We write to provide additional evidence in relation to the Bill. A number of issues have been raised in the objections and written evidence lodged in respect of the Bill, and we thought it would be helpful to provide the Committee with further evidence that may assist their understanding of those issues.

This letter is therefore accompanied by the following items.

1. Opinion of Gerry Moynihan QC, dated 26 August 2013

A number of objections made claims about the legal status of Portobello Park (“the Park”) in the event that the Bill is enacted and/or the Council then relied on it to appropriate the Park. In particular, objection number 53 (Portobello Park Action Group) was accompanied by an opinion from Roy Martin QC that discussed those issues. The Council believed Mr Martin's interpretation of the Bill and opinion on its potential effects were incorrect, and so asked Gerry Moynihan QC to review Mr Martin's opinion and provide his own view.

Mr Moynihan's opinion explains the legal position in which the Council finds itself in respect of the Park. He concludes that the Bill intends to limit the Council to appropriating the Park only for the purposes of its education functions, that this intention is given effect by section 1(2), and so that well-established principles of statutory interpretation would not allow any other use of the Park before or after it had been appropriated for those purposes. The Park would therefore retain its inalienable common good status for all other purposes.

2. Report to the City of Edinburgh Council meeting of 22 November 2012

The possibility of alternative legal options in respect of the Park and/or alternative sites for a new Portobello High School are discussed at paragraphs 17 to 62 of the Promoter’s Memorandum, but are set out in more detail in the report to the Council meeting of 22 November 2012, at which the Council agreed to proceed with a consultation on introducing a Private Bill.

A link to this report was included at paragraph 19 of the Promoter’s Memorandum, but it may be useful for the Committee members to have the report available in case they would like more information on the alternative legal options and/or potential sites, and particularly when considering objections that discuss those matters.

This report is accessible via the following link:

http://www.edinburgh.gov.uk/download/meetings/id/37233/
3. **Report to the City of Edinburgh Council meeting of 14 March 2013**

Details of the consultation process undertaken by the Council are set out at paragraphs 66 to 99 of the Promoter’s Memorandum, but even greater detail is available in the report to the Council meeting of 14 March 2013, at which the Council resolved to introduce the Bill.

A link to this report was included at paragraph 67 of the Promoter’s Memorandum, but the Committee members may again find it helpful to have the report available when considering objections that discuss the adequacy and appropriateness of the consultation exercise.

This report is accessible via the following link:

[http://www.edinburgh.gov.uk/download/meetings/id/38495/](http://www.edinburgh.gov.uk/download/meetings/id/38495/)

4. **Information leaflet circulated as part of the consultation process**

This leaflet was circulated to properties in the Portobello area as part of the consultation process. A link to the leaflet was also included in the Promoter’s Memorandum, at paragraph 71, but it may again be helpful for the Committee members to have a copy given that it is mentioned in several objections relating to the consultation process.

5. **Questionnaire**

The Committee members may also find it useful to have a copy of the questionnaire made available to potential consultation respondents, both in hard copy and online.

6. **Use audit in respect of the Park, prepared by Ironside Farrar in 2009**

The use made of the Park in its current form is discussed in a number of objections. The Council commissioned Ironside Farrar to conduct an audit of the use made of the Park in 2009 (when the football pitches were still available for use). The Committee members may therefore find it helpful to have a copy of Ironside Farrar’s report, which showed that the Park was not well used.

Please do let us know if there is any further information we can provide to assist the Committee, and in particular if we should provide additional hard copies of any of the documents.

We are in the process of preparing an aerial view of the Portobello area to show the Park and other relevant sites, as requested by Mary Dinsdale, and will submit that as soon as possible.

Yours faithfully

Gillian Tee  
Director, Children and Families  
30 August 2013
1. I am asked to respond to the Opinion of Mr Martin Q.C. dated 23 June 2013.

Precedent

2. It may be helpful to begin by pointing out that the City of Edinburgh Council (Portobello Park) Bill addresses a quite specific problem deriving from a gap in the current legislation: the Local Government (Scotland) Act 1973, section 75(2). As interpreted by the Inner House of the Court of Session in *Portobello Park Action Group v Edinburgh Council* 2013 SLT 1137 that provision enables a Council to seek authority from the court for the disposal of common good land that may be inalienable but not for its appropriation. The term ‘disposal’ covers sale or lease of land. So a Council wishing to sell or lease inalienable common good land to a third party for any purpose can make an application to the court for authority to proceed with the transaction. The term ‘appropriation’ refers to the internal transfer of land from one Council function to another without altering either ownership or possession of the land. It may be thought that, of the two, ‘appropriation’ causes less invasion of public rights because the land remains under the ownership of the Council and in its possession but the ruling of the Court in the *Portobello* case is that no application can be made to the court under section 75(2) for authority to make that more limited transfer.

3. There is reason to believe that this gap in the legislation was not intended. Section 75 of the 1973 Act was not new. It can be traced back to section 171 of the Local Government (S) Act 1947. Like the current section 75, the original section 171 concentrated on ‘disposal’ but the textbook *Hutton on The Local Government (Scotland) Act 1947* (published in 1949), contained this statement at page 271:

   “If the Secretary of State, under sub-sec. (2), and the court under sub-sec. (3), can authorize the council to ‘sell or feu’ the lands to which those sub-sections
respectively refer, they can presumably also authorize the town council to appropriate or let or excamb such lands.” (emphasis added)

4. To reinforce the conclusion that the gap was unintended one need only reflect on what might have happened had the possible use of Portobello Park for educational purposes arisen in the two decades from 1975 to 1996 when (a) the ownership of the land as a recreational asset vested in the District Council and (b) education was a function of Lothian Regional Council. The possible use of the land for educational purposes would have involved a transfer of ownership or possession by sale or lease from the District Council to the Regional Council, which would have been a ‘disposal’ for the purposes of section 75(2) of the 1973 Act. Accordingly, at that time an application to the court could have been made to authorise the transaction. That can no longer be done because we now have unitary local authorities and the change of use from recreation to education is now merely an ‘appropriation’ and not a ‘disposal’. It may be thought odd that a means existed to sanction the very same scheme at a time when local government functions were divided between two Authorities but no means exists now that the functions vest in a single Authority.

5. Be that as it may, there is a gap in the 1973 Act and this proposal falls into it. The Council has accordingly taken the matter to the Scottish Parliament for authority to be granted under the Bill.

Parallels with section 75(2)

6. Two parallels can be drawn between the Parliamentary process applicable to the Bill and the court procedure under section 75(2).

7. Firstly, applications to the court under section 75(2) of the 1973 Act are not a mere formality. The court (Sheriff Court or Court of Session) can and does hear objections and requires to be satisfied that there is a sufficient justification for setting aside or qualifying the public’s right in the common good land in order to permit whatever ‘disposal’ is being proposed. Because section 75(2) does not apply to an ‘appropriation’ the Council cannot make an application to the court but in presenting this Bill to the Scottish Parliament the Council is subjecting its proposal to the same degree of scrutiny, in this instance by elected Members of
the Scottish Parliament, as it would have received from a judge had the matter gone to court. The Council’s task is essentially the same: to persuade the elected Members of the Scottish Parliament that it has sufficient justification for its proposal. Objectors have the same right to be heard and not only is the Scottish Parliament addressing objections in fact that is the very context in which Mr Martin’s Opinion now requires consideration.

