

The City of Edinburgh Council

10am, Thursday, 14 March 2013

Portobello Park Private Bill

Item number	8.7
Report number	
Wards	14; 17

Links

Coalition pledges	P03
Council outcomes	C01 and C02
Single Outcome Agreement	S03

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Executive summary

Portobello Park Private Bill

Summary

At its meeting of 22 November 2012 Council noted the intention to introduce a Private Bill to the Scottish Parliament to seek to address the legal impediment which is currently preventing the new Portobello High School being built on Portobello Park and approved the commencement of the necessary consultation and all other necessary actions in connection with the same.

At its meeting of 25 October 2012 Council approved that, if the project to build a new Portobello High School on Portobello Park was ultimately to proceed, the remainder of the existing combined Portobello High School and St John's RC Primary School site (after making provision for increasing the site allocated for St John's RC Primary School from 0.67 hectares to 1.3 hectares) would be converted to open space. Council was advised that the consultation exercise would also seek views from the community regarding the most appropriate use of this new open space.

The purpose of this report is to advise the outcome of the consultation process undertaken and to seek approval for the proposed next steps; an update is also provided regarding the bid for the former Scottish Power site at Baileyfield as a fall-back site option.

Recommendations

It is recommended that Council:

- notes the contents of this report;
- formally resolves to promote legislation by way of a Private Bill to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council's education authority functions. Section 82(2)(a) of the Local Government (Scotland) Act 1973 requires that the resolution is passed by a majority of all members of the Council;
- delegates authority to the Director of Children and Families to take all steps necessary to complete the process of promoting the Private Bill including the drafting and finalising, and where necessary signing, of all

supporting documentation required by the Standing Orders of the Scottish Parliament and the production and signing of any additional documents and the submission of any additional information that may be required by the Bill Committee or the Parliament; including, as required, the attendance of witnesses appearing on the Council's behalf at any hearings; and the approval of any amendments to the Private Bill;

- delegates authority to the Director of Children and Families to take all necessary steps to complete the appropriation of Portobello Park as the site for a new Portobello High School after the Bill receives Royal Assent;
- refers 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 Craigentenny & Duddingston Neighbourhood Partnership for further consideration and consultation; and
- approves that, on completion, the new area of open space which would be created if the new Portobello High School is built on Portobello Park would be (with the approval of Fields in Trust) designated as a Field in Trust.

Measures of success

The measure of success will be the introduction of the Private Bill and acceptance of the proposals by the Scottish Parliament. However, it should be noted that approval of the Private Bill is a matter for the Scottish Parliament.

Approval of the Bill by the Scottish Parliament would remove the existing legal barrier to the use of Portobello Park as the site of a new Portobello High School. The design specification of the school fully meets all educational and community related requirements and would be delivered at a very competitive tender price.

Financial impact

Cost of delivering a new Portobello High School on Portobello Park

The project to build a new Portobello High School is included in the Capital Investment Programme, the project budget being £41.5m. Costs incurred to date to take the project to its current stage are approximately £2.5m leaving an estimated balance of £39m available.

To deliver a new Portobello High School on Portobello Park the estimated costs to complete the project are £32.3m which includes provision for the following:

1. Provision of £1m to create a new area of open space on the combined existing site of Portobello High School and St John's RC Primary School (after increasing the area occupied by St John's RC Primary School to 1.3 hectares).

2. An allowance of £850,000 representing the estimated impact of the change in the intended contract arrangements with Balfour Beatty based on an index variation to the contract sum up to an assumed contract start date of February 2014.

Costs of the consultation and parliamentary process

It is estimated that the costs associated with the consultation process and notification regarding the promotion of the Private Bill will be approximately £13,500 with the processing and external validation of responses being approximately £10,000. In addition, the Council will bear the cost of the Private Bill process, which includes:

1. The instruction of external legal advisers with relevant Parliamentary experience (costs depend on how much advice is required in relation to the pre-introduction stage and dealing with any objections – estimated as £25,000 to £30,000);
2. The fee for introducing the Private Bill (currently £5,000, although a lower rate of £1,250 may be available as the Bill has an educational purpose – the Parliament clerks are considering whether the lower fee can be paid);
3. Printing and publication of the Private Bill, accompanying documents and Private Bill Committee reports (this depends on how many amendments are made during the parliamentary process, but will be approximately £70);
4. Production, printing and publication of the Official Report of meetings of Private Bill Committees (approximately £600);
5. Costs of hiring a suitable venue for the Private Bill Committee where the Committee meets outside the Parliament estate. The costs will depend on the venue chosen and how many meetings are required which can be influenced by the number of objections received; and
6. Broadcasting of Private Bill committee meetings (approximately £200).

In total, the consultation and parliamentary procedure will cost at least £59,370. This does not include the cost of hiring any venues for Committee meetings and any indirect costs in relation to Council staff time on the project.

Equalities impact

There are no negative equality or human rights impacts arising from this report.

Sustainability impact

For the project to deliver a new Portobello High School an environmental impact assessment was submitted, considered and approved as an integral part of the planning application process for the proposed school to be built on Portobello Park.

Consultation and engagement

The purpose of this report is to advise on the outcome of the consultation process undertaken between 3 December 2012 and 31 January 2013 relating to the Council's proposals to change the use of Portobello Park from being a public park and allow the use of the area as the site for a new Portobello High School. This exercise was carried out to inform the Council's decision regarding the promotion of private legislation and was in addition to earlier consultation exercises for other purposes such as the consultation undertaken in accordance with the requirements of the Town and Country Planning (Scotland) Act 1959 (appropriation of open space).

The consultation process was extensive and involved the distribution of a comprehensive [information leaflet](#) to approximately 14,500 households in the local area; a number of exhibition and road-show events; attendance at two local community council meetings and two public meetings both of which were attended by more than 300 people. Full details of the consultation process and the outcomes arising from it are included in the main report.

Section 82 of the Local Government (Scotland) Act 1973 provides that, before the Council may promote private legislation, a resolution to do so must be passed by a majority of all the members at a meeting held after at least 10 days' clear notice of the meeting (i.e. the meeting of Council on 14 March 2013) and of its purpose has been given by advertisement in one or more newspapers circulating in the area of the Council. This notice requirement has been met, with the advert appearing in the Evening News on Monday, 25 February 2013.

Background reading / external references

The reports to Council on [25 October 2012](#) and [22 November 2012](#) relating to the delivery of a new Portobello High School and a new St John's RC Primary School.

There have been many previous reports on this matter to the City of Edinburgh Council and the Education, Children and Families Committee. The detail of all previous papers together with a history of the project and the associated legal challenge was provided in the [report](#) to Council on 25 October 2012.

Detailed information is included on the Council [website](#). In addition to providing information regarding the proposed Private Bill including the comprehensive [information leaflet](#) it also provides information regarding other relevant matters such as common good status, fall-back options for a new school and the court judgments.

Portobello Park Private Bill

1. Background

- 1.1 The existing Portobello High School needs to be replaced as a matter of priority and every effort should be made to ensure this is achieved on the best available site at the earliest opportunity.
- 1.2 The approved location for the new Portobello High School on part of Portobello Park remains by far the best option in, or around, the catchment area for the new school and remains the Council's preferred option. The funding for the project is in place, planning permission secured and a preferred contractor identified at a very competitive tender price.
- 1.3 The court judgment last year established that there is a legal impediment to using Portobello Park as the site of the new Portobello High School. The Court of Session decided that the Council could not appropriate the land at Portobello Park as it was inalienable common good land and existing legislation does not provide for the appropriation of inalienable common good land.
- 1.4 The Court of Session clarified that although the Local Government (Scotland) Act 1973 provided for the *disposal* of inalienable common good land with consent of the Court, no such procedure was set out for *appropriation* regardless of the purpose of such appropriation. As the Local Government (Scotland) Act 1973 was silent on the issue of appropriation, existing common law considerations applied meaning that the Council had no power to appropriate any part of the Park (with or without the consent of Court) for any purpose other than that to which it had been dedicated i.e. use as a public park and recreation ground.
- 1.5 A range of legal options was considered which might have the effect of removing this legal impediment, as referred to in previous reports to Council on 25 October and 22 November 2012. Having taken legal advice in connection with this, the view has been reached that, in order to allow Portobello Park to be used as the site for a new Portobello High School, the Council should seek to have the status of the land at Portobello Park amended from being 'inalienable' to be 'alienable'. The land would remain as part of the Common Good, but the change in

classification to alienable common good land would enable the Council to appropriate the land as the site of the new Portobello High School under sections 73 and 75(1) of the Local Government (Scotland) Act 1973.

- 1.6 The reclassification of Portobello Park as alienable common good may be achieved by an Act of the Scottish Parliament, and it is within the Council's powers to promote a suitably drafted Private Bill for consideration by the Parliament.
- 1.7 At its meeting of 22 November 2012 Council noted the intention to introduce a Private Bill to the Scottish Parliament to seek to address the legislative impediment which is currently preventing the use of Portobello Park as the site of the new High School and the Council approved the commencement of the necessary pre-introduction consultation and all other necessary actions in connection with the same.
- 1.8 At its meeting of 25 October 2012 Council approved that, if Portobello Park was to be used as the site of the new High School, the remainder of 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 for St John's RC Primary School from 0.67 hectares to 1.3 hectares) would be converted to open space. Council was advised that the consultation exercise would also seek views from the community regarding the most appropriate use of this new area of open space.
- 1.9 The consultation process regarding the proposed Private Bill which also sought views from the community regarding the most appropriate use of the intended new open space was undertaken between 3 December 2012 and 31 January 2013 and has now been completed.
- 1.10 The purpose of this report is to advise the outcome of the consultation process and to seek approval for the proposed next steps including asking the Council to decide whether to proceed with the promotion of a Private Bill to the Scottish Parliament in order to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council's education authority functions, so as to allow the use of Portobello Park to be changed from being a public park for use as the site for a new Portobello High School. The proposed Bill will not prejudice the Council's power to use the site for recreational, sporting, cultural and social activities. An update is also provided regarding the bid for the former Scottish Power site at Baileyfield as a fall-back site option.

2. Main report

Consultation Process

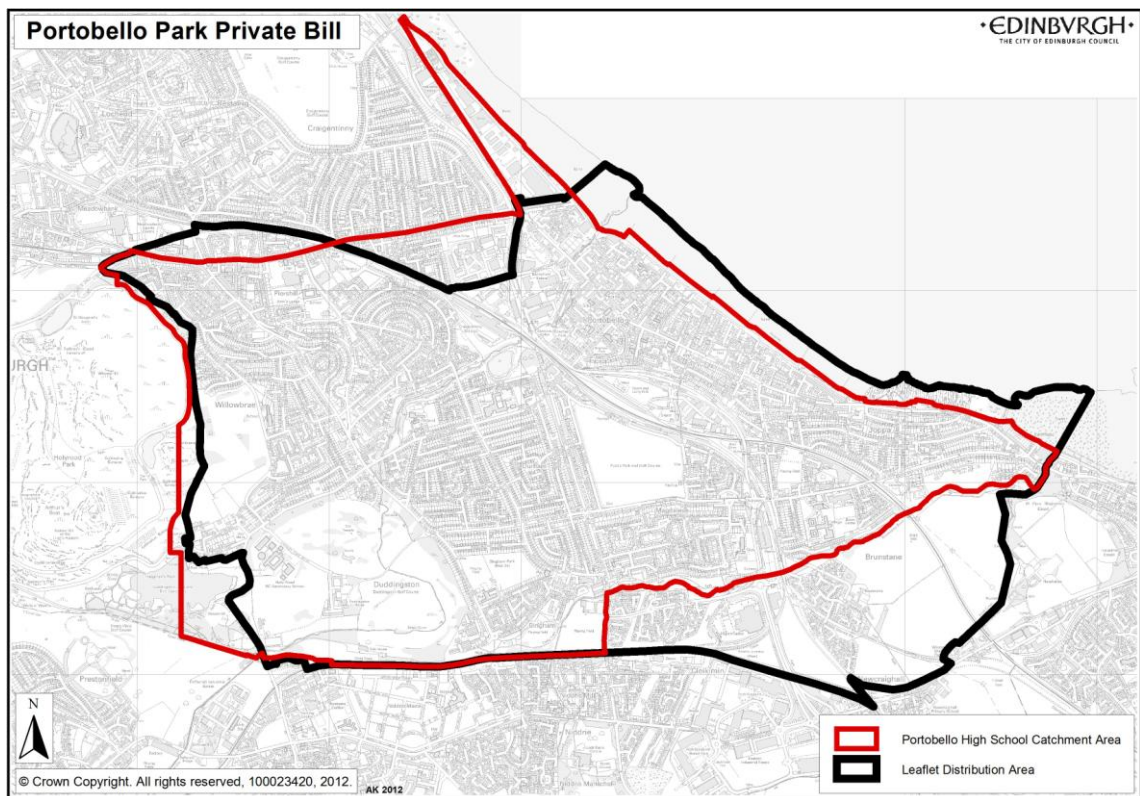
- 2.1 Before a Private Bill can be submitted to Parliament the Council, as promoter of the Bill, must have undertaken a consultation.
- 2.2 The Council very much recognises the importance of undertaking a meaningful and effective consultation process and to ensure that local communities and the wider population of the City of Edinburgh had the opportunity to be aware of, and comment on, the proposals and to provide their views regarding the most appropriate use of the new area of open space which Council approved would be created if the proposal to use Portobello Park as the site of the new Portobello High School was to proceed.
- 2.3 The approach taken to the consultation process built on the successful consultation model used for the pre-planning consultation process for both the new Portobello and James Gillespie's High Schools. This included adopting a road-show approach providing an opportunity for people to find out more about the proposals before submitting their views. One of the benefits of this approach was that, by going out to local community venues, people who might not otherwise respond to a formal consultation were engaged in the process.
- 2.4 The consultation process ran between 3 December 2012 and 31 January 2013. This allowed for approximately three weeks before and after the holiday period to ensure an adequate opportunity for interested parties to participate in the process and to share their views. The extraordinarily high levels of response to the consultation process from the outset through to its conclusion would suggest that the timing of the process was not an issue.
- 2.5 Information on, and engagement regarding, the proposals and the consultation process was undertaken in a number of different ways.

Information Leaflet

- 2.6 A comprehensive information leaflet was produced (a copy of which can be accessed [here](#)) which explained:
 - What a Private Bill is and why it is required;
 - Whether progressing with a Private Bill would affect other parks or open spaces;
 - What the plans are for the new Portobello High School on Portobello Park;
 - How much space the school would actually take up on Portobello Park;

- What the plans are to compensate for the loss of open space including the planned improvements to Portobello Park and the provision of new open space;
- What other options there were for a new Portobello High School; and
- Where further information could be accessed and how to respond.

2.7 Whilst responses were welcomed from anyone in the City of Edinburgh area, it was recognised local residents would be most directly affected and we wished to ensure that they were made aware directly of the proposals and the consultation process. To achieve this, during early December the information leaflet was distributed to those in the wider Portobello area which was defined as that bounded by the sea to the North, the railway line to the South, Holyrood Park to the West and the city boundary/bypass to the East. The area involved (which is different to the secondary school catchment area) is shown in the following map.



2.8 It is estimated that this encompassed approximately 14,500 households. As some difficulties were experienced with delivery in the original leaflet drop, to ensure that there was maximum coverage a further leaflet drop was undertaken to all households in early January using a different distribution company.

Posters

2.9 Posters were put up in a variety of local venues promoting the consultation process; road-shows and other events. In addition to posters promoting individual road show events, a poster to promote the two public meetings was distributed widely in the local area in early January 2013.

Road Shows and Exhibitions

2.10 Both Portobello Library and Piershill Library held more information about the Council proposals during the consultation period and copies of the printed questionnaire could also be picked up and returned there. Information was also made available in Central Library on George IV Bridge.

2.11 A series of drop-in events took place in local venues during December 2012 and January 2013 to give members of the public the opportunity to come along and speak to someone about the project and the Council proposals. We hope these events helped people come to an informed decision. The venues included libraries, community centres, schools and leisure facilities and were as follows:

- 04/12/2012 Exhibitions in place in Portobello and Piershill Libraries
- 06/12/2012 Portobello Cluster Dance Show at Parson's Green Primary
- 07/12/2012 Towerbank Primary School Christmas Fair
- 07/12/2012 Brunstane Primary School Christmas Fair
- 11/12/2012 Portobello High School Christmas Concert
- 12/12/2012 Tea Dance at Meadowbank Sports Centre
- 19/12/2012 Milton Court Sheltered Housing
- 07/01/2013 Morrisons Supermarket Piershill
- 08/01/2013 Portobello Golf Course (Clubhouse)
- 08/01/2013 Portobello Swimming Pool
- 09/01/2013 Portobello Library
- 09/01/2013 Piershill Library
- 09/01/2013 Portobello Town Hall Foyer
- 11/01/2013 Portobello Library
- 17/01/2013 Magdalene Community Centre
- 17/01/2013 Northfield Community Centre
- 17/01/2013 Portobello Golf Course
- 17/01/2013 Magdalene Shops
- 17/01/2013 Road Show at Meadowbank Sports Centre
- 21/01/2013 Portobello Community Centre
- 21/01/2013 Bingham Community Centre
- 22/01/2013 Piershill Library
- 23/01/2013 Milton Court Sheltered Housing - public meeting update
- 25/01/2013 Portobello Library

31/01/2013 Portobello Swim Centre

31/01/2013 Central Library

In addition to the road shows, two visits were made to Portobello Park on 17 and 25 January 2013.

