

Future clear for new Portobello High School

The future of the new Portobello High School has become clear following the result of a judicial review announced yesterday.

The Court of Session has upheld the Council's appropriation of part of Portobello Park for the construction of a new Portobello High School.

Education Convener, Councillor Marilyn MacLaren, said:- "I am absolutely delighted and relieved with today's judgment from Lady Dorrian. Not only does it support our position that any legal challenge should have been brought a long time ago and dismisses the petition from Portobello Park Action Group (PPAG) on that basis but it also confirms our position from December 2008 that no authority was required from the Court in order to appropriate the land.

"PPAG has continuously said that they wanted the matter to be considered in Court. They have now had their day in Court. There can be no doubt from Lady Dorrian's judgment regarding the conclusions and we hope that PPAG accepts the Judge's very clear decision on both of these matters.

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"This decision means that we can now go ahead with our plans to build the much needed new school on Portobello Park and officers will bring a report to Council in April seeking permission to approve the contract to deliver the project. The report will also seek permission to formally appropriate the land for the new school under the 1959 Act procedures.

"The start date of our new school has already been delayed, so there is an added impetus to get cracking on what will be a beautiful new Portobello High School, of which everyone can

feel proud”.

The court decision can be read in full [here](#).

Diana Cairns represents PPAG, the group which petitioned for the Judicial Review, and she said to The Reporter:-“The many people who have fought to save this public park, which is a common good asset and represents 25% of Portobello’s parkland, will be disappointed by this decision, especially when there are suitable alternative brownfield sites where the school could be built. We are unaware of any other area of Edinburgh that has had to give up a well used and loved park in order to get a new school. Portobello Park Action Group is considering its position and will be seeking advice.”

Local Councillor Michael Bridgman said:-” I am pleased that a decision has been made by Lady Dorrian, and would hope that we can now get on with constructing a fantastic modern learning environment for the people of the area.”

Councillor Maureen Child who represents the Portobello and Craigmillar Ward said:-“I am greatly relieved that this episode is over and we can go ahead with the best possible new school for the whole Portobello community.”

Councillor Stephen Hawkins said:- “I must express my disappointment that we had to go so far in this process before getting a decision. The Council only advertised the appropriation in October 2011. The council is in my view guilty of some delay. They said they would get clarity on the matter in 2008, but did not do so.

“So I am disappointed that it has taken so long but the sooner the issue is totally settled the better.

I understand the matter of appropriation will be dealt with at the council meeting in April, subject to there being no appeal against the judicial review decision.”

The Council [approved the planning permission](#) for the new school building in February 2011, but it was not possible to go ahead with awarding the building contract until the threat from the judicial review instigated by [PPAG](#) was dealt with.

PPAG objected to the loss of a quarter of the park for the new school, and they had also obtained a legal opinion which stated that the council needed court permission to build on the land which is known as Common Good land.

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Talk Porty has many of the comments and arguments over the years [collated on their website](#). Their spokesman said:- “On Talk Porty we have many thousands of posts on this subject; with those who ultimately formed PPAG being involved in many of the earlier discussions.”

At the Council meeting held on 22 September 2011 the Parent Council made the following deputation to the meeting about the delays to the building of the new school:-

Portobello High School Parent Council – The deputation said that under no circumstances should there be any delay in building the new school. Work must start now. Teaching staff were battling adversity to provide a decent education for pupils and it was unacceptable that teaching and learning should continue in a school in such poor condition. The Council should understand what conditions were like and take appropriate action. Consultations and polls had shown that the majority of the community desperately wanted the new school to be built. Decisive action from the Council was required.

The deputation was also concerned about the timing of moving to a new school which was crucial. It was preferable to move in August and not January because the disruption caused at this stage in the school year would be detrimental to exam students’ preparations. They asked the Council to show confidence in its own legal advice on the Common Good Land issue and the precedents already set by the Courts. They urged the Council to show courage and leadership in agreeing to start work now.