

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Educational Services

Educational Services Committee: 8 January 2014

**Subject: Results of the statutory consultation on the location of the new
Our Lady and St Patrick's High School**

1. Purpose

- 1.1** The purpose of this report is to inform the Educational Services Committee of the outcome of the statutory consultation process relating to the location of the new Our Lady and St Patrick's High School (OLSP).

2. Recommendations

- 2.1** It is recommended that Committee:

- a) note that this report constitutes the consultation report required in terms of Section 9 of the Schools (Consultation) (Scotland) Act 2010.
- b) note the responses to the statutory consultation by the Executive Director of Educational Services under the terms of the Schools (Consultation) (Scotland) Act 2010 on two possible locations for the new Our Lady and St Patrick's High School: Posties Park and the existing school site;
- c) note that physical constraints within the existing school site mean that there would be significant disruption to education for a period of 28 months during the construction phase should that site be selected and that the final outcome would be compromised in design terms and would have inadequate external sports facilities for a school of 1000 pupils;
- d) agree that other available sites within the Council's ownership are unsatisfactory for various reasons;
- e) agree that any attempt to purchase a suitable site would represent significant financial risks to the Council and could jeopardise the entire project;
- f) agree that, notwithstanding the significant public opposition to the construction of a school on Posties Park, this site is the best site available on educational and other grounds and that education should cease to be provided on the current Our Lady & St Patrick's High site and should be replaced by a new secondary school on the Posties Park site;

- g) agree that the Executive Director of Educational Services and the Executive Director of Regeneration and Infrastructure should progress with the construction of a new Our Lady and St Patrick's High School on Posties Park, pending Planning consent and the commitment of Council to provide up to £3.5m from the Capital Programme for the construction of a new footbridge over the River Leven at the Council meeting on 6 February 2014; and
- h) agree that the Executive Director of Educational Services should inform the relevant Scottish Government Ministers of the decision to progress the project on Posties Park subject to the conditions listed in paragraph (f) above.

3. Background

3.1 On 6 February 2013, Council approved a ten year capital plan which included an allocation of £22.5m for a new build OLSP: £14m from the Scottish Government via the Scottish Futures Trust and £8.5m from the Council's Capital Programme.

3.2 On 11 September 2013, the Educational Services Committee agreed:

- (a) the launch of the statutory consultation by the Executive Director of Educational Service under the terms of the Schools (Consultation) (Scotland) Act 2010 recommending that the new Our Lady and St Patrick's High School be constructed either on Posties Park or on the existing school site;
- (b) that the consultation period will run from Monday 16 September 2013 to Wednesday 13 November, a total of 32 days when the school is open for pupils;
- (c) that a report outlining the results of the consultation and making appropriate recommendations be presented to a special meeting of Educational Services Committee in January 2014; and
- (d) that Committee notes and agrees, due to the Scottish Government timescales which are in place for delivery of the new school, and because of the very different nature of the two sites that a decision to run a consultation on two sites will require an additional design to be created for the existing school site as well as the Posties Park site as recommended by the Executive Director of Education; that the cost of developing an additional design for the current school has been estimated at around £175,000 and that this can be funded from within the existing budget of £22.5m.

As an addendum to the above decision, the Committee also agreed to instruct officers to negotiate with the National Trust for Scotland on the use for sports purposes of the Cunninghame Graham Memorial Park and that further

detailed discussions should take place with the NHS Greater Glasgow and Clyde Health Board on the possible use of the Dumbarton Joint Hospital site.

- 3.3** The consultation was duly conducted in accordance with the decision of Committee.

4. Main Issues

Consultation Responses

- 4.1** A summary of responses received to the statutory consultation is as follows.

