



Blackhall Community Trust

BCT Response to CEC's April 2022 Ravelston Park Pavilion CAT Consultation

Blackhall Community Trust (BCT) welcomes the opportunity to revise the area of land being requested under this re-run part of the CAT process. The reduction in area has become possible as a result of ongoing work to refine the building design and to revise the footprint in response to residents' feedback – see <http://blackhallcommunitytrust.org.uk/agm/>.

These revised plans seek to minimise the impact on the park but still to achieve the desired objectives of providing a new building which could both accommodate Blackhall Nursery and provide a useful space for a variety of community uses.

The volunteer directors/trustees of Blackhall Community Trust are very pleased to acknowledge the strength of community support evidenced in response to this consultation, and the strong arguments made by many local residents in favour of the CAT going ahead. This is entirely consistent with the support that has been evidenced over several years.

The directors/trustees would also like to respond to the comments of those who have registered an objection to the CAT request – see below.

Representation No	BCT Response
6	<p>Point 1 - BCT acknowledges the terms of the gift from the benefactor but contends that BCT is a local charity managed by local residents for the benefit of the local community, as reflected in BCT's objectives and charitable purposes. Community ownership and community benefit remain at the forefront of the asset transfer request and for the intended use of the land and building to be transferred.</p> <p>Point 5 - the reduced area of land currently being requested will intentionally minimise the impact on the green space and its current use. (The green space is not designated by the City of Edinburgh Council as football or other pitches.)</p> <p>Point 6 – the figures quoted here are incorrect. Blackhall Nursery currently offers 30 x 1140 hours places per day and the proposed new building would increase that to 40 places per day.</p> <p>Point 7 – these are incorrect assumptions. The most recent design proposal would allow for dual use of the building during the day, with independent space/facilities for the community and Blackhall Nursery. Community members have told us repeatedly that there is not enough community space available to satisfy local need, and school lets are now both restricted and expensive.</p> <p>Point 8 – incorrect assumption.</p> <p>Point 9 – BCT consulted carefully and extensively with the local community before embarking on this project. See also the responses in support</p> <p>Point 10 – BCT is voluntary sector, not private sector.</p> <p>Point 11 – BCT membership stands at close to 180 – so not just a few individuals.</p>
9	No reasons given
17	FORPWA. There is no evidence that this association is carrying out any charitable activities or that it has a membership to represent. It does not advertise its existence or membership criteria in any of the usual community communication channels and has no online presence. There is therefore no evidence that the

	views expressed here are anything other than those of the chair alone, who has also expressed a personal view in a separate representation (objection).
18	<p>The greatly reduced area of land now being requested minimises the impact on the rest of the park. The proposed new building would offer new opportunities to support the current use of the park and also offer new indoor recreation space which is currently not available.</p> <p>The community space element of the new building would be accessed only through a booking system operated by BCT and according to strict terms and conditions which would seek to ensure that only responsible community groups or individuals would be granted access, and with minimal impact on neighbours and other park users. Conditions about hours of operation, noise etc can be imposed as part of the planning process.</p>
20	<p>BCT acknowledges that if the asset transfer goes ahead, and if funding can be found to replace the current pavilion building, that there will inevitably be some disruption during the construction phase. This can be mitigated and controlled by the City of Edinburgh Council as part of the planning process. However it is also the Trust's intention to minimise that disruption as much as possible e.g. by off-site construction of large sections of the proposed building. The safety of the public will of course be a top priority during the construction phase. Thereafter there should be no disruption to the use of the park by any of its current users and indeed the plan is for the new building to be used to support park use e.g. by providing changing/toilet facilities for local school sports teams, enabling them to host regular home games (currently not possible) and for use by parents to provide refreshments if desired. The current storage option would be continued, allowing sports groups to keep their equipment in a safe and easily accessible container. There would therefore be no loss and no detriment to current park users, adult or child - quite the opposite.</p>
41, 42	<p>BCT understands that there are different views regarding common good status but can assure objectors that if the land is transferred it will still be used and managed for the benefit of the Blackhall community. The removal of the common good status is a separate process.</p>
43	<p>Only a very small area of the park is subject to the CAT transfer and the impact on current use would be minimal.</p>
45	<p>The CAT transfer and subsequent proposed replacement building would enhance the activities which currently take place in Ravelston Park. At the April meeting of Craighleith and Blackhall Community Council, more than one attendee stated that they had been unable to book a church hall recently and that they would be delighted to see more bookable space becoming available locally.</p>
54	<p>It is unlikely that any other group would wish to go through the CAT process again, given how time-consuming, complex and costly it is, therefore these fears are likely to be unfounded. The area in question will still be used and managed by the community, for the benefit of the community. Converting a house for use as a nursery has already been attempted in Blackhall - the change of use was objected to by neighbours and the application was turned down. The halls which are currently available to let do not currently satisfy local needs.</p>
55	<p>The current building does not meet new regulations for accessibility and cannot be adapted within the current footprint, so a larger building is needed to meet the needs of both Blackhall Nursery and the wider community, as demonstrated by the responses received by the community consultation which started off this whole project. The common good and fields in trust re-designations only apply to the portion of the land whose ownership would be transferred, not to the park</p>