8. Secondly, section 75(2) permits the court to impose such conditions, if any, as it sees fit. If, for example, a Council wanted to lease land temporarily for a specific purpose it would be possible for the court to impose a condition that when that purpose has been served the land be restored to its original common good use. The parallel with Parliamentary procedure is that if, as is the case here, the Council wants authority for a limited purpose (i.e. to build a new school), the Scottish Parliament could grant legislative authority subject to a condition restricting that authority to that specific purpose. In court proceedings the condition would appear in the terms of the court order (i.e. the interlocutor). In Parliamentary procedure the condition has to be appear in the Act.

Mr Martin’s Opinion

9. It is essentially that second point that goes to the heart of Mr Martin’s Opinion.

10. The Council intends a quite specific use of the land as the home of a new Portobello High School and in paragraph 15 of the Promoter’s Memorandum it is explicitly stated that the Council intends that there be no other qualification to the common good status of the land. The Council seeks authority only to ‘appropriate’ the relevant part of the land (the part that is within the definition of ‘Portobello Park’ in section 3(1) of the Bill) for an educational purpose and intends that otherwise all of the land shall remain subject to the existing restrictions on its ‘alienation’ (a generic term that covers both ‘disposal’ and ‘appropriation’) as common good land.

11. In paragraph 6 of his Opinion Mr Martin accepts that section 1 of the Bill respects the principle that the interference in public rights which the Bill is proposing is the least necessary for the purpose being served. Thus far he and the Council are at one and there is no possible criticism of the Bill.
12. The issue that Mr Martin raises is whether the Bill achieves the intended result of restricting the use of the relevant part of the land to the specific educational purpose that it seeks to promote. He questions whether, by releasing the relevant part of the land for that specific purpose, the Bill may have the unintended consequence that the relevant part of the land is available to the Council for use for any purpose whatsoever under section 73(1) of the 1973 Act or, for that matter, for sale for any purpose whatsoever under section 74(1).

13. Section 73(1) of the 1973 Act permits land vested in a Council for the purposes of one function (for example, recreation) to be appropriated to another function (e.g. education). Section 74(1), on the other hand, empowers Councils to dispose of (or sell) any land held by it.

14. The Inner House held in Portobello Park Action Group v Edinburgh Council that the general powers of appropriation in section 73(1) and sale or disposal in section 74(1) do not apply to inalienable common good land, so the risk that Mr Martin contemplates would arise only if the Bill entirely frees the relevant part of the land from its existing status as inalienable common good land.

15. As I have already said, if it had been possible to raise this matter in court under section 75(2) of the 1973 Act, the court could have removed that risk by a condition or conditions restricting the authorised use to the specific proposal in hand and providing that the land otherwise be used for its original common good purpose only. The Scottish Parliament can itself do what the court could have done and impose a condition to the same effect in the Act. That is the objective of section 1(2) of the Bill.

16. The issue is whether section 1(2) of the Bill achieves that objective. That is a question of interpretation.

17. There are well established principles of interpretation. I begin with a recent statement by Lord Reed in the Supreme Court case of M v Scottish Ministers 2013 SLT 57 at paragraph 42:
“It has long been a basic principle of administrative law that a discretionary power must not be used to frustrate the object of the Act which conferred it: see for example Padfield v Minister of Agriculture, Fisheries and Food.”

That statement was made in the context of a case concerned with Mental Health legislation but is of general scope. Where legislation confers a power on a public authority (in our case a power on the Council to use the relevant part of the land for educational purposes), the power must be construed in accordance with the object of the Act. In this case the object of the Bill is solely to allow the land to be used for a school. That being so, section 1 of the Bill would be construed consistently with that object and as providing that the Council can only use the land for the specific purpose authorised by the Bill and for no other purpose. In other words the land does not slip in to sections 73(1) and 74(1) and thereby confer on the Council an unrestricted power of ‘alienation’ (by ‘disposal’ or ‘appropriation’). The means by which section 1(2) blocks the route to sections 73(1) and 74(1) is by providing that the inalienable status of the land is altered “only to the extent that the alienation in question consists of the appropriation of Portobello Park for the purposes of the Council’s functions as an education authority, including for the avoidance of doubt the Council’s powers under section 17 of the 1980 Act”. The words that I have underlined are clearly words of express qualification and mean that the inalienable status of the land is lifted “only to the extent of” permitting an educational use. That specific use apart, the inalienable status of the land remains and sections 73(1) and 74(1) do not apply.

18. Coming closer to home I would refer to paragraph 30 of Lady Paton’s Opinion in Portobello Park Action Group v Edinburgh Council, when she was considering the interpretation of sections 73-75 of the 1973 Act:

“Properly construed, do the relevant provisions of the 1973 Act have that result? In our opinion that question falls to be answered in the negative. By way of background, as acknowledged by the Lord Ordinary (Lord Maxwell) in East Lothian District Council v National Coal Board, the relevant statutory provisions must be construed with due regard to the pre-existing fiduciary obligations of a local authority with respect to common good land, and the corresponding rights of the local community to prevent encroachment. A relevant general presumption in that connection is that a statute does not
interfere with public or private rights without compensation, and where deprivation of common law rights is in issue a strict construction of statutory provisions will ordinarily be appropriate. Along similar lines, parliamentary legislation is presumed not to alter the pre-existing common law unless that is the subject of clear provision. In our judgment there is no obvious reason why general considerations of that sort should not equally apply to the rights of members of the community in common good land which a local authority hold for their benefit. At the very least one would expect to find some express provision to divest local inhabitants of long established and valuable rights.” (underlining added)

19. Each of the three formulations of general principle could be applied to the Bill but I find the third most directly applicable to the potential risk that Mr Martin identifies. Accepting that “parliamentary legislation is presumed not to alter the pre-existing common law unless that is the subject of clear provision”, I would observe that section 1(2) is the exact antithesis of a provision that clearly alters the pre-existing common law status of the relevant part of the land as inalienable common good land. On the contrary, section 1(2) says in terms that it confers a power of alienation “only to the extent that the alienation in question consists of the appropriation of Portobello Park for the purposes of the Council’s functions as an education authority, including for the avoidance of doubt the Council’s powers under section 17 of the 1980 Act”. Properly construed section 1 of the Bill provides that the land retains its common law status as inalienable common good land save for the limited exception of ‘appropriation’ to educational purposes.

20. For these reasons my opinion is that section 1 would be construed in a limited manner as authorising only the appropriation of the relevant part of the land for the purposes of locating the new Portobello High School. It would not be construed as opening the way, whether through sections 73(1) and 74(1) or otherwise, to any other use of the land inconsistent with its common law status as inalienable common good land. Section 1 provides that, subject only to the limited exception that the relevant part of the land may be used for the new school, the land will remain subject to the common law restrictions on inalienable common good land.
Final observation

21. Given (a) Mr Martin’s opinion, with which I agree, that section 1 of the Bill respects the principle that the interference in public rights which the Bill is proposing is the least necessary for the purpose being served and (b) the unequivocal statement in the Promoter’s Memorandum that the Council intends a strictly limited exception to the status of the land as inalienable common good land, it may be concluded that we are here concerned with a technical drafting question and not a fundamental objection in principle to the Bill.

22. The first question is whether the Bill, as presently drafted, achieves the objective of providing only a limited authority to use the relevant part of the land for educational purposes while leaving the land (both the relevant part and the remainder which is beyond the definition of ‘Portobello Park’ in the Bill) otherwise subject to the law relating to inalienable common good land. My opinion is that it does for the reasons that I have given. It is for the Council, and ultimately the Scottish Parliament, to be satisfied that my opinion is correct.