Total responses: 515

Method of response

Email:	352
Letter:	120
Telephone:	43

Respondee

Group/organisation:	17
Parent:	44
Student:	10
Teacher:	14
Adult:	15
Unidentified:	410

Preferred Site

Current:	185
Posties:	149
Other:	176

Breakdown of "Other"

Not Posties:	123
Not current site:	11
Look for new site:	18
Notre Dame convent:	9
Carvill:	7
Castle Road:	3
Garshake Road:	1
Bellsmyre high flats	1
Crosslet House:	1
Dumbarton Golf Club:	1
No preference:	1

- 4.1.1** The 17 groups or organisations which responded were as follows:

<u>Group/organisation</u>	<u>Preferred site</u>
Dumbarton East & Central Community Council	Current site
Silverton & Overtoun Community Council	Current site
Clydebelt	Current site
Dumbarton Riverside FC	Current site
Roman Catholic Archdiocese of Glasgow (submission signed by Archbishop Tartaglia)	Posties Park
Community Safety & ASB Services	Posties Park
Educational Institute of Scotland OLSP branch	Posties Park
OLSP Mathematics department	Posties Park
OLSP Pupil Council	Posties Park
St Joseph's Primary School, Helensburgh Parent Council	Posties Park
Scottish Secondary Teachers Association OLSP branch	Not current site
OLSP Senior Management Team	Not current site
St Patrick's Primary School Parent Council	Look for another site

The Dumbarton Sub-Aqua club expressed no preference for a specific site but expressed disappointment that the new school will not contain a swimming pool.

The Royal Society for the Protection of Birds Scotland (RSPBS) expressed no preference for a specific site but commented on measures required to protect bird species, especially redshanks, should the Posties Park site be chosen.

The Architectural Heritage Society of Scotland expressed no preference for a specific site but commented on all of the sites which were subject to site investigations, concluding that Posties Park would be the "least suitable" site in heritage terms.

The National Trust for Scotland expressed no preference for a specific site. However, it indicated that it would require further discussions to take place should the current site be chosen, with specific reference to the possibility of making any permanent change to the nature of the Cunninghame Graham Memorial Park ("The Mony") which the Trust owns.

4.1.2 In addition, a petition with 1157 signatories opposing the use of Posties Park for the construction of a school was submitted to the Council on Tuesday 12 November 2013. The signatories came from the following locations:

Dumbarton addresses:	408
Other West Dunbartonshire addresses:	132
Addresses outwith West Dunbartonshire:	72
Signatories providing only a telephone number	456 (mobile 114, landline 342)
Signatories providing only an email address	89

4.2 As part of the consultation, the Executive Director of Educational Services conducted a public meeting in the Assembly Hall of Our Lady and St Patrick's High School on the evening of 23 October with approximately 250 people in attendance. A majority of the views expressed at that meeting were against the use of Posties Park, although a very significant minority, mainly staff and parents of the school and residents of Castlehill, opposed the use of the existing site, with most of them expressing support for Posties Park. The director also conducted meetings with the staff of Our Lady and St Patrick's High School on 7 October with the vast majority of those present (approximately 90 individuals) expressing a clear preference for Posties Park. A meeting was also held with the school's Pupil Council on 5 November, with most pupils present expressing a preference for Posties Park. Notes of the three meetings are available for scrutiny.

4.3 Education Scotland conducted its own investigation into the educational benefits of the two potential sites. A report of their findings was produced. It is available on both the Education Scotland and West Dunbartonshire websites and is provided as Appendix 1 to this report.

4.3.1 Most of the points made in the Education Scotland report are dealt with elsewhere in this report. However, the Education Scotland report indicates a concern expressed by some parents from Argyll and Bute that the proposals do not make it clear whether children from Argyll and Bute would continue to have an automatic right to enrol in Our Lady and St Patrick's High School after the new school opens. However, the Proposal paper explicitly states: "Because there is no Catholic secondary school in Argyll and Bute, children who attend or are entitled to attend St Joseph's Primary School in Helensburgh have an automatic right to enrolment in Our Lady and St Patrick's. There is no proposal to alter the catchment area."

4.4 A number of themes emerged from the consultation responses and from the contributions at the public meeting and the meetings with the school's staff and pupils. The following paragraphs provide a summary of the arguments for and against the different options, together with other points made through the consultation process.