	as a whole. Blackhall Nursery has received 7 green flags to date for its commitment to embedding an environmental ethos into children’s learning, so protecting the environment will be a cornerstone of any development plans.
57	The area of land in question will continue to be used for the benefit of the local community, and to enhance activities which currently take place in the park. It is for these reasons that so many local residents are actively supporting the CAT application.
58	<p>Point 1 - only a very small area is covered by the transfer request so the impact on the rest of the park and its users will be minimal and may actually enhance park use by offering more facilities.</p> <p>Point 2 – it is a multi-staged process, and it is extremely unlikely that any other group would get the level of support necessary to get the process underway.</p> <p>Point 3 – as point 1</p> <p>Point 4 – anyone can join the emailing list to receive newsletters, updates and details of public meetings. However members must support the objectives of the Trust and the asset transfer has been one of the objectives from the outset.</p> <p>Point 5 – the transfer of ownership does not mean that the land will be privately owned – it will be owned and managed by a community trust (and charity) on behalf of the community, and the Trust’s objectives are compatible with the previous designations as they are about enhancing community facilities and supporting the activities which take place in the park</p> <p>Point 6 – the first step is to secure the asset transfer as without that there can be no new building. Funders want to know that the project can proceed before they will consider committing funds to it. If the Trust was to fold, the land/building could only be taken on by another suitably constituted community group, otherwise it would revert to Scottish Ministers for a decision about its future.</p> <p>Point 7 – an additional 10 early years places would go a long way to meet local demand, and the inclusion of a modest community space in the proposed new building would provide bookable facilities for a wide variety of community use. There is no space to extend further within the reduced area of land being requested and BCT will not undertake another CAT transfer as the main needs of the community would be met by the current plans.</p> <p>Point 8 – The BCT board agrees</p>
60	As per the points above – the area in question is a very small proportion of the park and will be managed for the benefit of the local community. BCT is a community trust, and a registered charity, as is Blackhall Nursery. There is no money to be made from this proposal as all elements would operate on a not-for-profit basis. All office bearers are unpaid volunteers. (see also response to 68).
61	As previously outlined, local residents have repeatedly stated that there are insufficient facilities available to accommodate their requirements and that St. Columba’s have turned down requests from individuals to hire their halls. The community trust has widespread support for its plans, as evidenced through multiple consultations and by the many very positive responses received as part of this most recent consultation. There is no commercial element in these proposals (see response to no 60).
64	The impact on the rest of the park is minimal and will not reduce its use in any way. The community space referred to here as a ‘hub’ is not a commercial venture as BCT operates on a charitable, not-for-profit basis. Income received from renting out the space would be used to cover the building’s operational and maintenance costs. The owner of the land behind the primary school has already been approached and does not wish to sell, so this is not a viable option.
65	See response to 54 above

66	<p>Para 1 - there is no evidence to support this claim</p> <p>Para 2 – BCT has consulted widely with the local community from the outset and has provided evidence of strong community support. The many positive responses to this consultation (52) reinforces that support from the across the community. C1 – the pavilion cannot currently be accessed for free, therefore this assertion is incorrect. The area to be built on is a very small proportion of the overall park and all currently feasible activities, and an equipment storage facility, will be retained – it is a priority for BCT to minimise the impact of any new building on the park, hence the significant reduction in the area being requested. Some of the other bookable spaces require membership so are not open to all. Great care has been taken to ensure that the current number of pitches can be retained and that all current activities can continue, but with potential access to changing/toilet facilities which would be an enhancement. BCT has not received any requests for an indoor football facility. When the first application was submitted, the statutory entitlement to funded early learning and childcare was 600 hours per annum which enabled the nursery to offer up to 60 places but since then the statutory entitlement has increased to 1140 hours, thereby halving the number of places which can be offered. An increase of 10 places would help more parents to access their child’s funded entitlement for 2 years at Blackhall Nursery. BCT has secured funding for a development consultant to work on a funding package, and other considerations, but that work has been put on hold pending the outcome of this re-run CAT consultation. BCT has held public meetings 3 times per year until the pandemic hit (when meetings went online), delivered newsletters to most of the 2500 households in the catchment 3 times per year via volunteers, posted regular updates in the Blackhall Bulletin (produced by St. Columba’s church and distributed to all households within the parish), and established an email subscriber list for anyone who wishes to be kept updated about meetings and developments without becoming a BCT member. The website also carries information about current activities and plans, and how to contact the organisation by email. Anyone from the community has had the chance to ask questions at BCT public meetings and at community council meetings, and very many local residents have frequently done so. It is not a requirement to post minutes and agendas on the website, but they are always shared with meeting attendees, and details of all meetings are shared with members and email subscribers. No-one has ever been banned from attending a public meeting, and no-one has ever been blocked from the BCT Facebook page or Messenger, so these assertions are categorically incorrect. The main elements of the business case remain the same, and if the CAT proceeds the business case will of course be revised to reflect current numbers as a prerequisite for future funding applications.</p>
67	See response to 54 and 68
68	<p>Point 1 – BCT is a charity (SC047250), and a company limited by guarantee (SC551774), i.e. it has members but no share capital and no ‘owners’. The directors/trustees are volunteers who derive no personal gain. The organisation operates on a not-for-profit basis and BCT’s annual accounts (published on the Companies House website) show that income comes from fundraising, small donations and grant funding. It is categorically not a commercial enterprise and does not trade.</p> <p>The structure of Blackhall Nursery is identical. It is not a commercial enterprise. It operates on a not-for-profit basis, and all children who attend receive the full statutory funded entitlement to early learning and childcare (currently 1140 hours per annum) at no cost to their parents, just as in a council-run nursery. The directors/trustees are all volunteers.</p> <p>Point 2 – there would be a slight increase in the number of families attending each day, but many live close by and there is a lot of encouragement to walk and scooter, which many people heed. Dog walkers are as much to blame for</p>