23. However, if there be any doubt about the matter then that need not be fatal to the Bill. If there be any doubt whether, as presently drafted, the Bill achieves the intended result of a strictly limited authority that does not open the way to a wider power of ‘alienation’ under section 73(1) or 74(1) of the 1973 Act, the Bill could be amended to put the limitation beyond dispute.

THE OPINION OF

26 August 2013

Gerry Moynihan Q.C.
The City of Edinburgh Council proposes to take a Private Bill to the Scottish Parliament in early 2013 to address the legal issue that currently stops us using Portobello Park as the site for the new Portobello High School.

We are consulting with people in the local community and the rest of the city to find out whether or not they support this action that, if successful, would allow us to use the park as the location for the new high school. This leaflet explains why we propose to do this, what a Private Bill is, where you can find out more and how you can tell us what you think.
Why is a Private Bill required?
Portobello High School is the Edinburgh school in most urgent need of replacement. After consulting on potential sites in 2006, the Council agreed that the site in Portobello Park would be the best location for the new high school. Full funding is in place and detailed planning permission was granted in early 2011. A local community group challenged the Council’s right to use the land for a school. This is because the park is ‘Common Good Land’ which means that there are legal controls over what the Council can do with the land.

The Court’s decision was that the Council may be able to sell the Portobello park land (with court permission) but, as the law currently stands, we have no power to use the land for a different purpose ourselves – no matter what the merits of an alternative use would be.

We therefore propose to take a Private Bill to the Scottish Parliament that would address the current legal issue and allow the use of Portobello Park as the site for a new Portobello High School. As we already have planning permission to progress the high school in the park, the Private Bill would simply remove the legal obstacle to using that location as planned.

Does this affect other parks or open spaces?
No, absolutely not. This Private Bill would apply only to this site in Portobello Park.

It would not change the status of any other Common Good land, either in Edinburgh or the rest of Scotland.

What is a Private Bill?
A Private Bill is legislation that is introduced to the Scottish Parliament by a ‘promoter’, rather than by an MSP or Committee of the Scottish Parliament. The promoter can be an individual, company, local authority or other body. In this case the Council would be the promoter. We would be asking the Parliament to allow the use of Portobello Park as the site for a new Portobello High School.

If the Council decides to go ahead with the Bill, those who object to it (in general, or to specific provisions) will have an opportunity to submit objections to the Scottish Parliament after the Bill is lodged. People whose property may be affected by the changes the Bill would make would receive a letter in advance of it being lodged. That letter would explain how the Bill process works, and how to object to a Bill. The Council would also place advertisements in the local media.

What are the plans for the new school?
We already have planning permission for detailed designs for a new high school in Portobello Park – a new school that we see as being at the heart of the community. The planned building would sit well in its surroundings and offer high quality, state of the art facilities for 1,400 pupils (this is the same capacity as the current high school). It would sit beside two full size all weather pitches that could be used all year for a variety of sports, not just by the school but also enjoyed by the community outside normal school hours. There would be no cost for local groups to book the all weather pitches when the school was not using them.

How much space would the school actually take up?
Much has been said about the area which would be lost if the park was used as the site for the new school so it is important to be clear on the facts:

- The total area of Portobello Park, not including any of the Golf Course, is approximately 6.4 hectares.
- The school building, playground and car park would be located towards the Park
Avenue side of the park, covering about two fifths of this land (roughly 2.6 hectares). We would create a new area of open space at the site of the existing combined high school and primary school to compensate almost entirely for the loss of this space.

- The two new all weather pitches would simply be replacing the park’s existing grass football pitches. They would use about a quarter of the overall area (roughly 1.6 hectares) and their lighting would make them significantly more versatile than the grass pitches as they could be available in the evenings and weekends all year round.
- About a quarter of the parkland (roughly 1.6 hectares) would remain as woodland, public pathways or cycle paths. Most of the mature trees in the park would stay and planting in many of the areas, such as between the park and golf course or along the park edges, would either remain unchanged or be improved.
- The old sports pavilion that sits next to Hope Lane would be removed to open up an area of land slightly smaller than a full size football pitch (roughly 0.6 hectares) between Hope Lane and Milton Road. This would be landscaped to create a pleasant public space for play and recreation with better paths and entrances to it so that it could be more easily accessed and used.

What about the people who use the park now?
A survey was carried out in summer 2009 which showed that the main use of the park
was for dog walking and there was very little wider recreational use. We believe our plans would not only meet the needs of people who already use the park but would actually have a very positive affect in terms of community enjoyment of the area. We believe many more people would come to the park for leisure and recreation to use greatly improved facilities which would be available in all weathers and all year round.

**You would reduce green space in the area – do you have any plans to replace it?**

Yes. We recognise that our plans would result in some loss of open space at Portobello Park. However we believe that the measures we are putting forward would compensate for this and improve access to local open spaces for many people.

If the Council is able to use the park for the school site we would:

- create an entirely new area of open space of roughly 2.2 hectares at the existing combined site of Portobello High School and St John’s RC Primary School.
- give St John’s RC Primary School additional space that it very much needs (increasing the area the school occupies from 0.6 hectares to 1.3 hectares).
- improve entrances to the park and create better paths to give everyone better access and especially people with pushchairs, disabilities and mobility issues.
- improve public paths down the edges of the golf course and introduce a cycle path along the eastern edge to fill a missing link in the Sustrans Cycle network across Edinburgh.
- keep mature boundary trees wherever possible around the park to help preserve the look and feel of the park for its neighbours.
- create a pleasant, good sized grass area between Hope Lane and Milton Road for recreation and play.
- provide two all weather pitches to replace the park’s current grass pitch area.
- ensure that there would be no charges for people who live in the Portobello area who wanted to book and use the pitches when the school was not using them.
- invest £150,000 in improving outdoor play facilities in Magdalene Glen.

**The proposed new open space**

If the Council does decide to go ahead with a Private Bill, and it was passed so as to allow Portobello Park to be used as the site for the new Portobello High School, a new area of open space would be created at the existing combined high school and primary school site. We can do this under the powers the Council already has so this would not actually be part of the Private Bill. However it is an important part of the proposals to use Portobello Park as the site for the new Portobello High School and we want to know what people think the
best use of this new open space would be.

Part of the combined existing Portobello High School and St John's RC Primary School site would be kept to allow us to deliver a new St John's on a larger site of roughly 1.3 hectares providing additional space which it very much needs.

This would leave a large part of the existing combined site, roughly the size of three full-size football pitches (2.2 hectares), where new open space could be created if the high school moved to Portobello Park. This would be only slightly smaller than the open space lost at the park. Where on the site this new open space was created would depend on where the new St John's RC Primary School was located.

£1million has been set aside in the project budget to develop this new open space if Portobello Park could be used as the site for the new Portobello High School and the old high school demolished. It is only a short distance from Portobello Park and there would be plenty of scope for a variety of uses.

Since this would be your open space, we are keen to hear your views on what use you would like and what facilities you would like to see in it.

Are there other options for the new school?

We have looked again at all the options in, and around, the high school's catchment area. The results of this review show that there is simply no other site in a good location with space to provide the same level of facilities and easy access as the site at Portobello Park. This would allow us to provide the best school with all of the required facilities. It would also be considerably cheaper and quicker to deliver a new school on the park than to start new design and planning processes for a different option.