Notices in Newspapers

- 2.12 Adverts were placed in the Evening News to promote the proposals and the consultation process to the wider Edinburgh public. The first advert on 7 December 2012 promoted the consultation process and where/how to find out more. The second advert on 4 January 2013 promoted the two public meetings. A number of articles and letters relating to the consultation process were published in the Evening News and in other local media during the consultation period including Radio Forth, STV online, BBC online, the Edinburgh Reporter and Portobello Reporter. This coverage, in itself, was of assistance in highlighting the consultation process.

Council Website

- 2.13 Detailed information was included on the Council [website](#). In addition to providing information regarding the proposed Private Bill it also provided information regarding other relevant matters such as common good status, fall-back options for a new school and the court judgments to allow people to find out more and to help them make an informed response to the Council consultation.

Social Media

- 2.14 Regular tweets were issued through the Council Twitter account (which has more than 17,500 followers) to raise awareness of the consultation at key points during the process.

Community Council Meetings

- 2.15 Representatives from the project team attended the Northfield/Willowbrae Community Council meeting on 18 December 2012 and the Portobello Community Council on 7 January 2013. Following a presentation on the Council proposals and the consultation process, the project team answered questions from members of the Community Council and general public who were in attendance.

Public Meetings

- 2.16 Two public meetings were held; the first in Portobello Town Hall on 9 January 2013 and the second at Meadowbank Sports Centre on 17 January 2013. Both meetings were independently chaired by Colin Mackay, the political editor with

Radio Forth and Radio Clyde and were each attended by more than 300 members of the public.

2.17 Following a presentation from the Council on the proposals, representatives from the two local community groups who were either in favour of the Council proposals (PFANS) or against (PPAG) gave a presentation on their perspective and opinion on the matter. This ensured that those on both sides of the debate had the opportunity to set out their views publicly and to explain the rationale behind these views. Those in attendance then had the opportunity to ask questions of the Council, PFANS or PPAG. A record of both meetings which was taken by Committee Services and approved by the independent chair is included at Appendix 1.

Ways to Respond

2.18 In order to make it as easy as possible for comments to be provided regarding the proposals and also any views on the most appropriate use of the new area of open space, there were a number of ways in which people could respond:

- A printed questionnaire was produced which attendees could fill in at any of the road-shows or pick up and return at either the libraries or local schools;
- An online version of the questionnaire was provided on the Council website;
- A dedicated address was established to which people could submit their responses (either by letter or questionnaire) by post; and
- A dedicated email address was established to allow people who wished to send their response electronically by email.

2.19 Respondents were asked to provide their name, address and postcode. This information was requested in order to confirm which survey responses came from the local community or elsewhere in the City of Edinburgh area and to ensure that only one response per individual was recorded. This was made clear in all related public information together with an assurance that this personal data would be used for internal purposes only and that no personal details would be published.

2.20 In the printed questionnaire and on the online survey respondents were asked to answer three questions:

1. Did they 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? The response was either 'Yes' or 'No'.
2. Did they have any reasons for their view that they would wish the Council to consider?

3. What would they like to see in the new area of open space if it was created?

Responses Received and Support for Council Proposals

2.21 During the consultation period **12,018** responses were received with the analysis by source being shown in the following table. This table also shows the number of responses which did, or did not, 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 or expressed no opinion on the matter.

Source	Support Proposals	Do not Support Proposals	No Opinion Expressed	Total
Online survey	4,079	743	26	4,848
By post	61	2,675	16	2,752
Email	27	46	8	81
Local collection point	4,016	140	11	4,167
Road show/exhibition	147	21	2	170
Total	8,330	3,625	63	12,018

2.22 Of the 12,018 responses received, a total of 2,060 have been removed from consideration for one of the following reasons leaving **9,958** valid responses.

1. For 891 responses the name, address or postcode details provided were incomplete. In the absence of complete information there would be insufficient data to identify any duplicate responses by the same person from the same address, therefore to avoid this risk any such responses have been discounted.
2. 320 duplicate responses were received which would, in the main, appear to be as a result of some individuals having submitted one response very early in the process and then submitting a further response some weeks later. This might have been as a result of simple oversight however, regardless of the reasons, any such duplicate responses have been identified and discounted.
3. 849 responses were received from individuals who do not live in the City of Edinburgh area this having been determined from the postcode included in the response. Responses in this category were received from a wide range of areas and from even as far afield as Australia and America however the majority of these were from Midlothian and East Lothian.

An analysis of the valid responses is shown in the following table.

	Support Proposals	Do not Support Proposals	No Opinion Expressed	Total	% Support
Total received	8,330	3,625	63	12,018	69.7%
Incomplete details	(533)	(338)	(20)	(891)	(61.2%)
Duplicate responses	(220)	(98)	(2)	(320)	(69.2%)
Outwith Edinburgh	(632)	(212)	(5)	(849)	(74.9%)
Total	6,945	2,977	36	9,958	70.0%

2.23 The above table shows that of the 9,922 valid responses received which expressed an opinion, 6,945 or **70%** supported the Council's proposals.

2.24 Further analysis was undertaken to show from what areas of the city the valid responses were received and, in particular, the proportion of responses which came from the local area (this being the area described in paragraph 2.7 above) and what the opinion of the local respondents was. The outcome is shown in Appendix 2. 6,465 valid responses where an opinion was expressed were received from the local area representing 65.2% of the total received. Of this total, **76.1%** supported the Council's proposals

Further Data Validation

2.25 In addition to the validation checks undertaken to identify incomplete name and address details, duplicate entries and responses from outwith Edinburgh a number of further data validation checks were undertaken.

IP Address

2.26 An Internet Protocol address (IP address) is a numerical label assigned to each device (e.g. computer, printer) participating in a computer network that uses the Internet Protocol for communication. For those who submitted their response through the online questionnaire the IP address of the device used to do so was captured. The number of responses from individual IP addresses was analysed and reviewed to determine if there were any IP addresses from which there were a significant number of responses which might point to an attempt to submit repeat responses.

2.27 Within the 9,958 valid responses a total of 3,974 were provided through the online survey. The numbers of responses that shared an IP address are shown in the following table. No unusual activity was identified with the largest numbers being from organisations within Edinburgh, suggesting a number of people used their work email addresses to respond. The highest number of responses received from a single IP address was 46 being a combination of yes and no submissions.

Responses sharing an IP address	Support Proposals	Do not Support Proposals	No Opinion Expressed	Total
11 or more	127	12	-	139
Between 6 and 10	110	7	2	119
Between 3 and 5	463	89	3	555
2	603	92	3	698
1	2,061	398	4	2,463
Total	3,364	598	12	3,974

Electoral Roll

- 2.28 The 9,958 valid responses received were compared against the electoral register as at 1 December 2012. However, if a respondent did not appear on the electoral register this does not, in itself, mean that that response should be questioned and/or disregarded. The electoral register only contains information relating to eligible persons who are 18 or over or will become 18 during the period the register is in force, and is only entirely accurate at a given point in time, therefore any respondents who are younger than this would not appear and nor would any resident who is not entitled to vote for any other reasons. The results are shown in the following table.

Appears on Electoral Roll	Support Proposals	Do not Support Proposals	No Opinion Expressed	Total
Yes	5,513	2,165	23	7,701
No	1,432	812	13	2,257
Total	6,945	2,977	36	9,958
% appearing on Electoral Roll	79.4%	72.7%	63.9%	77.3%

- 2.29 As can be seen from the above, 77.3% of the valid responses were from individuals who appeared on the Electoral Register as at 1 December 2012. Whilst non-appearance on the Electoral Register is not a factor which should result in the response being disregarded as this could be for a variety of entirely legitimate reasons the final position is, nevertheless, of interest. Of the 7,678 responses from individuals who appeared on the Electoral Register and expressed an opinion, 71.8% supported the Council proposals. Within the overall total there were 5,135 from the local area who appeared on the Electoral Register and expressed an opinion of which 3,899 (75.9%) supported the Council proposals.
- 2.30 Questions were raised during the consultation process regarding the participation of children. No data regarding the age of the respondent was requested as age was not a factor in determining who could, and could not, respond to the

consultation. This is not an electoral vote therefore no age restrictions were applied in determining who could participate in the consultation. This is common practice in most consultations undertaken by the Council and also extends to more formal processes such as being able to comment on planning applications where, similarly, no restriction on age is applied.

2.31 The proposal is one that is of direct relevance to children and young people in the Council area who are within the education system and/or have an interest in leisure activity. An age restriction might have excluded valid views from a section of the community who are directly affected by the proposals. Whilst responses from children and young persons were welcomed it was decided that local schools should not engage in discussion and/or debate with children on the questions posed by the consultation process. Whilst schools were advised to encourage both children and parents to participate in the consultation process, this was to be done in a way which did not suggest, or imply, any particular response being favoured i.e. it should be entirely neutral.

2.32 It was also suggested during the consultation process that children participating in the consultation could have been subject to undue influence. Again, as is the case with any consultation of this nature, in accepting any responses it is presumed that the views of the respondent are their own and have been freely expressed; it is not possible to verify that they have been expressed free from any undue influence be they from children or adults. In the case of any responses submitted by children it is the Council's expectation that this would not be the case, regardless of the opinion expressed (either in support of the Council's proposals or not); that parents would act responsibly in discussing the matter openly and honestly with children if they did wish to respond to the consultation and that their views on the matter would be respected.

External Data Validation

2.33 PricewaterhouseCoopers were commissioned to undertake a level of independent validation of the data. The scope of their services was as follows:

1. Trace 100% of online responses back to source documentation to ensure completeness of the population, incorporating validation of the yes/no responses.
2. Undertaken a random sample check of 10% of the non-online responses back to source documentation to give assurance that the correct yes/no response has been reflected; that completed name and address details were provided and that the postcode is in Edinburgh.
3. Trace 100% of excluded responses and ensure that they have been excluded appropriately due to having incomplete personal details or an incomplete address; being a duplicate response; or having a non-Edinburgh postcode.

- 2.34 The report produced by PricewaterhouseCoopers which details the outcome of their review is included in full at Appendix 4; the only exception being the removal of some personal details.
- 2.35 The scope of the review covered verification of all 2,062 responses which were originally excluded. PricewaterhouseCoopers identified two responses which had been incorrectly excluded as duplicates and these have been corrected in the final analysis leaving the final number of exclusions as 2,060. The other minor point they identified had no impact on the classification of the data.
- 2.36 The scope of the review covered verification of all online responses (including 3,974 valid responses) and a sample of 10% of the other responses which entailed verifying a further 598 valid responses. Thus, of the 9,958 valid responses received a total of 4,572 (46%) have been fully verified. Within this total only two minor issues were identified involving the incorrect transposition of address details from the hard copy submission to the spreadsheet on which the data is retained. These issues had no impact on the overall outcome.

Comments Received and Opinions Expressed

- 2.37 On the printed questionnaire and the online survey, respondents were asked if they had any reasons for their view that they would wish the Council to consider.
- 2.38 Whilst not all individuals chose to respond to this question, many thousands did. The Business Intelligence Team within Corporate Governance was asked to review the detailed responses to identify the key issues in relation to the proposed development of the new Portobello High School on the site of Portobello Park. They were provided with details of all responses received and whether or not the respondents supported the Council's proposals. All comments received will be published on the Council website (for the avoidance of doubt, the personal details of the person making each comment will not be published and the comments will be reviewed to ensure that their disclosure is compliant with the Data Protection Act 1998).
- 2.39 The findings from the review undertaken by the Business Intelligence Team are included in Appendix 3. The main themes arising relate to views regarding common good land, green space, the placement of a new school in the catchment area and delays in building the new school. The Council's comments on each of the main themes arising are provided in Appendix 4.

Use of New Open Space

- 2.40 At its meeting of 25 October 2012 Council approved the following changes to the compensatory provisions associated with the project to use Portobello Park as the site of the new Portobello High School (which would only happen in the event that the project was, ultimately, to proceed):

- (i) The remainder of 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 for St John's RC Primary School from 0.67 hectares to 1.3 hectares) would be converted to open space.
 - (ii) Regarding access to the two 3G pitches, although any required use by the school for curricular or extra-curricular activities would take precedence; at times when they were available and not otherwise already booked, the use of these pitches would be free to, and could be pre-booked by, residents of the Portobello area rather than the casual access already provided for.
- 2.41 Council was advised that the consultation exercise would seek views from the community regarding the most appropriate use of this space for the area, and so respondents were asked on the printed questionnaire and the online survey what they would like to see in the new area of open space if it was created.
- 2.42 Whilst again not all individuals chose to respond to this question, many thousands did. The Business Intelligence Team was asked to review the detailed responses to identify the main suggestions which were made. They were provided with details of all responses received and whether or not the respondents supported the Council's proposals.
- 2.43 The findings from the review undertaken by the Business Intelligence Team are included in Appendix 3. There was strong support for a number of alternative uses. A large majority favoured the use of the land as a park, green space, social facilities (arts, cafe, community centre or market) or leisure facilities (sport, fitness, children's play area or dog park). A minority favoured previous proposals to sell the land and/or develop housing or shopping facilities.

Conclusions and Recommended Next Steps

- 2.44 There is very strong support for the Council's proposals to change the use of Portobello Park from being a public park and allow the use of the area as the site for a new Portobello High School. Of the valid responses received which expressed an opinion, **70%** supported the Council's proposals. Within this overall position; **76.1%** of the responses received from the local community supported the Council's proposals. It is, therefore, recommended that the Council promotes legislation by way of a Private Bill to achieve this objective.
- 2.45 There is strong support for the creation of a new area of open space on the existing combined Portobello High School and St John's RC Primary School site if the project to build a new Portobello High School on part of Portobello Park was, ultimately, to proceed. Many ideas were expressed regarding the use of this area, with no strong consensus. The new area of space could not be created until the existing site is vacated, so there is ample time for this to be subject to further consideration and consultation. It is therefore recommended that the matter be referred to the Craightinny & Duddingston Neighbourhood

Partnership for further consideration and consultation, in conjunction with the East Neighbourhood and Parks and Greenspace teams. This process should recognise the feedback from the consultation that it was important for those living near to the site and those running St John's Primary to have a strong say in how the land was used.

- 2.46 One of the themes arising from the consultation was a concern, from those who opposed the proposal, that the planned open space at an alternative site would still be at risk of Council development or sale to a private company in the future. In order to provide further reassurance to the local community regarding the security of the new area of open space it is recommended that Council approves that, on completion, the new area of open space would be (with the approval of the National Playing Fields Association who operate as 'Fields in Trust') designated as a [Field in Trust](#). The Council recently agreed to convey this status and protection on two other areas of local open space, being Figgate Park and Portobello Golf Course. Being designated as a Field in Trust safeguards the continued use of such land as outdoor recreational space, by way of a legal agreement entered into by the Council, and enables independent oversight of this by the National Playing Fields Association.

Introduction of the Private Bill and Parliamentary Process

- 2.47 Section 82 of the Local Government (Scotland) Act 1973 states that in order for the Council to promote private legislation, a resolution to do so must be passed at a meeting held after at least 10 days' clear notice of the meeting (i.e. the meeting of Council on 14 March 2013) and of its purpose has been given by advertisement in one or more newspapers circulating in the area of the Council. This notice requirement has been met, with the notice appearing in the Evening News on Monday, 25 February 2013.
- 2.48 In accordance with Section 82 of the Local Government (Scotland) Act 1973, a resolution to promote private legislation must be passed by a majority of the whole number of the members of the Council.
- 2.49 The exact drafting of the Bill is still subject to input from the Scottish Parliament clerks, and may of course be amended during the Parliamentary process. The Bill would provide that no question would arise, for the purposes of Part VI of the Local Government (Scotland) Act 1973, as to the right of the Council to alienate the land at Portobello Park, but only insofar as the alienation involved appropriating the Park for education purposes. The Bill would not change the Park's status as part of the Common Good. The Bill would refer specifically to Portobello Park and so would have no impact on any other land either elsewhere in the city or in Scotland, including Portobello Golf Course (to the north of the Park) which would be unaffected. Whilst the Bill would remove the current legal obstacle to the construction of a new Portobello High School on Portobello Park,

it would not itself authorise the construction of the new school. The Council has already obtained planning permission for this in the usual way.

- 2.50 The Council will have a further opportunity to consider the promotion of the legislation in the period immediately following the Private Bill's introduction. A decision to promote the Private Bill must be confirmed by another Council meeting no less than fourteen days after the Private Bill has been introduced to the Scottish Parliament. It is expected that the Bill would be formally introduced to the Parliament in the second half of April, following a period of pre-introduction scrutiny by the Parliament clerks. On that timing, the Council would be asked to confirm the resolution to promote the Bill at the Council meeting of 30 May 2013.
- 2.51 All interested parties will have a further opportunity to object to the Private Bill once it has been introduced to the Scottish Parliament, as commented on in more detail below.
- 2.52 Should Council decide to promote legislation by way of a Private Bill to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973 (but only insofar as permitting its appropriation for education purposes), there are a number of documents which require to be submitted to the Scottish Parliament. In addition to the proposed Private Bill itself, the Council will have to submit Explanatory Notes, a Promoter's Statement, an Assignment of Copyright/Licensing Agreement and a Promoter's Memorandum. The Memorandum must set out the Bill's policy objectives and specify in clear and reasonable detail what consultation was undertaken on the proposals in the Bill, including details such as the means by which consultees were selected, how they were approached, when the Promoter consulted, what it consulted on and with whom, the number of responses received and what, if any, changes to the proposal were made as a result.
- 2.53 This documentation is being produced and, should Council decide to promote legislation by way of a Private Bill, it and the Bill would be lodged with the Scottish Parliament as soon as possible after the Council meeting on 14 March 2013. This documentation will be published on the Council website. Before the Bill can be formally introduced, it and the draft accompanying documents must be provided to the Parliament for a period of pre-introduction scrutiny by the clerks. That period is not fixed, but the indicative timing is around three weeks. The Scottish Parliament will be in recess from 30 March 2013 to 14 April 2013 and, since Private Bills cannot be introduced during recess, the Bill will not be introduced any earlier than the week commencing 15 April 2013.
- 2.54 Once the proposed Bill and required accompanying documents are introduced to the Parliament, there are four stages to the Private Bill process which are set out below; this is summarised in a flowchart on the Scottish Parliament website <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25467.aspx>.

