rebuilt in 80 years it can be done on-site

- No decant
- Nearby Pitz could provide some sporting facilities but not enough to meet curriculum requirements
- Good transport links
- Reasonable access, although having the Harry Lauder Bypass adjacent isn't great
- Good location for community facilities
- Planning permission shouldn't be a significant problem

- Planning permission should be straightforward
- Central to the catchment
- Good transport links
- Easy to access
- Enlarged site should be able to accommodate one full-sized all-weather pitch

- Inner House ruled building on the park unlawful
- Most likely means to overcome that would be a Private Act through Holyrood
- A Private Act could take up to a year, and the outcome is uncertain. MSPs only likely to support if significant public support is demonstrated (but little scope for further legal challenge if passed)
- The tender can only be held so long, so re-tendering likely - takes 6 months although could partially overlap with other processes
- Quickest a school could be delivered this way would be about 3 years

- 3.3Ha at most - more likely 3Ha useable. Existing site 2.9Ha so only marginally bigger
- No prospect of any full sized pitches so continued bussing off-site likely given the distance to appropriate facilities
- Edge of catchment
- Ability to purchase uncertain
- Essentially starts the process from scratch so 4-5 years to deliver a new school
- Repeats what happened 50 years ago - largest school in Edinburgh on a site far too small
- School design likely to be compromised by constraints of the site

- Requires prior relocation of St John's - St John's have not favoured relocation in the past
- Relocating St John's would be at least a 3 year process, so around 6 years to deliver a new Portobello High at best
- 3.5Ha - still too small
- Single all-weather pitch insufficient so continued bussing off-site likely given the distance to appropriate facilities
- Decant likely to be required for 2-3 years
- Decant feasibility studies in 2006 confirmed a decant on site might be possible, but suggested off-site may be required
- No obvious location or strategy for an off-site decant, given the lack of suitable sites in the area.
- School design is likely to be compromised by constraints of the site

- Large potential site - could accommodate all the required facilities
- No decant required
- Greenfield site but part of it is no longer designated Greenbelt land, so Planning Permission possible

- Outside the catchment
- Very poor transport links
- Very difficult to access
- Planning Permission uncertain
- Essentially starts the process from scratch, so 4-5 years to deliver a new school
New Portobello High School: URGENT

Thanks to all of you who helped with the consultation responses for the New Porty High School before Christmas. If you haven’t done so you can still respond online at https://www.edinburgh.gov.uk/forms/form/172/en/portobello_school_private_bill_public_opinion_questionnaire
Paper copies are available from the school and Piershill library until 31 Jan.

As part of the consultation the Council arranged 2 public meetings, the first has already taken place. It is really important that these meetings reflect the views of all of us. It is your best chance to hear from the Council and those that support and oppose the school. It is also your opportunity to ask questions or simply listen to the discussion.

Please try and make a little bit of time and come along- all welcome including children.

Meadowbank Sports Hall- Thursday 17th at 7pm (that’s this Thursday!)

PLEASE COME ALONG

RHPS Parents Council
New Portobello High School

Further to our note earlier this week which commented that some people “oppose the school”, we wish to apologise. We fully appreciate that the debate focuses only on where the school will be located. We acknowledge that no-one opposes the school.

Please remember the public meeting at Meadowbank this Thursday at 7pm.

This document sets out the response from the City of Edinburgh Council (“the promoter”) to the issues raised by the objectors in Group 3 (including the supplementary written evidence for Objection 6) and Group 6 (including the supplementary written evidence for Objections 18 and 28). The submission has been organised by reference to the issues identified for these Groups in the Proposed Format for Evidence Sessions document issued on 14 March 2014.

The responses provided below are an overview of the promoter’s position on these issues. The aim of this document is to identify the key areas of disagreement that exist between the promoter and the objectors.

The promoter’s letter to the Convener of 31 January 2014 sought to prompt discussions with the objectors with a view to potentially resolving some of the outstanding areas of disagreement, including several of the issues raised by these Groups. However, no objectors have indicated that they wish to withdraw their objections either in whole or in part. Indeed, no objectors have sought to engage with the promoter in respect of the matters raised in that letter of 31 January 2014, or otherwise in respect of the substance of the issues in their original objections. The promoter is therefore proceeding on the basis that all issues raised by the Groups 3 and 6 objectors remain live.