4.5 Posties Park Site

4.5.1 Arguments against the use of the Posties Park site were as follows:

- loss of valued open space;
- loss of views of Dumbarton Castle;
- the visual impact of a large building on this site;
- area should remain as a safe place for children to play and for joggers and dog walkers;
- the development would be in contravention of the Local Plan;
- land was gifted to the people of Dumbarton;
- unstable ground conditions, unsuited to supporting a large building;
- possibility of subsidence;
- area is prone to flooding;

- unexploded Second World War ordnance in area;
- loss of the Scottish Pipe Band Championships;
- adverse effect on Levensgrove Park;
- traffic congestion at Woodyard Road and the old bridge;
- safety concerns about the site's proximity to two rivers;
- loss of space for walking, sport and recreation;
- loss of a running track within a health promoting authority;
- litter, vandalism and noise caused by pupils;
- increased truancy by pupils because of proximity of site to town centre and Levensgrove Park;
- additional cost of bridge;
- concern about free passage for boats on River Leven if footbridge is constructed;
- threat to wildlife, especially redshank population;
- depreciation of property values in the area;
- potential loss of the Marine Craft Gym;
- lack of public consultation;
- strong opposition to any kind of development on this site.

4.5.2 Arguments in favour of the Posties Park site were as follows:

- a school at Posties would provide better learning opportunities for all children;
- a school at Posties would make all weather pitches and running track available to the whole community;
- Posties is the only feasible option for a new school;
- Posties is in a central location, ideal for a school;
- a school built on Posties Park would give the pupils of Our Lady and St Patrick's High School similar facilities to those provided at the Council's other new secondary schools;
- more pupils would walk to school;
- consultation should be on educational grounds only: Posties is the best site on educational grounds;
- Posties Park is currently largely unused, derelict land;
- Building on Posties Park would help to improve and regenerate Dumbarton town centre;

4.6 Current school site

4.6.1 Arguments against the current school site were as follows:

- current site is too small;
- there are no benefits from the existing site;
- building on the existing site would be dangerous to pupils and staff during the construction period;
- the demolition of the assembly hall, dining room, kitchen and music department during the construction phase would place intolerable strains on the school;

- lack of on-site parking spaces during construction would cause severe traffic problem in Castlehill;
- children's welfare and development should always be paramount;
- concerns about new school being built so near houses in Sutherland Avenue;
- objections to possibility of Cunninghame Grahame Memorial Park ("The Mony") being used for sports facilities;
- "The Mony" is the only open space for the residents of Castlehill and Brucehill;
- pupils at OLSP should have the same standard of facilities as all other secondary school pupils in West Dunbartonshire – the current school site would not provide this;
- specifically, external sports facilities would be inadequate for a school of almost 1000 pupils;
- young people have only one chance at education – we should not subject the current school population to the disruption that building on the Castlehill site would cause.

4.6.2 Arguments in favour of the current school site were as follows.

- the Council has previously built on existing school sites successfully;
- problems with the existing site have been exaggerated;
- tradition: there has always been Catholic secondary education in the west end of Dumbarton;
- local businesses, especially shops, in Castlehill currently benefit from the presence of the school;
- the school should stay where it is currently located;
- more effort should be made to secure the Cunninghame Grahame park site and the Joint Hospital site to make the current site larger and better;

4.7 Other sites

4.7.1 As part of a desktop feasibility study, the following sites were also investigated as potential sites for the new school and whilst consultation submissions were not specifically sought on these sites, some submissions were received (see below)

- Argyll Park, Alexandria;
- Jamestown;
- former Notre Dame Convent site, together with Havoc Park for playing fields;
- Havoc Park;
- Carvill site (former distillery in Dumbarton Town Centre);
- Knowetop Farm.

4.7.2 No submissions were received as part of the consultation which recommended siting the school at Argyll Park or Jamestown, which were the third and fourth placed sites in the feasibility study. Similarly, no consultee

favoured Havoc Park or Knowetop Farm. However, the former convent site (together with Havoc Park for external sport facilities) was favoured by a small number of consultees, on the basis that Notre Dame Secondary School and St Michael's Primary School were formerly sited there. Similarly, the Carvill site was favoured by a few consultees as a prime town centre site.