60 Day Objection Period

- 2.55 Objections may be lodged by any person, body corporate or unincorporated association whose interests would be adversely affected by the passage of the Bill. Those who wish to do so must lodge their objection with the Clerk during a 60-day period following the Bill being introduced, although the relevant Private Bill Committee has discretion to allow late objections where it is satisfied that the objector had a good reason for not lodging the objection in time.
- 2.56 Objectors must set out the nature of their objection, explain whether their objection is against the whole Bill or merely a specific provision or provisions, and specify how their interests would be adversely affected by the passage of the Bill.

Preliminary Stage

- 2.57 The Private Bill Committee (a Committee of three to five MSPs set up specifically to consider the Bill) considers the general principles of the Bill and whether it should proceed as a Private Bill, considers objections, and decides whether the accompanying documents comply with the Parliament's Standing Orders and allow for proper scrutiny of the Bill. The Committee may take oral evidence on the Bill's general principles from the promoter and from at least some of those objectors who oppose the Bill in principle (objections that are the same or similar may be grouped, with one or more objectors being selected by the Committee to lead evidence on behalf of the group). The Committee then prepares a Preliminary Stage Report for consideration by the full Parliament, which then decides whether to agree the general principles and whether the Bill should proceed as a Private Bill.

Consideration Stage

- 2.58 If the general principles of the Bill are approved at the Preliminary Stage, the Bill returns to the Private Bill Committee for Consideration Stage.
- 2.59 This involves two phases (i) the Committee meeting in a quasi-judicial capacity to hear evidence on the Bill from the promoter and/or objectors and (ii) the Committee meeting in a legislative capacity to consider and dispose of amendments.
- 2.60 The role of the Committee during the first phase is to act as arbiter between the promoter and objectors. This involves allowing differences between the parties to be resolved by negotiation but also, where that is not possible, choosing between them. Before it can do so, the Committee must ensure that each party has had a fair opportunity to present its own case and question the opposing case. This may involve the leading of evidence (by both the promoter of the Bill and those who have lodged objections), and the cross-examination of witnesses and their evidence (by the promoter, objectors and Committee members).

- 2.61 Again, objections that are the same or similar may be grouped.
- 2.62 This first phase concludes with the Committee preparing a report giving its decisions on the objections considered. The report may also indicate any areas where the Committee expects the Bill to be amended during the second phase of the Consideration Stage. During the second phase, the Committee considers any amendments to the Bill lodged by members of the Committee. Such amendments may have been prepared by the promoter in order to give effect to any recommendations contained in the Committee's Consideration Stage Report.

Final Stage

- 2.63 The Bill (as amended, if changes were made at Consideration Stage) goes to a full meeting of the Parliament where there is a further opportunity for it to be amended (and at this stage, amendments may be lodged and moved by any MSP), followed by a debate and a vote on whether or not the Private Bill should be passed.
- 2.64 If the Bill is passed, there is then a four-week 'standstill' period within which the Advocate General, Lord Advocate or Attorney General may refer the Bill to the Supreme Court if there are doubts about it being within the Scottish Parliament's legislative competence under the Scotland Act 1998. If they do not refer the Bill within that period it can be submitted for Royal Assent. It becomes an Act upon receiving Royal Assent.

Timescales

- 2.65 Whilst a timetable for progress of a Bill through Parliament can only be estimated, and is dependent on the Parliamentary diary, it is still considered to be feasible that the process can be concluded by February 2014.
- 2.66 Planning consent for the project to build a new Portobello High School on Portobello Park was granted on 24 February 2011 and included an applicant informative indicating that it was granted subject to the default period of three years. If development does not start on site by 23 February 2014 this consent will expire. As the informative is not a formal condition of planning it is not possible to apply for an extension to the default timescales.
- 2.67 For this reason, the expiry of planning consent has been identified as the back-stop for the project. This informed the revision to the proposed agreement with Balfour Beatty, which Council approved on 22 November 2012 and which applies until the end of February 2014, to allow time for the Private Bill process to be successfully concluded and, assuming this was achieved, allow the contract to be let immediately.
- 2.68 It has been estimated that the process to renew the planning application would take approximately six months. The application would be a renewal of consent

and the full planning application procedures would require to be followed. In order to mitigate the risk of the planning consent expiring before the Private Bill process can be successfully concluded and, thus, introducing delay to delivering the new school, the process to renew the planning application will be started at the earliest opportunity.

Baileyfield

- 2.69 At its meeting on 22 November 2012 Council approved the recommendation to approve the submission of a bid to purchase the former Scottish Power Site at Baileyfield, and delegated authority to the Directors of Services for Communities and Children and Families to approve the terms of any offer to ensure best value is achieved for the Council.
- 2.70 Having been short-listed in early January 2013, the Council submitted a final bid on the closing date of 22 January 2013. The bid was entirely consistent with the parameters on which the financial implications for the Baileyfield option were reflected in the November Council report (although the details were not disclosed publicly for reasons of commercial confidentiality) and was subject to the following conditions:
1. Deduction from the purchase price of any site remediation costs identified as necessary from the detailed site survey, which would be commissioned were the Council to be successful.
 2. Scottish Power confirming their approval that the area to the north of the site, which is under a 99 year lease, could be used as part of the external space for a school.
 3. The site being provided with vacant possession, to mitigate the risk of vacating the existing occupants of various properties on the site with whom there are no formal lease arrangements.
- 2.71 At the point of completing this report the Council has not, as yet, been advised whether or not it has been successful.

3. Recommendations

- 3.1 It is recommended that Council:
- notes the contents of this report;
 - formally resolves to promote legislation by way of a Private Bill to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council's education authority functions. Section 82(2)(a) of the Local

Government (Scotland) Act 1973 requires that the resolution is passed by a majority of all members of the Council;

- delegates authority to the Director of Children and Families to take all steps necessary to complete the process of promoting the Private Bill including the drafting and finalising, and where necessary signing, of all supporting documentation required by the Standing Orders of the Scottish Parliament and the production and signing of any additional documents and the submission of any additional information that may be required by the Bill Committee or the Parliament; including, as required, the attendance of witnesses appearing on the Council's behalf at any hearings; and the approval of any amendments to the Private Bill;
- delegates authority to the Director of Children and Families to take all necessary steps to complete the appropriation of Portobello Park as the site for a new Portobello High School in the event that the Bill receives Royal Assent;
- refers 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 Craigentiny & Duddingston Neighbourhood Partnership for further consideration and consultation; and
- approves that, on completion, the new area of open space which would be created if the new Portobello High School is built on Portobello Park would be (with the approval of Fields in Trust) designated as a Field in Trust.

Gillian Tee

Director of Children and Families

Links

Coalition pledges

P03 - Rebuild Portobello High School and continue progress on all other planned school developments, while providing adequate investment in the fabric of all schools

Council outcomes

C01 - Our children have the best start in life, are able to make and sustain relationships and are ready to succeed.

C02 - Our children and young people are successful learners, confident individuals and responsible citizens making a positive contribution to their communities.

Single Outcome Agreement S03 - Edinburgh's children and young people enjoy their childhood and fulfil their potential

Appendices

- 1 Records of the two Public Meetings
- 2 Analysis of responses by area
- 3 Portobello Park Consultation Comments Analysis
- 4 Report from PricewaterhouseCoopers

APPENDIX 1



Record of Meeting

Portobello High School - Consultation on Proposed Portobello Park Private Bill

The meeting was held on 9 January 2013 in Portobello Town Hall, Edinburgh

Present: There were approximately 350 members of the public.

In Attendance: Colin Mackay (Independent Chair), Councillor Paul Godzik (Convener, Education, Children and Families Committee), Billy MacIntyre, (Head of Resource, Children and Families), Iain Strachan (Acting Legal Manager, Corporate Governance), Scott Castle (Project Manager, Thomas and Adamson). Emma Wood, Rosemary Moffat and Sean Watters (Portobello for a New School). Stephen Hawkins, Alison Connelly and Sheila Coventry (Portobello Park Action Group).

Welcome

Councillor Godzik welcomed everyone to the meeting. There had been a fantastic response to the consultation and he hoped that everyone would contribute to the meeting. The consultation was designed to get questions and comments from members of the public and hear from the Council, from Portobello for a New School and from Portobello Park Action Group. He then explained the procedure for questions and answers.

1. Introduction

Colin Mackay introduced himself and explained that he had been invited by the Council as an independent person to chair the public consultation meeting this evening. It had been arranged by the City of Edinburgh Council as part of the consultation on a proposed Portobello Park Private Bill with the aim of allowing the rebuilding of Portobello High School on Portobello Park. A series of presentations would be provided by the City of Edinburgh Council, Portobello for a New School and Portobello Park Action Group, followed by questions for the panel from the public.

2. Presentation by the City of Edinburgh Council

Billy MacIntyre (City of Edinburgh Council) explained the background to the proposal.

Portobello High School was a 1400 capacity secondary school in need of replacement. Portobello Park had been identified and approved by the City of Edinburgh Council in December 2006 as a location for the new school and two years later, approval was given to progress with the project. Planning permission was granted in February 2011, but during 2011, the right of the Council to use Portobello Park for a new school was subject to a legal challenge. Following appeal the Court advised that the Council did not have the power, under existing legislation, to use Portobello Park as the location for the new school.

The purpose of the Private Bill proposed by the Council, would be to address the legal impediment that stops the use of Portobello Park for another purpose. The Private Bill would only change the use of Portobello Park and would not affect any other Common Good Land in the city or elsewhere in Scotland. As the promoter of the Private Bill, the Council had to demonstrate community support for its proposals. So far there had been 3015 responses to the consultation on the Private Bill proposal.

Billy Macintyre outlined the plans for the new school on Portobello Park and addressed some concerns on the loss of green space. The area of Portobello Park excluding the golf course was 6.4 hectares. The two all-weather pitches would replace the existing grass pitches and take up 1.6 hectares, a further 1.6 hectares would remain as woodland, public pathways or cycle paths and an area of 0.6 hectares would be landscaped to provide a public space for recreation and play. There would also be improved entrances to the park, better paths and a new cycle path. To compensate for the loss of open space, a new area of open space of approximately 2.2 hectares would be created on the existing combined site of Portobello and St John's schools. The local community would also be provided with free access to the two all-weather pitches when not in use by the school.

The consultation on the Council's proposals to change the use of Portobello Park commenced on 3 December 2012 and would end on 31 January 2013. The consultation process included attendance at two community council meetings, the distribution of approximately 14,500 information leaflets to households in the local area, road show events and exhibitions and the two public meetings. Responses to the consultation could be provided via an online survey, by completing the paper questionnaire or by letter or email. Once the consultation had concluded, the results and draft Private Bill would then be taken for consideration to the Council on 14 March 2013 and if approved, it would be submitted to the Scottish Parliament.

3. Presentation by Portobello for a New School

Emma Wood introduced herself as a speaker for Portobello for a New School (PFANS) and invited the audience to see the situation from the Portobello school pupils' at

perspective. A pupil at Portobello might think the following: that education was not important, if it was, they would not be forced to study in a run-down building; exercise was not important because if it was they would have proper sports facilities; they themselves could not be that important as the community should have provided a new school by now.

The Council did make young people feel important in 2004 when it announced that it would invest in a new school for them. The pupils were enthusiastic. Pupils had worked and teachers and architects had produced a fantastic design for a new school to be proud of. But eight years later, there was still no new school.

This was a question of justice. The Council could provide a whole range of state of the art facilities in Portobello Park for the whole community to access and not just confine generations of children every day in a building with no space for outdoor sports and recreation. Therefore, the matter was in the hands of the community. The Council was willing to pursue a Private Bill to give the community the school that it was entitled to, but only if the community demonstrated its support. The community needed to demonstrate clearly to its young people and their inspirational teachers that it valued their education by registering its view and giving the Council a mandate to act.

Rosemary Moffat introduced herself and explained that she had only recently become involved in supporting the proposals. She was extremely disappointed to find that 1400 school children and future generations would be denied their new state of the art high school in the Park. She could see that Portobello Park was barely used by the local community, there were only a few dog walkers at any time and there had never seen children or families using the park area for many years. The recognized “safe play area” for the children of The Christians and Magdalene were the grounds of Brunstane Primary School, which was the area which most children used for recreation.

She was very impressed with the plans for the new school, seeing that the plans included two all-weather sports pitches. This was of especial relevance, as Portobello High School had a special dispensation allowing them to opt out of the required two hours of physical education a week, due to having no on-site outdoor sports facilities. The addition of two all-weather sports pitches would allow the children their full two hours of physical education each week.

Building the school on the park would be a tremendous asset to the local community. As well as having a new school for current and future generations of children, the local community could play on the sports pitches, out-with school hours, use the new swimming pool and attend evening classes. The new sports pitches would encourage the local community to support the Portobello High School football and rugby teams, at home games. The new cycling path would encourage cyclists to use the area and the enhanced landscaping would encourage people to come to the park to see the school. The trees and shrubbery around the park border would make it a pleasant area for families and small children to spend time there.

The consultation gave people the choice to support 1400 children who would continually use the area and a building which would be an asset to the local community and could be used by the community during non-school hours. The alternative was to support a barely used park.

Sean Watters introduced himself and explained that he became involved in the proposed new school in 2006, when possible sites were being investigated. Various factors had been taken into account when finding the site for the new school. The best site for the High School was Portobello Park, in terms of size, location, facilitates and the environment. It was also the best site for the community.

The alternatives were much poorer. In respect of Baileyfield, the Council did not own the site, which meant there was no guarantee that they would be successful in their bid to buy it, therefore, it might not be a viable site. Even if it was acquired, the usable area was about the same size as the existing school site, therefore the mistake of 50 years ago would be repeated of putting the school on a site that was too small. Baileyfield could accommodate one all-weather pitch, but this would compromise the design and layout of the school. Although public transport links were good, Baileyfield was at the very edge of the catchment and access was not particularly good. Overall, this compared unfavourably with the proposal for the school in the Park.

Additionally, the proposal for Baileyfield would be starting from the beginning, it would take at least four and one half years to deliver the school and there would be an added cost of £5.8m. This would mean £5.8m less than for investment in other schools, such as St John's and St Crispins.

The problem with the other option of the existing site, combined with St John's, was that the site would be slightly bigger than Baileyfield, which would allow more scope for the design of the school, but it would still be undersized and could not accommodate the same facilities as the Park option. The Baileyfield option would also require the relocation of St John's, which was contrary to the wishes of the school community, would take longer to deliver and would be the most expensive option. It would cost £6.9m more and take 6.5 years to deliver.

The Park site therefore offered the best possible school, the quickest timeframe and at the lowest possible cost. It would be the best possible outcome for the local community. The proposals for the Private Bill should therefore be supported.

4. Presentation by Portobello Park Action Group

Stephen Hawkins introduced himself and his colleagues, Alison Connelly and Sheila Coventry. He explained that they were representing some the views of the many people who believed that a new school could be provided without the need to build on the common good land, resulting in the loss of valuable green parkland.

Portobello Park Action Group (PPAG) had never argued against the need for a new school building but only that it should not be built on Portobello Park. It was illegal to

build on the park as it was inalienable common good land. The Park was dedicated to be used as freely accessible parkland in perpetuity. Despite the Council argument, since the Park's purchase, it had always been inalienable common good land and the recent Court of Appeal judgement did not create a legal impediment; it already existed.

The Park was not the only option for replacing the school as had been shown recently by the Council, where sites ruled out in 2006 as unsuitable, were able to accommodate an urban school. The Council was now consulting on a course of action with no definite timetable or certainty of outcome. PPAG believed other options offered more certainty and could be delivered in a shorter timescale. It should be remembered how this situation came about. The Council said in 2008 they did not need to go to court. They had to go to court and precious years had been lost.

If this Bill passed into statute quickly and the Council said it could do this within a few months for £50,000 - the other Councils would follow a similar path. Why should Councils go through years of community turmoil, as had happened in Portobello, if there was a cheaper, quicker method? So councils were following very carefully any procedural precedent which was established, in this attempt to circumvent common good protection.

However, the law surrounding common good assets was not clear and as this was the first known instance that a Private Bill was supposed to be used to circumvent common good legislation, Parliament would be very careful when considering the area of arcane and ancient law. Therefore, it was impossible to know how long the passage of a Bill would take or if it would ultimately succeed.

So, why go through this process when the Council prided itself on its innovative approach to confined urban school sites, whether that was a rebuild on site including a decant, or a completely new school where most sports needs were met by a multi-use games area and indoor facilities? Why, in Portobello was there a need to lose a Park to gain a school?

It was illegal to build on Portobello Park. The contribution to peoples' physical and mental well being by urban open spaces for people, over the whole of their lives, was well documented. The original Act required the creation of this park to be used for recreation purposes in perpetuity. Common good assets belonged to the people and the Council was only the custodian of these, so it should not take them for its own statutory duties or in the interests of one section of the community. This point had been made at the start of 2006 at the meeting in St Mark's Primary School, but this was not considered. It was feared that seven years later, nothing had changed in the Council's approach to developing Portobello Park and it was intent on following another contentious course of action with no certainty of achieving its aim.

5. Questions and Answers

Colin Mackay invited the audience to ask questions of any representatives of the Council or of the two groups, Portobello for a New School or Portobello Park Action Group, and he explained how the questions would be answered.

Question 1 - How many of the officials had children about to go to High School or were in S1?

Answers to Question 1 (Portobello for a New School, Portobello Park Action Group and Children and Families)

(PFANS) Most of the parents had children at secondary school, but the actual number would have to be checked.