Paragraph 5.34 of the Scottish Parliament’s Guidance on Private Bills states that it is not necessary for written evidence at Consideration Stage to repeat material already available to the Committee in the accompanying or other documents. Where the promoter believes that particular issues have already been addressed in other documents, or in the earlier evidence session with Group 5, we will not repeat our position on those in full. There is significant overlap between the issues raised by Groups 3 and 6 and those raised by Groups 2 and 4. However, we have prepared each submission so that it can stand alone, rather than cross-refer between them, so
that each set of objectors has separate notice of the promoter’s position on the issues they raise.

Many of the issues raised by Groups 3 and 6 are planning matters. The promoter notes the statement at paragraph 57 of the Committee’s Preliminary Stage Report that “the Committee is obviously very conscious that its role is to scrutinise and reach a view on a Bill that has been referred to it, and not to take over the Council’s own role as the local planning authority”. The promoter believes that matters relevant to, and raised within, the planning process are (largely) not relevant to the Private Bill process. The Bill does not seek to authorise the construction of the school, nor does it deal with any of the matters raised by objectors which are related to that.

Many of the points of objection raised by the objectors in Groups 3 and 6 were raised by objectors in the planning process and considered by the Council’s Development Management Sub-Committee (DMSC) when approving both the original planning permission in February 2011 and the renewal of that permission in December 2013.

The promoter’s letter to the Committee of 31 January 2014, and written submission in respect of Group 5, contained links to the DMSC report of 4 December 2013. The letter also listed a number of criteria imposed by the DMSC relating to specific areas of concern raised by objectors. For ease of reference we have provided another link to that report here. In addition, we provide a further link here to the various documents supporting the application for renewal of planning permission and the decision letter which was issued confirming approval of the renewal. Where parts of the planning decision documents are relevant to these objections this submission will largely just cross-refer to them, with further explanation given only where necessary.

RESPONSES TO SPECIFIC ISSUES RAISED

Category one

1 Loss of amenity/use of the Park (including associated issues of health and mental well-being)

1.1 The Committee, in its table entitled ‘Suggested Groupings and Lead Objectors’, defined “loss of amenity” to include: recreational/green/open
space, exercise, walking, jogging, football, other sports, dog walking, etc. We have used the same definition here.

1.2 The objectors are concerned that building the school on the Park will result in a loss of recreational green and open space. In respect of this, the promoter would refer to the Design and Access Statement and Environmental Impact Assessment which supported the planning permission renewal, which can be found at the link provided above. The issue was considered by the DMSC when approving the planning application in February 2011, and considered again at:

- DMSC’s Report of 4 December 2013, pages 9 to 12; and
- Scottish Natural Heritage’s comment on the application and Environmental Statement dated 28 October 2010, set out on pages 34-35 of the DMSC’s Report of 4 December 2013

1.3 The DMSC’s overall conclusion was that there are clear benefits to the local community from the replacement school which outweigh the loss of open space, including compensatory measures such as the conversion of part of the existing combined site of Portobello High School and St John’s RC Primary School to open space and the provision of funding towards improved play facilities at Magdalene Glen.

1.4 The promoter also notes that at paragraph 127 of the Preliminary Stage Report, the Committee recognised “that the promoter’s plans include compensatory measures in terms of recreational facilities and open space which would go some way to balancing any loss of amenity afforded by the current Park”.

1.5 The promoter would also highlight that, if the Bill is enacted and the proposed school is built on the Park, the school building, playground and car park would cover approximately 2.64 hectares. Most of the Park’s 6.43 hectares would therefore be retained as open space:

- 1.57ha for the two all-weather pitches (replacing the Park’s existing grass pitches);
• 1.62ha (a quarter of the parkland) as woodland, improved public pathways or new cycle paths; and

• 0.6ha (slightly smaller than a full size football pitch) for a landscaped open area in the south-east of the Park.

1.6 With the new area of open space of 2.16ha to be created on the existing combined site of Portobello High School and St John’s RC Primary School, there would be only a small net loss of open space in the area of 0.48 ha.

