The Committee will meet at 9.00 am in the David Livingstone Room (CR6).

1. **Decision on taking business in private**: The Committee will decide whether its consideration of decisions on objections, key issues for a draft Consideration Stage report, and the draft report should be taken in private at future meetings.

2. **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—

   - 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;
   - Ian Alexander, Design Director, JM Architects;

and then from—

   - Stephen Hawkins, Diana Cairns, and Alison Connelly, members of Portobello Park Action Group (PPAG), Group 1;
   - Roy Martin QC, Legal Adviser, Group 1;
   - 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;

Ian Alexander, Design Director, JM Architects.

3. **City of Edinburgh Council (Portobello Park) Bill (in private):** The Committee will review the evidence heard under item 2.

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 2**

Note by the Clerk  EPP/S4/14/5/1

Written submission from Group 1  EPP/S4/14/5/2

Promoter's written submission in relation to Group 1  EPP/S4/14/5/3
1. At its meeting on 23 April, the Committee will take oral evidence at Consideration Stage in two sessions:
   - Session one – Groups 3 and 6 and promoter
   - Session two – Group 1 and promoter.

2. Groups 3 and 6 will conclude their evidence session which was taken in part at the Committee’s meeting on 26 March. This session will begin at the point in proceedings where it previously finished on 26 March and members should refer to the written evidence provided by, and in relation to, those groups for that meeting.

3. The format for both sessions is outlined in Annexe 2 and, for Group 1, will broadly be as follows:
   a. The lead objector for the group and then the promoter will be invited to make brief introductory remarks.
   b. For each category of objection—
      - A spokesperson from the group will be invited to outline each of the key issues in the category. (Therefore, for category one, a spokesperson in turn should speak on each issue (which may cover a number of related areas) – firstly, on loss of amenity/use of the Park (including associated issues of health and mental wellbeing); and secondly, on replacement open space).
      - The promoter will then be invited to state its position on each of the issues in the category.
      - Both parties will then have the opportunity to cross-examine each other on all the issues in the category.
      - 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 evidence on all categories, members will be invited to question witnesses from both parties.
   e. To conclude, the lead objector and the promoter will have the opportunity to make brief closing statements.
4. It should be emphasised that cross-examination is the most significant part of proceedings and where the focus of witnesses’ efforts should be concentrated.

5. 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 or other evidence previously provided. 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).
Evidence session one - 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)

FOLLOWED BY

Evidence session two - Group 1

PPAG (53)
Diana Cairns (20)
Jack and Winifred Aitken (21)
Stephen Hawkins (47)
Alison Connelly (50)

Lead objector - PPAG
ANNEXE 2

PROPOSED FORMAT FOR EVIDENCE SESSIONS

Session one - Group 3 and Group 6

This session will conclude oral evidence from Groups 3 and 6. The evidence session on 23 April will begin at the point where proceedings ended on 26 March.

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

2. Specific issues/category of objection

Category one

Issue 1 - Loss of amenity/use of the Park (including associated issues of health and mental wellbeing)
Issue 2 - Replacement open space

- Objectors will conclude questioning the promoter.
- The promoter will have the opportunity to question objectors.
- Any final comments from objectors.

Category two

Issue 1 - Loss of views
Issue 2 - Traffic and road safety issues
Issue 3 - Environmental impact

- One spokesperson from each group, as appropriate, will be invited to outline the group’s key points on each of the issues (ie one spokesperson will speak on issue 1 matters, followed by one spokesperson on issue 2 matters etc).
- The promoter will then be invited to state its position on each of the key issues in the category.
- 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)

Issue 1 - The role of the Parliament legislating subsequent to a Court of Session decision.
Issue 2 - The precedent argument and the possible use of the private bill process by other councils
Issue 3 - The pre-introduction consultation process
Issue 4 - Alternative sites

- One spokesperson from each group, as appropriate, will be invited to outline the group’s key points on each of the issues (ie one
spokesperson will speak on issue 1 matters, followed by one spokesperson on issue 2 matters etc).

- The promoter will then be invited to state its position on each of the key issues in the category.
- 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

Group one

Lead objector – Stephen Hawkins

Category one

Category two

Traffic and road safety issues

Category three

Visual impact (including loss of views/height of building)
• One spokesperson will be invited to outline the group’s key points on visual impact and associated matters.
• The promoter will then be invited to state its position.
• 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
Environmental issues (including light pollution/noise pollution/operational disturbances/loss of wildlife and biodiversity)

• One spokesperson will be invited to outline the group’s key points on environmental issues and associated matters.
• The promoter will then be invited to state its position.
• Objectors will have the opportunity to question the promoter.
• The promoter will have the opportunity to question objectors.
• Any final comments from objectors.

Category five
(These issues were also considered at Preliminary Stage.)
Issue 1 - The role of the Parliament legislating subsequent to a Court of Session decision.
Issue 2 - The precedent argument and the possible use of the private bill process by other councils
Issue 3 - The pre-introduction consultation process
Issue 4 - Alternative sites

• One spokesperson will be invited to outline the group’s key points on each of the issues (ie one spokesperson will speak on issue 1 matters followed by one spokesperson on issue 2 matters etc).
• The promoter will then be invited to state its position on all issues in the category.
• 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 the lead objector and the promoter.
CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL COMMITTEE

CONSIDERATION STAGE - WRITTEN SUBMISSION IN SUPPORT OF ORIGINAL OBJECTIONS FROM GROUP 1

Group 1 comprises objections 20, 21, 47, 50 and 53. A written submission in support of the Group’s original objections is attached, and the following additional information has been provided.