If it were not possible to use Portobello Park two potential back-up options have been identified which are the former Scottish Power site at Baileyfield (assuming the Council was able to buy it) and a phased rebuild on the existing school site. Compared with the proposal to locate the school at the park, both options would be a significant compromise and take far longer to deliver. We estimate that the costs to complete the new high school on the park would be between £5.8 million and £6.9 million cheaper than the back-up options, money which could be better spent on much needed school building projects including a new St John's RC Primary School and a new St Crispin’s Special School.
For more information about the back-up options and how they compare, please read the report to the City of Edinburgh Council meeting of 22 November 2012. Copies can be found in Piershill and Portobello Libraries or downloaded from the Council’s website at www.edinburgh.gov.uk/newportobello.

**The best option for who?**

We appreciate that this is not just about the school because changing the use of Portobello Park would affect the whole community – people of all ages, with or without children. The new facilities would be there for everyone, not just staff and students. With comfortable and modern facilities we would expect there to be opportunities for adult education classes, for drama and music groups and there would be halls that community groups can use.

Everyone has a view on whether the school should be located on Portobello Park or not. To seek a Private Bill is a major step and we want to give everyone a chance to tell us whether they think it is the best option for the whole community.

**Where can I find out more?**

A road-show will be taking place in local venues across the city including libraries, community centres, schools and leisure facilities. Please look out for more information locally and on the Council’s website at www.edinburgh.gov.uk/newportobello.

In addition we will hold two public meetings which will give you an opportunity to hear more about our proposals and also hopefully from local groups both in favour of, and opposed to, our plans. The details for these are as follows:

- **9 January**, Portobello Town Hall, 7pm to 9pm
- **17 January**, Meadowbank Sports Centre, 7pm to 9pm

We hope the events we have planned can help you come to an informed decision and further information is also available on the Council’s website at www.edinburgh.gov.uk/newportobello.

There are a number of ways you can let us know your views on our proposals. There is a short survey which you can complete that can be found on our website www.edinburgh.gov.uk/newportobello or you can fill in a short questionnaire that will be available at the road shows and in Piershill and Portobello Libraries. If you would prefer to put your comments in writing this can be done either by email to NewSchoolBuildings@edinburgh.gov.uk or in writing to: Portobello Park Private Bill, 1/2 Waverley Court, The City of Edinburgh Council, 4 East Market Street, Edinburgh EH8 8BG.

If you are providing written comments please include your name, address and postcode. We are asking for this personal information in order to confirm which survey responses have come from the local community or elsewhere in the city, and ensure that only one response per individual is recorded. Please note that this is for internal use only and no personal details will be published.

The consultation period runs until 5.00pm on Thursday, 31 January 2013 and to be considered your response has to reach us by then.

The results of the consultation will be reported to the Council in March 2013. If the Bill proceeds we anticipate a decision by the Scottish Parliament by February 2014.

You can get this document on tape, in Braille, large print and various computer formats if you ask us. Please contact the Interpretation and Translation Service (ITS) on 0131 242 8181 and quote reference number 12-0809. ITS can also give information on community language translations.

You can get more copies of this document by calling 0131 469 3161.
Portobello School Private Bill – Public Opinion Survey

The City of Edinburgh Council is consulting on a proposal to take a Private Bill to the Scottish Parliament in early 2013 to seek authority to use Portobello Park as the location for a new Portobello High School.

As we already have planning permission to progress the new high school in the park, the Private Bill would simply remove the legal issue that currently stops us from locating the school there. If the Council is able to use the park as the site for the new Portobello High School we would also:

- create an entirely new area of open space of roughly 2.2 hectares at the existing combined site of Portobello High School and St John’s RC Primary School.
- give St John’s RC Primary School the additional space it very much needs (increasing the area the school occupies from 0.6 hectares to 1.3 hectares).
- improve entrances to the park and create better paths to give everyone better access and especially people with pushchairs, disabilities and mobility issues.
- improve public paths down the edges of the golf course and introduce a cycle path along the eastern boundary.
- keep mature boundary trees wherever possible around the park to help preserve its look and feel.
- create a pleasant, good-sized grass area slightly smaller than a full-size football pitch between Hope Lane and Milton Road for recreation and play.
- provide two all weather pitches to replace the park’s current grass pitch area and ensure there would be no charges for people who live in the Portobello area who wanted to book and use them when the school was not using them.
- invest £150,000 in improving outdoor play facilities in Magdalene Glen.

More information on our proposals can be found on our website www.edinburgh.gov.uk/newportobelloschool or, alternatively, in the information leaflet which we have produced – if you would like a copy of this to be sent to you please call 0131 469 3161.

This brief questionnaire is one way you can tell us if you support our plans and asks you to answer just a few questions.

QUESTIONS:

Q1 Do you support the Council’s proposals to change the use of Portobello Park from a public park to being the location for a new Portobello High School?

- [ ] Yes, I support the Council’s proposals
- [ ] No, I do not support the Council’s proposals
Q2. Do you have any reasons for your view that you would wish us to consider?

Q3. If the Council does decide to go ahead with a Private Bill, and that Bill is passed so as to allow Portobello Park to be used as the site for the new Portobello High School, a new area of open space would be created at the existing combined site of Portobello High School and St John’s RC Primary School. We can do this under the powers the Council already has so this would not actually be part of the Private Bill. However it is an important part of the proposals to use Portobello Park as the site for the new Portobello High School and we want to know what people think the best use of this new space would be. What would you like to see in that new area of open space, which would be roughly the size of three full-size football pitches, if it was created?

Please provide the following information. We are asking for this personal information in order to confirm which survey responses have come from the local community or elsewhere in the city, and ensure that only one response per individual is recorded. Please note that this is for internal use only and no personal details will be published.

Name ..............................................................................................................................................

Address ...........................................................................................................................................

Postcode ..........................................................................

Please return this questionnaire either to the mailbox at the road-show, at Portobello or Piershill Libraries, or by post to Portobello School Private Bill, 1/2 Waverley Court, The City of Edinburgh Council, 4 East Market Street, Edinburgh EH8 8BG. You can also complete this questionnaire online at www.edinburgh.gov.uk/newportobellosschool. If you would prefer to put your comments in writing this can be done either by email to NewSchoolBuildings@edinburgh.gov.uk or in writing to the address shown above.

The consultation period runs until 5.00pm on Thursday, 31 January 2013 and to be considered your response has to reach us by then. The results of the consultation process will be reported to the Council in March 2013 for a decision on whether the Private Bill should be taken forward.
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<td></td>
</tr>
<tr>
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</tr>
</tbody>
</table>
1.0 INTRODUCTION

1.1 The Study

City of Edinburgh Council (CEC) is seeking through its Wave 3 programme to deliver the City’s education objectives. A site at Portobello Park has been identified for the possible development of a replacement Portobello High School (1400 pupils), following a detailed review of alternative sites and locations.

CEC have advised of the need to complete an open space assessment of the park to assess its value and level of usage in advance of any final decision to approve the re-development of this open space site.

Loss of open space is a sensitive local and community issue and a material issue in terms of Development Plan policy. The assessment needs to address and meet CEC requirements and be robust to allow transparency in terms of future dialogue with local community groups. The outcome of the assessment is an important component of the planning application submission.

1.2 The Site

Portobello Park is located to the south of Portobello town centre, beyond Sir Harry Lauder Road (A199) and a railway line and sidings. The site is surrounded on three sides by residential area and bounded by Milton Road, Park Avenue and Hope Lane. Stanley Road provides access to the golf club house and is used for car parking for the golf course users. The park was acquired by the City in 1898, although golf was played there before this date. It was ploughed up for agricultural use in 1940 to support the war effort, and only re-laid for golf and football in 1953.