1.7 A number of objectors further claim that the loss of open space will impact on health and well-being. The Council believes that any such potential impact is suitably mitigated by the compensatory measures proposed in connection with the delivery of the new school on the Park (as summarised at paragraphs 63 and 54 of the Promoter’s Memorandum). In addition to the new 2.16ha of open space to be created, a sizeable area of parkland and the paths around the site and around the golf course will remain at the Park site, and indeed will be enhanced by improved landscaping and lighting. Green space will therefore still be available at the Park for exercise and leisure, and the Park entrances and paths will be improved to give everyone better access, particularly those with pushchairs, disabilities and mobility issues. The all-weather surfaces and integral lighting of the pitches will make them significantly more versatile than the grass pitches, as they will be available in the evenings and weekends all year round. The new cycle path along the eastern edge of the Park and golf course will fill a missing link in the Sustrans Cycle network across Edinburgh.

1.8 In any event, Portobello Park is not well used; a 2009 audit of Park usage demonstrated that the Park was mainly used for dog walking, with very little wider recreational use. The full details can be found in the report to Council of 11 March 2010, a link to which can be found here. In developing the project design, one key objective was to ensure that existing uses of the Park, mainly as a walking venue, should not only be preserved but improved and enhanced where possible. The promoter believes the proposals achieve this objective. Indeed, the improved facilities should encourage greater use of the Park site.
for leisure and recreation purposes. There would be no activity currently undertaken at the Park that would not be possible on the replacement facilities. There should therefore be no discernible loss of amenity for any particular leisure activity.

2 Replacement open space

2.1 The promoter has undertaken to create a new 2.16ha area of open space on the existing combined site of Portobello High School and St John’s RC Primary School. This is within a 12 minute walk of the Park (using the route followed by the Committee on their official visit to the Park and existing school site on 4 October 2013). At paragraphs 133-135 of the Preliminary Stage Report, the Committee welcomed the promoter’s commitment to protecting this space by giving it Fields in Trust status.

2.2 The promoter’s letter to the Committee of 31 January 2014 (section 3) confirmed the commitment to securing the area of replacement open space, offered to provide a further express undertaking to the Committee to that effect, and summarised the promoter’s intention to secure Fields in Trust status for the site including through ongoing discussions with Fields in Trust. On 6 February 2014, the Council’s elected members unanimously approved giving Fields in Trust a written undertaking to the effect that both the replacement open space and the remaining area of open space on the Park will, once created, be dedicated as Fields in Trust (this is of course subject to the Bill being enacted).

2.3 The promoter would also improve the remaining open space at the Park, and believes this would increase the use of the Park. These proposals would meet the needs of existing Park users, and also have a very positive effect on community use and enjoyment by virtue of:

- floodlit pitches suitable for a range of sport year round in all weathers, to be available to those in the local community free of charge;

- improved entrances and better paths (a particular benefit to those with pushchairs, disabilities and mobility issues);
• a new cycle path to fill a missing link in Edinburgh’s Sustrans Cycle network; and

• improved outdoor play facilities in Magdalene Glen.

2.4 The supplementary written evidence for objection 6 claims that there has been a lack of transparency about the promoter’s plans for the replacement open space and that the promoter has changed its position on this issue in the past. The promoter’s commitment to this area, and the steps taken to give effect to that commitment, are noted at paragraph 2.2.

2.5 The supplementary evidence for objection 6 also criticises the promoter for not reflecting its commitment to the new open space in the Bill. In its letter to the Committee of 31 January 2014 (section 3), the promoter explained why it takes the view that an amendment to the Bill relating to the replacement park would be both practically unworkable and inadmissible. We will not repeat the terms of that here, but the Parliament’s rules provide that amendments should relate to the main purpose of the Bill – i.e. a change in the status of the Park to permit it to be used for educational purposes.

2.6 The promoter is nevertheless conscious that disputes about admissibility of amendments are of course determined by the Convener (at Consideration Stage) or the Presiding Officer (at Final Stage), and the promoter would be content to consider any specific amendments that objectors or Committee members wish to propose in relation to this issue.