A link to:

Photographs in support of the Group’s evidence regarding usage of the Park (Annex A)

The Group has also indicated that it will rely on evidence and documents previously submitted within their objections, as well as council reports and legal information in the public domain.
**Category one**
**Loss of amenity/use of the Park (including associated issues of health and mental wellbeing)**

PPAG maintains its objection that the park being developed will lead to a significant loss of amenity and open space in the area. This will have a detrimental impact on the physical and mental health and wellbeing of local residents, especially those living closest to the park.

The group believes that if usage has fallen then that is due to the council’s removal of facilities and its neglect of the park over a number of years, demonstrating that once the neglect of a park starts, it is a self-defeating cycle. The reduced usage of the park due to neglect and reduced facilities has been used by the council as justification for its development and to argue that it is surplus to requirements.

**Replacement open space**

PPAG maintains its concerns about the council's statements regarding replacement open space. Nothing the council has said reassures us that the "new park" will actually ever materialise. The council has changed its mind on replacement open space twice to date, so it is quite conceivable that this could happen again.

In any case, even if a “new park” is provided on the existing site of Portobello High School it is by the council’s own admission in the wrong place to compensate for the loss of open space at Portobello park and is significantly smaller than what would be lost so does not adequately compensate for the loss of almost 6 ha of freely accessible parkland.

The assurance that the “new park” would be protected by Fields in Trust status does not reassure the group that the park would remain as parkland perpetuity as Fields in Trust status could be much more easily overturned than common good protection, which is precisely what the council seeks to do via this private bill.

**Category two**
**Traffic and road safety issues**

PPAG maintains its concerns about the traffic and road safety issues pertaining to this development and does not believe that the council has listened to or dealt with objectors’ concerns adequately.
Category three
Visual impact (including loss of views/height of building).

PPAG maintains its objections to and concerns about the visual impact of the development, including the loss of public and private views, including the protected view to Arthur’s Seat and does not believe that these have been accurately portrayed in council information.

The group also maintains its concerns about the height of the school building relative to neighbouring residential properties and believes that this has not been accurately portrayed in council information.

Category four
Environmental issues (including light pollution/noise pollution/operational disturbances/loss of wildlife and biodiversity).

PPAG maintains that this development will cause light pollution, noise pollution, operational disturbances and loss of wildlife and biodiversity, resulting in severe loss of amenity for local residents. These concerns have not been addressed adequately by the Council. Moreover, there is contradictory information in the application regarding some of these issues.

Category five (issues previously considered at Preliminary Stage)
The role of the Parliament legislating subsequent to a Court of Session decision.

PPAG believes it is inappropriate for the council to use a private bill to try to overturn a clear and unequivocal ruling by three senior judges that it is illegal to build on the park. The pursuit of this option has caused further unnecessary delay to the provision of a new high school for Portobello.

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

PPAG maintains its position that this bill will set a precedent for other local authorities to follow to take common good land for other purposes than that for which it was intended. This has been acknowledged in the legal opinions obtained by the parliament as well as by Mr Roy Martin QC. Several councils in Scotland are attempting to develop common good land for purposes such as schools, retail and car parking and we believe that if the Portobello Park private bill is successful other applications for similar bills will follow. Indeed one other local authority has already considered the use of a private bill to enable it to build a school on common good land. We note that the committee says that parliament would assess each case on its merits but having allowed it for one council it would be very difficult to refuse it for another and it could end up being a widely used method for appropriating common good land.
The pre-introduction consultation process

Misleading information was contained within the consultation materials, which may have influenced responses to the consultation. It has been acknowledged that the consultation was deeply flawed and lessons need to be learned. However, that is of little comfort to those wishing to preserve the park as it appears that it is deemed acceptable to proceed with a private bill based on flawed consultation exercise. This is of great concern.

Alternative sites

As previously stated in evidence and documentation submitted to the parliament, there is at least one suitable alternative site available to the council for the school, the main difference being the provision of one additional sports pitch at the park site, which does not justify the loss of a whole park. The council has taken an inconsistent approach vis-à-vis site size and on site facilities when its approach to the replacement of Portobello Park is compared to that of other secondary schools in Edinburgh.
This document sets out the response from the City of Edinburgh Council (“the promoter”) to the issues raised by the objectors in Group 1 (including the supplementary written evidence for Objection 50). The submission has been organised by reference to the issues identified for this Group in the Schedule for Consideration Stage oral evidence sessions issued on 26 February 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 objectors with a view to potentially resolving some of the outstanding areas of disagreement, including several of the issues raised by Group 1. 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 Group 1 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, and we are conscious that the Committee has expressly requested that objectors and the promoter not repeat the detail of evidence previously provided in relation to earlier sessions. There is significant overlap between the issues raised by Group 1 and those raised by Groups 2 & 4 and 3 & 6. We are conscious of the need for the Group 1 objectors to have clear notice of the promoter’s position on the issues they raise, but where the promoter believes that particular issues have already been addressed in other documents, or in the earlier evidence sessions with Groups 5, 2 & 4 and 3 & 6, we will cross-refer to that written or oral evidence rather than
repeating the detail of our position here. In particular, objectors will find it useful to read this submission alongside the written submission provided in respect of Groups 2 and 4, accessible via the link provided here (from page 110).

As with earlier groups, many of the issues raised by Group 1 are planning matters, and were raised by objectors in the planning process and considered by the City of Edinburgh Council 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 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 promoter’s own role as the local planning authority”, and also notes that the Convenor has reinforced that message in previous evidence sessions. The promoter agrees 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 concern any of the matters raised by objectors which are related to that.

The promoter’s letter to the Committee of 31 January 2014, and written submissions in respect of the other objector Groups, nevertheless contained links to the DMSC report of 4 December 2013. Those documents also noted a number of criteria imposed by the DMSC relating to specific issues raised by objectors. For ease of reference we again provide a link to that report here. The various documents supporting the application for renewal of planning permission, and the decision letter approving the renewal, can be found here. 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

1 Category one

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. Most of the objectors in Group 1 (with the exception of Objection 21) submitted objections to the planning consent renewal application, which raised amenity issues in similar or identical terms.