Portobello Park comprises of two distinct areas:

- Sports pitches to the south of the site
- 9 hole golf course to the north of the site

The application site consists of the area of sports pitches to the south of the site, including an area of woodland called the Millennium Planting, which separates the playing fields from the golf course. This assessment covers the sports pitch area.

1.3 Portobello High School Proposal

The Portobello High School proposal involves the relocation of the High School to Portobello Park. The current draft proposals include school buildings located to the west of the site, with car parking, and sports pitches to the east of the site. The south, east and western park boundary trees will be retained where possible. The Millennium planting will form the northern boundary of the school grounds. Access to the school is likely to be from Milton Road, with additional service access from Park Avenue and Milton Road.
1.4 Study Aims

Ironside Farrar were appointed to undertake a park usage and open space value assessment for Portobello Park. This assessment has been undertaken by a number of targeted site visits to assess current use of the park and a level of desk study to review the policy context and the findings of the draft Edinburgh Open Space Audit. The open space audit has been undertaken in accordance with guidance set out in greenspace scotland’s guidance “Greenspace Quality: A Guide to Assessment, Planning and Strategic Development” and PAN 65: Planning and Open Space.

The aims of the quality assessment were:

- To survey the park and assess the current usage / user groups
- Undertake an open space audit of the park
- Assess the value of the park in terms of potential open space alternatives and levels of provision in the wider Portobello area

The open space assessment has included the golf course and woodland strips around the park to ensure that the proposals are considered in the context of the wider site and adjacent open space uses.
2.0 PLANNING CONTEXT

2.1 Edinburgh Draft Open Space Strategy

A city-wide open space strategy is being prepared for Edinburgh, which includes Portobello Park. The Strategy aims to ensure that a coordinated approach is taken to protecting and developing the city’s network of open space. It will set the standards that the Council will be expected to meet. Survey work has been undertaken during the summer of 2009 and the finalised audit was presented to the Planning Committee in December 2009.

2.2 Edinburgh Open Space Audit

The first stage of the Open Space Strategy was the completion of an Open Space Audit of the sites included in the study, which was undertaken by the Macaulay Institute. The consultation on the draft open space audit has been completed and the finalised audit report was presented to Planning in December 2009.

The audit was an essential step in preparing an open space strategy for the Council area. It provided basic information about the amount and quality of different types of open space. It established appropriate standards for quantity, quality and accessibility of open space, and identified where these standards are being met or exceeded and where they are not. The draft audit was the subject of public consultation between May and July 2009.

Portobello/ Craigmillar Neighbourhood Partnership

Initial information on the Portobello/ Craigmillar neighbourhood partnership area is summarised as follows:

- There are 210.48 hectares of significant open space, of which 168.64 hectares are accessible.
- There are 6.94 hectares of accessible open space per 1,000 people (based on a population of 24,288 as estimated in 2008 by the General Register Office for Scotland)
- 95% of houses and flats are within 400 metres walking distance of some type of significant accessible open space.

In terms of **quantity** of open space in the Portobello/ Craigmillar neighbourhood partnership area, the area is well provided for as there is 6.94 hectares of accessible open space per 1,000 people. There is not currently an open space quantity standard for Edinburgh. However, the average quantity of open space across the council area is 4.15 hectares per 1,000 people.

In terms of **accessibility** of open space the area is well provided for as 95% of houses and flats are within 400 metres walking distance of accessible open space. This is one of the highest percentages for all neighbourhood partnerships, and is
partly due to the inclusion of Portobello Promenade as civic space. The average across the council area is 88%.

The *quality* of open space in the area has been assessed and 67% of public parks and gardens met the city-wide quality standard of ‘good’.

Figure 1 illustrates the findings of the Edinburgh Open Space Audit in terms of the types, distribution and scoring of the areas of significant open space in the Portobello area.

**Portobello Park**

Each open space has been assigned a type by City of Edinburgh Council, according to the PAN 65 typology. Portobello Park has been split into two parts, for the purposed of the Open Space Audit, the playing fields to the south and the golf course to the north.

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports (including playing fields, golf courses, tennis courts and bowling greens) and which are generally bookable.&quot;</td>
<td></td>
</tr>
</tbody>
</table>

Both areas are owned by City of Edinburgh Council. The following information has been gathered through the audit:

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Name</th>
<th>Accessible</th>
<th>Playing field Quality (A-D)</th>
<th>Quality score</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>GC3</td>
<td>Portobello Park Golf Course</td>
<td>No</td>
<td>-</td>
<td>-</td>
<td>14.11ha</td>
</tr>
<tr>
<td>PF2</td>
<td>Portobello Park</td>
<td>Yes</td>
<td>C</td>
<td>39%</td>
<td>6.10ha</td>
</tr>
</tbody>
</table>

Note: The 2005 Pitch Strategy graded pitches from A – D (A being the highest).

Most golf courses were recorded as ‘not accessible’ since there is not a tradition of public access across the course. Most Council owned playing fields accommodate informal public access around the periphery of the playing pitches and there are often community woodlands around the edge.

In the sports pitch assessment, Portobello Park was given a C score (A to D, with A being good condition). This score was assigned due to the fact that the pitch was not formally constructed, there is no pitch drainage (sand slitting), the levels are poor and the pitch has a lower maintenance specification.

The assessment of quality of the playing fields was derived from a Green Flag Park Quality Assessment methodology, undertaken in 2009. The site was assessed according to the following 8 indicators:
Figure 1
Open Space Provision

Legend
- Play Areas (poor / fair / good quality)
- Playing Fields (not assessed)
- Bowling Greens (not assessed)
- Parks (% quality score)
- Golf Course

PORTOBELLO PARK USAGE AUDIT

Ironside Farrar

JULY 2009
The general comments of the 2009 assessment of the playing fields area included the following:

**Strengths**
- Located on a bus route
- Car parking at pavilion
- 2 new benches
- Overlooked by road and houses
- Use by dog walkers
- Trees tagged
- New planting to north

**Weaknesses**
- Located on a busy road
- No tar/paved entrance
- Signage old and dated
- No path network
- Problem with graffiti
- 2 benches require removal
- Tree planting requires thinning
- No play facility
- Poorly maintained park
- Litter
- Grass under trees too long
- Pavilion landscaping untidy
- Dead trees and branches

This assessment appears to accord with the open space audit undertaken as part of this study, the results of which are set out later in this report.

**Portobello Open Space Network**

Part of the audit involved a review of the open space network in Portobello. This involved brief site visits to take a photo of each of the parks and playing fields listed in the table below.

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Name</th>
<th>Accessible</th>
<th>Park classification</th>
<th>Quality score</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>PG15</td>
<td>Figgate Park East</td>
<td>Yes</td>
<td>Community Park</td>
<td>49%</td>
<td>10.97ha</td>
</tr>
<tr>
<td>PG16</td>
<td>Rosefield Park</td>
<td>Yes</td>
<td>Community Park</td>
<td>56%</td>
<td>1.34ha</td>
</tr>
<tr>
<td>PG17</td>
<td>Brighton Park</td>
<td>Yes</td>
<td>Community Park</td>
<td>52%</td>
<td>0.86ha</td>
</tr>
<tr>
<td>PG18</td>
<td>Abercorn Park</td>
<td>Yes</td>
<td>Community Park</td>
<td>57%</td>
<td>0.79ha</td>
</tr>
<tr>
<td>PG19</td>
<td>Bingham Park</td>
<td>Yes</td>
<td>Community Park</td>
<td>45%</td>
<td>3.88ha</td>
</tr>
<tr>
<td>PF3</td>
<td>Joppa Quarry</td>
<td>Yes</td>
<td>-</td>
<td>46%</td>
<td>2.42ha</td>
</tr>
<tr>
<td>PF4</td>
<td>The Pitz Portobello</td>
<td>No</td>
<td>-</td>
<td>-</td>
<td>1.04ha</td>
</tr>
</tbody>
</table>

The average quality score of the parks in the wider Portobello area is 53%. Portobello is very well served in terms of the quantity and distribution of parks, bowling greens,
playing fields, civic space, semi-natural greenspace and play areas. Figure 2 illustrates the location and site photos of the nearby parks and playing fields.

