

Email Representation: No. 1

Roysvale Park Common Good Land Objection

Potential use of land

I attended the public consultation relating to Roysvale Park Common Good Land Consultation on 21st October 2024. I have to advise that this was the worst public consultation I have ever attended by The Moray Council (TMC). Basically 2 no A1 drawings and several drawing pins which kept on attaching from back boards. Oh, and a A4 page not in view with a QR code. This was extremely disappointing and not what I would have expected on such an important subject.

From the visual information that was available to the public (many of senior years) and knowledge of TMC staff who appeared to have been thrust into the spotlight. Questions could not be answered at point of asking which I believe is critical for this this process through Community Empowerment Act (Scotland) 2015.

There was no specific information at public consultation or on TMC portal providing details of Common Good land use. That must form part of the formal legal process and legal duties of The Moray Council under Section 104 of the Community Empowerment (Scotland) Act 2015.

There are no detailed drawings to scale detailing boundary of all 'Common Good Land' to be used for a proposed Roysvale project. Including actual area of land. For permanent use and temporary use.

There are no detailed drawings to scale detailing boundary of all The Moray Council owned land with boundaries that interface with proposed 'Common Good land' to be used Permanently and on a Temporary Basis.

There are no detailed drawings to scale detailing boundary of all Private land with boundaries that interface with proposed 'Common Good Land' to be used Permanently and on a Temporary Basis.

There is no specific information relating to:

- Existing ground levels and proposed permanent ground levels. Due to topography levels may increase in some areas of Roysvale by up to 1m above existing ground levels.
- Reuse of existing topsoil and subsoils. How these will be reused to retain natural nutrients to retain the same grasses.
- Choice of suitable Imported soils and how the imported soils will balance with natural soils to retain parkland features

The TMC officers constantly stated to everyone that information would be within the 'Construction Phase Plan' provided by contractor. If question could not be answered. See below

Drainage

Drainage detailed on public consultation drawings was extremely poor with no specific detail of how Roysvale will be reinstated mitigating impact of climate change and increased flooding to surrounding low lying properties within the area surrounding Roysvale park. Dotted lines were showing leading to Orchard Road. It is widely known that combined foul and storm water pipes are not capable of conveying existing flow and loads. And surcharge onto surrounding streets, gardens and parks. Leaving raw sewage as a significant health risk for the community and especially school children.

The additional flows from these dotted lines will have a significant impact to already overloaded combined sewers creating an increased discharge of sewage to an increased area of raw sewage being discharged at ground level.

If park levels are substantially raised and proposed development proceeds. Loss of grasses, trees and introduction of hard surfaces from development and surrounding hard surfaces will substantially increase generated water. Surcharge drainage further and create flooding to surrounding properties around Roysvale and Orchard Road.

A significant Flood Risk Assessment will be required, the proposed development will require SEPA to remap there existing flood map for Roysvale/Orchard Road areas. Unless TMC can mitigate all these risks through construction development.

Furthermore, if proposed development proceeds foul and surface water discharged from a construction project over 24 months would be similar to a 3rd School being in place. The drainage systems will fail completely with this increased capacity.

Estimated costs to improve surrounding drainage systems £7-10M. Loss of local business £1m. Potential risk of flooding to surrounding properties due to development impact and change to flood plain – flood damage claims > £5m. As TMC are self-insured how can these risks and costs be covered and homes/businesses protected.

Roads

Public consultation plans are vague and do not detail potential impact to road infrastructure. A bus layby is detailed on Sanquhar Road, and drainage connections are required in Orchard Road from dotted line and proposed surface water drain.

These images will have significant impact to road users and pedestrians – especially school children. The roads surrounding Forres Academy, Roysvale park and Applegrove Primary School are substandard, and will be substantially wrecked if proposed development proceeds. The majority of junctions (around 20 no) were designed during Victorian times to 1970's with little traffic were functionable. Vision splays at may of these junctions are poor and many do not have vision splays. If TMC proceeds with proposed development how will

all these junctions be improved to meet current standards. The only land available at many locations is privately owned. Will land have to be compulsory purchased – compulsory purchase orders (CPO) being placed to obtain private land to ensure road junctions are safe and have correct vision splays. These costs through legal and construction costs could be in excess of £5m and reinstatement of roads post construction a further £2m

Construction Phase Plan (CPP)

During two public exhibitions within Forres relating to Common Good Land and potential development. Numerous questions were asked by members of the public relating to potential impacts to the surrounding community if proposed development progressed. The standard answer from Council Officers was either 'We take question away' or That information will be within the 'Construction Phase Plan (CPP)' developed by contractor. Probably around 95% of people who were given the CPP answer would not know what this is. CPP documents are complex, relate to Construction phase only and are approved just before Construction commences. Not relevant during CGL engagement.

Legal and use of differing Acts

TMC Council Officers have used The Health and Safety at work act 1974 and Construction (Design and Management) Regulation CDM 2015 incorrectly and caused complete confusion. CPP is not relevant to Common Good Land TMC should not be defending their position with verbal statements relating to 'Construction (Design and Management) Regulations CDM 2015 and using an unknown Contractor to protect TMC position. Again, TMC have a 'Duty of Care' and 'Duty of Transparency' to Forres Community as key Stakeholders and other interested stakeholders

Information provided at these drop-in sessions was not truly visible. And did not provide the Forres Community, especially those without IT with the true facts relating to TMC legal stance.

'Roysvale Common Good Land' under Section 104 of the Community Empowerment (Scotland) Act 2015. Please refer to subsection:

- Subsection 4 states
 - A) notify bodies mentioned in Sub Section (5)
 - B) Invite those bodies to make representation in respect of proposals.
- Subsection 5 states
 - C) Any Community body that is known by the authority to have interests in this property

I have looked through all documents on the Moray Council web site which relate to Roysvale Park and Community Empowerment (Scotland) Act 2015 relating to the above land use. I cannot find any documents that are detailed and specific to Common Good Land exact location and exact usage and reinstatement.

I do not believe that the public and especially those who live within the designated Forres Royal Burgh Boundary or interested community bodies who have interests in the property. Have been invited and provided with accurate factual documentation to make correct judgement and representation. Inaccurate verbal responses relating to CDM Regulations (Health & Safety at Work Act). With little or no supportive information relating to Community Empowerment (Scotland) Act 2015 has caused total confusion with many. The use of mixing the Health and Safety at work Act and Community Empowerment (Scotland) Act at a public meeting.

I believe this process is flawed. The Forres Community and any Community Body with an Interest have not been consulted correctly under Section 104 of the Community Empowerment (Scotland) Act 2015 and that TMC should not move forward. Until this flawed process has been resolved and published correctly.



3rd November 2024