1.3 The promoter’s position on this issue was largely set out in its written submission in response to Groups 2 and 4, and in particular to paragraphs 1.2 to 1.5, which summarise the consideration of loss of amenity and open space by the DMSC as part of the planning process.

1.4 In Objection 20, it was suggested that the vast majority of the park (around 92%) would be taken up by the school buildings, car parking and sports pitches. The correct figure is approximately 65.5% – see paragraph 1.5 of the promoter’s written submission in response to Groups 2 and 4.

1.5 When 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 is taken into account, there would be only a small net loss of open space in the area of 0.48 ha, which amounts to approximately 7.5% of the total area of the Park.

1.6 A number of objectors further claim that the loss of open space will impact on health and well-being. This issue was also raised by Groups 2 & 4 and 3 & 6, and the promoter responded in the written submissions provided in respect of these Groups (e.g. at paragraph 1.7 of the written submission in response to
Groups 2 and 4). At the last oral evidence session on 26 March 2014, the promoter produced and referred to a map showing the availability of other areas of open green space in the local area. The map (a link to which is provided here) demonstrates that there is, and will continue to be, a large amount of green space in the area. A full explanation of what the map represents was provided by Billy MacIntyre in his evidence to the Committee on 26 March 2014, and can be found at Col. 166-168 of the Official Report, available here.

1.7 Given the existing provision of open space in the area, and the promoter’s plans to add new areas of good quality open space, those living in the vicinity of the Park would continue to enjoy the health and social benefits of community open space which the objectors have identified.

1.8 Some of the objections describe the park as “well used” (Objection 20 and 53). Paragraph 1.8 of the promoter’s written submission in response to Groups 2 and 4 explained that Portobello Park is not well used, as demonstrated by the 2009 audit of Park usage (undertaken prior to any works relating to the High School project) to which that written submission linked.

1.9 Objections 20 and 53 suggest that the loss of the Park would represent a reduction of 25% of Portobello’s parkland. The promoter does not recognise that figure and is not aware of the basis on which it has been calculated, and in particular is not clear what definitions of “Portobello” or “parkland” are being used in the calculations (i.e. which other parks and other areas of open space have been taken into account). The map produced at the evidence session on 26 March 2014, and referred to above, shows the many other areas of accessible open space in the area.

Replacement open space

1.10 The objections in Group 1 raise similar issues about the promoter’s plans to provide replacement open space on the existing combined site of Portobello High School and St John’s RC Primary School as have been raised by previous Groups. The promoter would therefore refer principally to paragraphs 3.1 to 3.3 of its written submission in response to Groups 2 and 4.
1.11 The promoter wrote to Fields in Trust on 25 March 2014 to provide an undertaking to dedicate both this replacement open space, and the area of open space which would remain on the Park following the construction of the new school, as Fields in Trust, in the event that the Bill is enacted and the project to deliver a new High School on Portobello Park proceeds. Fields in Trust replied on 1 April 2014 to confirm that they would welcome the opportunity to dedicate those sites as Fields in Trust. A copy of that correspondence accompanies this written submission.

1.12 Alison Connelly (Objection 50) suggests in her supplementary written evidence that Fields in Trust status would offer “little by way of reassurance that long-term protection of the replacement open space is offered”. Iain Strachan for the promoter explained the advantages of securing Fields in Trust status at the oral evidence session of 12 March 2014 (from column 135 of the Official Report – available here). The promoter also dealt with this matter at section 4 of its letter to the Convener dated 31 January 2014 (which is available here).

1.13 Fields in Trust status was granted to Portobello Golf Course in 2012. PPAG (Objection 53) actively campaigned for this status, and Stephen Hawkins (Objection 47), in his then capacity as an elected member of the Council, proposed the Council Committee Motion to seek to confer this status on the golf course. A link to Mr Hawkins’ motion (considered by the Council’s Transport, Infrastructure and Environment Committee on 18 June 2012) is provided here (see item 5.1 on that agenda). Mr Hawkins’ motion recognised that Fields in Trust status “protects public greenspace”.

1.14 In their letter to the promoter of 1 April 2014, Fields in Trust note that they have an important relationship with the promoter, which “protects a significant number of sites across the city and ensures that current and future generations will always have open spaces to participate in sport, recreation and play”. They also note that “this relationship will assist people of all ages [to] enjoy active healthy lives”.

1.15 Ms Connelly’s supplementary written evidence also disputes the promoter’s conclusion, in its letter of 31 January 2014 (which is again available here), that an amendment to the Bill relating to the replacement park would be both practically unworkable and inadmissible.

1.16 As explained in the promoter’s letter of 31 January 2014, the precise location of the rebuilt St John’s RC Primary School is not yet known at this stage and so it is not possible to identify the specific area to be turned into open space. Some possible options have been identified and these are shown in the promoter’s letter to Fields in Trust, but the preferred solution for the new St John’s RC Primary School cannot be known until the outcomes of the Private Bill process and the statutory consultation process for the location of the proposed new primary school are known.