(PPAG) They were not sure how many of the parents here had children going to secondary school, but there was a considerable number.

(PPAG) The Council seemed to be discouraging the use of the park. The two football pitches used to be well used.

Children and Families (C&F) The Council had had an audit of the use of the park undertaken in 2009 which concluded that the park including the football pitches were not well-used. One running event had been disallowed on health and safety grounds.

Question 2 - The panel members should keep to the topic. Was there any evidence that other councils would follow Edinburgh's example in pursuing a Private Bill and would affect other Common Good Land in Scotland?

Answer to Question 2 (Portobello Park Action Group)

Legal advice had been confirmed that was taking place. Hawick News also said that a Borders' council was pursuing a Private Bill.

Question 3 - What was the original legislation which stated that Portobello Park should be used for recreation?

Answer to Question 3 (Children and Families)

The Park land was owned by the Council in "quasi trust" as it was Common Good Land. Legislation from 1973 specified that the land could not be disposed of without the consent of the Scottish Government. The government was now stating that the land could not be used for any purpose. The Council had obtained joint legal opinion in 2008, which indicated that Portobello Park could be used for building the new school. However, in 2011 this had been subject to a legal challenge. Following appeal, the Appeal Court advised that the Council did not have the power to use Portobello Park as the location for the new school. The Council had to decide on the best option and were now taking a Private Bill to the Scottish Parliament to address the legal issues and allow

the use of Portobello Park as the site for the new school. This would not affect the common good in Portobello.

Question 4 - What specific act was being referred to when the burgh existed in the 1800's?

Answer to Question 4 (Portobello for a New School)

The "common law" position would be the most likely legislation, which was applicable in the 1800's.

Question 5 - What type of park would you want on the site of the current Portobello High School, especially in respect of the play park?

Answer to Question 5 (Portobello for a New School)

The park would have to complement the park, to provide a contrast with Figgate Park.

Question 6 - The existing school site was not suitable and the council had previously refused it. Therefore, why had there been a change of mind?

Question 7 - Was it not the case that any new park would not have "common good" status?

Answers to Questions 6 and 7 (Children and Families)

The Council was committed to delivering the proposed new park space on the existing school site. It had already allocated £1m to the proposals and would not have done this, if this was not the case.

Question 8 - According to common law, the title deeds stated that building on Portobello Park was prohibited. The Council could sell the land, in which case, the burdens and conditions would apply. How then was it possible to go against the deeds and conditions in perpetuity and was this not contrary to legislation?

Question 9 - When considering the Private Bill, the Scottish Parliament would have to address the Land Reform Act. Therefore, what chance would the Bill have of passing within the necessary timescales?

Answers to Questions 8 and 9 (Children and Families)

The proposals would create about 2.2 hectares of land for recreational use on the existing combined sites of Portobello and St John's Primary School. It would not be necessary to change Scots Law. Feudal Law was abolished only recently and the law would not prevent the re-development of the park. The Scottish Parliament would consider the Bill in the normal manner and make a decision.

It was unlikely that the passage of the Bill would create a precedent as the purpose of such bills was to overcome a legal impediment. It should be possible to process the Bill within the necessary timescales. This was an arcane law and the Scottish Parliament would only require making minor changes to legislation.

Question 10 - Since 1999, there had been twelve Private Bills in the Scottish Parliament. Of these, seven were concerned with infrastructure, there was no similarity with the proposed Bill and there was no evidence that this bill would pass within the necessary timescales.

Answer to Question 10 (Portobello for a New School)

Democracy allowed small groups of people to operate effectively and this Bill would give this to the residents of Portobello. Building the school on the park was the best option.

Question 11- A member of the public stated that they had one child in Portobello High School and one who had left school. However, they had first heard about the proposed new school when the children were in nursery.

Answer to Question 11 (Portobello Park Action Group)

Regarding the length of time to build the school, if people had supported clarification of the legal position six years ago, then they would not be in this position. In respect of the issue of democracy, this should be used to check the power of the Council.

Question 12 - Discussions had taken place involving those supporting and opposing the proposals. There was now an opportunity to establish what the majority of people wanted. If the consensus was for the new school in the park, would the opposition accept the will of the people?

Answer to Question 12 (Portobello Park Action Group)

In a democracy, people had the right to follow their own opinion.

Question 13 - How would the outcomes of the consultation process be decided and how would the answers be analysed?

Answer to Question 13 (Children and Families)

The Council invited both those in favour and against the proposals to the meeting to ensure that all sides of the debate was heard. The results would be analysed by simply processing the numbers. At this stage, there had been 3013 responses. People would either support or oppose the proposals. The Council also wanted to seek peoples' views on the alternative use of open space.

Supplementary question - Why were children responding to the consultation?

Answer to Question 14 (Children and Families)

There was no reason for them not to respond to the consultation. Children were as much part of the community as adults and there was no age bar for respondents. Similarly, during the planning process, there had been no set age criteria for any comments.

Question 15 - The Council seemed to be wasting money on the Bill. What was the cost of this?

Answer to Question 15 (Children and Families and Portobello Park Action Group)

(C & F) The exact figure was not known, but would be provided at the next meeting.

At this stage, in excess of £2m had been spent on the project mainly on delivering the design for the new school on Portobello Park. Of this £150,000 had been used to pay for the legal challenge. Both the Baileyfield option and existing combined site would be more expensive. The option for the new school in Portobello Park would be nearly £6m cheaper than the Baileyfield option and nearly £7m cheaper than the existing combined site.

(PPAG) The legal objections were raised at a comparatively late stage by PPAG, as it was necessary to wait until the planning application was processed.

Question 16 - A Private Bill had previously been approved by the Scottish Government to allow the National Art Gallery to extend into Princess Street Gardens. Therefore, a precedent did exist and it was entirely correct for the Council to pursue the Private Park Bill.

Answer to Question 16 (Portobello Park Action Group and Portobello for a New School)

(PPAG) The work for the National Gallery actually took place underground, there had been virtually no objections and the work only involved a small piece of land.

(PFANS) The idea of a precedent for a private bill was not relevant, as all cases were considered on their own merits.

Question 17 - Will the responses to the consultation be considered on an individual basis or counted by household?

Answer to Question 17 (Children and Families)

The individual responses would be counted.

Question 18 - What was the most important factor for the success of the Bill?

Answer to Question 18 (Children and Families)

The community demonstrating its support for the proposal would have a positive effect, as this would help the Council as the promoter of the Private Bill.

Question 19 - How could it be ensured that the respondents were real people and did not have multiple identities?

Answer to Question 19 (Children and Families)

There were concerns about duplicate responses and measures had been put in place to identify any such occurrences. Respondents had been asked for personal details and the number of electronic responses would be checked against IP addresses. However, to date there had been no evidence of any abuse of the process.

Question 20 - Would the Council publish the actual detailed results of the consultation?

Answer to Question 20 (Children and Families)

The Council was committed to publishing the consultation and there was no reason not to do this other than any personal details which respondents had provided.

Question 21 - There had been ample opportunity for those for and against the proposals to discuss the proposals. If the Bill was passed, would those opposed to it respect the will of the people?

Answer to Question 21 (Portobello Park Action Group)

Those opposed to the Bill would respect the law.

Question 22 - If the proposals were supported by a significant majority of the population, would building the new school in Portobello Park not be in the “common good”?

Answer to Question 22 (Portobello for a New School and Portobello Park Action Group)

(PFANS) “Common Good” was a very arcane concept and needed to be clarified. The local community should control how local assets were used.

(PPAG) The local community should decide on the proposals. There was a difference between “common good” in a general sense and “Common Good Land” in a legal sense.

Question 23 - When giving information, pupils at the school might have been given exaggerated information regarding the poor state of the school. If the school was so run down, why had it not been replaced before now?

Answer to Question 23 (Portobello for a New School and Children and Families)

(PFANS) They had worked closely with high school pupils from all over Scotland, who were in a position to make comparisons with Portobello and other high schools. This had provided Portobello for a New School with the knowledge to make a valid judgement.

(C & F) Replacing the school was not in question, as conditions and suitability issues did exist. The Council had already had to invest money in the school to keep it operational. £2m had been spent in recent years, there had been a condition survey and money had been spent on maintenance and further investment was required.

Question 24 - What would be done to prevent children breathing in traffic fumes from heavy traffic, from the new school? Additionally, how much would it cost to pay to treat sick children who had breathed in fumes?

Answer to Question 24 (Children and Families)

The issue of traffic fumes had been considered as part of the planning process and there had been no problems identified at that stage. Significantly, the Baileyfield option could be worse in this respect.

Question 25 - Could the public use the school swimming pool in the holidays?

Answer to Question 25 (Children and Families and Portobello Park Action Group)

(C & F) When the all-weather pitches were not being used by the school they could be booked freely by members of the public. However, regarding the swimming pool, there were no plans for the use of this to be provided free.

(PPAG) Could this be clarified? During the planning process, the pitches were supposed to be accessible at any time. Now, this had changed to being “bookable”.

(C & F) During the planning process, it was agreed that “cat flaps” would be provided to allow casual use. This would still be the case however the proposals now extended to allow the pitches to be formally bookable for free by members of the local community.

Question 26 - People under 18 were able to vote, however they would not be affected by the proposals. The community had to see that the process for the new school was fair and transparent. The houses next to Portobello Park had not yet received the information leaflets. Why was the focus on the school community and not on the households immediately affected?

Answer to Question 26 (Children and Families)

It was not the case that there was focus on the school community. There had been some issues with the distribution of the information leaflet to 14,500 households, as the

company concerned was unreliable. However, the information leaflet would be re-distributed by a company that was known and reliable.

Questions 27 - What action should residents take who wanted to support the Bill?

Answer to Question 27 (Children and Families)

They should simply respond to the consultation, stating their views, as should those opposed to the proposals.

Question 28 - Regarding the response to question of democracy, were PPAG not totally out of touch with opinion in the community?

Answer to Question 28 (Portobello Park Action Group)

This was the type of unpleasant comments that PPAG have been subjected to.

Question 29 - Most of the parks in the area were well-used, but this was not the case with Portobello Park. If the new school was built on Portobello Park, would it really have a detrimental effect?

Answers to Question 29 (Portobello Park Action Group and Children and Families)

(PPAG) It was not necessary to lose the park. According to the Council, in 2006, there would be no loss of open space. However, the Council changed its mind in 2010. If the Bill was passed, there would be a loss of revenue from the sale of the site.

(C & F) The sale of the existing site and the other options had been accounted for. Baileyfield would be £5.8m more expensive. Referring to the report of November 2012, £5.5m would be a good saving and would cover the entire Council contribution to a new St John's RC Primary School. The Council was encouraged by the 3015, responses from the community regarding the possible use of the space. Once all the feedback had been received, these responses would be taken to the Council.

(PPAG) PPAG thanked the Council for admitting that they were wrong in 2010 regarding the potential use of the existing site as open space.

Question 30 – In financially stringent times, the amount of public money spent was important. How much would it cost to process the Private Bill? Additionally, there was the cost of educating the increased number of children.

Answers to Question 30 (Children and Families)

The Bill would cost about £60,000.

Question 31 - A member of the public indicated that their house was located near St John's and they were concerned about the view. Would there be a new build or a building on the old structure?

Answer to Question 31 (Children and Families)

The future of St John's RC Primary School depended on the location of the new Portobello High School. If the existing combined site was chosen, St John's would also have to move to a different location. In May this year, the Council would consult with St John's community regarding the replacement of the school and its location.

Question 32 - A member of the public stated that PPAG members said that their views should not be considered as they had only stayed in the area 20 years. They had seen the plans for the new school and they were outstanding. If the school was not build on the park, what space would be lost?

Answers to Question 32 (Portobello Park Action Group and Children and Families)

(PPAG) It was never said that the member of the public in question should not have an opinion about the proposals.

(C & F) The internal space in the school building would stay the same. However, the site at Baileyfield was more constrained and the main loss of space would be external sports facilities.

Question 33 – There were concerns that parents would get their children to complete the survey to “skew” the results. What had the pro-school lobby done to encourage young children to take part?

Answer to Question 33 (Portobello for a New School)

Children had not been prompted or encouraged children to complete the survey, to “skew” the results. However, they thought that secondary pupils and older primary pupils could make up their own minds about the proposals.

Question 34 - Why would the Council build on a Greenfield site when a brownfield site already existed?

Answer to Question 34 (Children and Families)

Portobello Park was the best site for the school and a Private Bill was required to progress this.

Comment - If the Bill was passed and the new arrangements for the park were implemented, the public would take the shortest route across the golf course, this might not be safe for walkers and as a consequence, golfers would cease to use the golf course to the same extent. This had occurred before on greenfield sites.

Question 35 - Would there not be traffic congestion at the entrance to Park Avenue?

Answer to Question 35 (Children and Families)

During the planning process, traffic in this area had been considered and no issues were identified.

Question 36 - What would the entrance to the school on Milton Road be like?

Answer to Question 36 (Children and Families)

There had been no change to the original design of the school and in respect of the entrance, this could be seen in application in the planning portal.

Question 37 - Parents wanted the best education for their children. What choice did the panel make for their own children?

Answers to Question 37 (Portobello Park Action Group and Portobello for a New School)

(PPAG) Parents should decide for themselves where they should send their children.

(PFANS) One member stated that both their children were at Tower Bank Primary School and would go to Portobello High School. Another indicated that both their children were in the High School and were receiving a good education.

Comment - This was a community focused consultation, which concerned parents whose children went to Portobello High School or would go in the future. Everyone was entitled to their views.

Question 38 - Were the plans for Boroughmuir High School regarded as being a success?

Answer to Question 38 (Children and Families)

The final plans for the new Boroughmuir High School were not yet available. The proposed area for the new school was about one hectare which was smaller than the Council wanted. There was a choice between refurbishment or building a new school. Although this was a small site it was the only one available in the local area and the only sports facilities would be limited to a multi-use pitch on the roof. The proposals for Portobello were entirely different and Portobello Park was best site for the school. The school building, playground and car park would be approximately 2.6 hectares, however the overall site size including that allocated as pitches was still considerably lower than the Scottish Government prescribed requirements.

Question 39 - During the presentation, why had there been a total misrepresentation of the proposed building. According to this, the roof of the school was not the same height as the houses on Duddingston Crescent. This was not the case according to the plan.

Answer to Question 39 (Children and Families)

The plans for the school shown in the visuals were accurate and were part of the planning application.

Question 40 - As a former teacher at Portobello High School, were members of the public aware that all the staff at the school were in favour of the new build in Portobello Park?

Answer to Question 40 (Portobello Park Action Group)

There were other views in the community that should be taken into account.

Question 41 - Regarding the plan of the proposed site, could the location of the school be clarified?

Answer to Question 41 (Children and Families)

The school building, playground and car park would be located towards the west side of the park. The new all-weather pitches would be replacing the park's existing grass football pitches and the lighting would make the pitches available in the evenings. The floodlights were nearer the height of the street lights.

Question 42 - What would happen when there was development of land that had not been taken over by the Council? Who would control the football pitches?

Answer to Question 42 (Children and Families)

CEC The football pitches were controlled by the school. When the football pitches were not used by the school, they could be used by the residents.

Question 43 - Would the proposed new school not be too small, considering the increasing numbers of pupils as a result of immigration?

Answer to Question 43 (Children and Families)

The capacity of the school had been considered in 2009. The school would accommodate 1400 pupils and this would take into account the increasing numbers of pupils.

Question 44 - Why should the public trust the Council to compensate for the loss of green space?

Answer to Question 44 (Portobello for a New School, Portobello Park Action Group and Children and Families)

(PFANS) Portobello community was a formidable force and if there were any proposals to remove the park, there would be considerable opposition from the community.

(PPAG) In the past the Council had not always carried out what it had said it would as circumstances changed. Legislation had given the community Portobello Park for the common good and now the Council wanted to change that legislation.

(C & F) There had been changes of circumstance since 2010. However, if the community was concerned that the Council would not maintain its commitment to create open space, then it would have to go to find ways to further re-assure the community.

6 Closing Statement

Colin Mackay. There had been numerous questions and comments and there would be another chance at the consultation at Meadowbank on 17 January to raise more questions and if necessary, get specific answers to questions from tonight. People should invite their friends to the consultation at Meadowbank. The consultation period would last till the end of January.

Record of Meeting

Portobello High School - Consultation on Proposed Portobello Park Private Bill

Public meeting held on 17 January 2013, at 7.00 pm, in Meadowbank Sports Centre – Hall 2

Present: approximately 300 members of the public.

In Attendance: Colin Mackay (Independent Chair), Councillor Paul Godzik (Convener, Education, Children and Families Committee), Billy MacIntyre, (Head of Resources, Children and Families), Iain Strachan (Acting Legal Manager, Corporate Governance), Scott Castle (Project Manager, Thomas and Adamson). Emma Wood, Rosemary Moffat and Sean Watters (Portobello for a New School). Stephen Hawkins, Alison Connelly and Sheila Coventry (Portobello Park Action Group).

1. Welcome

Councillor Godzik welcomed everyone to the meeting. He stated that there had been a fantastic response to the consultation so far on such a vital issue and was looking forward to further contributions at the meeting.

2. Introduction

Colin Mackay introduced himself and explained that he had been invited by the Council as an independent person to chair the public consultation meeting this evening. It had been arranged by the City of Edinburgh Council as part of the consultation on a proposed Portobello Park Private Bill with the aim of allowing the rebuilding of Portobello High School on Portobello Park. A series of presentations would be provided by the City of Edinburgh Council, Portobello for a New School and Portobello Park Action Group followed by questions for the panel from the public.

3. CEC Presentation

Billy MacIntyre (City of Edinburgh Council) explained the background to the proposal.