4.7.3 Three consultees favoured building the school on a site currently in private ownership and zoned for housing on the east side of Castle Road.

4.7.4 Four other sites (Garshake Road, Bellsmyre high flats, Crosslet House and Dumbarton Golf Club) were each named by one consultee as the preferred location for the new school.

4.7.5 Eighteen responses were received which argued that none of the sites explored so far was suitable and that the Council should therefore explore other potential locations for the school.

4.7.6 The following paragraphs will explore in more detail the suitability of each of the sites favoured by respondents to the consultation.

4.8 Posties Park

4.8.1 There is undoubtedly significant public opposition to the use of Posties Park for the construction of a school. The consultation process has revealed strong public affection for this piece of open ground from, among others, walkers, joggers and dog owners who appreciate the open space with its views of Dumbarton Castle and the two rivers.

4.8.2 The site is currently zoned as Open Space within the existing and emerging Development Plan and if the Council were minded to approve an application for a school on the site it would require to be notified to the Scottish Ministers under the Notification Applications Direction 2009. In these circumstances the planning authority would be expected to demonstrate that they have carefully considered the development plan and there is reasonable justification for departing from its terms.

4.8.3 Supporters and objectors would have further opportunities to submit comments and representations during the pre application consultation stage and if a planning application were lodged. Comments and representations will be given full consideration as part of the application process.

4.8.4 Concerns about the ground conditions at Posties Park have been over-stated based on available evidence. Only the upper part of the park would be used for the school campus (see Appendix 2) and this is above the flood plain. Site investigations have indicated that the ground is suitable for the construction of a school, provided helical displacement piling is used; this was the method used in the construction of the new Dumbarton Academy, where ground conditions are similar. Site investigations also revealed that two small areas at the perimeter of the park are prone to subsidence but that it would be a straightforward matter to remediate this problem.

4.8.5 Concerns have also been expressed about the possibility of there being unexploded ordnance under the site. However, this would be the case almost anywhere in West Dunbartonshire, given the fact that the area was subject to sustained aerial bombing during World War II. In fact, unexploded bombs represent a routinely managed construction risk and generally only present significant risk when they are exposed above ground. The Council recently constructed St Peter the Apostle High School on land which was known to have been subjected to heavy bombing and no problems were experienced.

4.8.6 A number of responses to the consultation expressed concern about possible adverse effects on Levensgrove Park if the school were to be built on the adjacent Posties Park.

However, there would be no encroachment on to Levensgrove, with all construction being confined to Posties Park. There are also separate proposals for an upgrading of Levensgrove Park.

4.8.7 A number of respondents expressed concern about potential traffic congestion, especially in the Woodyard Road area. The Roads section of HEEDS has examined the Posties Park option and would require adaptations and improvements to be made to the old Dumbarton bridge and to Woodyard Road, which would require to be widened at certain points. Care would also have to be taken with regard to the management of bus and other vehicular traffic on and around the school site itself.

4.8.8 Some consultees expressed concerns about the loss of sports facilities if Posties Park were chosen. However, the current facilities are in very poor condition, with the running track and blaes pitch seriously overgrown. A new school on the site would contain a six-lane running track, a 3G (Third Generation – high standard) football pitch and a new grass pitch, together with excellent indoor sports facilities. All of these would be available for public use through Educational Services' letting system outwith school hours as the pitches at Vale of Leven Academy and Clydebank High School are used at present. This would represent a significant enhancement to community sports facilities in Dumbarton. It should also be noted that the grass pitch on the River Leven side of Woodyard Road lies outwith the potential school site and would remain untouched.

4.8.9 Fears that the Marine Craft Gym could be lost if a school was built on Posties Park are unfounded. The gym lies outwith the proposed boundary of the school and if anything access to the gym would be improved by the requirement to upgrade Woodyard Road. The proximity of the new school to the gym would also mean that the gym could make use of the school facilities outwith school hours for activities such as competitions and championships.