**Category two**

3 **Loss of views**

3.1 Objections have been expressed about the visual impact of the proposed development.

3.2 The DMSC’s conclusions on this point are set out at:

• DMSC Report of 4 December 2013, page 7; and

3.3 The promoter's letter to the Committee of 6 November 2013 provided details of the height of the proposed school building relative to adjacent buildings on Park Avenue and Milton Road. The school would be no higher than the closest buildings, and far enough away from other buildings to avoid any overshadowing. It would not impact on daylight reaching any houses.

3.4 Objections have also been raised regarding the height of fencing, which it is claimed would have an adverse visual impact. The majority of the fences, and particularly those along the front of the school on Milton Road, will be low (approximately 1.2 metres) and integrated within boundary planting in the form of post and wire fences. The fences around the pitches are 3m on the north and south sides, with 5m fences at the goal ends. The fencing around the playground area on the north side of the school site will be 2.4m. These higher fences will have a minimal visual impact due to the site having lower ground levels than Hope Lane and other adjacent streets (see DMSC Report of 4 December 2013, page 13) and also as a result of the planting that will be retained and enhanced between the golf course and the north side of the school.

3.5 In terms of views, the Council’s planning guidelines identify key views across the city that should be protected. The view to Arthur’s Seat across Portobello Park is protected (and would in any event not be a direct issue for these objectors, Group 3 being those living to the south and west of the Park and Group 6 being those living further afield). The view to Fife is not deemed a ‘key view’ and is in any event currently restricted by the Millennium planting between the Park and the golf course. The school building has been deliberately designed to not exceed the height of the existing trees, and so retain the view of Arthur’s Seat. This is a planning issue, and was highlighted and considered as part of the original planning application and the planning renewal process – see the DMSC Report of 4 December 2013, at page 13.

4 Traffic and road safety issues

4.1 Road safety and traffic issues were considered as part of the planning process, in respect of both the original application and the renewal process.
The promoter submitted detailed traffic management documents as part of the planning renewal process (i.e. the Design and Access Statement, the Transport Assessment, and the Pre-Application Consultation Report), which can be found at the link provided at page 2 above.

4.2 Relevant passages from the planning documents can be found at:

- DMSC Report dated 4 December 2013, pages 7, 8 and 15; and
- DMSC Decision letter dated 6 December 2013, specifically informatives 2 and 3.

4.3 The DMSC’s overall conclusion was that the proposed location raised no road safety issues of particular concern. The DMSC also noted that a number of infrastructure measures form part of the proposals and will assist in getting pupils safely to and from school, and that a travel plan will be produced. The promoter’s letter to the Committee of 6 November 2013 also covered these issues, providing links to the traffic management documents noted above (which can also be found at the link at page 2 above alongside the various documents which supported the planning permission renewal). The promoter is confident that the proposed measures will be sufficient to mitigate any traffic issues that may otherwise arise.

4.4 It may also be worth noting that siting the new school on the Park would not require any pupils to cross Milton Road who would not also have to do so to reach the existing site. However, the promoter is very mindful of pupil safety and risk mitigation measures will be put in place, including part-time 20mph speed limits, bus lane operation times, waiting and loading restrictions and the installation of a toucan crossing near the main school entrance on Milton Road (which would be subject to road safety audits at appropriate stages). There is also a requirement that prior to the occupation of the school a travel plan would be agreed with the Roads Authority, and a management agreement put in place. The travel plan and management agreement would be the responsibility of the contractor. As with all local authority schools, safety of pupils arriving and leaving school would be kept under review by the school’s management.
4.5 Transport issues are also an important aspect of the Eco Schools Green Flag awards. The school was the first secondary school in Scotland to receive five such awards. The school has promoted car share / car free days, encouraging staff to use more sustainable forms of transport, alongside activities to encourage more pupils to cycle to school.

4.6 The supplementary written evidence for objection 18 suggested that the promoter did not carry out a proper traffic survey. The promoter believes this complaint is groundless, and notes that no detail has been provided in support of it.

5 Environmental Impact

5.1 Several of the objectors in each Group object to the environmental impact of the new school, including in relation to loss of trees and wildlife habitats. The promoter would refer to the Design and Access Statement and Environmental Impact Assessment which supported the planning permission renewal, which can be found at the link provided at page 2 above, and believes that the mitigation measures proposed in connection with the planning permission suitably address those concerns.

