

Opinion – Community supports Portobello Park Bill

This article has been contributed by Sean Watters, Chair, Portobello For A New School

The Portobello Park Private Bill that is currently being considered at Holyrood will no doubt generate much discussion, but in that discussion it is important to remember the core issue at the heart of this: Portobello High School.

Portobello High School is an excellent school that has served the local community for over 100 years. But 50 years ago a problem was created when the largest secondary school in Edinburgh was built on a site fundamentally too small. The building is not fit for purpose, at the end of its useful life, on a site that is grossly undersized, and in urgent need of replacement.

From the outset it was clear that there was no easy option for replacing the school and that compromise would be required. The core dilemma has stemmed from two sincere aims; obtaining the best new school on one hand and preserving open green space on the other. Everyone can support those goals, but balancing priorities is the challenge.

There is no doubt that by far the best site for Portobello High School is Portobello Park. In terms of size, location, and the environment it can provide, no other site comes close. It would finally establish the school somewhere large enough to accommodate all the necessary facilities, and turn an underused space into a valued community asset. What few alternatives exist would not only result in a poorer school, but would take far longer to deliver and cost far more, depriving other Edinburgh schools of much needed investment.

The school on the park alongside public, all-weather pitches,

as well as a new park on the existing school site alongside a larger St John's campus, offers the best possible outcome. The proposals have long been contentious, and a number of people remain firmly opposed. However, there is far more support than opposition within the local community as demonstrated by the unprecedented response to the consultation on the proposed Private Bill: 10,000 respondents across the city with local responses indicating 76% support.

It should also be recognised that the legal bar preventing the school being built on the park is not based on any fundamental principle. Instead it appears to be an accidental omission in the wording of the legislation. A Council can sell inalienable Common Good land. It can apply to a Sheriff Court or the Court of Session who, if convinced of the merits and the benefit to the public, can give authorisation, as has indeed happened in various instances.

However, the ruling of the Inner House last September established that there is no legal means to simply change the use of such land, regardless of the merits, regardless of public benefit, regardless of public support. Three legal experts submitting evidence to the Private Bill Committee have variously described this situation as "odd", "illogical" and "bizarre".

Given this odd, illogical and bizarre state it seems likely that Parliament will have to look again at the legislation surrounding Common Good, but that could be a long process. In the meantime this Private Bill seeks a remedy that would apply to part of Portobello Park alone. By reclassifying part of the park as alienable, for the purposes of education alone, the badly needed new school could be built. The land would remain as Common Good and there would be no change to the status of Common Good land or open space anywhere else in Scotland.

If the law on Common Good is not revised then other Councils may pursue Private Bills should they wish to change the use of

inalienable Common Good land. If they do so they will have to go through the same lengthy process of convincing the Scottish Parliament of the merits of what they propose, demonstrating both public benefit and public support. A Private Bill is neither a quick nor easy option, but for Portobello it is the only way to deliver the school that our young people need, on a site where most of the community want to see it, as quickly as possible and at the lowest cost.

The Common Good exists for the benefit of a community, a new Portobello High school on Portobello Park is in the best interests of our community, and the Portobello Park Private Bill is the means to achieve that.

Submitted by [Sean Watters](#)

