



REPORT TO: MORAY COUNCIL ON 22 MAY 2024

SUBJECT: LEARNING ESTATE PROGRAMME UPDATE - FUTURE FORRES ACADEMY SITE SELECTION

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To inform the Council on the site selection for the Future Forres Academy new build project and seeks approval of the Education, Children's and Leisure Services Committee's recommendation for preferred site.
- 1.2 This report is submitted to Council in terms of Section III (D) (17) of the Council's Scheme of Administration relating to the School Estate to consider and make recommendations on capital and minor works programmes.

2. RECOMMENDATION

2.1 It is recommended that Council:

- i) note the outcome of the option appraisal by the design team regarding the location of a new school (Para 3.8-3.10);**
- ii) note the outcome of the public engagement regarding the location of a new school (Para 4.1- 4.3); and**
- iii) agree the recommendation of the Education, Children's and Leisure Service Committee on 14 May 2024 that the Applegrove/Roysvale Park option is the preferred site for the new school (Para 5.1 to 5.5**

3. BACKGROUND

- 3.1 Following approval at the Education, Children's and Leisure Services Committee on 19 September 2023 (para 16 of the minute refers), a feasibility study to support Future Forres Academy Project was instructed and undertaken by Hub North Scotland supported by JM Architects, Goodson Associates (Civil and Structural Engineers, Rybka (Mechanical and Electrical Engineers), Currie and Brown (Quantity Surveyors), The Learning Crowd (Educationalists) and Ryder (Consultation). The final report is at **Appendix 1**.

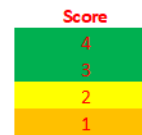
- 3.2 In addition to new build proposals, consideration was given to refurbishment of the current building. This would have entailed a significant cost and disruption to the school users over a 3 year period with all or a majority of the users required to be decanted into temporary school accommodation (in either the school car park and/or adjacent Roysvale common good land). The study concluded that a refurbishment option would not offer value for money and be unlikely to meet the aspirations of the local community. It was therefore decided to progress with a new build solution.
- 3.3 A further objective of the feasibility study was to complete an appraisal of three site options suitable for a new build school - (1) Applegrove/Roysvale (Central), (2) Lochyhill (East) and Granttown Road (South) - against fourteen factors weighted with respect to national policies that Moray Council are aligned with. This includes the National Planning Framework 4 (NPF4), local living and 20 minute neighbourhoods, climate change and reducing carbon emissions policies. Overall project costs were not a factor considered at this stage. These initial 3 sites options are shown in Figure 1.



Figure 1. Potential locations for Future Forres Academy

- 3.4 This scoring matrix and outcomes from the site appraisal are set out in the table below.
- 3.5 The outcome of the appraisal supported the decision to discount the Granttown site as a viable option. There were a number of factors contributing to this decision not least its edge of town location (both now and in the future), the presence of high pressure gas pipes, low voltage mains and services cables within the site boundary and the poor transport infrastructure to and around the site that to improve would incur significant cost.

Criteria	Weighting	Lochyhill		Apple grove /Roysvale		Forres - Grantown Road	
		Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Context (scale, location, civic presence, opportunities for joining up services)	15	2	30	3	45	1	15
Place (SMART Objectives)	15	3	45	4	60	2	30
Transport (existing infrastructure, safer routes to schools, car parking)	10	1	10	3	30	1	10
Flood Risk	10	3	30	2	20	3	30
Sustainability (reuse of buildings)	5	1	5	2	10	1	5
Landscaping & Ecology (existing topography/ trees)	5	3	15	3	15	3	15
Planning Considerations (LDP, policies, settlement boundary, listed buildings, conservation areas)	5	3	15	3	15	2	10
Utility Infrastructure (drainage separate)	5	1	5	3	15	1	5
Underground Risks (non utility services, archaeology)	5	2	10	2	10	3	15
Construction (access, disruption, decant)	5	3	15	2	10	3	15
Orientation, massing and shading	5	3	15	2	10	3	15
Ground Conditions	5	3	15	3	15	3	15
Drainage	5	3	15	2	10	2	10
Future Expansion	5	4	20	2	10	4	20
Total	100		245		275		210
Ranking			2		1		3