Portobello High School was a 1400 capacity secondary school in need of replacement. Portobello Park had been identified and approved by the City of Edinburgh Council in December 2006 as a location for the new school and two years later, approval was given to progress with the project. Planning permission was granted in February 2011, but during 2011, the right of the Council to use Portobello Park for a new school was subject to a legal challenge. Following appeal the Court advised that the Council did not have the power, under existing legislation, to use Portobello Park as the location for the new school.

The purpose of the Private Bill proposed by the Council would be to address the legal impediment that stops the use of Portobello Park for another purpose. The Private Bill would only change the use of Portobello Park and would not affect any other Common Good Land in the city or elsewhere in Scotland. As the promoter of the Private Bill, the Council had to demonstrate community support for its proposals. So far there had been 4,508 responses to the consultation on the Private Bill proposal.

Billy MacIntyre outlined the plans for the new school on Portobello Park and addressed some concerns on the loss of green space. The area of Portobello Park excluding the golf course was 6.4 hectares. The two all-weather pitches would replace the existing grass pitches and take up 1.6 hectares, a further 1.6 hectares would remain as woodland, public pathways or cycle paths and an area of 0.6 hectares would be landscaped to provide a public space for recreation and play. There would also be improved entrances to the park, better paths and a new cycle path. To compensate for the loss of open space, a new area of open space of approximately 2.2 hectares would be created on the existing combined site of Portobello and St John's schools. The local community would also be provided with free access to the two all-weather pitches when not in use by the school.

The consultation on the Council's proposals to change the use of Portobello Park commenced on 3 December 2012 and would end on 31 January 2013. The consultation process included attendance at two community council meetings, the distribution of approximately 14,500 information leaflets to households in the local area, road show events and exhibitions and the two public meetings. Responses to the consultation could be provided via an online survey, by completing the paper questionnaire or by letter or email. Once the consultation had concluded, the results and draft Private Bill would then be taken for consideration to the Council on 14 March 2013 and if approved, it would be submitted to the Scottish Parliament.

4. Portobello Park Action Group (PPAG) Presentation

PPAG stated that everybody should be entitled to an opinion and their views treated with respect. They highlighted the following:

- The school was needed but the park was the wrong location.
- It was possible to build a new school while retaining the park and the golf course.
- It was illegal to build on the park.
- It was possible to build an excellent school on one hectare of land avoiding the use of Portobello Park. Developments at Boroughmuir and James Gillespie's had recently been agreed and were both been built on small sites.
- The preservation of green space was vital for physical and mental health.
- Portobello Park was next to a busy road and a golf course and these were unsuitable neighbours for a school.
- There was no guarantee that the proposed replacement park on the site of the current Portobello High School (PHS) would be sufficiently protected from future development.
- The close proximity of the proposed new school to the golf course could lead to children crossing and damaging the course.
- If the school was built there was a chance that the golf course would be removed for alternative development.

Concern was also raised that there were groups in the community that were under-represented and that some residents had not received any information regarding the consultation. They expressed further concern about the accuracy of information articulated by the Council and highlighted that in the past the Council had changed their tactics constantly and may change again in the future.

In regard to the Private Bill it was explained that it could set a bad precedent for the future of Common Good land. There had only been 12 Private Bills through the Scottish Parliament in its recent history and those Private Bills had taken longer than the timescale indicated by the Council.

Portobello Park had been neglected recently but it was a fantastic space and with a little bit of investment could be restored for the good and health of the people of east Edinburgh.

PPAG concluded by stating that the Council had been untrustworthy in regard to Portobello Park and could not be trusted in the future.

5. Portobello For A New School (PFANS) presentation

PFANS stated that indecision on the site of the new Portobello High School would affect the children of the school who could feel that their education was not deemed important enough to deliver on a new school. It was necessary that there was clear support for the Private Bill to give the Council a mandate to act.

Further details were given by a resident who lived near the park and had agreed to become part of the panel to make the views of local residents known. The park has been underused and many residents would prefer a better use for the park than its current use. The new school would provide great facilities for children day and night and many residents would use the school for the proposed facilities and night classes. The new cycle path would encourage cycling, the area would be generally improved under the Council's proposals and the building would be a well used asset for the local community.

In regard to the argument about the common good land been used it was stated that common good usages had changed over the years but there were schools such as Kingsland School in Peebles and Holy Cross School in South Lanarkshire that were built on common good land. These had been allowed to go ahead because the land would still be in public ownership and benefiting the community.

A Private Bill would be perfectly legal and the reason the process existed was because many existing laws have unintended consequences. A private bill would be specific and would not set a precedent. It would though require public support to be passed. If the consultation shows that there was strong support then there will be a very strong case for a private bill. A community were better placed to decide what was in their interests than three judges sitting in the Court of Session.

PFANS concluded that the best site for Portobello High School was Portobello Park. In terms of size, location, the facilities it could accommodate and the environment it could provide, no other site comes close. The Council's proposals were the best possible outcome for the community and PFANS would be supporting the Private Bill.

6. Questions and Comments -

Colin Mackay as Chair, then invited questions or comments from the audience - firstly from those who had not attended the previous meeting. Questions, and answers from the panel members, in summary, were as follows -

Q1 – There was an urgent need for a new school and the best possible school. If a significant majority supported the proposals would that make a difference to PPAG?

Answer – (PPAG) PPAG was not just three people, it had the support of many in the community. There would be a democratic process and points would be made for and against and PPAG would provide opposition to the Bill through that process.

Q2 – The Council had made a slick case for building on Portobello Park largely thanks to propaganda. Why do people have to pay £20 to register to voice their opinion at the Scottish Parliament? Surely this was undemocratic.

Answer – (Billy MacIntyre) The £20 registration fee was an issue of the Scottish Parliament and not something the Council could affect.

The Council had attempted to provide the facts regarding costs to everybody and did not feel that it was propaganda.

Q3 – Many public sector project costs spiral, how could we trust that this project would not be the same?

Answer – (Billy MacIntyre) The costs of the project had been evaluated by external cost consultants and there was a contract already agreed which covered the majority of the costs to complete the school on Portobello Park. All calculations allowed for inflation. The estimated construction costs for other options used cost metrics which were taken from the Scottish Government's guidelines on the cost of building new schools.

It is the intention that Portobello Park will remain common good land. As for the matter of trust, it is not the Council's intention to change the proposed park on the current school site. The Council intends to spend up to £1m and it would make no sense to then change the park to another use.

Q4 – Why should children of Portobello High School not get the same privileges as those of Holy Rood High School? Why should they have to be decanted into porta cabins for years by not choosing the Portobello Park site?

Answer – (PPAG) We do support a new high school for the children of Portobello High School, it would just be on a smaller site than the Council's proposed location on Portobello Park. An excellent school could still be built on another location.

Q5 – What were the comparable sizes in pupil population between James Gillespie's, Bouroughmuir and Portobello High School? Why were PPAG concerned about the Portobello Park site being located beside a road? Surely the Baileyfield site was beside a road?

Answer- (Billy MacIntyre) The capacity of Portobello High School was currently 1,400 pupils and the proposed new school would also be 1,400 pupils. The capacity of Bouroughmuir High School was 1,165 pupils and for James Gillespie's it was 1,150 pupils.

(PPAG) – Baileyfield site is not right beside the road, there is a separating embankment.

Q6 - Were there any plans to increase the safety of pupils if the new school was built at Portobello Park? Had nobody realised that golf balls would be flying over the path? Were traffic and golf dangers allowed for within the site?

Answer - (Billy MacIntyre) Safety had been covered as part of the planning application and included a detailed traffic analysis. The Council was content that this was a safe site and details of the planning application could be found on the Council's website.

Q7 - (from PPAG panel member) Would golfers teeing off on the first hole be aiming at children?

Answer- (Billy Macintyre) There would be a fence to stop children from being hit. The path will also be tarred and lit.

Q8- What is the answer to elderly people who were losing green space?

Answer (PFANS) – A lot of different considerations had been made. The opinion is that it was not well used at the moment. There would still be five and a half acres with improved access and another £1m would be spent on a new park.

(PPAG) – I do not remember the fence in the planning regarding the path. We should be trying to preserve the park for the 1,400 children when they grow up. You do not have to be physically on the park to enjoy it either.

(Billy MacIntyre) – With the proposal we have attempted to improve and enhance the facilities on Portobello Park to ensure that it could still continue to be used in the future for what it is currently being used for.

Q9- I am interested in hearing more about the positive aspects of having a school located next to a golf course?

Answer (PPAG) – Our issue is not with the school children walking across the course and damaging it, but instead to do with safety and the opinion of golfers who may be worried to tee off for fear of hitting a schoolchild. The benefits of having the school next to the golf course have been exaggerated; the current school was already close to the golf course and there was no golf academy.

(PFANS) - Walking across the golf course was not an issue because the route would literally lead to nowhere.

(Billy MacIntyre) – The golf academy idea had not been dropped and if a school was built on Portobello Park then this would be explored.

Q10 - I am interested in the mental health aspects of green space. What are the Council's plans for the existing school site?

Answer – (PPAG) – We were told initially that there was no chance of the park being located on the current school site. We would like see any such parkland preserved forever.

(Billy MacIntyre) – We have looked at options as to how greater protection could be applied to the new park. Would Field and Trust status be supported by PPAG?

(PPAG) – Yes this would be welcomed.

Q11 - I was shocked by PPAG's comments about bullying. I had experienced bullying because of being from Rochdale.

Answer (PPAG) – I am initially from Halifax, I welcome anybody from the North of England.

(PFANS) – There has been poor behaviour from certain people. All this talk of bullying is simply a distraction from the real question though.

Q12 – Could the School expand onto the golf course if necessary?

Answer (Billy MacIntyre) –The golf course is also common good land but definitely does not part of the Private Bill proposal.

Q13 – Boroughmuir was the best state school in Edinburgh and it only had one pitch, the need for two pitches seemed to have been exaggerated.

Answer (Billy MacIntyre) – The teachers at Boroughmuir may disagree with one pitch being enough outdoor space. The proposed Boroughmuir School is an urban school and there was not sufficient space for any pitches other than a multi-use games area which we aim to locate on the roof.

(PFANS) – The open space would not just provide recreation in school time but after school. These facilities would be essential for parents who could not afford activities such as dance classes, etc.

Q14 Were the council aware that the optimum size for a high school is little over half of 1,400. Why do they not build two schools - one on Castlebrae and one on the previous site? This would allow the city to be better prepared for demographic changes.

Answer (Billy MacIntyre) – No decision has been made to close Castlebrae High School. A combined school was considered as part of the options incorporated in the report to Council on 22 November 2012. The combined capacity for Portobello and Castlebrae would be 2100 so two 700 capacity schools would not be sufficient.

Q15 – I am concerned about the capacity of the proposed new school, where would it be able to expand?

Answer (Billy MacIntyre) – Previously the school was going to be built to a capacity of 1,200, this had been increased to 1,400 and the Council are happy that this will be sustainable.

Q16 Would the school still be fit for purpose in forty years?

Answer (Billy MacIntyre) – The school has been built to last a minimum of forty to fifty years. However, we do not know how schooling will take place in forty years; there may be less demand for physical schools.

Q17 Could PFANS estimate what level of community support exists? Could the Council tell us if this would be enough for the bill?

Answer (PFANS) – We have been involved with lots of groups regarding plans and things they would like to do at the new school including children discussing what they would like in a new school.

(PPAG) - Many of the benefits would be delivered wherever the school was. There would only be marginal benefit from locating the school on Portobello Park.

Q18 – Would the Private Bill path be quicker than building a school on another site? A Private Bill could take three years. If the school was built on another location, would the public still get use of facilities? How many children from outside the catchment area were currently at PHS?

Answer (Billy MacIntyre) – It would take far longer to build the new school in another location due to the need for the design, procurement and contract processes to be initiated then completed. Free public use of facilities would not apply in other locations; this was specific to the build in Portobello Park. Roughly 12% of students were from outside the catchment area, this equates to 150 students. [post meeting correction - catchment data within schools is collated annually as part of the school census during September. As at September 2012, out of a school roll of 1,309 there were 321 pupils from outwith the catchment area or 24.5%.]

Q19 – How were the Council going to verify that consultation responses were genuine?

Answer (Billy MacIntyre) – As is the case with any consultation of this nature, the Council would have to accept that responses were submitted by the person indicated on the submission. However, checks would be done to eliminate any duplicate submissions, any incomplete addresses and any responses from outside Edinburgh. Further checks were being undertaken including checking IP addresses for online submissions and checking data against the electoral roll.

Q20 – What do you dream of when you think of a perfect school in Portobello?

Answer (PPAG) – A school with an exciting space in the heart of the community.

(PFANS) – A school on Portobello Park.

(Billy MacIntyre) – The proposed fantastic Portobello Park design.

Q21 – Would there be other channels through which views could be aired?

Answer (PFANS) – The Private Bill was the last attempt to build a school on Portobello Park

(PPAG) – In agreement on this with PFANS.

Q22 – In the absence of a referendum, how will the Scottish Government know the will of the people?

Answer (PFANS) – the whole point of this consultation is to gauge public opinion.

(PPAG) – The Council is not a neutral body; they were using the consultation to promote their side of the argument.

(Billy MacIntyre) – The consultation is on the Council's proposal. Each member of the public is free to make a decision through the consultation and the process to either support the council proposals or not and the overall outcome would provide the Scottish Parliament with the view of the community.

Q23 - When would a new Portobello High School be built?

Answer (Billy MacIntyre) – If the Private Bill went through on the estimated timeframe it would be completed in January 2016.

Q24 - I would like the Council to produce the statistics about the use of the park. I think that the park was well used.

Answer (Billy MacIntyre) – The statistics were available in an audit of the usage of the park which was included in a report that went to a full Council meeting in March 2009; independent consultants were used to undertake that audit.

Q24 - How can people make an informed decision when they do not have information about the other sites?

Answer (Billy MacIntyre) - This consultation is about Portobello Park and not the other options.

Q25 What are the evaluation criteria for consultation responses?

Answer (Billy MacIntyre) – A majority would be over 50%, then it will be a Council decision followed by, if agreed to lodge the Bill, a decision by the Scottish Parliament.

Q26 Does the panel think the children and the community deserve the best possible school?

Answer (All) – Yes

Q27 I would like to know why Baileyfield is an unsuitable site?

Answers (PFANS) – The Council do not own the site so we do not know if it was an option yet. It was also on the edge of the catchment area; the site was poor and more facilities could be delivered on the Portobello Park site.

(PPAG)- The site was acceptable and the Council agreed with this. It was a myth that a school had to be in the middle of a catchment area. The combined benefits of building the school at Baileyfield are better than at Portobello.

Q28 - What are the views of the panel on children answering the consultation?

Answer (PPAG) – Think it is justifiable but would like to know what the Council was doing to ensure that the children understand the process.

(PFANS) – This is a legal matter, however, children do understand their needs very well and this must be considered.

(Billy MacIntyre) – Children had not been specifically encouraged or discouraged as the Council did not feel it was right to apply a different format of consultation to any one group.

Q29 – Were PPAG worried that by delaying the build the structural soundness of the current school was at risk?

Answer (PPAG) – The Council was responsible for providing safe educational environments.

(Billy MacIntyre) – It was the Council’s responsibility and the current building was structurally sound.

(PFANS) – We would like to commend the teachers for their hard work in hiding the poor state of the building from the children and making it the best educational experience they could.

Q30 If the bill was not passed in early 2014 would there be additional planning and procurement issues?

Answer (Billy MacIntyre) – That risk would have to be explored further but steps for a renewal of the planning consent could be taken and the option to have further discussions with Balfour Beatty also exists.

7. Conclusion

Colin Mackay in concluding the meeting; thanked the audience for the questions and points made this evening.

APPENDIX 2

ANALYSIS OF RESPONSES BY AREA

Area	Support Proposals	Do not Support Proposals	Total	% Support
Bingham, Magdalene and the Christians	736	480	1,216	60.5%
Duddingston	629	415	1,044	60.2%
Jewel, Brunstane and Newcraighall	132	62	194	68.0%
Joppa	945	214	1,159	81.5%
Mountcastle	354	38	392	90.3%
Northfield	428	57	485	88.2%
Portobello	733	136	869	84.3%
Willowbrae and Duddingston Village	949	136	1,085	87.5%
Other areas	15	6	21	71.4%
Sub-Total Local Area	4,921	1,544	6,465	76.1%
Craigentenny	251	77	328	76.5%
Abbeyhill, Meadowbank & Marionville	114	49	163	69.9%
Restalrig (Loganlea)	105	30	135	77.8%
Hermitage Park and Prospect Bank	99	18	117	84.6%
Jewel, Brunstane and Newcraighall (outwith local area)	69	37	106	65.1%
Comely Bank	6	83	89	6.7%
Restalrig and Lochend	60	28	88	68.2%
Broughton	50	23	73	68.5%
Niddrie	54	18	72	75.0%
Blackford	41	28	69	59.4%
Hillside and Calton Hill	48	20	68	70.6%
Marchmont West	22	45	67	32.8%
Stockbridge	19	45	64	29.7%
Dalkeith Rd	12	51	63	19.0%
Craigleith	14	45	59	23.7%
Lorne	34	20	54	63.0%
Marchmont East and Sciennes	18	35	53	34.0%
Southside and Canongate	24	23	47	51.0%
New Town West	8	39	47	17.0%
Dean, West End and West Coates	21	23	44	47.7%
North Leith and Newhaven	25	19	44	56.8%
Bonnington and Pilrig	34	9	43	79.1%
Merchiston and Greenhill	20	23	43	46.5%
Greendykes and Niddrie Mains	40	2	42	95.2%
Leith Docks	25	15	40	62.5%
Old Town and Leith Street	11	30	41	26.8%
East Trinity and Bonnyhaugh	23	18	41	56.0%
Meadows	12	28	40	30.0%
Other	765	552	1,317	58.1%
Total	6,945	2,977	9,922	70.0%

The areas shown above are intermediate zones which are determined by the Scottish Government based on post code. There are 1,235 such zones in Scotland each containing on average 4,000 household residents. Further details are available here <http://www.scotland.gov.uk/Publications/2005/02/20732/53083>.