- Scottish Natural Heritage (SNH) commented on the original 2011 planning application and referred back to those comments for the 2013 planning permission renewal, as set out at pages 34-35 of the DMSC’s Report of 4 December 2013. SNH confirmed that, “We have no objection to this development. The Environmental Statement is thorough and contains the required surveys and assessments, as well as robust mitigation proposals”. The promoter’s proposed mitigation measures will include additional planting to mitigate against the removal of some Millennium planting and trees, as well as protection and improvement of remaining woodland and trees, and the woodlands being brought into an active management programme.

- In addition, condition 4 of the DMSC’s decision letter of 6 December 2013 requires that a detailed landscape and habitat management plan be approved by the Planning Authority, with all recommendations and
mitigation measures to be implemented prior to occupation of the new school. As is normal with such projects, the contractor will be obliged to prepare and implement this plan. A link to the decision letter (to which we also linked in our letter to the Committee of 31 January 2014), can be found at page 2 above. The promoter will comply with these conditions.

Category three (Issues previously considered at Preliminary Stage)

6 The role of the Parliament legislating subsequent to a Court of Session decision

6.1 The promoter is content to echo the Committee’s comment on this issue at paragraph 65 of the Preliminary Stage Report, subject to clarifying one point coming out of the objections. Certain objectors claim that the Court of Session decided that the Council cannot build the new school on Portobello Park. They say that this ruling should be respected and suggest that, in promoting the Bill, the promoter is attempting to circumvent or undermine the law. However, the Court was not asked to approve, and did not comment on, the merits of the Council’s proposals for the Park. The Court’s decision was solely concerned with whether or not there is a mechanism within the existing statutory regime by which local authorities may appropriate inalienable common good land from one statutory function to another. The Court decided that there was not, and the promoter respects the Inner House’s judgement on that matter. The Bill does not seek to address that wider issue, but rather simply seeks to empower the Council to appropriate the Park for education purposes. The Bill does not affect any land other than the Park.

7 The precedent argument and the possible use of the private bill process by other councils

7.1 The promoter is content to echo the Committee’s comments on this issue in the Preliminary Stage Report, at paragraphs 66 to 69.
8  The pre-introduction consultation process

8.1 The details of the consultation process for this Bill can be found in the Promoter’s Memorandum (paragraphs 66 - 97).

8.2 It is clear from the level of response that people both within and outside the local area were very aware of the consultation, which produced 12,000 responses (a record for a consultation by the promoter).

8.3 The promoter sought to involve children in the local community in the consultation because they would be as, if not more, likely to be affected by the proposal as anyone else. In any event, analysis of the consultation results showed that the percentages supporting and opposing the proposals would have been similar even excluding those not on the electoral register (i.e. excluding responses from children, amongst others).

8.4 The information leaflet used in the consultation set out the alternative options, explained why the Council believes the Park is by far the best option for the community, and referred to further information available on the Council’s website and in local libraries.

8.5 The promoter is confident that the vast majority of households in the distribution area received a leaflet in December 2012. However, in response to concerns raised about distribution in certain areas, a second leaflet drop began on 7 January 2013, prioritising those areas to ensure leaflets were received before the first public meeting on 9 January 2013. Further information on the second leaflet drop was provided in the promoter’s written response of 25 September 2013 to questions raised by the Committee at the meeting of 11 September 2013.

8.6 The leaflet drop focused on the Portobello area because the issue is of greatest interest to and impact on, those living in the area. However, the consultation was promoted across the entire city. It is clear from the responses that people across the city (and beyond) were aware of the consultation, with nearly 3,500 valid responses coming from outside the leafleted area.
8.7 In paragraph 120 of its Preliminary Stage Report, the Committee “encouraged the promoter to reflect on the lessons learned from each aspect of the process and the issues raised, particularly in relation to the need to ensure a balanced approach in the presentation of consultation material, early management with those affected and a clearer explanation of how responses to any consultation could be made earlier in the process.” The promoter has done this, and concluded that while many positive points came out of the consultation that can be adopted for future consultations, the following actions will be considered where appropriate:-

- using only distribution companies from an approved Council framework for the delivery of consultation materials;

- ensure that multiple copies of response leaflets are distributed to all libraries in the city;

- for any public meetings which involve non-Council representatives, all participants should be able to provide feedback before future meetings regarding any changes they would propose to the meeting format;

- information and supporting material relating to complex proposals should be reviewed by someone unconnected with the proposal before they are finalised, to ensure they are as easy to understand as is practicable in the circumstances;

- undertake early engagement with key stakeholders regarding the proposed approach to the consultation, to seek their views before the consultation commences.