Fully Delivers
Mostly Delivers
Delivers to a Limited Extent
Does not Deliver

Site Appraisal Scoring Matrix

- 3.6 It should be noted that for the design team appraisal, 30% of the score was shared between the Context and Place criteria. This took account of the key national and local strategies and policies as defined in [National Planning Framework 4](#) and [Moray Local Development Plan 2020](#) and adopted by Moray to improve people's lives by making sustainable, liveable and productive spaces. These support 20 minute neighbourhoods, reducing car-based and maximising active travel journeys and town centre economic sustainability. It was the two key criteria of Context and Place that favoured the central location of the Applegrove/Roysvale site and scored it higher than the Lochyhill situated on the eastern boundary of the town.
- 3.7 In terms of the other criteria both sites scored equally overall – with some criteria favouring a Lochyhill site over an Applegrove/Roysvale site and vice versa. Both sites were considered viable options for a new build development, with the differences between them, considered within the selection criteria, viewed as design challenges and/or project risks and issues and not indicators of non-viability. The following is noted as key supporting information in determining a preferred site for construction:

Lochyhill

- Supports a design solution that would incorporate a new build secondary school constructed with an associated 3G pitch and car park on site;
- Provides minimal design constraints and meets the education strategic objectives;
- Would not meet the Moray place-based policy.
- Would see the current school demolished with the exception of the swimming pool, hydrotherapy pool and fitness suite which would remain as a standalone self-sufficient asset;
- Delivers an affordable design within an area of 5.8 hectares (58,000 sqm). This would not support a requirement for future expansion - further land would need to be acquired to facilitate this;
- The site is not Council owned and would need to be purchased from the current landowners – at market rate for development land;
- Limited flooding risk given the lower groundwater table supporting a simpler groundworks design;
- Site drainage not complex on site but would still require works to connect to Forres Waste Water Treatment site to the west;
- Requires the development of new safer routes to school;
- Does not provide an opportunity to develop a 5-18 campus model with existing primary school;
- Requires road improvements including potential requirement for a new roundabout on the A96 to provide overall site access from the school and future residential site;
- Improvement and upgrade to site utility connections to meet increased demand; and
- Could impact local businesses due to edge of town location.

Applegrove/Roysvale Park

- Supports a design solution that would incorporate a new build secondary school and accessible parking constructed on the new site together with the retention and improvement of the majority of current Roysvale Park playfields and repurposing of existing school site to accommodate a 3G pitch, main car park and soft landscaping;
- Meets the educational strategic objectives and place-based policy
- Would see the current school demolished with the exception of the swimming pool, hydrotherapy pool and fitness suite which would remain as a standalone self-sufficient asset and the current school site redeveloped with a 3G pitch and car park;
- The Council owns the site for new school building;
- Plans for the bus drop off and playing fields are on inalienable common good land. Its appropriation would require legal consent following a statutory consultation;
- Would maintain the majority of the common good as green space for community use with mitigations planned to improve current surface water drainage issues;
- Options to use or improve existing safe routes to school;
- Opportunity to develop a 5-18 campus with adjacency of existing primary school with benefits of shared management, curriculum and pastoral transition (mainstream and ASN), shared PEF investment and access to extended learning for primary
- Supports a pedestrian priority campus with a dedicated bus/coach drop off which would avoid road congestion;
- Provides a central location for the school with a good opportunity for a united civic presence;
- Provides links to other existing green/health and wellbeing spaces providing both educational and community benefit; and,
- Provides good opportunities for educational links during construction and maintains the economic benefits to the surrounding businesses.

3.8 The options for 'future proofing' have been considered within the options appraisal with Lochyhill scoring higher than the Applegrove/Roysvale site. This accounted for the fact that more land is currently available on the Lochyhill site as there was no existing residential property constraints. This will change should residential development progress in the future in accordance with the Local Development Plan (LDP). However, there is no allowance for this within the planned site footprint or the associated additional land acquisition costs. School roll forecasts indicate that even with a 100% increase on current maximum forecast housing output rate over the next 15 years (equating to 1600 new houses) the planned school capacity will be more than adequate and no extension is foreseen. Should the situation change there is provision within the current LDP for land to be available for a new primary school on the wider Lochyhill development site which would allow the Applegrove site to be considered for any future expansion of the new Forres Academy.

3.9 The Applegrove/Roysvale site is owned and administered by Moray Council while Lochyhill is privately owned. The Council would need to formally acquire

the Lochyhill site land at market value in order to develop on it. However, a major area of the Applegrove/Roysvale site is classed as inalienable Common Good and hence the Council would need to remove the constraints this imposes to allow a main contractor to commence works on site in accordance with the programme.