Nearby playing fields located in accessible greenspaces include Bingham Park (PG19) to the south west and Joppa Quarry Park (PF3) to the east. Bingham Park pitch was given a C score in terms of its quality (The 2005 Pitch Strategy graded pitches from A – D, with A being the highest). Joppa Quarry Park was not included in the 2005 Pitch Strategy assessment.

2.3 Edinburgh’s Sports Pitch Strategy

In 2005 the City of Edinburgh Council, in partnership with sportscotland prepared a report called “Quality Pitches for All: Edinburgh’s Sports Pitch Strategy”. The first phase of the study involved a detailed review of current provision, consultation with pitch users and the framing of the main strategic vision and goals for the strategy. The second phase was the development of the proposed actions to respond to the strategic challenges identified.

Five strategic goals were identified, including:

- Provide a network of quality sports pitches throughout the city appropriate to the present and future needs of pitch sports and the communities of Edinburgh
- To have an agreed investment plan for the development of the network of pitches and ancillary facilities
- Develop an integrated approach to the management, booking and maintenance of public pitches in Edinburgh
- Have an agreed planning policy framework
- Establish a partnership approach between providers and users to monitor the implementation of the strategy and ensure that effective links are maintained with all relevant CEC policies, strategies and plans
3.0 PORTOBELLO PARK VALUE ASSESSMENT

3.1 Open Space Value Methodology

The aim of this open space value assessment is to assess the quality and value of existing open space. This assessment has been undertaken in compliance with the policy set out in SPP11: Open Space and Physical Activity and the advice set out in PAN 65: Planning and Open Space. In 2008, greenspace scotland prepared guidance on how to undertake open space quality assessments, called “Greenspace Quality: A Guide to Assessment, Planning and Strategic Development”. The methodology for the open space value assessment of Portobello Park is based on the methodology set out in this guidance.

This audit examines both the park area, golf course and surrounding woodland.

3.2 Site Description

Portobello Park and Golf course is located to the south of Portobello town centre, beyond Sir Harry Lauder Road (A199) and the main line railway line and sidings. The site is surrounded on three sides by residential area and bounded by Milton Road, Park Avenue and Hope Lane. Stanley Road provides access to the golf club house and is used for parking cars.

The site gently slopes down to the north and the golf course is gently undulating, creating a more interesting land form for the golf course. There are clumps of mature trees throughout the golf course. The western (Portobello Golf Course Community Woodland) and eastern site boundaries are formed by wide strips of mature trees, scrub and long grass. The golf course is separated from the pitch area by a similar strip of woodland. The southern boundary is formed by rows of mature trees. There is a small area of amenity greenspace at the north western corner of the site, with a flower bed and railings.

The site is fenced along the western and southern boundaries, with entrances along its length. There are worn grass tracks through the woodland and around the pitches. There are extensive views to Arthur’s Seat from the eastern side of the open space. The primary walking routes are through the woodland along the western and eastern boundaries and around the pitch area.

There are a couple of benches along the southern boundary and one in the north west corner of the site. There is a golf club house to the north of the site and the football changing pavilion to the south east.

Figures 3 includes specific photographs of the site and Figure 4 provides an illustration of site survey findings.
1. View from the Golf Club House across the golf course.

2. Playing fields

3. Views from pavilion

4. Views along millennium woods

5. Entrance to community woodland

6. Track along community woodland

7. Amenity greenspace at NW corner
3.3 Site Assessment

The site assessment included a walk-over survey to identify problems, condition/provision of facilities, entrances and accessibility. The findings are as follows:

Site Facilities
There are facilities for football teams using the pitches, including a changing facility (refurbished in 2007) to the east of the pitches and with car parking. The Edinburgh Pitch Strategy established that the condition of the pitches is fairly poor, with the pitches given a C score in terms of playing field quality (A - D, with A being good condition).

Provision of facilities for other park users is limited. There are no facilities for young children, school aged children or young adults, apart from the football facilities. There are only 3 benches in the park, located along the southern boundary, beside the busy Milton Road. Other than the boundary fencing, there are no other facilities (eg. furniture, bins, dog waste bins, children's play equipment, cycle paths, surfaced paths, signage etc.) Therefore, the park offers very little reason/opportunity for visitors, other than footballers and dog walkers to use the park. This will have a bearing on the overall visitor numbers.

There is an area of dense woodland separating the football pitch area from the golf course, giving the site an untidy appearance which might be due to lack of maintenance. The dense vegetation and poor visibility into the open space from the adjacent roads (Park Avenue and Hope Lane) raises the perception of poor security along the woodland walks as natural surveillance levels are low throughout. There is a row of mature trees along the Milton Road boundary, which give the site a mature woodland character.

The boundary railings are in poor condition and in need of repair and repainting. The entrance points along the fencing give the appearance of having had gates, making the entrances an attractive feature. A gate has been recently installed at the south western corner of the site. There is a small area of amenity greenspace at the north western corner of the site, with a flower bed and railings.

Problems
Apart from litter and evidence of anti-social behaviour, there are no significant problems with the site. The walk-over survey identified the following minor problems on the site:

- Some litter in the woodland areas and along the tracks
- Graffiti on the benches and on the services sub-station
- Some of the benches have been replaced, but two old defunct benches remain

Entrances & Accessibility
The only informal track on the park is on the western boundary and extends into the woodland boundary of the golf course. This does not appear to be a maintained track.
and is prevented from becoming overgrown by regular use. Other tracks have been formed through the woodland/scrub that separates the golf course from the park, and through the woodland along the eastern boundary. Other walkers follow the edge of the playing fields and skirt along the boundary of the golf course. There are no formal paths across the golf course, but informal rough tracks around some of the perimeter. Formal entrances exist mid way along the western boundary and at the south west and south east corners. The site is open along the northern boundary and only partly fenced along the eastern boundary.

**Landscape Quality**

The site gently slopes down to the north. The golf course is gently undulating with clumps of mature trees, providing an attractive landscape for the course. The mature boundary trees and shrubs provide an attractive, wooded setting. There are extensive views to Arthur’s Seat from the eastern side of the open space.

In contrast, the park area appears to be less well landscaped and planned. The planted area separating the golf course blocks views across the site and gives the site an untidy appearance, due to lack of maintenance and levels of litter. The other woodland strips also contribute to the site’s overall untidy appearance. The dense vegetation and poor visibility into the open space from the adjacent roads (Park Avenue and Hope Lane) raises the perception of poor security along the woodland areas as natural surveillance levels are low throughout.