APPENDIX 3

PORTOBELLO PARK CONSULTATION COMMENTS ANALYSIS

1 Background

- 1.1 Around six thousand detailed responses to questions were analysed by Business Intelligence to identify the key issues in relation to the proposed development of the new Portobello High School on the site of Portobello Park.
- 1.2 Section 2 of this analysis looks at individual respondents' reasons for supporting or opposing the development on the proposed site. Section 3 looks at suggestions for the potential use of the new area of open space which would be created if the project to build the new Portobello High School on Portobello Park was to proceed.
- 1.3 The focus of this analysis has been to identify broad themes present amongst the feedback of those who support and those who do not support the proposal. As different phrases are used to describe the same issues, this analysis has generally not attempted to estimate how many respondents hold a particular view, but to describe the range of views held.
- 1.4 In section 3, a general indicator of the number of respondents who suggested a facility or feature is shown, but this number should only be considered approximate as it is a simple frequency count which includes some distortions that cannot be quantified in the time available. For example, around 400 respondents are noted as suggesting "football", but this number may include a minority of respondents who said "an Aussie rules football pitch", "an American football pitch" and "anything but a football pitch". Likewise this number would not include anyone who said "fitba" or any unusual misspellings of football. However, reasonable care has been taken to identify any common issues – for example "skatepark", "skate-park" and "skate park" would all be counted.

2 Attitudes to the Development

2.1 Common Good land

Support

- 2.1.1 Even amongst supporters of the plan there was concern about the loss of Common Good land. But supporters felt that the need to provide children with a good education was the more important priority. Some respondents stated they were satisfied that the Private Bill and this situation were an exceptional case and did not set a precedent, while others felt that the law on this subject was "confused" and was frustrating attempts to act for the common good of the community.

Opposition

- 2.1.2 The majority of respondents who do not support using Portobello Park as the site for the new Portobello High School believed that as the park is Common Good land it should not be developed. Respondents believed the Court of Session ruled it was illegal to build on this land, therefore the Council should not attempt to use a Private Bill as a means to overturn the decision already made.
- 2.1.3 There was concern that if the Private Bill were successful it would set a precedent, leaving other areas of Common Good land at risk of future development and resulting in a decrease in the availability of green space in Edinburgh.

Council Comment

- 2.1.4 The judgement of the Inner House of the Court of Session did not express an opinion on whether or not a new Portobello High School should, or should not, be built on Portobello Park. Rather, it reached a decision regarding whether the Council currently had the power to appropriate the Park for that purpose.
- 2.1.5 The Court of Session decided that the Council could not appropriate the land at Portobello Park in order to use it as the site for a new school, as it was inalienable common good land and the legislation contained no provision allowing such appropriation. The Court of Session emphasised that, although the Local Government (Scotland) Act 1973 provided for the *disposal* of inalienable common good land with consent of the Court, no such procedure was set out for *appropriation*, regardless of the purpose of such appropriation. As the Local Government (Scotland) Act 1973 was silent on the issue of appropriation the common law applied, meaning that the Council had no power to appropriate any part of the park (with or without the consent of Court) for any purpose other than to which it had been dedicated i.e. use as a public park and recreation ground.
- 2.1.6 The decision of the Inner House of the Court of Session leaves this Council, and other local authorities in Scotland, with a legal anomaly. Part VI of the Local Government (Scotland) Act 1973 provides that such inalienable Common Good land could, with Court consent, be sold to a third party for any purpose. However, so long as the Council remains owner, there is no means by which its use can ever be changed. However, were this land to be deemed by legislation to be *alienable* Common Good Land, the 1973 Act would allow a change of use. This is what the Council intends with the Private Bill. The land would remain in the Common Good, and the change to the law would only affect Portobello Park and not Portobello Golf Course or any of the rest of the City's Common Good land, or property anywhere else in Scotland. The Bill would also only allow the use of the land to be changed for education purposes, and not for any other

purpose (although it would not affect the Council's ability to continue to use the site for recreational, sporting, cultural and social activities).

2.2 Green space

Support

- 2.2.1 The promise of creating and redeveloping green space was seen as an important part of the proposal amongst supporters. For those concerned about the loss of Common Good land or greenbelt, the creation of new open space was viewed as a fair trade. Some respondents went further than this, saying that there was already sufficient high quality green space in the Portobello area and that there was no pressing need to maintain Portobello Park.
- 2.2.2 Portobello Park was viewed negatively by supporters of the plan; local residents, commuters and those passing by referred to it as "wasteland" and a "dog toilet." The park was not felt to be a valuable local resource and was not welcoming, accessible or fit for purpose. Hopes were expressed that the development of all-weather pitches alongside the school would actually result in more use of the land as a park.

Opposition

- 2.2.3 Those who do not support the proposal felt that the Council should explore all options of using brownfield sites before considering developing on existing green space. A number of respondents suggested that there were suitable alternative sites within the catchment area, such as Baileyfield or the existing school site.
- 2.2.4 Respondents who opposed the proposals felt that it was vital to retain Portobello Park as a green space. A number of respondents reported playing in this area as a child and that they felt future generations would miss out on enjoying and experiencing this space as it was intended to be. It was felt that the park represents "the lungs of the city" and that the Council should do more to conserve natural parklands without disruption to wildlife.
- 2.2.5 Those who opposed the proposal were suspicious of the Council's plans to replace the open space at an alternative site. The proposed alternative was felt to be too small in comparison to Portobello Park and there were concerns that without the status of Common Good land the alternative site would still be at risk of Council development or sale to a private company in the future.
- 2.2.6 A minority of respondents suggested that the Council had left the park unattended for a period of time to help generate support for the proposed new school. Respondents questioned the suggestion that people who use the park now are mostly dog walkers and that there is very little wider recreational use, while others noted that the park was previously used regularly for football

matches before the goal posts were removed from pitches and the grounds became overgrown.

- 2.2.7 Those who did not support the plan felt that rather than building a new school, the Council should do more to maintain the park to make it more attractive for people to use. There was a general feeling that green spaces promote exercise and freedom and that the loss of space of this nature will contribute to growing levels of obesity amongst children. It was suggested that proposals to improve entrances to the park, cycle paths and public paths, along with improving the existing football pitches, should be carried out irrespective of the new school being built and that there was nothing preventing schools from travelling to the improved area to use the facilities for sports classes.

Council Comment

- 2.2.8 Options for a site for a new Portobello High School in, and around, the school's catchment area have been explored on many occasions over the last seven years; most recently during 2012, the results of which are included in the report to Council on [22 November 2012](#). The results of this review show that there is simply no other site in a good location and with enough space to provide the same level of facilities and easy access as the site at Portobello Park. This would allow the Council 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.
- 2.2.9 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, this is not actually in Council ownership) 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. It has been estimated that the costs to complete the new high school on the Park would be between £5.8 million and £6.9 million less than the back-up options, money which could be better spent on other much needed school building projects.
- 2.2.10 Regarding the concerns that Portobello Park should be retained as green space; most of the Park will actually remain as open space. 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 6.43 hectares.
 - The school building, playground and car park would be located towards the west (Park Avenue) side of the Park, covering about two-fifths of this land (2.64 hectares). The Council proposes to create a new area of open space

of 2.16 hectares on the site of the existing combined Portobello High School and St John's RC Primary School site (after making provision for increasing the site allocated for St John's RC Primary School from 0.67 hectares to 1.3 hectares) 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 Park area (1.57 hectares) and their playing surfaces and integral 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 (1.62 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 school 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 in the east would be removed to open up an area of land slightly smaller than a full size football pitch (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 so that it could be more easily accessed and used.

2.2.11 Portobello Park is not well used. An audit of the usage of the Park was undertaken in 2009 by Ironside Farrar to inform the re-provisioning of adequate facilities to meet that need. This showed that the main use of the Park was for dog walking and there was very little wider recreational use. The full details can be found in the report to Council on [11 March 2010](#). The Council believes its proposals would not only meet the needs of people who already use the Park, but would also have a very positive affect in terms of community enjoyment of the area. The Council believes many more people would be encouraged to come to the Park for leisure and recreation because of the greatly improved facilities, which would be available in all weathers and all year round. In addition to the creation of a new area of open space elsewhere; as part of the proposals for the new Portobello High School on Portobello Park the Council would:

- 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 east and west 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 perimeter to help preserve the look and feel of the setting 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; and
- invest £150,000 in improving outdoor play facilities in Magdalene Glen.

2.2.12 In order to provide further reassurance to the local community regarding the security of the new area of open space it is recommended that Council approves that, on completion, the new area of open space would be (with the approval of the National Playing Fields Association who operate as 'Fields in Trust') designated as a [Field in Trust](#). The Council recently agreed to convey this status and protection on two other areas of local open space, being Figgate Park and Portobello Golf Course. Being designated as a Field in Trust safeguards the continued use of such land as outdoor recreational space, by way of a legal agreement entered into by the Council, and enables independent oversight of this by the National Playing Fields Association.

2.3 Placement within catchment area

Support

- 2.3.1 The location of the school on Milton Road was a concern amongst some supporters, who stressed the need to have appropriate crossings and road safety measures introduced. However the Baileyfield site was considered by some to be far more risky, being positioned between two major roads.
- 2.3.2 Overall, the proposed location of the new school at Milton Road was seen as a benefit. Its position at the centre of the catchment area reduced the need to bus children to and from school and presented options to promote cycling and walking to school. The Portobello Park site was felt to be much more accessible than the current site.

Opposition

- 2.3.3 Those who did not support the plan objected to the site being used for the new school due to its close proximity to Milton Road. It was felt that traffic on this stretch of road poses a danger to the increased number of school children who would be in the area.
- 2.3.4 Respondents were concerned that increasing traffic levels would cause congestion. This, combined with increased on-street parking, would make it difficult to enter or leave the surrounding estates.

2.3.5 Respondents believed that the increase in the number of school children in the area would also cause an increase in the incidence of littering. There were concerns that the close proximity of the school would cause noise disturbance and, combined with the other factors above, could cause house values to drop.

Council Comment

2.3.6 The central location within the catchment area is considered to benefit pupils and the local community and these matters were fully considered during the planning process several years ago; full details can be found in the [Council planning portal](#). A full [transport assessment](#) was carried out as an integral part of this process and noted that, due to the location of the school remaining on the north side of Milton Road, the pedestrian movements and road crossings would remain as they are at present.

2.3.7 In relation to Milton Road, specific measures are proposed for a traffic-signalled crossing point including a controlled crossing facility for cyclists at a location that has been identified as a key desire line. Improved access would be available to the bus network and main pedestrian, cycling and transport routes and the development would provide a segregated footway/cycleway along the site frontage on the north side of Milton Road which would connect with the wider national cycle network. There is also a new cycleway/footway proposed along the tree line to the west side of Hope Lane which is intended to provide a safe route for cyclists and would link with local routes.

2.3.8 The existing traffic along Milton Road is controlled by the traffic light sequences at its junctions with Sir Harry Lauder Road and Duddingston Park and between these points the speed is 30mph and 40mph. On the residential streets to the east and west of the site, there are 20mph speed restrictions in place, as well as speed bumps.

2.3.9 As part of the development, it is proposed that a part-time speed restriction of 20mph would be imposed on Milton Road for the extent of the frontage of the site. It is also proposed that the existing bus lanes would be active from 3pm in order to apply during the school finishing time and reduce possible traffic congestion outside the school.

2.3.10 Management arrangements for the new school site would include measures to ensure pupil awareness of the local environment and the importance of minimising disturbance, littering, etc.

2.4 Delays in building new school

Support

2.4.1 Amongst those who supported the building of a school on the Portobello Park site, the most important issue was time. Respondents felt that there was an

"urgent" and "desperate" need for a new Portobello High School. The existing building was felt to negatively impact on the education of children and was not felt to be "fit for purpose." All of the alternative locations were expected to take too long to develop and complete, while further discussion - on a subject where there was felt to be strong community agreement - was seen as undesirable.

2.4.2 Supporters felt that there had been extensive consultation with the public and that they were familiar with alternative proposals which had been considered over a number of years. Portobello Park was felt to be the only site that could satisfy the need for a quick build, provide a safe location and substantially improve sports facilities.

2.4.3 There was some appreciation of the position and concerns raised by PPAG and those living near the proposed site; supporters hoped that the Council's overall proposal would allay their concerns. However there was also a sense of disbelief amongst supporters of the plan, who felt that concerns about Common Good land/green belt and traffic on the A1/Milton Road were disingenuous. These supporters identified objections to the plan with nimbyism and there was anger that a minority of residents had been able to delay the new development for so long while the education of children suffered.

Opposition

2.4.4 Amongst those who did not support the plan, it was also felt that the prolonged dispute regarding the new school had caused divisions in the community.

Council Comment

2.4.5 It was as far back as December 2006 when The City of Edinburgh Council first approved Portobello Park as the preferred location for a new Portobello High School. The priority of this Council very much remains to deliver a new Portobello High School at the earliest opportunity, but on the right site. The Council still considers that to be Portobello Park, having reaffirmed that view in October 2012.

2.4.6 This issue attracts very strong views in the local community on both sides of the debate. The purpose of the consultation process was to determine the majority view on the matter of not just the local community but the entire city. The Council regrets any divisions that may have been caused in the local community but would hope that, in light of the consultation process identifying very strong support for the Council's proposals (both locally and in the city as a whole), the local community will now unite and support the proposed Private Bill which would ultimately allow the development of the new Portobello High school on Portobello Park and the excellent community facilities it would provide.

3 Suggestions for Redevelopment of Park Land

3.1 Range of opinions

3.1.1 Presuming the existing combined Portobello High School and St John's RC Primary School site was not used as the site for the new Portobello High School, there was strong support for a number of alternative uses. A large majority favoured the use of the land as a park, green space or the addition of social facilities (arts, cafe, community centre or market) or leisure facilities (sport, fitness, children's play area or dog park). A minority favoured previous proposals to sell the land and/or develop housing or shopping facilities.

3.2 Use of the space

3.2.1 In terms of overall use and feel of the space, some respondents supported the area being an extension of Figgate Park. However the proximity of the park also caused respondents to question whether another area of grass/woodland so close to an existing area was necessary. The Meadows was most frequently mentioned as a potential model for the redeveloped space. On a similar theme, while respondents favoured the area being landscaped green grass with trees, others observed that the area of Portobello Park being replaced is similar to this and that this area is not used by the local community. Even amongst those who suggested different uses, links between these park areas seemed important - for example, through the use of pathing, nature walks and welcoming wildlife.

3.3 Young children

3.3.1 A play area for children was a popular suggestion (almost 900 respondents suggested something like this), with some focusing on a safe area for toddlers, while others preferred climbing frames, swings and other physical activities. Some specifically mentioned the facilities that already exist in Figgate Park and said that these - and those in Edinburgh in general - were not as good as those in the other places they were familiar with. Dog walking was an issue of concern in connection with young children; segregation between these groups was requested.

3.4 Sports

3.4.1 Sports activities were the most popular use of the park. Almost 500 suggested sport use in general, while specific sports and activities were also very popular, such as football (~400), a skate park (~400), some also mentioning BMX (~50), tennis (~250), basketball (~180) and multi-sport use (~50). The addition of running/jogging and cycling tracks around the park was also suggested. Most respondents making a sport suggestion wanted to see multiple activities

possible at the site and it was felt to be important that some all-weather playing surfaces were available.

3.5 Buildings

3.5.1 Respondents suggested a number of actual buildings could be added to the site and their function often related to sport, including indoor tennis, badminton and changing facilities. Building suggestions generally tended to be more about community use, in particular a coffee shop or cafe with an art space, a youth club or day care or community centre.

3.6 Inclusion

3.6.1 Respondents felt the combination of a number of different activities on the site would help to bring the community together to use the space, rather than only provide for one group. In particular it was felt to be important that teenagers and older people had a reason to use the site.

3.6.2 Respondents also felt it was important for those living near to the site and those running St John's Primary to have a strong say in how the land was used.

3.6.3 There was support for community ownership and management of some of the site through a community garden or allotments (~100 respondents suggested allotments) as well as less physically demanding use of the space. Around 100 respondents felt seating was important and a similar number suggested picnic space or tables. The addition of multi-level planting and sensory planting and paths was felt to be a useful way of including people with different physical abilities in the space.

3.7 Social/cultural development

3.7.1 The greatest variation in suggestions for how the space could be used came in relation to social/cultural development. Amongst the suggestions were an amphitheatre for live performance or outdoor cinema, an indoor/outdoor swimming pool, mini golf or pitch and putt, a city farm, a petting zoo and a space for local events or a market. Only a handful of respondents suggested any of these.

3.8 Concerns

3.8.1 There was concern amongst respondents that the Council was using this park redevelopment as a "carrot" to affect the outcome of the consultation on Portobello High School, that the Council would not keep its promise and that any facilities which were developed would not be secure in the long term.

APPENDIX 4

REPORT FROM PRICEWATERHOUSE COOPERS

*The City of
Edinburgh Council*

Portobello Park Private
Bill Public Consultation:
Agreed Upon Procedures

21 February 2013



Billy MacIntyre
Head of Resources
The City of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

21 February 2013

Dear Billy

Report of Findings - Portobello Park Private Bill Public Consultation: Sample testing of public responses and supporting data to determine full audit trail

This report is produced in accordance with the terms of our Contract dated 7 February 2013 to assist you in respect to the validation of the data collated against source records in the Portobello Park Private Bill Public Consultation.