1.17 That statutory consultation was on hold pending the outcome of the promoter’s bid for the Baileyfield site, as the promoter could not know what the potential options would be until the position of Baileyfield was clear. That question has now been resolved, as explained at paragraph 10.9 of the promoter’s written submission in response to Groups 2 and 4. The promoter has therefore commenced the development of a consultation process in relation to options for St John’s RC Primary School. That process is in the early planning stages and it is likely that the consultation itself would be started soon after the new school year begins in August 2014 (the consultation process must run for a minimum of 6 weeks during term time). Taking into account the necessary time to collate, review and consider the responses, the result of the consultation will not be known until towards the end of 2014. The consultation will include scenarios for both an off-site build and a rebuild on the existing combined Portobello High School and St John’s RC Primary School site. In accordance with the approach approved by the Council on 22 November 2012 (a link to the relevant report to Council is available here – see from paragraph 2.59), views will be sought on the preference between the two scenarios and the preferred option within each scenario.
1.18 Ms Connelly suggests that the legislation could simply refer to “a space of 2.2 hectares” being created within the boundary of the larger combined site of Portobello High School and St John’s RC Primary School. It should first be noted that the proposed area for the replacement open space would be 2.16 hectares, not 2.2 hectares but, in any event, it would in the promoter’s view be inappropriate for legislation to impose an obligation to create an area of open space other than by reference to a precise description of the area in question. The use or uses to which the open space will be put are also currently being consulted upon, and in the absence of a decision on those there would again be an inappropriate level of vagueness to any obligation that was imposed by the legislation.

1.19 In any event, the promoter’s view is that such an amendment would be outwith the Bill’s scope and so inadmissible, for the reasons set out in our letter of 31 January 2014. We will not repeat the terms of that here.

1.20 The promoter is nevertheless conscious that the admissibility of amendments is of course a matter for the Convener at Consideration Stage or the Presiding Officer at Final Stage, notwithstanding the statement in Alison Connelly’s supplementary written evidence that a decision that an amendment was inadmissible “may possibly be subject to future legal challenge”. The promoter would therefore be content to review and comment on any specific amendments in relation to this issue that objectors wish to ask Committee members to propose at the amendment phase of Consideration Stage.

2 Category two

Traffic and road safety issues

2.1 The promoter believes that the issues raised by the Group 1 objectors in relation to traffic and road safety issues have already been fully addressed in earlier written submissions and/or oral evidence sessions in respect of other objectors. Reference is made to paragraphs 4.1 to 4.5 of the promoter’s written submission in response to Groups 2 and 4 and to the Official Report of the oral evidence session of 26 March 2014 (links to which are provided above).
2.2 However, if the Group 1 objectors wish to raise any points of detail relevant to their objections that they believe were not covered in earlier evidence, the promoter would of course be happy to deal with such points at the oral evidence session on 23 April 2014.

3 Category three

Visual impact (including loss of views / height of building)

3.1 The promoter believes that the issues raised by the Group 1 objectors in this category have already been fully addressed in earlier written submissions and/or oral evidence sessions in respect of other objectors. Reference is made to paragraphs 5.2 to 5.5 of the promoter’s written submission in response to Groups 2 and 4 and to the Official Report of the oral evidence session of 26 March 2014 (links to which are provided above).

3.2 However, if the Group 1 objectors wish to raise any points of detail relevant to their objections that they believe were not covered in earlier evidence, the promoter would of course be happy to deal with such points at the oral evidence session on 23 April 2014.

4 Category four

Environmental issues (including light pollution / noise pollution / operational disturbances / loss of wildlife and biodiversity)

4.1 Objections relating to light and noise pollution were addressed at paragraph 2.2 (including 2.2.1 and 2.2.2) of the promoter’s written submission in response to Groups 2 and 4. The environmental impact of the new school, including in relation to loss of trees and wildlife habitats, was also covered in the promoter’s written submission in response to Groups 2 and 4, at paragraph 2.1 (including 2.1.1 and 2.1.2). A link to that submission is provided above.

4.2 Objection 53 raised concerns about operational issues impacting on neighbouring properties, such as day-to-day deliveries, refuse collection and disruption for residents during the construction period. These issues were
considered by the DMSC and a condition was imposed in the interests of residential amenity to restrict deliveries and collections, including waste collections, to between 0700 and 1900 hours Monday to Saturday. The volume of traffic on Park Avenue resulting from deliveries etc. once the school is operational is likely to be low. Other smaller delivery vehicles would be likely to use the car park entrance on Milton Road to drop off supplies.

4.3 Informative 6 in the DMSC decision (available here) notes that “the design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment”. NR25 is a noise rating measurement reflecting the acceptable level of noise inside existing neighbouring residential properties, bedrooms being the most sensitive spaces.

4.4 In addition, the promoter’s contractors would be required to follow the Considerate Contractors Code during the construction phase. The promoter has built many schools in residential areas in recent years, and on every occasion the contractors have aimed to keep disturbance to a minimum. Examples of measures that may be taken include agreeing hours of site operation in advance or notifying neighbours prior to any particularly disruptive work.

5 Category five (issues previously considered at Preliminary Stage)

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

5.1 The promoter has nothing further to add to paragraph 7.1 of its written submission in response to Groups 2 and 4.

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

5.2 The promoter is again content to echo the Committee’s comments on this issue in the Preliminary Stage Report, at paragraphs 66 to 69.
A related point under the precedent heading is the future use of the Park itself. A number of the objectors in Group 1 have suggested that, if the land was no longer required for a school in the future, the promoter would be free to use it for other development such as housing, as it would no longer be common good.

The promoter was and remains confident that the Bill as introduced would provide only a specific and limited authority to use the Park for educational purposes, while leaving the land’s status otherwise unchanged and not authorising any further alienation. However, the Committee recommended at paragraph 52 of its Preliminary Stage Report that the Bill be amended at Consideration Stage to provide safeguards for future use of the Park. The promoter has therefore drafted an amendment intended to put the issue beyond doubt by providing expressly that neither the legislation itself nor an appropriation of the Park consequential to the legislation would entitle the promoter to take any action that would not otherwise have been permitted. The draft amendment is set out in the promoter’s letter to the Convenor of 31 January 2014 (a link to which is provided above).

In that letter, objectors were invited to suggest revisals to the draft amendment if they continued to have concerns in relation to this issue. Alison Connelly noted the proposed amendment in her supplementary written evidence and stated that she had not at that time taken legal advice but did intend to explore the issue further. However, the promoter has received no comments from Ms Connelly or any other objector on the proposed amendment.