- 3.10 The current intended use of Common Good land is as temporary construction site access, laydown and project ‘life support’ area for the duration of the construction project (estimated around 32 months). This same area would be improved to support long term use as a green playing field site within the final school design. In addition, it is intended that a 12m landstrip adjacent to the Sanquhar Road would be repurposed and developed as a bus drop off lane. There are other viable design options that could be considered as alternatives to the Common Good for this purpose (within the proposed new car park or on Burdsyard Road to the south of the site), and although these would be further from the new school building.
- 3.11 The feasibility report concludes that if the Council is confident that the Common Good constraint can be removed prior to the planned start of construction on site (programmed for July 2025) then the recommendation, based on all the selection criteria considered, is that the Applegrove/Roysvale site would offer the best option for Moray Council to deliver a new build school.
- 3.12 Currie and Brown prepared high level cost models for each of the 3 sites as part of the feasibility study. The estimated construction costs for each site option have not been provided within this report due to their commercial sensitivity; however, a comparison of additional authority costs is provided in the table below. The additional cost to develop the Lochyhill site and anticipated off site works is estimated at £3,372,300 above that for the Applegrove/Roysvale site.

Site Option	Authority Costs	Detail
Applegrove/Roysvale	£4,286,500	Design and project risk allowance, legal costs/fees, IT equipment, furniture
Lochyhill	£7,658,800	As above + Off site works: cost of land for development, improvement to access roads (including A96) and active travel routes, and improvements and upgrades to site utilities (water, drainage, electricity).

- 3.13 Given the future importance of the site selection to young people, parents/carers and residents of Forres, it was agreed at the Special Education, Children’s and Leisure Services Committee on 27 March 2024 (para 5 of the minute refers), to undertake a public engagement on the location for the new Forres Academy, with two site options, Lochyhill and Applegrove/Roysvale Park, presented.

3.14 The public engagement was completed between 28 March - 25 April 2024 with the objective to share site information that was available and seek views on the location for the Forres Academy new build. It consisted of: an online survey and an equivalent paper version (available from the Forres Post Office and Forres Library); an information session for Forres Academy staff and pupils held on 17 April 2024; and a community drop in session held on 18 April 2024 at Forres Town Hall. A copy of the online/paper survey is at **Appendix 2.**

4. PUBLIC ENGAGEMENT

4.1 The output from the public engagement online survey is summarised below with more detail analysis provided at **Appendix 3;**

- A total of 1,191 online survey submissions were received;
- The overall breakdown is 54.7% to 45.3% preference for the Lochyhill site;
- 330 respondees identified as a parent/carer of a child attending school – the breakdown within this group was 52.1% to 47.9% in favour of the Applegrove/Roysvale site;
- 518 respondees were from the Applegrove PS catchment where Applegrove/Roysvale site is located – the breakdown within this group was 62% to 38% preference for the Lochyhill site;
- 951 respondees were from within the Forres town boundary (Applegrove, Andersons and Pilmuir Primary School catchments) – the breakdown of these was 53.9% to 46.1% preference for the Lochyhill site; and,
- The total size of the respondee groups encompassing Primary and Secondary school pupils and staff was 131 – only the primary school pupil group (39 respondees) preferred the Applegrove/Roysvale site (59% to 41%). The remaining secondary school pupils (51 respondees) had a preference for the Lochyhill site (57%) over Applegrove/Roysvale (43%) and similarly the staff (41 respondees) were in favour of Lochyhill (63%) over Applegrove (37%)

4.2 The output from the public engagement paper survey is summarised below with more detailed analysis provided at **Appendix 4:**

- A total of 89 paper surveys were received;
- The preference was 85% for the Lochyhill site;

A significant number of paper surveys were completed within the last week of the engagement and there is clear evidence of multiple surveys with identical content which could call into the question the validity of the results.

4.3 During the Public Engagement process a number of questions, queries and observations were submitted with respect to both sites. These were received within the survey responses, as direct e-mail correspondence to the Council and during the in person engagements. These were collated into key themes and responses provided in the form of Frequently Asked Questions list. These can be found on the Moray Council website at

http://www.moray.gov.uk/moray_standard/page_151261.html . The Learning Estate team will continue to update FAQs as the new school design and project progress.