As agreed with you, we have undertaken specific procedures over the response collation process. The specific procedures undertaken were to:

1. Trace 100% of online responses recorded on the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet back to source documentation;
2. Sample check 10% of non-online responses back to source documentation, confirm the correct yes/ no response has been reflected and that they are valid responses; and
3. Trace 100% of excluded responses and vouch exclusion was appropriate due to incomplete personal details or address, duplicate response or non-Edinburgh postcode.

The results of the procedures are set out in the body of this report.

We wish to thank you and your team for the support provided in the performance of our procedures.

Should you wish to discuss any aspect of these services in more detail, please do not hesitate to contact either myself or Fiona Gray.

Yours sincerely

A handwritten signature in black ink that reads 'M. Campbell'.

Morven Campbell
Partner

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Executive Summary

Report of Factual Findings

We have performed the procedures agreed with you and set out below with respect to the public responses to the Portobello Park Private Bill Public Consultation as at 4 February 2013, set forth in the accompanying schedules. Our engagement was undertaken in accordance with the International Standard on Related Services applicable to agreed-upon procedures engagements. The procedures were performed solely to assist you in evaluating the validity of the response collation process relating to the public consultation and are summarised as follows:

1. Trace 100% of online responses recorded on the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet back to source documentation;
2. Sample check 10% of non-online responses back to source documentation, confirm the correct yes/ no response has been reflected and that they are valid responses; and
3. Trace 100% of excluded responses and vouch exclusion was appropriate due to incomplete personal details or address, duplicate response or non-Edinburgh postcode.

We report our findings below:

1. With respect to item 1 we found the population of responses to be consistent.
2. With respect to item 2 we found two exceptions:
 - a. Reference: 2-552 – The house number of the respondent address per spreadsheet does not match source document.
 - b. Reference: 4-2234 - Respondent postcode per spreadsheet does not match source document. Note: For this exception, it was confirmed that the postcode per the spreadsheet and the postcode per the source are both Edinburgh postcodes.
3. With respect to item 3 we found three exceptions:
 - a. Reference 2-324: Response incorrectly excluded as a duplicate. Similar, but not identical, respondent details to that of reference 2-307.
 - b. Reference 2-490: Response incorrectly excluded as a duplicate. Similar, but not identical, respondent details to that of reference 1-508801.
 - c. Reference 2-962: Response correctly excluded as a duplicate, however the spreadsheet incorrectly references 1-506674 rather than 1-507674 as the original entry.

Because the above procedures do not constitute either an audit or a review made in accordance with International Standards on Auditing (UK&I) or International Standards on Review Engagements, we do not express any assurance on the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet or the Portobello Park Private Bill Public Consultation, taken as a whole.

Had we performed additional procedures or had we performed an audit or review of the *Portobello*

Consultation Responses Summary – 4 February 2013 spreadsheet in accordance with International Standards on Auditing (UK&I) or International Standards on Review Engagements, other matters might have come to our attention that would have been reported to you. This report relates only to items specified above and does not extend to the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet or the Portobello Park Private Bill Public Consultation, taken as a whole.

This document has been prepared only for The City of Edinburgh Council and solely for the purpose and on the terms agreed with Billy MacIntyre, Head of Resources, The City of Edinburgh Council in our agreement dated 7 February 2013. We accept no liability (including for negligence) to anyone else in connection with this document. Save as permitted in the agreement our report may not be provided to anyone else. Where disclosure is required under law or regulation you agree to notify us promptly.

1. Procedures Performed

1.1 On-line responses

Procedure: Trace 100% of the population of online responses back to source documentation.

The JADU online system was used for the online consultation process. The contents of the JADU online system were downloaded into a csv file; this was performed by the Council's Webteam. We matched the population of responses listed on this csv file to the data that the Council have used in the preparation of the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet.

Results: No differences noted. The population of online responses listed in the csv file was equal to that contained in the Responses Summary spreadsheet.

1.2 Non on-line responses

Procedure: Sample check 10% of non-online responses back to source documentation to confirm the correct yes/ no response has been reflected and that they are valid responses.

The non-online responses were received through 4 channels:

- Submission of letter or questionnaire by post (type 2 response)
- Submission of response to dedicated email address (type 3 response)
- Submission of questionnaire to either library or school collection point (type 4 response)
- Submission of questionnaire via roadshow or exhibition (type 5 response)

For a sample of 10 % of each of these populations in the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet, the yes/no response was traced to source documentation to vouch the responses were accurately recorded for this sample.

For the same sample we checked that personal details and address were provided and that the postcode noted was for Edinburgh. You have explained that this criteria is sufficient to confirm the response is valid.

Our sample was selected from the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet. Sample sizes were calculated as follows:

Response Type	Population Size	Sample Size
2	2,291	229
3	39	4
4	3,517	352
5	135	14
Total	5,982	598

For each item in the sample, the following three procedures were undertaken:

- Procedure 1: Does the yes/no response per the source documentation match the yes/no response on the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet?
- Procedure 2: Does the respondent address per the source documentation match the respondent address per the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet?
- Procedure 3: Is the respondent postcode per the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet a City of Edinburgh postcode?

Results: The sample items selected and the results of these three procedures are set out in the tables below.

Type 2 Response – Submission of response by post

Sample Reference	Unique Reference	Procedure 1	Procedure 2	Procedure 3	Exceptions noted
1	2-3	Yes	Yes	Yes	
2	2-24	Yes	Yes	Yes	
3	2-37	Yes	Yes	Yes	
4	2-58	Yes	Yes	Yes	
5	2-78	Yes	Yes	Yes	
6	2-96	Yes	Yes	Yes	
7	2-112	Yes	Yes	Yes	
8	2-121	Yes	Yes	Yes	
9	2-126	Yes	Yes	Yes	
10	2-139	Yes	Yes	Yes	
11	2-145	Yes	Yes	Yes	
12	2-152	Yes	Yes	Yes	
13	2-158	Yes	Yes	Yes	
14	2-181	Yes	Yes	Yes	
15	2-193	Yes	Yes	Yes	
16	2-200	Yes	Yes	Yes	
17	2-206	Yes	Yes	Yes	
18	2-222	Yes	Yes	Yes	
19	2-234	Yes	Yes	Yes	
20	2-243	Yes	Yes	Yes	
21	2-250	Yes	Yes	Yes	
22	2-259	Yes	Yes	Yes	
23	2-264	Yes	Yes	Yes	
24	2-271	Yes	Yes	Yes	
25	2-281	Yes	Yes	Yes	
26	2-304	Yes	Yes	Yes	
27	2-312	Yes	Yes	Yes	
28	2-320	Yes	Yes	Yes	
29	2-330	Yes	Yes	Yes	
30	2-336	Yes	Yes	Yes	

31	2-349	Yes	Yes	Yes	
32	2-357	Yes	Yes	Yes	
33	2-363	Yes	Yes	Yes	
34	2-369	Yes	Yes	Yes	
35	2-373	Yes	Yes	Yes	
36	2-378	Yes	Yes	Yes	
37	2-384	Yes	Yes	Yes	
38	2-386	Yes	Yes	Yes	
39	2-393	Yes	Yes	Yes	
40	2-397	Yes	Yes	Yes	
41	2-409	Yes	Yes	Yes	
42	2-418	Yes	Yes	Yes	
43	2-423	Yes	Yes	Yes	
44	2-427	Yes	Yes	Yes	
45	2-435	Yes	Yes	Yes	
46	2-441	Yes	Yes	Yes	
47	2-452	Yes	Yes	Yes	
48	2-462	Yes	Yes	Yes	
49	2-474	Yes	Yes	Yes	
50	2-483	Yes	Yes	Yes	
51	2-500	Yes	Yes	Yes	
52	2-509	Yes	Yes	Yes	
53	2-534	Yes	Yes	Yes	
54	2-552	Yes	No	Yes	
55	2-565	Yes	Yes	Yes	
56	2-570	Yes	Yes	Yes	
57	2-575	Yes	Yes	Yes	
58	2-584	Yes	Yes	Yes	
59	2-601	Yes	Yes	Yes	
60	2-609	Yes	Yes	Yes	
61	2-616	Yes	Yes	Yes	
62	2-623	Yes	Yes	Yes	
63	2-629	Yes	Yes	Yes	
64	2-638	Yes	Yes	Yes	
65	2-646	Yes	Yes	Yes	
66	2-653	Yes	Yes	Yes	
67	2-668	Yes	Yes	Yes	
68	2-675	Yes	Yes	Yes	
69	2-681	Yes	Yes	Yes	
70	2-686	Yes	Yes	Yes	
71	2-693	Yes	Yes	Yes	
72	2-705	Yes	Yes	Yes	
73	2-711	Yes	Yes	Yes	
74	2-724	Yes	Yes	Yes	
75	2-732	Yes	Yes	Yes	
76	2-741	Yes	Yes	Yes	
77	2-752	Yes	Yes	Yes	

78	2-765	Yes	Yes	Yes	
79	2-778	Yes	Yes	Yes	
80	2-784	Yes	Yes	Yes	
81	2-797	Yes	Yes	Yes	
82	2-811	Yes	Yes	Yes	
83	2-816	Yes	Yes	Yes	
84	2-823	Yes	Yes	Yes	
85	2-838	Yes	Yes	Yes	
86	2-846	Yes	Yes	Yes	
87	2-854	Yes	Yes	Yes	
88	2-861	Yes	Yes	Yes	
89	2-872	Yes	Yes	Yes	
90	2-877	Yes	Yes	Yes	
91	2-889	Yes	Yes	Yes	
92	2-916	Yes	Yes	Yes	
93	2-931	Yes	Yes	Yes	
94	2-943	Yes	Yes	Yes	
95	2-958	Yes	Yes	Yes	
96	2-972	Yes	Yes	Yes	
97	2-992	Yes	Yes	Yes	
98	2-1001	Yes	Yes	Yes	
99	2-1014	Yes	Yes	Yes	
100	2-1022	Yes	Yes	Yes	
101	2-1034	Yes	Yes	Yes	
102	2-1044	Yes	Yes	Yes	
103	2-1053	Yes	Yes	Yes	
104	2-1066	Yes	Yes	Yes	
105	2-1075	Yes	Yes	Yes	
106	2-1084	Yes	Yes	Yes	
107	2-1092	Yes	Yes	Yes	
108	2-1104	Yes	Yes	Yes	
109	2-1111	Yes	Yes	Yes	
110	2-1115	Yes	Yes	Yes	
111	2-1123	Yes	Yes	Yes	
112	2-1135	Yes	Yes	Yes	
113	2-1145	Yes	Yes	Yes	
114	2-1152	Yes	Yes	Yes	
115	2-1161	Yes	Yes	Yes	
116	2-1176	Yes	Yes	Yes	
117	2-1185	Yes	Yes	Yes	
118	2-1197	Yes	Yes	Yes	
119	2-1203	Yes	Yes	Yes	
120	2-1220	Yes	Yes	Yes	
121	2-1233	Yes	Yes	Yes	
122	2-1249	Yes	Yes	Yes	
123	2-1273	Yes	Yes	Yes	
124	2-1295	Yes	Yes	Yes	
125	2-1309	Yes	Yes	Yes	
126	2-1319	Yes	Yes	Yes	
127	2-1339	Yes	Yes	Yes	
128	2-1350	Yes	Yes	Yes	
129	2-1365	Yes	Yes	Yes	

130	2-1377	Yes	Yes	Yes	
131	2-1396	Yes	Yes	Yes	
132	2-1404	Yes	Yes	Yes	
133	2-1420	Yes	Yes	Yes	
134	2-1432	Yes	Yes	Yes	
135	2-1437	Yes	Yes	Yes	
136	2-1448	Yes	Yes	Yes	
137	2-1453	Yes	Yes	Yes	
138	2-1463	Yes	Yes	Yes	
139	2-1473	Yes	Yes	Yes	
140	2-1501	Yes	Yes	Yes	
141	2-1522	Yes	Yes	Yes	
142	2-1534	Yes	Yes	Yes	
143	2-1547	Yes	Yes	Yes	
144	2-1556	Yes	Yes	Yes	
145	2-1569	Yes	Yes	Yes	
146	2-1576	Yes	Yes	Yes	
147	2-1594	Yes	Yes	Yes	
148	2-1614	Yes	Yes	Yes	
149	2-1621	Yes	Yes	Yes	
150	2-1632	Yes	Yes	Yes	
151	2-1644	Yes	Yes	Yes	
152	2-1655	Yes	Yes	Yes	
153	2-1673	Yes	Yes	Yes	
154	2-1681	Yes	Yes	Yes	
155	2-1691	Yes	Yes	Yes	
156	2-1703	Yes	Yes	Yes	
157	2-1712	Yes	Yes	Yes	
158	2-1722	Yes	Yes	Yes	
159	2-1735	Yes	Yes	Yes	
160	2-1742	Yes	Yes	Yes	
161	2-1758	Yes	Yes	Yes	
162	2-1767	Yes	Yes	Yes	
163	2-1780	Yes	Yes	Yes	
164	2-1790	Yes	Yes	Yes	
165	2-1801	Yes	Yes	Yes	
166	2-1813	Yes	Yes	Yes	
167	2-1826	Yes	Yes	Yes	
168	2-1834	Yes	Yes	Yes	
169	2-1844	Yes	Yes	Yes	
170	2-1857	Yes	Yes	Yes	
171	2-1868	Yes	Yes	Yes	
172	2-1876	Yes	Yes	Yes	
173	2-1884	Yes	Yes	Yes	
174	2-1895	Yes	Yes	Yes	
175	2-1902	Yes	Yes	Yes	
176	2-1911	Yes	Yes	Yes	
177	2-1921	Yes	Yes	Yes	
178	2-1928	Yes	Yes	Yes	
179	2-1935	Yes	Yes	Yes	
180	2-1943	Yes	Yes	Yes	
181	2-1955	Yes	Yes	Yes	

182	2-1969	Yes	Yes	Yes	
183	2-1980	Yes	Yes	Yes	
184	2-1994	Yes	Yes	Yes	
185	2-2002	Yes	Yes	Yes	
186	2-2017	Yes	Yes	Yes	
187	2-2027	Yes	Yes	Yes	
188	2-2033	Yes	Yes	Yes	
189	2-2041	Yes	Yes	Yes	
190	2-2049	Yes	Yes	Yes	
191	2-2061	Yes	Yes	Yes	
192	2-2072	Yes	Yes	Yes	
193	2-2095	Yes	Yes	Yes	
194	2-2103	Yes	Yes	Yes	
195	2-2126	Yes	Yes	Yes	
196	2-2138	Yes	Yes	Yes	
197	2-2156	Yes	Yes	Yes	
198	2-2169	Yes	Yes	Yes	
199	2-2183	Yes	Yes	Yes	
200	2-2202	Yes	Yes	Yes	
201	2-2219	Yes	Yes	Yes	
202	2-2235	Yes	Yes	Yes	
203	2-2257	Yes	Yes	Yes	
204	2-2276	Yes	Yes	Yes	
205	2-2294	Yes	Yes	Yes	
206	2-2307	Yes	Yes	Yes	
207	2-2327	Yes	Yes	Yes	
208	2-2343	Yes	Yes	Yes	
209	2-2361	Yes	Yes	Yes	
210	2-2382	Yes	Yes	Yes	
211	2-2403	Yes	Yes	Yes	
212	2-2428	Yes	Yes	Yes	
213	2-2447	Yes	Yes	Yes	
214	2-2459	Yes	Yes	Yes	
215	2-2475	Yes	Yes	Yes	
216	2-2501	Yes	Yes	Yes	
217	2-2519	Yes	Yes	Yes	
218	2-2531	Yes	Yes	Yes	
219	2-2547	Yes	Yes	Yes	
220	2-2565	Yes	Yes	Yes	
221	2-2582	Yes	Yes	Yes	
222	2-2602	Yes	Yes	Yes	
223	2-2631	Yes	Yes	Yes	
224	2-2650	Yes	Yes	Yes	
225	2-2671	Yes	Yes	Yes	
226	2-2691	Yes	Yes	Yes	
227	2-2706	Yes	Yes	Yes	
228	2-2727	Yes	Yes	Yes	
229	2-2746	Yes	Yes	Yes	

Type 3 Response – Submission of response to dedicated email address

Sample Reference	Unique Reference	Procedure 1	Procedure 2	Procedure 3	Exceptions noted
1	3-8	Yes	Yes	Yes	
2	3-21	Yes	Yes	Yes	
3	3-29	Yes	Yes	Yes	
4	3-72	Yes	Yes	Yes	

Type 4 Response – Submission of response to library/school collection point

Sample Reference	Unique Reference	Procedure 1	Procedure 2	Procedure 3	Exceptions noted
1	4-1	Yes	Yes	Yes	
2	4-2	Yes	Yes	Yes	
3	4-3	Yes	Yes	Yes	
4	4-4	Yes	Yes	Yes	
5	4-5	Yes	Yes	Yes	
6	4-7	Yes	Yes	Yes	
7	4-8	Yes	Yes	Yes	
8	4-9	Yes	Yes	Yes	
9	4-10	Yes	Yes	Yes	
10	4-11	Yes	Yes	Yes	
11	4-12	Yes	Yes	Yes	
12	4-13	Yes	Yes	Yes	
13	4-14	Yes	Yes	Yes	
14	4-15	Yes	Yes	Yes	
15	4-16	Yes	Yes	Yes	
16	4-17	Yes	Yes	Yes	
17	4-19	Yes	Yes	Yes	
18	4-20	Yes	Yes	Yes	
19	4-21	Yes	Yes	Yes	
20	4-23	Yes	Yes	Yes	
21	4-24	Yes	Yes	Yes	
22	4-25	Yes	Yes	Yes	
23	4-27	Yes	Yes	Yes	
24	4-28	Yes	Yes	Yes	
25	4-29	Yes	Yes	Yes	
26	4-30	Yes	Yes	Yes	
27	4-31	Yes	Yes	Yes	
28	4-32	Yes	Yes	Yes	
29	4-33	Yes	Yes	Yes	
30	4-35	Yes	Yes	Yes	
31	4-36	Yes	Yes	Yes	
32	4-37	Yes	Yes	Yes	
33	4-38	Yes	Yes	Yes	
34	4-39	Yes	Yes	Yes	
35	4-40	Yes	Yes	Yes	
36	4-41	Yes	Yes	Yes	
37	4-42	Yes	Yes	Yes	
38	4-43	Yes	Yes	Yes	
39	4-45	Yes	Yes	Yes	