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

The promoter’s position in relation to concerns raised by objectors in relation to the consultation is set out at paragraphs 9.2 to 9.6 of its written response to Groups 2 and 4, and further details of the consultation process for this Bill can be found in the Promoter’s Memorandum (paragraphs 66 - 97), available on the Bill page here.
5.7 The promoter strongly refutes the suggestion made by a number of the objectors in Group 1 that the consultation process was biased, or that the promoter suggested to consultees that voting ‘no’ to the proposals would result in there being no new school built at all. The information leaflet used in the consultation set out the alternative site options, explained why the promoter believes the Park is by far the best option for the community, and referred to further information available on the promoter’s website and in local libraries. A copy of the information leaflet was enclosed with the promoter’s letter to the Committee of 30 August 2013 (see here from pages 10 to 15).

5.8 In paragraph 120 of its Preliminary Stage Report, the Committee encouraged the promoter to reflect on the lessons learned from the consultation process. The promoter has done so, and its conclusions on this point are set out at paragraph 9.7 of its written response to Groups 2 and 4.

5.9 PPAG (Objection 53) and Alison Connelly (Objection 50) have accused the promoter of ‘connivance’ with Portobello for a New School (“PFANS”). This is simply not correct, and is strongly refuted. The promoter has throughout treated both community groups on an equal basis. During the Bill consultation process, both groups voluntarily presented at the two official public meetings and organised their own events and activities to promote the consultation and their views, as well as going door to door in the local area. There is no doubt that those efforts contributed greatly to the high response rate, and the promoter has welcomed such a high degree of community engagement.

**Alternative sites**

5.10 The promoter’s position in relation to alternative sites was fully addressed at paragraphs 10.2 to 10.9 of its written submission in response to Groups 2 and 4.

5.11 The supplementary written evidence of Alison Connelly (Objection 50) stated that the cost of replacing St John’s RC Primary School was included in the cost estimate for rebuilding on the existing site, but not in the estimate for the Park, implying that the promoter had thereby inflated the cost difference between the sites. However, this is simply incorrect.
5.12 The promoter sent a letter to Diana Cairns (Objection 20) on 28 February 2014, responding to a request for detailed cost breakdowns of the three alternative options (the Park, the Baileyfield site and a phased re-build on the existing combined High School and St John’s RC Primary School site), to allow comparisons to be made. A copy of the promoter’s letter is provided with this submission. As noted on page 3 of that letter, the estimated cost for a phased re-build on the existing combined site does not include any costs associated with the provision of a new St John’s RC Primary School.

5.13 Some of the objectors have referred to the Atkins feasibility study carried out in 2003. Mr MacIntyre explained at the oral evidence session on 26 March 2014 (from column 206 of the Official Report) why that study’s proposals were not achievable and so were not progressed.

5.14 The supplementary written evidence of Alison Connelly (Objection 50) alleged that the promoter has not been transparent about the bidding process for the Baileyfield site, and drew adverse inferences from the timing of the announcement that the promoter was not the preferred bidder for the site. These allegations are simply not correct, and are again strongly refuted. The promoter made information about the bidding process available to the public where it was possible to do so, and has provided updates as and when developments in the commercially sensitive process allowed. As previously explained, the timing of developments in that process were matters entirely in the hands of the site owners and their agents.

5.15 Ms Connelly’s supplementary written evidence also suggests that renegotiation of the promoter’s existing arrangement with Balfour Beatty could be open to legal challenge, and that re-tendering could increase costs and lead to further delay. The issue of procurement law arose at the evidence session of 26 March 2014, at which the Convenor noted that the promoter’s obligations under procurement law, and its compliance with those, are matters for the promoter (see column 213 of the Official Report). As regards the proposed appointment of Balfour Beatty, this matter was covered in the report to Council of 6 February 2014, a link to which is provided here. The promoter is clear that this proposed appointment still represents best value for the
promoter, on both cost and quality. In any event, even if it were necessary to re-tender the process (and the promoter does not believe it would be), siting the new school on the Park would still be by far the cheapest, quickest and (most importantly) best quality option.
Gillian Tee  
Director of Children & Families  
City of Edinburgh Council  

1 April 2014  

Dear Ms Tee,  

Development of school on Portobello Park  

I refer to your letter of undertaking dated 25 March related to the proposed development of a new Portobello High School at Portobello Park and confirm that we would welcome the opportunity to dedicate the 2 sites you identify as Fields in Trust following the aforementioned development.  

Our organisations have an important relationship that protects a significant number of sites across the city and ensures that the current and future generations will always have open spaces to participate in sport recreation and play. This relationship will assist people of all ages enjoy active and healthier lives.  

We welcome the opportunity to further our relationship and protect sites at the existing Portobello High School (combined with the area currently occupied by St John’s RC Primary School but allowing for provision of an area of 1.3 hectares for a new St John’s Primary School somewhere on that site) and at Portobello Park should the aforementioned development proceed.  

Yours sincerely,  

[Name  
Manager]
Dear Sirs

The City of Edinburgh Council
National Playing Fields Association (operating as Fields in Trust)
Parts of Portobello Park and the existing combined Portobello High School
and St John’s RC Primary School site, Edinburgh

As you are aware The City of Edinburgh Council intends to replace the present Portobello High School with a new state of the art school within part of Portobello Park. The Council’s use of this park for this purpose, however, is entirely dependent upon the successful completion of private legislation currently being progressed in the Scottish Parliament. The Council wishes to confer the legal protection afforded by the status of ‘Field in Trust’ on both the area of open space which would remain on the existing combined Portobello High School and St John’s RC Primary School site (after making provision for the necessary increase of the site allocated to St John’s RC Primary School) once it is redeveloped as a new area of open space, and also on that part of the existing Portobello Park which will remain as open space following construction of the new school. These two new areas of open space would only be created if the project to deliver a new Portobello High School on Portobello Park was to proceed.