9 Alternative sites

9.1 The majority of objectors in these Groups object to the consultation process, claiming that the promoter failed to explore properly the option of rebuilding on the existing site, and ruled out other alternatives without adequate justification.
9.2 An extensive assessment of potential sites took place in 2006 (see paragraph 8 of the Promoter's Memorandum). Following that, and a full statutory consultation in December 2006, the Council’s elected members agreed that the Park was the best option. The assessment of potential sites was updated in June 2010 as part of the original planning process and again in late 2012 to investigate whether any new potential sites had arisen (the promoter provided a link to the Council report of 25 October 2012 in the Promoter's Memorandum, but for ease a further link is provided here). Six sites were identified for more detailed consideration (please see the report to Council of 22 November 2012; a link was provided in the promoter’s letter of 30 August 2013, but for ease a further link is provided here).

9.3 The Park remains by far the best quality and best value option for the local community, and as such remains the promoter’s preferred option. However, the promoter identified two potential alternative sites for the new school, in case the Bill is not enacted: (i) a phased rebuild on the existing site (extended to include the area currently occupied by St John’s RC Primary School); and (ii) building on the site known as Baileyfield. Details of these options and the Council’s consideration of them are set out in the Promoter’s Memorandum (paragraphs 43-62) and the report to Council of 22 November 2012 (see above).

9.4 At paragraph 27 of its Preliminary Stage Report, the Committee noted that it did not consider it appropriate to take a view on issues which were for the Council to reach a position on, and so did not explore the detail of the review or options appraisal carried out in relation to the other sites. The promoter is nevertheless conscious that no objectors have withdrawn their objection on this point.

9.5 Both fall-back options are significantly inferior to the Park, for the reasons set out in the Promoter’s Memorandum.

9.6 The revised assessments of delivery timescales and costs for the three options are set out in the report to Council of 6 February 2014 (see the promoter’s letter to the Committee of 31 January 2014). A new school on the
Park could open in August 2016, at a cost to complete of £33.6m. A new school on Baileyfield would cost an estimated £9.6m more, with an estimated school opening in February 2018. A phased rebuild on the existing site would cost an estimated £13.4m more than the Park, with an estimated opening in October 2020. The additional relative costs of these fall-back options reflect the need for new design, planning and procurement processes before either alternative could proceed, plus additional construction cost inflation due to the longer construction periods and later completion dates. The figures for each option are now higher than those stated in the Promoter's Memorandum due to changes explained in the report to Council of 6 February 2014.

9.7 A phased re-build on the current school site would entail the entire school population remaining on-site during construction and would also require the relocation of St John's RC Primary School, creating additional disruption, delay and expense.

9.8 Using Baileyfield would not have required the relocation of St John’s RC Primary School, but would have had a number of further disadvantages other than additional delay and cost: it is not in a central location within the catchment; its shape does not allow flexibility of design and layout and it potentially has significant site remediation issues.

9.9 In any event, the promoter does not own the Baileyfield site. Having previously been told that it was not the preferred bidder (as explained in the promoter’s letter to the Convener of 31 January 2014), the promoter has now been advised that the sale of the Baileyfield site to another party has been concluded and settled. Baileyfield is therefore no longer a possible alternative if the Bill is not enacted leaving a phased re-build on the current site (extended to include the area currently occupied by St John’s RC Primary School) as the only remaining fall-back option.

9.10 The supplementary written evidence for objection 6 suggests that the option of a re-build on the existing school site would provide adequate facilities for the new school and that the promoter has failed to give adequate reasons for
departing from this option. The latter point is addressed above, and in particular in the documents referenced.