5. PREFERRED SITE SELECTION

- 5.1 In determination of the preferred site for new build Future Forres Academy a number of factors, and the risk and issues associated with these, were considered.
- 5.2 The feasibility report acknowledges there are a number of issues and risks associated with developing either of the 2 sites. The technical risks have been identified and the civil and structure engineers appointed to the design team have considered robust mitigation strategies that will be confirmed during the concept design stage. The construction project costs have incorporated a related risk contingency factor for both sites. Therefore the key remaining site differentiators relate to land ownership status.
- 5.3 The feasibility report conclusion is that if the Council are able to gain consent to use the Common Good then the Applegrove/Roysvale site is the best option for a new build school. The common good land transaction would require the consent of the Sheriff Court following a Public Consultation and due consideration by the Council. The outcome of the public consultation will be an influential consideration but the whole perspective on all of the process followed and issues, including any improvements to the site for the benefit of the community will be considered. If the Court was to reject the application the Council would need to purchase an alternative piece of land, which would increase the project delivery timescales. This is an important consideration in the context of the current condition of the Forres Academy building. Currently an allowance of 6 months has been incorporated into the project plan timeline. If consent is not forthcoming, and the Council need to pursue an alternate site (Lochyhill) then this would incur a 6 month delay to the project (moving the operational date from January 2028 to July 2028).
- 5.4 With the Lochyhill site the Council would need to acquire the development land at market rate and accept that the project costs would increase to near £4m to cover this acquisition and significant off site development costs and additional construction costs.
- 5.5 Although there is a risk that the Council will not gain legal consent for any use or development of the Roysvale site and this will result in a minimum 6 month delay while an alternate site is proposed (Lochyhill would be the alternate), There may be other options on the use of the site that would remove or significantly reduce that risk and this is being considered. There are a number of reasons to support the selection of the Applegrove/Roysvale site, summarised as:
 - Central location better meets the place-based and strategic context requirements for a new community school, aligning with the NPF4 and

Scotland's Learning Estate Strategy – Connecting People, Places and Learning guidance and principles;

- More cost effective option at a time when the current and future challenges on the Council capital budget are significant;
- Retains flexibility to respond to future school roll growth if required as the Lochyhill site is identified for a primary school;
- Offers educational benefits of a 5-18 campus - with adjacency of existing primary school with benefits of shared management, curriculum and pastoral transition (mainstream and ASN), shared PEF investment and access to extended learning for primary; and
- Benefit of the improvement of the Roysvale land and drainage improvement to improve community use of the green space/playing fields for the future.

5.6 The Applegrove/Roysvale site was proposed as the preferred development site for the new school at the Education, Children's and Leisure Services Committee on 14 May 2024 and the Committee agreed to recommend to Council for approval.

6. **NEXT STEPS**

6.1 The proposed next steps are dependent on the Council decision on 22 May 2024. It would be to either:

A. Lochyhill: Consult regarding the relocation of the school in accordance with the Schools (Consultation)(Scotland) Act 2010 and engage in discussion over acquisition of the private land or;

B. Applegrove/Roysvale - consult the public regarding the Common Good use to support school construction for the duration of the project and for permanent development of bus drop off areas.

6.2 Should the Council agree the recommendation that the Applegrove/Roysvale is the preferred site and the consent to use the Common Good ground is not forthcoming the only viable alternate for a new build be the Lochyhill. Therefore it is prudent for the Council to continue to consider Lochyhill as a potential future site and engage in discussion over acquisition of the land

6.3 In parallel with the site selection activity the project will also be progressing with consultation on the concept design for the new school over the next 6 months.

7 **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This report supports the aims of the Corporate Plan to:

- **Build thriving, resilient, empowered communities:** Learning estate fit for the future and financially sustainable - tackle the

affordability and standard of our learning estate to ensure sustainability while meeting climate requirements.

and supports the LOIP outcomes:

- Building a better future for children and young people in Moray; and,
- Empowering and connecting communities.

(b) Policy and Legal

The Lochyhill site is outside the current school boundary and therefore consultation regarding the relocation of the school in accordance with the Schools (Consultation)(Scotland) Act 2010 would require to be undertaken.

Roysvale Park is categorised as inalienable Common Good and if it is not possible to progress an alternative site layout that avoids long term use of the common good land, the Council would require to obtain consent of the Sheriff Court in terms of the Section 75(2) Local Government (Scotland) Act to appropriate the land. Section 222(2) of the Local Government (Scotland) Act 1973 requires the Council to have regard to the interests of the inhabitants of the former Burgh of Forres when administering Common Good land.