The area of open space which would remain on Portobello Park, but be improved as a result of the approved plans for the delivery of a new school on the Park, is already defined and is shown on the attached plan. However, the precise location of the area of open space which would remain on the existing combined Portobello High School and St John’s RC Primary School site has yet to be determined. The plans which can be accessed via the links below show the full extent of the combined area for the existing Portobello High School and St John’s RC Primary School of 3.46 hectares (within which 1.3 hectares would be assigned for an increased site for a replacement St John’s RC Primary School) leaving approximately 2.16 hectares remaining as open space. The precise location of the area of open space within that extended site is dependent on the site on which a new St John’s RC Primary School is built regarding which no decision has, as yet, been made. You can see site plans

Gillian Tee, Director of Children and Families
Level 2/6 Waverley Court, 4 East Market Street, Edinburgh EH2 8BG Tel 0131 459 Fax 0131 529 6225
for three of the possible options regarding the location of a new St John's RC Primary School on the existing combined site:

1. refurbishment and extension of the existing school
   http://www.edinburgh.gov.uk/download/downloads/id/8872/option_1a_refurbishment_extension_on_extended_existing_site;

2. entirely new build on the site of the existing primary school
   http://www.edinburgh.gov.uk/downloads/file/8873/option_1b_new_build_on_extendedExisting_site; and

3. entirely new build within the site currently occupied by the existing Portobello High School

I would, however, stress again that these are purely illustrative and no decision has, as yet, been taken on this matter. However regardless of the option which is finally chosen the area involved would be approximately 2.16 hectares.

The actual use to which this new area of open space would be put has not yet been determined. A significant number of ideas for use of the new space were identified as a result of a public consultation exercise which was undertaken last year; the details of which can be found in the report to Council of 14 March 2013 http://www.edinburgh.gov.uk/download/meetings/id/38495/item_no_8_7-portobello_park_private_bill (Appendix 3, section 3 refers). At that meeting, Council referred the question regarding the most appropriate use of the new area of open space which would be created if the new Portobello High School is built on Portobello Park (and for which provision of £1m has been identified within the project budget) to the Craigentinny & Duddingston Neighbourhood Partnership for further consideration and consultation.

The Council's intention is to confer Fields in Trust status on these two areas of open space in Portobello. The relevant decisions of the Council in relation to these two sites follow reports which can be accessed here.
http://www.edinburgh.gov.uk/download/meetings/id/38495/item_no_8_7-portobello_park_private_bill specifically paragraph 2.46,
and here http://www.edinburgh.gov.uk/download/meetings/id/42201/item_no_8_2-the_new_portobello_high_school specifically paragraphs 2.11-2.17

The Council has undertaken to progress the process of dedicating both of these sites as Fields in Trust as soon as possible, and as far as this can be done in each case. It is acknowledged that the dedication of the two sites cannot be completed at present, as the school must continue to operate, and will occupy its present site until the replacement Portobello High School is completed and has opened. Only then can the present high school building be demolished and the new area of open space be created and this may be fully or partially affected by the timescales for delivering
a new St John’s RC Primary School and on what area of the site that was built. Similarly, the part of Portobello Park which will remain as open space will inevitably be affected by the construction works for the new school, should this go ahead.

We understand that Fields in Trust are agreeable to formally recording now the Council’s undertaking to dedicate the two areas in question for Fields in Trust status, in light of the circumstances described above.

The City of Edinburgh Council therefore and hereby undertakes to the National Playing Fields Association (operating as Fields in Trust):-

to formally dedicate the part of Portobello Park which will be retained as open space, not required for the proposed new Portobello High School and its associated sports pitches and facilities once that part of the Park has been upgraded, as a Field in Trust;
to formally dedicate the new area of open space which will remain on the existing combined Portobello High School and St John’s RC Primary School site (after making provision for the necessary increase of the site allocated to St John’s RC Primary School) once it is redeveloped as a new area of open space, as a Field in Trust; and

in respect of each of 1 and 2 above to enter into a formal legal agreement with the National Playing Fields Association (operating as Fields in Trust), when appropriate in each case, documenting the dedication of both areas of open space as Fields in Trust in perpetuity, these agreements to be in terms agreed between the Council and Fields in Trust but consistent with those agreements previously entered into between the parties in respect of other such areas already having Fields in Trust dedication within the City.

We look forward to receiving your acceptance of terms of this undertaking.

Yours sincerely

Gillian Tee
Director of Children and Families
Ms Diana Cairns
By email to [REDACTED]

Date 28 February 2014
Our ref bm.01/ks

Dear Diana

School Costings

Thank you for your email of 14 February 2014 in which you requested a detailed cost breakdown for the rebuild on the current site option and also the rebuild on the Baileyfield option to explain how these costs were arrived at and for your subsequent email of 17 February 2014 in which you further ask that I include a detailed breakdown of the estimated cost of a rebuild on the park site as well, so that comparisons may be made. In each case the reference made is to the information included in the most recent report to Council of 6 February 2014
http://www.edinburgh.gov.uk/download/meetings/id/42201/item_no_8_2-the_new_portobello_high_school.

A similar request for information was made (as part of a wider request) in November 2012 under the Freedom of Information (Scotland) Act 2002 relating to the costings which were included in an earlier report to Council on 22 November 2012
http://www.edinburgh.gov.uk/download/meetings/id/37233/item_no_8_1-the_new_portobello_high_school_and_new_st_john_s_rc_primary_school. I have attached, as an appendix, the original question and the response as it provides important context on this matter however I appreciate you may already have seen this earlier information.