	<p>inconsiderate parking, and obstructing the park gates, as any other person accessing the park.</p> <p>Point 3 – increased use of the building in the evenings could reasonably be expected to <i>reduce</i> the amount of antisocial behaviour in the park as such behaviour would be more likely to be seen and to be reported. There is already a building in the park, which is not affected by antisocial behaviour, so why would a new building change that?</p> <p>Point 4 – this is a planning issue. BCT is working hard to produce a design that is sympathetic to the park environment in both scale and materials. It is a community venture, not a business proposition</p> <p>Point 5 – the revised area of land in this request is greatly reduced and does not include a ‘huge swathe’. The respondent may be referring to the previous request. The land would be transferred to community ownership (not a private company), and the terms of the transfer quite clearly define the terms of future ownership and future uses.</p> <p>The benefits to the community have already been stated.</p>
69	<p>Point 1 – the area of land being requested is quite clear and represents a very small area of the overall park. Due to current legal restrictions, no alterations can be made to the building unless this asset transfer proceeds. The additional land is required to bring the building up to current standards and to create an additional 10 places - this cannot be done on the current footprint.</p> <p>Point 2 - see response to 54 above</p> <p>Point 3 – all current activities will be able to continue</p> <p>Point 4 – 10 places offers the best adult:child funding ratio for the nursery whilst increasing the number of places available to local children. The reduced footprint of land being requested means that there is no scope for future building expansion.</p> <p>Point 5 – the BCT board agrees.</p> <p>Point 6 - BCT actively encourages new company membership and new board members in every newsletter it issues. However, the constitution states that members must support the aims of the organisation, and whilst a broad range of views are welcome, and indeed are healthy, actively campaigning against the asset transfer is not seen as supportive of the organisation’s objectives. If a membership application is declined (which to date has only happened due to address ineligibility) the board will always give a reason and membership may still be possible in the future. A resident may still be added to the email subscriber list to receive details of meetings and updates. A thorough check has not found any applications in your name, but has highlighted a potential issue with the website application link which is now being addressed.</p>
70	<p>The proposed asset transfer is to Blackhall Community Trust, not to Blackhall Nursery. Blackhall Nursery would be a long-term tenant.</p> <p>Precedent – see 54 above</p> <p>The inalienable common good status must be removed from any area of land to be redesignated and it is BCT who has undertaken the funding of that process.</p> <p>The asset transfer, and ownership of the land, is part of that process.</p>
71	No reason given
72	<p>It is not being sold to a ‘private interest group’ - ownership would be transferred to a properly constituted community trust.</p> <p>BCT was set up after widespread community consultation and its objectives are derived from that well documented consultation. The CAT transfer request actively seeks to meet the community needs identified during that consultation process and is widely supported in the community. BCT’s work on designing a new building and the appointment of a consultant to work on putting together a funding package were put on hold when it became clear that part of the CEC</p>

	<p>consultation would have to be re-run and everything remains on hold until the outcome of this process is known, but the community will be updated once the outcome is known.</p> <p>Guidance already exists which must be followed if the project should fail.</p>
74	<p>See response to 54 above</p> <p>The area of land being requested is a small part of the overall park area and all the current activities that take place in the park would continue as at present. The football teams who currently train in the park would continue to benefit from an equipment storage facility, as at present, but in addition could have access to toilets and changing facilities. This surely encourages and supports usage by a large number of people, enhances current opportunities and may offer new opportunities in the future.</p>

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