4.8.10 Fears have been expressed that wildlife, most notably redshanks, which overwinter in the area, could be adversely affected by the construction of a school on Posties Park. Should this site be chosen, there would require to be close liaison between the Council, the contractor and Scottish Natural Heritage to

ensure species are protected both during the construction phase and post-occupation and this would be addressed through the planning process.

4.8.11 Many respondents expressed reservations about the cost of a footbridge over the River Leven, which would be a planning and roads requirement should the school be built on Posties Park. Approval for the construction of the bridge, at a cost of £3-3.5 million would require to be given by Council when it sets the capital budget in February 2014. This costing is based on a detailed evaluation by external consultants Ramboll. The bridge, which would be designed to allow navigation by boats of the Leven, would have the benefit of improving links between Dumbarton town centre and Levensgrove Park. The location of a school of almost 1000 pupils and over 100 staff so near the town centre would bring substantial economic and regeneration benefits to Dumbarton town centre, which has suffered serious decline in recent years.

4.8.12 In response to queries about request for footbridge Planning Officers have provided the following statement –

“The site is currently relatively isolated, being located on a narrow cul-de-sac and separated from the built up area by Levensgrove Park and the River Leven. However, if the site is to be linked with the town centre by way of a new footbridge it would be highly accessible, with ready access to buses and town centre facilities.

The provision of a footbridge is an essential part of the development in both planning and roads terms. It would make the site fully accessible and would bring regeneration benefits for Dumbarton Town Centre and waterfront. Building on the open space would in itself be contrary to planning policy, and would be difficult to justify in planning terms unless there were planning benefits to offset against this as material considerations. Providing a footbridge would be a regeneration benefit for the town centre and for the west side of the Leven, as well as addressing many of the disadvantages of the site in terms of its accessibility.

PAN57 Transport and Planning states public transport accessibility ie a bus service with a minimum of 15min. frequency should be within 400 metres of a major development. If no pedestrian bridge was provided it would not be compliant with this recommendation. The distance from the site to the nearest bus stop at West Bridgend is just over 800 metres

As a significant departure from the development plan and Pan 57 with a council-interest, any planning application would require to be determined by the full Council and notified to the Scottish Ministers. If the Council is minded to grant planning permission the Ministers could call the application in to determine themselves, but in the opinion of the Planning and Building Standards Manager this would be less likely if a footbridge was provided.”

4.8.13 As further commentary on the requirement for a footbridge, the Council’s senior Roads officers have indicated that experience shows that no commercial bus operator would be interested in introducing a route along

Woodyard Road. However, even if a commercial operator could be persuaded to do so, a footbridge would still be required under PAN57, which requires Councils to encourage safe walking routes to schools and to discourage car use. To construct the school on Posties Park without a footbridge would discourage pupils from walking to school and would encourage car drop-off.

4.8.14 Safety concerns about constructing a school so close to two rivers have been expressed. However, the design of fencing and the footbridge would ensure that any danger from the riverbanks would be minimised. Road traffic represents a far greater risk to young people than do rivers. It should also be noted that two West Dunbartonshire schools (Vale of Leven Academy and St Martin's Primary School) are located very close to a far faster flowing section of the River Leven; no safety concerns have been raised at these schools.

4.8.15 With reference to concerns that the loss of Posties Park would mean a loss of space for walking and jogging, the design of the school would involve the retention of a right of way, with improved surfaces, around the school campus from Woodyard Road to Levensgrove Park.

4.8.16 When concerns were expressed at the public meeting that the construction of the school at Posties Park would mean an increase in hooliganism and vandalism in the town centre by school pupils, the response from school staff and parents was one of shock that people had such a poor opinion of young people. Experience has also shown that pupils who move into new buildings take a pride in the premises and look after the buildings, grounds and surrounding areas.

4.8.17 The potential loss of the Scottish Pipe Band Championship, one of the most popular annual events in the area, is a serious concern for many local people. However, if Posties Park was chosen as the school site, construction would not have started until after the 2014 championships had taken place. Officers from HEEDS have had discussions with the organisers of the championships to explore other suitable sites for the 2015 event, should it be necessary to move it. The current contract between West Dunbartonshire Council and the Royal Scottish Pipe Band Association only runs to 2015 and there is no guarantee that the Council would retain the contract beyond that year.