There is a small area of amenity greenspace at the north western corner of the site, with a flower bed and railings

### 3.4 Open Space Quality Assessment

The quality assessment is a complex procedure. Setting quality criteria to assess the standard of an open space is made more difficult by the diversity of spaces (character, scale, function) and the difficulties involved in establishing a common set of criteria against which to evaluate quality. This problem can be addressed by recognising that quality criteria are not absolute measures but rather provide an informed, common sense approach on which a consistent judgement of the quality of a space can be determined. The following indicators are based on the recommendations included in the report prepared by Greenspace Scotland “Greenspace Quality: A Guide to Assessment, Planning and Strategic Development” (2008).

There are 5 themes and 7 or 8 indicators under each theme:

- Accessible and well connected greenspaces that provide high quality access routes to and through the site
- Attractive and appealing places that have high quality landscapes and facilities and that are well maintained
- Biodiverse greenspaces, supporting ecological networks
- Places that enable activity and support health and well being
- Community supported greenspaces, encouraging involvement, sense of identity and distinctiveness
Each site is given a score between 1 and 5 (low to high) for each of the assessment indicators, which are then sub totalled for each theme. The following table sets out the open space quality criteria that have be used for the quality audit and the scores.

<table>
<thead>
<tr>
<th>Theme 1: Accessible &amp; Connected</th>
<th>Quality Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meets DDA requirements/ Disabled Needs</td>
<td>1</td>
</tr>
<tr>
<td>Well located &amp; close to community</td>
<td>3</td>
</tr>
<tr>
<td>Provides surfaced, high quality paths</td>
<td>1</td>
</tr>
<tr>
<td>Connects to other transport nodes</td>
<td>3</td>
</tr>
<tr>
<td>Allows movement in &amp; between places</td>
<td>2</td>
</tr>
<tr>
<td>Has accessible entrances in right places</td>
<td>3</td>
</tr>
<tr>
<td>Offers connected path network and signage</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total score</strong></td>
<td><strong>14</strong></td>
</tr>
<tr>
<td><strong>Percentage</strong></td>
<td><strong>40%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theme 2: Attractive &amp; Appealing</th>
<th>Quality Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attractive with a positive image</td>
<td>3</td>
</tr>
<tr>
<td>Attractive setting for urban areas</td>
<td>4</td>
</tr>
<tr>
<td>Quality materials/equipment/furniture</td>
<td>2</td>
</tr>
<tr>
<td>Attractive planting/landscape elements</td>
<td>3</td>
</tr>
<tr>
<td>Welcoming boundaries/entrances</td>
<td>2</td>
</tr>
<tr>
<td>Facilities in clean/safe/usable condition</td>
<td>2</td>
</tr>
<tr>
<td>Low levels of litter &amp; adequate bins</td>
<td>2</td>
</tr>
<tr>
<td>Well maintained</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total score</strong></td>
<td><strong>20</strong></td>
</tr>
<tr>
<td><strong>Percentage</strong></td>
<td><strong>50%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theme 3: Biodiversity</th>
<th>Quality Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contribute positively to biodiversity</td>
<td>3</td>
</tr>
<tr>
<td>Large enough to sustain wildlife populations</td>
<td>2</td>
</tr>
<tr>
<td>Offer diversity of habitats</td>
<td>2</td>
</tr>
<tr>
<td>Part of wider landscape structure</td>
<td>3</td>
</tr>
<tr>
<td>Connects to wider habitat networks</td>
<td>4</td>
</tr>
<tr>
<td>Balance habitat protection &amp; access</td>
<td>3</td>
</tr>
<tr>
<td>Resource efficient</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total score</strong></td>
<td><strong>19</strong></td>
</tr>
<tr>
<td><strong>Percentage</strong></td>
<td><strong>54%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theme 4: Health &amp; Well Being</th>
<th>Quality Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provides a range of outdoor activities</td>
<td>2</td>
</tr>
<tr>
<td>Diverse play / sport/ recreational opportunity</td>
<td>2</td>
</tr>
<tr>
<td>Offers good places for Social Interaction</td>
<td>3</td>
</tr>
<tr>
<td>High quality facilities meeting user needs</td>
<td>2</td>
</tr>
<tr>
<td>Appropriate facilities for location/ size/use</td>
<td>2</td>
</tr>
<tr>
<td>Facilities well sited for all ages</td>
<td>2</td>
</tr>
<tr>
<td>Adaptable to changing needs / use</td>
<td>3</td>
</tr>
</tbody>
</table>
## Theme 5: Community Supported

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Score</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community involvement in management</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Safe and welcoming</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Good levels of natural surveillance</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Absence of anti-social behaviour</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Appropriate lighting levels</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Sense of local identity &amp; place</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Good routes to wider community facilities</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Contains distinctive/memorable places</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Catering for a range of functions and activities</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

**Total score** 19  
**Percentage** 42%

**Total Overall Score (%)** 46%

Note: The quality assessment has been completed for the playing field area of the park, including the pitches, woodland strips, boundaries and entrances.
4.0 PORTOBELLO PARK USAGE ASSESSMENT

4.1 Site User Assessment Methodology

No. visits to the park were undertaken over a four week period, between mid June and early July 2009. Visits to the playing field area of the park were undertaken on typical normal use days over the weekend and during the week for one hour periods at what might be considered peak times of use to count numbers of visitors, age groups and activities participated in. The time of day that the visits were conducted varied throughout and care was taken to ensure that the visits were undertaken during a range of weather conditions, to ensure that the results were not skewed by a period of particularly fine/bad weather.

The park activities and age group user counts were split between:

- Portobello Playing Fields (including the western woodland strip)
- Portobello Park Golf Course

The following tables set out the findings of the user survey:

**User Assessment Visits**

<table>
<thead>
<tr>
<th>Visit</th>
<th>Date</th>
<th>Day</th>
<th>Time</th>
<th>Duration</th>
<th>Weather</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11.06.09</td>
<td>Thursday</td>
<td>2.00 pm</td>
<td>1 hour</td>
<td>Sunny with some rainy showers</td>
</tr>
<tr>
<td>2</td>
<td>12.06.09</td>
<td>Friday</td>
<td>6.00 pm</td>
<td>1 hour</td>
<td>Sunny and warm</td>
</tr>
<tr>
<td>3</td>
<td>13.06.09</td>
<td>Saturday</td>
<td>4.30 pm</td>
<td>1 hour</td>
<td>Overcast and showery</td>
</tr>
<tr>
<td>4</td>
<td>14.06.09</td>
<td>Sunday</td>
<td>2.30 pm</td>
<td>1 hour</td>
<td>Cloudy, warm with rainy showers</td>
</tr>
<tr>
<td>5</td>
<td>15.06.09</td>
<td>Monday</td>
<td>12.00 noon</td>
<td>1 hour</td>
<td>Mixture of sunny, cloudy and warm</td>
</tr>
<tr>
<td>6</td>
<td>16.06.09</td>
<td>Tuesday</td>
<td>3.00 pm</td>
<td>1 hour</td>
<td>Cloudy, heavy rain showers</td>
</tr>
<tr>
<td>7</td>
<td>03.07.09</td>
<td>Friday</td>
<td>9.30 am</td>
<td>1 hour</td>
<td>Bright, sunny and warm</td>
</tr>
<tr>
<td>8</td>
<td>04.07.09</td>
<td>Saturday</td>
<td>11.30 am</td>
<td>1 hour</td>
<td>Bright, sunny, some clouds and warm temperatures</td>
</tr>
<tr>
<td>9</td>
<td>05.07.09</td>
<td>Sunday</td>
<td>10.30 am</td>
<td>1 hour</td>
<td>Periods of heavy and light rain</td>
</tr>
<tr>
<td>10</td>
<td>05.07.09</td>
<td>Sunday</td>
<td>4.00 pm</td>
<td>1 hour</td>
<td>Sunny and warm</td>
</tr>
</tbody>
</table>
The site visits were numbered 1 to 10, and each visit is referenced in each table according to its number.

