

Email representation: No.2

Dear Sir/Madam,

Please see attached a written representation of views on the proposals for the use of Forres Common Good Land known as Roysvale Park under Section 104 of the Community Empowerment (Scotland) Act 2015. This representation reflects my views on the proposals, and those of my wife, [REDACTED].

Yours faithfully,

[REDACTED]

Forres resident

What are your views on the proposals in relation to Roysvale Park?

- I do not approve of the proposals in relation to Roysvale Park. I do not think they fulfil the purposes of the Common Good Act 1491.
- I do not agree that permanent removal of the 12 m strip to create a bus lane is an appropriate use of common good land ("CGL"). There is a bus drop-off outside the existing Forres Academy which could be re-used. The additional distance pupils would need to walk to school if the existing drop off was used is negligible. This should also be considered in light of the arguments we have heard around about a central school location allowing children to walk. Forres does not need to lose this green space to a bus lane.
- Roysvale Park provides precious green space for exercise, recreation and general health and wellbeing purposes. The merits of all of these are well known and well documented in this day and age. Roysvale Park is open to all, at all times of day, and is exceptionally well used at all times of year by individuals together with various sporting groups. Removal of this space and its current purpose does not, in my view, benefit the citizens of the burgh.
- I do not agree that the common good land used as active green space should ever be converted to parking spaces, as is set out in the proposals within the bus lane.
- I think the idea that the football pitch can still be used during construction is flawed. The boundary of the pitch seems too close to the proposed construction site from a health and safety perspective. This would surely result in footballs being lost into the compound and construction noise when games are in progress together with dust from ground movement and pollution negatively impacting any use of the pitch.
- The size of the proposed construction site seems unrealistically small for such a large build. Construction sites at other similar builds have been vast in comparison to the area being proposed at Roysvale.

- I don't think it is realistic for there to be space for a running track during the 44 months of closure. Based on the proposals, on completion of the works, including the installation of the proposed bus lane, the running track is very close to the road. Once again, this raises safety concerns for anyone using the track.
- I cannot see the swing park being retained as it will be a barrier to the construction traffic entering the construction site and will be closer to the road (less safe for children) once the bus lane is installed. The idea that any parent would wish their child to use a swing park during construction is also flawed due to all the issues above about safety, and it will not be a pleasant site to play in. See comments above around pollution and dust from the site.
- It is mooted that pupils from Forres Academy and Applegrove will be able to use Roysvale Park for PE and break time, after losing the existing playing field to the new Forres Academy. This would require fencing for road safety and deny use for the general public when in use by the school. This is incompatible with the Common Good Act 1491 due to erosion of benefits to citizens of the burgh. This would also be unmanageable from a child supervision and toilet perspective for primary pupils.
- The well-used footpath & cycle path, located where the bus lane is proposed, will be lost under these plans. This path was only recently installed and the costs of this installation seem to simply be being thrown away. Removal of the path also seems to be another loss of amenity to the wider public.
- If the running track, football pitch and play area are indeed going to be retained during the build, and the use of the CGL is to be obtained on that basis, what protections will be in place to ensure the construction site does not grow and encroach on those facilities? I fear that in due course, those areas may simply be swallowed by the construction process.

Do you have any views on the potential benefits of the proposals?

- I cannot see any benefits to the proposed change of use of Roysvale Park. In my view, the proposals do not meet the definition of what CGL is for as defined by the Common Good Act 1491.

Do you have any issues or concerns arising from the proposals?

- The public was told during the site selection survey discussions that the construction phase would be 18 months in duration. Now the Council is legally obliged to transparently consult on CGL usage, the timescale has been adjusted to 32 months, plus 12 further months of time to re-establish the grass. This is a significant change in timings. It extends considerably the period in which the ground will be out of use and in which community life around the area will be disrupted. This is not acceptable.

- 44 months is an unacceptable length of time to deny use of CGL. As set out above, the site is currently very well used by both individuals and a selection of community groups.
- I think the concept of traffic flow being improved by addition of a bus lane is flawed. Traffic will be concentrated around a smaller area by introducing all the buses to an already busy area at school drop-off time, where parking provision is already inadequate. The entrance to the bus lane is also close to a dangerous blind corner between Nelson Road and Sanquhar Road, increasing the risk of an accident at the junction.
- The existing footpath and cycleway along the east side of the CGL will be lost for a period of 44 months. Factoring the additional construction traffic, this introduces an unacceptable risk to pedestrians and cyclists who will be forced on to the narrow pavement on the east side of Sanquhar Road. The existing benefits to burgh citizens, provided by the path on the CGL, are once again being compromised.
- The drainage proposals around the edge of the CGL appear to show little understanding of the groundwater issues on the site. The planned drains will be laid in the higher elevations of the CGL; the worst of the drainage issues are at the centre (lowest lying area) of the field, as depicted on the SEPA flood maps. Despite insistence that compensatory storage will offset the raising of land on the proposed school site, the only way I can see the drainage issue being solved is a very costly new sewer along the entire length of Orchard Road and provision to pump water to an area downstream in the Mosset Burn, North of the A96.
- Under no circumstances should the CGL be used as an area of surface water flood relief resulting from the new school building. Inalienable CGL is defined in that way to protect it and can only be altered by court order. The court should consider this risk.
- **Do you have any additional comments?**
 - I do not approve of placing an additional path along the western edge of Roysvale Park, further reducing the green space available. There is a very quiet road adjacent to this which could be used instead.
 - It is not reasonable to separate the proposed location of the new Forres Academy site from the proposed changed use of CGL, as the public is being asked to do here. The two issues are inextricably linked. We are only talking about making compromising the CGL as a direct result of Moray Council selecting the Applegrove site for the new academy, against public views. It's impossible to build a new academy in the playing fields of Applegrove without obtaining use of the CGL for construction purposes. These issues therefore cannot be separated. This does not mean that the CGL should automatically be acquired to service the purposes of Moray Council, especially when there is so much public distaste at the decision.

- Even if other green space was to be set aside for the public at another area, this would not have the status of CGL and could be easily sold off by the Council for housing, or otherwise removed for another use, at any time. Inalienable CGL is defined in a way to protect it. Once taken from the public, it will not be replaced.
- I am concerned about potential misuse of public funds. The money spent to try and circumnavigate the many issues of CGL usage are hard to justify when an alternative site could be progressed at pace. Six months may not be enough time to resolve this, which will further delay the opening date of the urgently needed new Forres Academy.
- The Community Empowerment Act (Scotland) 2015 states that local authorities **must** execute their responsibility to properly represent the public on disposal of CGL. I feel there is a conflict of interest in this regard given the preference from Moray Council to build at Applegrove. This has been evident from the outset of discussions on the matter, but has been particularly highlighted by the fact that the previous survey on site choice showed the majority of the public favoured the Lochyhill site. The majority views of the public appear to have been far too easily disregarded. See the [Report to the Education, Children's and Leisure Services Committee on 14 May 2024](#).