

Portobello will have a new High School by 2016



The Scottish Parliament has today passed the City of Edinburgh Council's Private Bill to allow the new Portobello High School to be built on Portobello Park.

After gaining widespread public support for its plans, the Council decided to take a Private Bill through the Scottish Parliament that would permit the Council to go ahead with the project despite the legal restriction which would otherwise prevent the new school from being built on Portobello Park. Today's decision has been welcomed by Edinburgh's Education Leader, Councillor Paul Godzik. He said:- "This decision will be welcomed by the Portobello community as it clears the legal obstacle that has prevented us building the new Portobello High School on Portobello Park. We know there is overwhelming support in the local community for our plans.

"The Bill will become an Act once it receives Royal Assent, which we expect will be within four to six weeks. As soon as the legislation is in force we will appropriate the park and formally appoint our contractors, Balfour Beatty, to ensure that the construction of the new school starts on site as quickly as possible.

"The young people of Portobello deserve high quality education facilities and I am confident not only that the school community will benefit from our plans but also that the wider local community will be able to enjoy the improved sports and other facilities that will be available when the new school opens, which we anticipate will be in August 2016."

Additional information:

- Under existing legislation, it would be possible for the Council to sell Portobello Park to a third party with Court permission but there is currently no provision allowing the Council to change the purpose for which the Council itself can use the park.
- The City of Edinburgh Council (Portobello Park) Bill empowers the Council to appropriate the park for educational use only.

Portobello Park Action Group (PPAG) believe that today's adoption of The City of Edinburgh Council (Portobello Park) Bill threatens the security of all common good land and should worry people across Scotland.

The group say that the Bill paves the way for Portobello's run-down High School to be demolished and rebuilt on Portobello Park, currently inalienable common land, despite numerous suitable alternative sites and strong local opposition.

They also point out that in their view The Scottish Parliament's adoption of the Bill also overturns an Inner House of the Court of Session ruling in 2012 in which it was found that the City of Edinburgh Council was operating *ultra vires* i.e. beyond its jurisdiction in its attempts to appropriate the Park.

PPAG insists that any delay in the rebuilding of Portobello Park lies firmly with The City of Edinburgh Council, which received but suppressed a legal opinion in 2008 highlighting the legal risk of building on the Park.

Stephen Hawkins of Portobello Park Action Group, and himself a former councillor, said:- "Today is a bleak day for democracy in Scotland, and people across the country should be worried about the way in which a local council and the Scottish Parliament have combined forces to disregard local opinion and effectively overturn the opinion of the country's highest legal adjudicators.

"And to what end? The City of Edinburgh Council is short of cash because of its own maladministration and has been reduced to selling its citizens' assets. MSPs tell us that today's

ruling won't lead to other councils appropriating inalienable common good land but today's adoption of the Bill shows that it can happen.

"Sadly, today's decision comes as no surprise to PPAG supporters as we know that many MSPs had made their minds up to adopt the Bill even before hearing the evidence. The parliamentary process and PPAG's experience of the balance and fairness of private bill committee proceedings has been woeful.

"Of huge frustration and upset to PPAG is the fact that many of our supporters went to Portobello High School or have children who were, are or are due to go the school themselves. The sometimes highly personal accusations about PPAG delaying the school's development are without foundation. Throughout the entire process PPAG has advocated the need for a new school, but on one of the suitable alternative sites which the Council could use. Instead, through its own incompetence and iniquity, the Council has impeded the new school and it has relied on the Scottish Parliament to rescue it from a mess of its own making."