Activities Participated in – Portobello Playing Fields (including the western woodland strip)

<table>
<thead>
<tr>
<th>Visit</th>
<th>No. of visitors</th>
<th>Dog walking</th>
<th>Walking</th>
<th>Cycling</th>
<th>Picnic</th>
<th>Informal play</th>
<th>Ball games</th>
<th>Formal football</th>
<th>Kick-about football</th>
<th>Sitting/relaxing</th>
<th>Other sports</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>18</td>
<td>12</td>
<td>6</td>
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<tr>
<td>Total</td>
<td>165</td>
<td>98</td>
<td>44</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>0</td>
<td>10</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

* = runners

The visitor numbers in an hour long period was between 5 and 23, an average of 17 for the site. The primary activities were dog walking (98 out of 165 visitors were dog walkers) and walking, often using the park as a short cut from Milton Road to Hope Lane. There were a few instances of the football pitch being used for informal kick-about football and informal play. Other activities, including cycling, picnics, ball games, formal football, sitting/relaxing and other sports were rarely if ever observed.
Activities visitors involved in

Age Groups – Portobello Playing Fields (including the western woodland strip)

<table>
<thead>
<tr>
<th>Visit</th>
<th>No. of visitors</th>
<th>0-5 years</th>
<th>6-11 years</th>
<th>12-18 years</th>
<th>19-30 years</th>
<th>31-45 years</th>
<th>45-65 years</th>
<th>65+ years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>18</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>9</td>
<td>5</td>
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<td>1</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>19</td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>165</td>
<td>2</td>
<td>4</td>
<td>41</td>
<td>31</td>
<td>43</td>
<td>31</td>
<td>13</td>
</tr>
</tbody>
</table>
The following chart sets out the age groups of the visitors to the park. The 31-45 age group being the more frequent visitors, with 12-18 following second. The park is rarely visited by children under the age of 5, and only sometimes visited by children under 11 years old.

![Age Groups - Playing Fields](image)

**Summary**

<table>
<thead>
<tr>
<th>Visit</th>
<th>Use of the pitches</th>
<th>Summary of how the park is used</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No formal use</td>
<td>Majority of users are walking dogs. Dog walkers tend to use the path along the western boundary. Several people cut across the south east corner as a short cut.</td>
</tr>
<tr>
<td>2</td>
<td>No formal use</td>
<td>Lots of dog walkers, mainly walking around the southern (pitches) end of the park and along the western boundary. People cutting across the south east corner.</td>
</tr>
<tr>
<td>3</td>
<td>No formal use</td>
<td>Several dog walkers walking around the pitch area and down the community woodland and occasionally along the boundary of the golf course. Parent and child kicking football around the pitch area.</td>
</tr>
<tr>
<td>4</td>
<td>No formal use</td>
<td>Dog walkers scattered around the pitches area. Several teenagers kicking a ball around home-made goals on the pitch.</td>
</tr>
<tr>
<td>5</td>
<td>No formal use</td>
<td>Lots of dog walkers around the pitch area, as well as some couples walking. Dog walkers/ walkers through the community woodland.</td>
</tr>
<tr>
<td>6</td>
<td>No formal use</td>
<td>At the pitch area, several people dogs around the boundary. Also, several young children running about, playing amongst the trees at the edge of the pitch area. Just before 4.00 pm lots of children walked through the park on their way home from school.</td>
</tr>
<tr>
<td>7</td>
<td>No formal use</td>
<td>The only other park users were dog walkers and one man sitting on a bench. The day was warm and sunny, following a few days of very hot weather.</td>
</tr>
<tr>
<td>8</td>
<td>No formal use</td>
<td>The only other users were dog walkers and people cutting across the pitches to gain access to the adjacent residential estate.</td>
</tr>
<tr>
<td>9</td>
<td>No formal use</td>
<td>The first half of the visit was during heavy rainfall, so there were no walkers. From 11.00 am onwards some walkers/ runners arrived but generally a quiet morning.</td>
</tr>
<tr>
<td>10</td>
<td>No formal use</td>
<td>Several children/ teenagers playing golf together. Lots of dog walkers around the pitch area.</td>
</tr>
</tbody>
</table>
In summary, the main use of the park is by dog walkers, exercising their dogs along the east and western woodland areas and around the pitch area. There is occasional use of the pitch area for informal kick-about football. The visitors are mostly over 12 years in age. The benches are occasionally used for sitting and relaxing. The park is used as a short cut between Milton Road and the residential area along Hope Lane. The pitches were not being used for formal football matches during the survey visits.

4.2 Sports Pitch Use

Consultation with Edinburgh Leisure established that the Portobello Park playing fields are used during the football season for a seven week period. There are two soccer 7’s pitches and two soccer 11’s pitches on the site.

The lack of flood lighting limits the season as the nights draw in. At the time of survey the pitches were in their rest period (May to mid August). The season will begin on the 15th August and will end at the end of September, due to the darker evenings and the lack of pitch lighting.

The current bookings for the pitches during the restricted football season includes the following:

- School use on Saturday mornings
- Churches league on Sunday morning and afternoon
- Training sessions on Tuesday and Thursday evenings by football clubs

Assuming the grass pitches are being used to their maximum capacity, this will provide 3 matches per pitch per week. This relatively limited use is due to the low maintenance specification of the pitches, the lack of drainage and poor pitch construction. Other uses of the pitch area are limited to casual kick-about football and some golf practice.
4.3 Golf Course Use

The visitor numbers playing golf in an hour long period was between 7 and 26. The 45 - 65 age group being the more frequent visitors.

<table>
<thead>
<tr>
<th>No. of visitors</th>
<th>0-5 years</th>
<th>6-11 years</th>
<th>12-18 years</th>
<th>19-30 years</th>
<th>31-45 years</th>
<th>45-65 years</th>
<th>65+ years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12</td>
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<td>-</td>
<td>1</td>
<td>9</td>
<td>2</td>
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<td>157</td>
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<td>3</td>
<td>7</td>
<td>25</td>
<td>35</td>
<td>52</td>
</tr>
</tbody>
</table>
5.0 CONCLUSIONS

5.1 Open Space Value and Use of the Park

The sports pitches are used for a limited period during the summer months, through bookings made by Edinburgh Leisure to community football teams. The pitch quality is poor and lack of lighting limits the length of time that the pitches can be used during the football season.

Apart from the pitches, the site offers very little opportunity for other activities apart from walking. The primary use of the park for sport has resulted in the site comprising of wide open spaces. The park does not provide the smaller, more intimate spaces that are normally used for other activities eg. passive recreation, sitting and relaxing, picnics and informal play.

The mature boundary trees and woodland provides an attractive wooded setting to the surrounding residential areas, but is largely unmaintained and requires thinning and management. (Services for Communities have subsequently identified that a number of trees have Dutch Elm disease requiring felling). Other problems include anti-social behaviour, including littering, which contributes to the poor quality of the park.

Apart from use by footballers and dog walkers, there is limited use of the site by the local community. The quality of the entrances, path surfacing and routing is poor, which will limit the use of the site by other potential park users. Both the Edinburgh Open Space Audit and this assessment have concluded that the park usage is relatively low by the local community, due to the limited recreational opportunities, the overall quality of the landscape, pitch condition, poor maintenance condition and poor public accessibility.