In addition, Section 104 of the Community Empowerment (Scotland) Act 2015, which came into force on 27 June 2018, requires that before taking any decision to appropriate a Common Good asset, the Council must publish details about the proposed disposal. In publishing these details, the Council must also:

- (i) notify the relevant community council and any community body that is known to have an interest in the property; and
- (ii) invite those bodies to make representations in respect of the proposals.

In deciding whether or not to appropriate the land, the Council must have regard to any representations made, whether by those invited or by some other relevant party. The proposal, along with the summary of any representations received, would then form the basis of a further report to this Committee to allow it to make a decision regarding the appropriation of the site and submission for court approval.

(c) Financial implications

The short term financial implications of the site selection have been addressed within the report.

Although the project will receive outcome based revenue funding from the Scottish Government through Phase 3 of the Learning Estate Investment Programme (LEIP) this is calculated against the project construction costs and does not take account of any Authority Costs

outwith this which would include a site acquisition and off site development costs.

(d) Risk Implications

The majority of risks are already covered within the report. The key risk is related to project timing delay (and associated inflationary pressures) and apply to both site options.

Applegrove/ Roysvale

A currently allowance of 6 months has been incorporated into the project plan timeline for the Applegrove/Roysvale site. If the legal consent to use Common Good land is refused, the Council need to pursue an alternate site (Lochyhill). This would incur a further 6 month delay to the project (moving the operational date from January 2028 to July 2028).

As discussed earlier in the report the risk of non-consent could be reduced if the final design seeks to minimise or remove the requirement to permanently repurpose and develop the land strip adjacent to Sanquhar Road.

Lochyhill

The Council would need to negotiate the acquisition of the site from the current owner. There is a risk that the owner would be unwilling to sell, or that the price sought would not meet affordability criteria. With similar situations in other projects the Council has promoted a compulsory purchase order (CPO) in tandem with landowner negotiations. As part of the CPO process the Council would need to justify its requirement for that particular site (with reference to alternatives) and 18 months minimum would need to be allowed for this process (moving the operational date from January 2028 - with current 6 month contingency - to January 2029).

Early engagement with the current landowner is required to fully determine the likelihood of this.

(e) Staffing Implications

The requirement to undertake a form of statutory consultation on either site selection option will result in a 3-6 month increase in workload that may require external support to ensure project timescales are met. A legal cost factor has been included in the cost model.

(f) Property

The property implications are set out in the body of the report.

(g) Equalities/Socio Economic Impact

The quality of the learning environment can impact on learning and attainment by as much as 16%. The condition and suitability of our learning estate, and capacity challenges associated with both growth and population decline in some areas, give rise to unequal opportunity across Moray.

This proposal supports the Learning Estate Strategy requirement that all Learning Estate buildings meet minimum standards and are fit for purpose.

(h) Climate Change and Biodiversity Impacts

Whichever site is chosen there will be a requirement to consider embodied carbon within construction and whole life operational carbon generated. The scale of this overall impact will be assessed in detail as the project progresses to full business case and this will be balanced against the current operational carbon budgets. The LEIP 3 standards for both operational carbon (energy efficiency) and embodied carbon require the new build design to minimise carbon. A whole life carbon assessment and community wealth building statement will be provided during the planning application stage.

(i) Consultations

The Head of Governance, Strategy and Performance, Chief Financial Officer, Acting Head of Economic Growth and Development, Equal Opportunities Officer and Democratic Services Manager have been consulted and the comments received have been incorporated into the report.

8 CONCLUSION

8.3 The Council is requested to agree the recommendations of the Education, Children's and Leisure Service Committee on 14 May 2024 that the Applegrove/Roysvale site be the preferred development site for the Future Forres Academy new build. In supporting that decision they are asked to consider the findings of the project feasibility report and the outputs from the public engagement on the 2 site options. Thereafter, a statutory consultation, dependent on the site selected and any alternative options as set out in the report will commence.

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Appendices:

1. SSPS Project Feasibility Report
2. Public Engagement Survey
3. Online Survey Results
4. Paper Survey Results

Background Papers:

- SSPS Report Appendix A - Consultation
- SSPS Report Appendix B - Brief
- SSPS Report Appendix C - Utilities
- SSPS Report Appendix D - Engineering
- SSPS Report Appendix E - Site Investigations

SSPS Report Appendix F - Site Appraisal
SSPS Report Appendix G -Energy Carbon
SSPS Report Appendix H – Programme
SSPS Report Appendix J – Cost (Commercially sensitive) – available to Councillors
on request

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