40	4-46	Yes	Yes	Yes	
41	4-47	Yes	Yes	Yes	
42	4-48	Yes	Yes	Yes	
43	4-49	Yes	Yes	Yes	
44	4-50	Yes	Yes	Yes	
45	4-51	Yes	Yes	Yes	
46	4-52	Yes	Yes	Yes	
47	4-53	Yes	Yes	Yes	
48	4-54	Yes	Yes	Yes	
49	4-55	Yes	Yes	Yes	
50	4-56	Yes	Yes	Yes	
51	4-57	Yes	Yes	Yes	
52	4-58	Yes	Yes	Yes	
53	4-59	Yes	Yes	Yes	
54	4-60	Yes	Yes	Yes	
55	4-61	Yes	Yes	Yes	
56	4-62	Yes	Yes	Yes	
57	4-63	Yes	Yes	Yes	
58	4-64	Yes	Yes	Yes	
59	4-65	Yes	Yes	Yes	
60	4-66	Yes	Yes	Yes	
61	4-512	Yes	Yes	Yes	
62	4-514	Yes	Yes	Yes	
63	4-515	Yes	Yes	Yes	
64	4-520	Yes	Yes	Yes	
65	4-521	Yes	Yes	Yes	
66	4-522	Yes	Yes	Yes	
67	4-523	Yes	Yes	Yes	
68	4-526	Yes	Yes	Yes	
69	4-527	Yes	Yes	Yes	
70	4-528	Yes	Yes	Yes	
71	4-530	Yes	Yes	Yes	
72	4-531	Yes	Yes	Yes	
73	4-533	Yes	Yes	Yes	
74	4-534	Yes	Yes	Yes	
75	4-536	Yes	Yes	Yes	
76	4-537	Yes	Yes	Yes	
77	4-538	Yes	Yes	Yes	
78	4-541	Yes	Yes	Yes	
79	4-542	Yes	Yes	Yes	
80	4-543	Yes	Yes	Yes	
81	4-544	Yes	Yes	Yes	
82	4-545	Yes	Yes	Yes	
83	4-547	Yes	Yes	Yes	
84	4-549	Yes	Yes	Yes	
85	4-550	Yes	Yes	Yes	
86	4-551	Yes	Yes	Yes	
87	4-553	Yes	Yes	Yes	
88	4-554	Yes	Yes	Yes	
89	4-556	Yes	Yes	Yes	
90	4-557	Yes	Yes	Yes	
91	4-566	Yes	Yes	Yes	

92	4-567	Yes	Yes	Yes	
93	4-568	Yes	Yes	Yes	
94	4-569	Yes	Yes	Yes	
95	4-573	Yes	Yes	Yes	
96	4-574	Yes	Yes	Yes	
97	4-579	Yes	Yes	Yes	
98	4-581	Yes	Yes	Yes	
99	4-582	Yes	Yes	Yes	
100	4-584	Yes	Yes	Yes	
101	4-585	Yes	Yes	Yes	
102	4-588	Yes	Yes	Yes	
103	4-589	Yes	Yes	Yes	
104	4-590	Yes	Yes	Yes	
105	4-591	Yes	Yes	Yes	
106	4-594	Yes	Yes	Yes	
107	4-595	Yes	Yes	Yes	
108	4-596	Yes	Yes	Yes	
109	4-598	Yes	Yes	Yes	
110	4-599	Yes	Yes	Yes	
111	4-600	Yes	Yes	Yes	
112	4-601	Yes	Yes	Yes	
113	4-602	Yes	Yes	Yes	
114	4-603	Yes	Yes	Yes	
115	4-604	Yes	Yes	Yes	
116	4-605	Yes	Yes	Yes	
117	4-606	Yes	Yes	Yes	
118	4-607	Yes	Yes	Yes	
119	4-608	Yes	Yes	Yes	
120	4-610	Yes	Yes	Yes	
121	4-1021	Yes	Yes	Yes	
122	4-1022	Yes	Yes	Yes	
123	4-1025	Yes	Yes	Yes	
124	4-1026	Yes	Yes	Yes	
125	4-1027	Yes	Yes	Yes	
126	4-1030	Yes	Yes	Yes	
127	4-1033	Yes	Yes	Yes	
128	4-1034	Yes	Yes	Yes	
129	4-1035	Yes	Yes	Yes	
130	4-1036	Yes	Yes	Yes	
131	4-1037	Yes	Yes	Yes	
132	4-1039	Yes	Yes	Yes	
133	4-1041	Yes	Yes	Yes	
134	4-1042	Yes	Yes	Yes	
135	4-1043	Yes	Yes	Yes	
136	4-1046	Yes	Yes	Yes	
137	4-1048	Yes	Yes	Yes	
138	4-1049	Yes	Yes	Yes	
139	4-1052	Yes	Yes	Yes	
140	4-1053	Yes	Yes	Yes	
141	4-1055	Yes	Yes	Yes	
142	4-1057	Yes	Yes	Yes	
143	4-1058	Yes	Yes	Yes	

144	4-1059	Yes	Yes	Yes	
145	4-1060	Yes	Yes	Yes	
146	4-1063	Yes	Yes	Yes	
147	4-1065	Yes	Yes	Yes	
148	4-1066	Yes	Yes	Yes	
149	4-1068	Yes	Yes	Yes	
150	4-1069	Yes	Yes	Yes	
151	4-1070	Yes	Yes	Yes	
152	4-1072	Yes	Yes	Yes	
153	4-1074	Yes	Yes	Yes	
154	4-1075	Yes	Yes	Yes	
155	4-1076	Yes	Yes	Yes	
156	4-1080	Yes	Yes	Yes	
157	4-1081	Yes	Yes	Yes	
158	4-1082	Yes	Yes	Yes	
159	4-1083	Yes	Yes	Yes	
160	4-1084	Yes	Yes	Yes	
161	4-1086	Yes	Yes	Yes	
162	4-1087	Yes	Yes	Yes	
163	4-1088	Yes	Yes	Yes	
164	4-1091	Yes	Yes	Yes	
165	4-1092	Yes	Yes	Yes	
166	4-1093	Yes	Yes	Yes	
167	4-1094	Yes	Yes	Yes	
168	4-1095	Yes	Yes	Yes	
169	4-1096	Yes	Yes	Yes	
170	4-1097	Yes	Yes	Yes	
171	4-1099	Yes	Yes	Yes	
172	4-1100	Yes	Yes	Yes	
173	4-1102	Yes	Yes	Yes	
174	4-1103	Yes	Yes	Yes	
175	4-1106	Yes	Yes	Yes	
176	4-1107	Yes	Yes	Yes	
177	4-1112	Yes	Yes	Yes	
178	4-1115	Yes	Yes	Yes	
179	4-1116	Yes	Yes	Yes	
180	4-1117	Yes	Yes	Yes	
181	4-1538	Yes	Yes	Yes	
182	4-1539	Yes	Yes	Yes	
183	4-1542	Yes	Yes	Yes	
184	4-1543	Yes	Yes	Yes	
185	4-1547	Yes	Yes	Yes	
186	4-1548	Yes	Yes	Yes	
187	4-1549	Yes	Yes	Yes	
188	4-1550	Yes	Yes	Yes	
189	4-1551	Yes	Yes	Yes	
190	4-1553	Yes	Yes	Yes	
191	4-1556	Yes	Yes	Yes	
192	4-1557	Yes	Yes	Yes	
193	4-1558	Yes	Yes	Yes	
194	4-1559	Yes	Yes	Yes	
195	4-1561	Yes	Yes	Yes	

196	4-1566	Yes	Yes	Yes	
197	4-1568	Yes	Yes	Yes	
198	4-1572	Yes	Yes	Yes	
199	4-1573	Yes	Yes	Yes	
200	4-1574	Yes	Yes	Yes	
201	4-1575	Yes	Yes	Yes	
202	4-1576	Yes	Yes	Yes	
203	4-1577	Yes	Yes	Yes	
204	4-1578	Yes	Yes	Yes	
205	4-1579	Yes	Yes	Yes	
206	4-1580	Yes	Yes	Yes	
207	4-1581	Yes	Yes	Yes	
208	4-1584	Yes	Yes	Yes	
209	4-1585	Yes	Yes	Yes	
210	4-1586	Yes	Yes	Yes	
211	4-1588	Yes	Yes	Yes	
212	4-1593	Yes	Yes	Yes	
213	4-1594	Yes	Yes	Yes	
214	4-1596	Yes	Yes	Yes	
215	4-1597	Yes	Yes	Yes	
216	4-1598	Yes	Yes	Yes	
217	4-1607	Yes	Yes	Yes	
218	4-1609	Yes	Yes	Yes	
219	4-1610	Yes	Yes	Yes	
220	4-1611	Yes	Yes	Yes	
221	4-1613	Yes	Yes	Yes	
222	4-1615	Yes	Yes	Yes	
223	4-1616	Yes	Yes	Yes	
224	4-1618	Yes	Yes	Yes	
225	4-1619	Yes	Yes	Yes	
226	4-1620	Yes	Yes	Yes	
227	4-1622	Yes	Yes	Yes	
228	4-1626	Yes	Yes	Yes	
229	4-1628	Yes	Yes	Yes	
230	4-1630	Yes	Yes	Yes	
231	4-1631	Yes	Yes	Yes	
232	4-1632	Yes	Yes	Yes	
233	4-1633	Yes	Yes	Yes	
234	4-1635	Yes	Yes	Yes	
235	4-1636	Yes	Yes	Yes	
236	4-1639	Yes	Yes	Yes	
237	4-1641	Yes	Yes	Yes	
238	4-1642	Yes	Yes	Yes	
239	4-1645	Yes	Yes	Yes	
240	4-1646	Yes	Yes	Yes	
241	4-1915	Yes	Yes	Yes	
242	4-1923	Yes	Yes	Yes	
243	4-1928	Yes	Yes	Yes	
244	4-1937	Yes	Yes	Yes	
245	4-1942	Yes	Yes	Yes	
246	4-1949	Yes	Yes	Yes	
247	4-1961	Yes	Yes	Yes	

248	4-1970	Yes	Yes	Yes	
249	4-1977	Yes	Yes	Yes	
250	4-1985	Yes	Yes	Yes	
251	4-1990	Yes	Yes	Yes	
252	4-1997	Yes	Yes	Yes	
253	4-2005	Yes	Yes	Yes	
254	4-2012	Yes	Yes	Yes	
255	4-2019	Yes	Yes	Yes	
256	4-2024	Yes	Yes	Yes	
257	4-2028	Yes	Yes	Yes	
258	4-2035	Yes	Yes	Yes	
259	4-2039	Yes	Yes	Yes	
260	4-2042	Yes	Yes	Yes	
261	4-2059	Yes	Yes	Yes	
262	4-2071	Yes	Yes	Yes	
263	4-2081	Yes	Yes	Yes	
264	4-2087	Yes	Yes	Yes	
265	4-2103	Yes	Yes	Yes	
266	4-2110	Yes	Yes	Yes	
267	4-2122	Yes	Yes	Yes	
268	4-2128	Yes	Yes	Yes	
269	4-2137	Yes	Yes	Yes	
270	4-2151	Yes	Yes	Yes	
271	4-2163	Yes	Yes	Yes	
272	4-2182	Yes	Yes	Yes	
273	4-2186	Yes	Yes	Yes	
274	4-2197	Yes	Yes	Yes	
275	4-2220	Yes	Yes	Yes	
276	4-2234	Yes	No	Yes	
277	4-2242	Yes	Yes	Yes	
278	4-2257	Yes	Yes	Yes	
279	4-2267	Yes	Yes	Yes	
280	4-2275	Yes	Yes	Yes	
281	4-2288	Yes	Yes	Yes	
282	4-2295	Yes	Yes	Yes	
283	4-2304	Yes	Yes	Yes	
284	4-2316	Yes	Yes	Yes	
285	4-2331	Yes	Yes	Yes	
286	4-2347	Yes	Yes	Yes	
287	4-2357	Yes	Yes	Yes	
288	4-2367	Yes	Yes	Yes	
289	4-2381	Yes	Yes	Yes	
290	4-2391	Yes	Yes	Yes	
291	4-2401	Yes	Yes	Yes	
292	4-2415	Yes	Yes	Yes	
293	4-2424	Yes	Yes	Yes	
294	2-2552	y	Yes	Yes	
295	4-2585	Yes	Yes	Yes	
296	4-2598	Yes	Yes	Yes	

297	4-2620	Yes	Yes	Yes	
298	4-2657	Yes	Yes	Yes	
299	4-2688	Yes	Yes	Yes	
300	4-2699	Yes	Yes	Yes	
301	4-2716	Yes	Yes	Yes	
302	4-2759	Yes	Yes	Yes	
303	4-2770	Yes	Yes	Yes	
304	4-2800	Yes	Yes	Yes	
305	4-2845	Yes	Yes	Yes	
306	4-2920	Yes	Yes	Yes	
307	4-2988	Yes	Yes	Yes	
308	4-3002	Yes	Yes	Yes	
309	4-3018	Yes	Yes	Yes	
310	4-3042	Yes	Yes	Yes	
311	4-3066	Yes	Yes	Yes	
312	4-3103	Yes	Yes	Yes	
313	4-3150	Yes	Yes	Yes	
314	4-3209	Yes	Yes	Yes	
315	4-3255	Yes	Yes	Yes	
316	4-3313	Yes	Yes	Yes	
317	4-3397	Yes	Yes	Yes	
318	4-3429	Yes	Yes	Yes	
319	4-3459	Yes	Yes	Yes	
320	4-3478	Yes	Yes	Yes	
321	4-3503	Yes	Yes	Yes	
322	4-3519	Yes	Yes	Yes	
323	4-3534	Yes	Yes	Yes	
324	4-3565	Yes	Yes	Yes	
325	4-3600	Yes	Yes	Yes	
326	4-3615	Yes	Yes	Yes	
327	4-3645	Yes	Yes	Yes	
328	4-3721	Yes	Yes	Yes	
329	4-3771	Yes	Yes	Yes	
330	4-3797	Yes	Yes	Yes	
331	4-3812	Yes	Yes	Yes	
332	4-3842	Yes	Yes	Yes	
333	4-3879	Yes	Yes	Yes	
334	4-3915	Yes	Yes	Yes	
335	4-3937	Yes	Yes	Yes	
336	4-3947	Yes	Yes	Yes	
337	4-3978	Yes	Yes	Yes	
338	4-3999	Yes	Yes	Yes	
339	4-4015	Yes	Yes	Yes	
340	4-4033	Yes	Yes	Yes	
341	4-4050	Yes	Yes	Yes	
342	4-4065	Yes	Yes	Yes	
343	4-4076	Yes	Yes	Yes	
344	4-4090	Yes	Yes	Yes	
345	4-4100	Yes	Yes	Yes	
346	4-4118	Yes	Yes	Yes	
347	4-4130	Yes	Yes	Yes	
348	4-4137	Yes	Yes	Yes	

349	4-4143	Yes	Yes	Yes	
350	4-4152	Yes	Yes	Yes	
351	4-4162	Yes	Yes	Yes	
352	4-4167	Yes	Yes	Yes	

Type 5 Response – Submission of response at roadshow/exhibition

Sample Reference	Unique Reference	Procedure 1	Procedure 2	Procedure 3	Exceptions noted
1	5-1	Yes	Yes	Yes	
2	5-2	Yes	Yes	Yes	
3	5-3	Yes	Yes	Yes	
4	5-4	Yes	Yes	Yes	
5	5-5	Yes	Yes	Yes	
6	5-6	Yes	Yes	Yes	
7	5-7	Yes	Yes	Yes	
8	5-8	Yes	Yes	Yes	
9	5-9	Yes	Yes	Yes	
10	5-19	Yes	Yes	Yes	
11	5-20	Yes	Yes	Yes	
12	5-21	Yes	Yes	Yes	
13	5-22	Yes	Yes	Yes	
14	5-24	Yes	Yes	Yes	

1.3 Excluded responses

Procedure: Trace 100% of excluded responses and vouch exclusion was appropriate due to incomplete personal details or address, duplicate response or non-Edinburgh postcode.

We have reviewed these responses to identify the exclusion was based on one or more of the following four factors:

- Incomplete personal details;
- Incomplete address (including postcode);
- Duplicate response; or
- Postcode outwith City of Edinburgh authority area.

Results: We tested each of the 2,062 excluded responses identified in the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet.

For two of the excluded responses tested, the reason for exclusion was not found to be appropriate:

- a. Reference 2-324: Response incorrectly excluded as a duplicate. Similar, but not identical, respondent details to that of reference 2-307.
- b. Reference 2-490: Response incorrectly excluded as a duplicate. Similar, but not identical, respondent details to that of reference 1-508801.

For one of the excluded responses tested, the reason for exclusion was appropriate, however the cross-reference noted in the *Portobello Consultation Responses Summary – 4 February 2013* spreadsheet was incorrectly recorded:

- c. Reference 2-962: Response correctly excluded as a duplicate, however the spreadsheet incorrectly references 1-506674 rather than 1-507674 as the original entry.

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