On receipt of the original response the applicant subsequently wrote intimating “I accept that there may be some commercial sensitivities regarding individual figures, but would be grateful if the descriptions of the included costs could be provided to demonstrate the nature of costs that have been included, for example to allow me to see if planning costs, architects, traffic consultants, costs of running statutory consultations and so on have all been included in the costs of alternative options.” The response to this subsequent request was as follows:

Billy MacIntyre, Head of Resources, Children and Families
Waverley Court, BC 1/2, 4 East Market Street, Edinburgh EH8 8BG Tel 0131 469 Fax 0131 529 6212
"As noted in the Council’s initial response the values requested are commercially sensitive and are therefore exempt in terms of Section 33 of the Act. The public interest in this information is outweighed by the Council’s responsibility not to take action that would damage the commercial interests of any individual or organisation.

The initial response provided additional information relating to this point. To further expand on this, the 'base cost metric' of £1,900/m2 from the Scottish Government is intended to be an all-in cost (i.e. all encompassing) and would include all costs associated with the design and delivery of a secondary school of the size quoted. This would encompass all design, planning, consultancy fees together with construction costs and contingency. As previously mentioned, this is based on a reference date of Q2 2011 with construction inflation having to be applied from that date onwards. This is based on a standard construction and excludes any provision for a swimming pool, decant costs and any abnormal site costs”.

In response to your own latest first request which is for a detailed cost breakdown for the option of rebuilding on the current site and also for the option to rebuild on Baileyfield the same limitations referenced before regarding what information can be released on the grounds of commercial sensitivity continue to apply. This is of particular relevance to the Baileyfield option which involves land values however, in light of the continued interest and speculation regarding this matter, I have set out below a detailed calculation showing how the projected cost for the option to undertake a phased rebuild on the existing site has been identified which I hope will be of assistance in explaining how the cost projections have been produced. These projected cost estimates have, as was the case for those in November 2012, been produced by our external cost consultants.

The basis for this calculation is unchanged to that applied in arriving at the original estimated costs in November 2012, the differences (and increase in cost) arise as a result of changes necessary to the assumed project start date, future construction cost inflation and the length of the construction period as explained in paragraph 2.44 of the February 2014 Council report.

<table>
<thead>
<tr>
<th>Projected costs to deliver new school via phased build on existing site</th>
<th>Cost £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base cost (£1,900/m2 x 11.4m2/pupil x 1,400)</td>
<td>30,400,000</td>
</tr>
<tr>
<td>Swimming pool not included in the base cost</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Uplift in demolition cost provision within base costs to reflect</td>
<td>450,000</td>
</tr>
<tr>
<td>Uplift in base costs to reflect additional complexity of phased build</td>
<td>500,000</td>
</tr>
<tr>
<td>Sub-total projected costs before inflation</td>
<td>33,350,000</td>
</tr>
<tr>
<td>Inflation uplift at 40.81% (see below)</td>
<td>13,610,000</td>
</tr>
<tr>
<td><strong>Total projected cost</strong></td>
<td><strong>46,960,000</strong></td>
</tr>
</tbody>
</table>
The projected cost of future inflation was, again, calculated by taking the percentage uplift in the BCIS all-in Tender Price Index between the base date of Q2 2011 (on the basis of which the Scottish Government cost metric of £1,900/m2 for a school of this size is based) and the anticipated mid-point of the construction period which it is estimated would be Q4 2018. The indices which applied when the February 2014 report was produced were 223 for Q2 2011 and 314 for Q4 2018 with the increase in the intervening period therefore being 40.81%. This was then applied to the projected costs before inflation of £33.35m to arrive at a total projected cost of £46.96m which was then rounded to £47m (the nearest £0.1m) in the report.

At the time the calculation was undertaken for the February 2014 report the Q4 2018 index of 314 had to be extrapolated and estimated as, at that point, the published BCIS index only extended to Q3 2018. BCIS have subsequently recently updated their index to now include Q4 2018 with a forecast value of 312. Applying this latest index, which was not available at the time the February 2014 report was produced, would reduce the inflation uplift to 39.91% and a reduced total projected cost of £46,660,000. BCIS is the Building Cost Information Service of the Royal Institution of Chartered Surveyors (RICS).

As you can see, and to repeat what I previously confirmed in my earlier email to you, the estimated cost in the February 2014 Council report for a phased rebuild of Portobello High School on the current site certainly does not include any costs associated with the provision of a new St John's RC Primary School. As you will no doubt be aware from previous reports to Council, the fall-back option of a phased build on the existing site explicitly excludes St John's as the entire site would be used for a new High School, paragraph 2.33 of the February 2014 report offers a reminder of that fact. I cannot understand how a conclusion could be drawn that the cost would have included St John's as the project to deliver a new St John's is, and always has been, entirely separate.

In response to your second request, the position regarding the projected costs to complete a new Portobello High School on Portobello Park are easier to quantify as they are, in large part, based on costs which are already known and not subject to potential future variation as a result of factors such as inflation. The main elements of the latest estimated costs to complete the new school on Portobello Park are shown in the following table:
<table>
<thead>
<tr>
<th>Projected costs to deliver new school on Portobello Park</th>
<th>Cost £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revised contract sum to Balfour Beatty (February Report paragraph)</td>
<td>28,514,108</td>
</tr>
<tr>
<td>Sum allocated to deliver new area of open space on existing school site</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Sum allocated towards improving outdoor play facilities in Magdalene</td>
<td>150,000</td>
</tr>
<tr>
<td>Demolition of existing high school buildings</td>
<td>800,000</td>
</tr>
<tr>
<td>Other costs - professional fees, contingency, client changes (obviously internal only), risks, some additional equipment and other costs</td>
<td>3,089,892</td>
</tr>
<tr>
<td><strong>Total projected cost</strong></td>
<td><strong>33,554,000</strong></td>
</tr>
</tbody>
</table>

The £33.554m was then rounded to £33.6m (the nearest £0.1m) in the report. This cost is considerably lower than for either of the two fall-back options. As was stated in paragraph 2.46 of the February 2014 Council report, the main reasons for the additional cost for either of the fall-back options are the necessity to undertake entirely new design, planning and procurement processes together with the additional construction cost inflation which arises due to both of these fall-back options having a completion date which is far later than that for the preferred option of building on Portobello Park.

