

Portobello High School – campaigners win their appeal



The case for a new High School at Portobello is now again stalled. Campaign group Portobello Park Action Group (PPAG) have been successful in their appeal to the Court of Session. The decision was announced this morning by the court, and declares that the council cannot transfer the ground required for the school from one council department to another since it is common good land, and there are restrictions in the title which forbid this. Separately the court has decided that the council acted without power to do so when it took the decision in April this year to use the land as a site for the new school.

An appeal was made by Portobello Park Action Group (PPAG) against the decision by Lady Dorrian delivered at the Court of Session earlier this year. That decision allowed the council to go ahead and build a new high school on part of Portobello Park, but now the position is now less clear, and the council will have to rethink what to do, principally where else they might build a new school.

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.

A contract has been provisionally awarded to Balfour Beatty for the building of the new school, but the formal go ahead

would only be given if the appeal was not successful.

PPAG has welcomed the judgment which they say will preserve Portobello Park and prevent The City of Edinburgh Council (CEC) from building on the space.

PPAG spokesperson Alison Connelly said:- “Today’s decision is a crucial step towards securing valuable green space and parkland for future generations not just in Edinburgh, but throughout Scotland.

“The court’s decision makes it clear that councils do not have the power to appropriate land such as Portobello Park, what’s known as ‘common good land’, to use for purposes other than recreation. Whilst we understand and support the need for a new high school in Portobello, our campaign has always been about preserving green space”, Alison Connelly continues.

“The proposal to build on Portobello Park has split people in and around Portobello and we appeal to the whole community now to pull together and urge the council to build a new high school at an alternative site.”

“For the past six years, we have had an amazing amount of support from locals as well as people further afield and we are simply delighted with this positive outcome.”

A full timeline of the *Save Porty Park* campaign can be found [here](#).

MP for Edinburgh East Sheila Gilmore has responded to what she has called the “devastating” news about the school:-

‘Pupils, parents, staff and residents in Portobello are so deeply disappointed with today’s ruling. The news is devastating. However, this is not the time for recriminations.

‘Children and families in Edinburgh East still need a new Portobello High School and it is crucial that it is delivered soon. The City of Edinburgh Council must urgently hold a

“summit” of the key members of the community. whatever their views on previous proposals our children deserve urgent action’

Commenting on the surprise announcement, Edinburgh Eastern MSP Kenny MacAskill said:

“I am surprised and hugely disappointed by this decision, which I think it is fair to say no one was really expecting.

“We’ve currently got over 1,300 kids being educated in a building that is falling down – this just isn’t sustainable.

“While it is unfortunate that the new school is to be built on park grounds, the proposals do of course include a swimming pool and community sports pitches.

“The Council has my full backing in any attempts to further appeal this decision, or to explore alternative options. There currently is no plan B, but whatever happens a new school needs to be constructed as soon as possible.”

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

Later in the day Councillor Godzik issued the following statement:-”

Earlier today Councillor Paul Godzik expressed his disappointment with the decision taken by the Court of Session in relation to the building of the new Portobello High School. He has instructed Council officers to consider the judgement fully and look at the grounds for appealing against the decision. While this is taking place options around using an alternative site will also be explored.

Councillor Godzik said:- “We are disappointed with today’s judgement and surprised at the Judges’ decision. I know the local community is as shocked as we are, as the majority of them fully supported our plans for the new school in the park.

“I am in no doubt that Portobello High School is desperately in need of replacement. Portobello was the first school I visited after becoming Convener and I saw this for myself. I also saw the tremendous job the Head Teacher, Peigi McArthur, and her staff do every day despite the challenging circumstances they face. We will ensure that their school can continue operating until a solution is found.

“The Capital Coalition remains 100% committed to the new school and replacing Portobello is a key priority. Although we are urgently considering the judgment with our legal advisors we are ruling nothing out at this stage. I have instructed officers to look at the possibility of a further appeal and also to explore all other options. I have asked for a report to the 25 October Council meeting.”

Sean Watters, Chair of Portobello for a New School (PFANS) said:-“Lots of people will be hugely disappointed by the court’s decision. Most of the community were behind the proposals and the school, staff and pupils, will be devastated. But the important thing is to focus on the core issue; a new school is desperately needed. It’s going to be very hard to achieve that, given the limited options available. We may be facing some very difficult choices.”

A New Porty High School in the Park has [a Facebook page](#) where they have published a statement this evening and there are already just under 1,000 likes.

The full decision [can be read here](#) on the Scottish Courts website.

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