I trust that this is helpful and provides the clarification you requested.

Yours sincerely

Billy MacIntyre
Head of Resources
APPENDIX
Previous FOI request received in November 2012 and response issued

FOI Request Received

As much information as possible about the breakdown of the detailed costing of the options costed in the paper for the meeting on 22nd

Response Issued

It is assumed that the reference to 'the paper for meeting on 22nd' relates to the report to Council on 22 November 2012.

Certain assumptions have been made regarding the anticipated land values associated with (i) the part of the existing combined Portobello and St John's RC Primary School which would be surplus and disposed of under certain options and (ii) the acquisition cost for any new sites which are not currently in Council ownership. These values are commercially sensitive and the disclosure of other details relating to the costs of each option would carry the risk of assumed land values being derived. This is why no detailed cost analysis was provided in the report to Council of 22 November 2012 and why such information still cannot be disclosed. The following information can be provided which is hopefully of some assistance:

Fall-Back options for a new Portobello High School

1. The project costs before the addition of inflation and other elements such as site specific and/or site acquisition/disposal costs for each of the fall-back options for a new Portobello High School are £32.9m. This comprises a base cost of £30.4m calculated as £1,900/m2 x 11.4m2/pupil x 1,400; in this calculation £1,900/m2 is the base cost metric from the Scottish Government for a school of this size as at Q2 2011 (with construction inflation having to be applied from that date onwards); 11.4m2 is the space metric per pupil which the Council uses for secondary schools of this size and 1,400 is the capacity to which the new school would be built. To this is then added the estimated cost of a swimming pool of £2m and an estimated £0.5m representing the costs of demolishing the existing Portobello High School buildings which is not reflected in the base cost metric rate of £1,900/m2.

2. Cost adjustments were then made to different options to reflect site specific factors as follows; in each case the additional cost provisions having been advised by our external cost consultants:

   (i) for the phased build option on the existing site the additional complexity associated with such an option;
(ii) for the Baileyfield option the potential increased foundation costs as a result of the ground conditions on that site and the existence of an old clay pit;
(iii) for the Baileyfield option the costs of demolishing the existing buildings on that site; and
(iv) for the Brunstane option the costs of necessary access improvements, services diversions and infrastructure.

3. An appropriate provision for construction inflation was added to reflect the expected cost increase between the base date of Q2 2011 and the anticipated mid-point of the construction period with the inflation index used being the forecast BCIS all-in Tender Price Index. Again, this information was provided by our external cost consultants.

4. Finally, the overall anticipated costs to complete were adjusted, as appropriate, for the anticipated acquisition cost of any site not in Council ownership (Baileyfield and Brunstane) and the anticipated disposal proceeds from the remaining existing combined site (Baileyfield and Brunstane).

Options for a combined new Portobello/Craigmillar High School

1. The project costs before the addition of inflation and other elements such as site specific and/or site acquisition/disposal costs for each of the fall-back options for a new Portobello High School are £45.9m. This comprises a base cost of £43.5m calculated as £1,900/m2 x 10.4m2/pupil x 2,200; in this calculation £1,900/m2 is the base cost metric from the Scottish Government for a school of this size as at Q2 2011 (with construction inflation having to be applied from that date onwards) and 2,200 is the capacity to which the new school would be built. The Council has no experience of building schools of this size therefore we have drawn from the programme metrics which the Scottish Government would apply for a school of this size which are 10m2/pupil; however for recent secondary school projects we have found that the Scottish Government space metric is slightly insufficient to meet the accommodation requirements therefore a slightly higher metric of 10.4m2/pupil has been assumed. To this is then added the estimated cost of a swimming pool of £2m and an estimated £0.5m representing the costs of demolishing the existing Portobello High School buildings which is not reflected in the base cost metric rate of £1,900/m2.

2. A cost adjustment was made to the Brunstane option to reflect the additional estimated costs of necessary access improvements, services diversions and infrastructure; this having been advised by our external cost consultants.

3. An appropriate provision for construction inflation was added to reflect the expected cost increase between the base date of Q2 2011 and the anticipated mid-point of the construction period with the inflation index used being the forecast BCIS all-in Tender Price Index. Again, this information was provided by our external cost consultants.
4. Finally, the overall anticipated costs to complete were adjusted, as appropriate, for the anticipated acquisition cost of any site not in Council ownership (Brunstane) and the anticipated disposal proceeds from the remaining existing combined site (Brunstane and Craigmillar).

Options for a new St John’s RC Primary School

1. The base costs for the refurbishment/extension options (£8.935m) and various new build options (£8.923m) are as detailed in Appendix 6 of the report Council on 25 October 2012
   http://www.edinburgh.gov.uk/download/meetings/id/36933/item_81_the_new_portobello_high_school_and_new_st_johns_rc_primary_school.

2. Cost adjustments were then made to the Baileyfield option to reflect site specific factors as follows; in each case the additional cost provisions having been advised by our external cost consultants:

   (i) the potential increased foundation costs as a result of the ground conditions on that site and the existence of an old clay pit; and
   (ii) the costs of demolishing the existing buildings on that site.

3. An appropriate provision for construction inflation was added to reflect the expected cost increase between the base date of Q3 2014 (as per the feasibility studies) and the anticipated mid-point of the construction period with the inflation index used being the forecast BCIS all-in Tender Price Index. Again, this information was provided by our external cost consultants.

4. Finally, for the Baileyfield option the overall anticipated costs to complete were adjusted for the anticipated acquisition cost of the site and the anticipated disposal proceeds from the excess land which would not be required for a new primary school.