4.9 Current site

4.9.1 At first glance, the current school site in Castlehill is the obvious site for the new school. There is already a school on the site, so consultation under the terms of the Schools (Consultation) (Scotland) Act 2010 would not have been required if the Council had decided to rebuild the school there. Secondary Catholic education has been located in the west end of Dumbarton for over 100 years. Moreover, the Council has successful recent experience in constructing secondary schools on existing school sites, including one site – Dumbarton Academy – where a partial demolition (of the games hall) was required before construction could commence.

- 4.9.2** However, the challenges posed by the OLSP site are of a different scale from anything West Dunbartonshire Council has previously faced. These challenges fall into two categories: those posed during the construction phase and those which would apply after the new school is occupied.
- 4.9.3** One of the major challenges during the construction phase would be the requirement to demolish the school's assembly hall, dining room, kitchen and music department prior to the commencement of construction. This would pose major logistical problems for the school.
- 4.9.4** One solution to the removal of the dining room which was explored was to build a floor over the swimming pool and provide temporary dining arrangements there. However, the contractors BAM Construction have indicated that this is not a viable solution, since the area is too small. The alternative would be to provide a two-storey temporary hutted unit to serve as a dining area and kitchen during the construction phase. This would raise issues of equality in relation to access to the upper floor and would further restrict already very limited outdoor circulation and play space for pupils. Additional costs for the hutted unit, diversion of utilities and other necessary enabling works are estimated at £1.017 million. Constructing the school on the current site would also mean that there would be no capital receipt for the Castlehill site, which is currently valued at £1.25 million.
- 4.9.5** During construction, there would only be space for the statutory minimum number of disabled on-site parking spaces. All other cars would require to be parked outwith the campus, causing significant congestion and disruption in the narrow adjacent residential streets of Castlehill.
- 4.9.6** There would be an extreme shortage of outdoor circulation and play space for pupils during the construction period. This is likely to cause significant management issues for the school in relation to pupil supervision and discipline.
- 4.9.7** Because of the physical constraints of the site, the phasing of the construction programme would be costly and complex. Emergency evacuation and mustering procedures would also be extremely challenging, with the potential for over half the school population (c. 600 people) having to be directed through a space only just over 4 metres wide during evacuation procedures.
- 4.9.8** The construction process would also be extremely lengthy at 123 weeks in total, compared to 89 weeks for Dumbarton Academy and 88 weeks for OLSP if it were to be constructed on Posties Park. Disruption to education would therefore be spread over three academic sessions if the current site were chosen.
- 4.9.9** The contractors would require to use the Cunninghame Graham Memorial Park as their site compound. The National Trust for Scotland, which owns the land, has given permission for this, provided the park is restored to its original state after construction has finished. However, local residents would lose

their access to the park, which consultation responses have noted as the only green space in Castlehill or Brucehill, for a period of 123 weeks.

- 4.9.10** Concerns have also been expressed by local residents about the adverse effects on their lives of a major and lengthy construction programme very close to their houses, especially those on Sutherland Avenue.
- 4.9.11** With regard to the longer term disadvantages of the current site, a major concern is that there is only room on the current site for a single sports pitch for a school of almost 1000 pupils. This is well below sportscotland's recommended provision for a school of this size and contrasts starkly with the provision at Dumbarton Academy, which will have 3 sports pitches for a school of only 700 pupils. Parents, staff and pupils of the school have all raised this as an issue of equality of treatment and provision. The current pitch at OLSP, which is where the new pitch would have to be located, is also in a position which presents severe drainage problems.
- 4.9.12** Constraints on the current site also mean that the new school building would be at the very edge of the campus, very close to residential houses, an issue which may lead to objections during the planning process.
- 4.9.13** The nature of the site means that design compromises would have to be made which are likely to lead to a much less attractive final building.
- 4.9.14** At its meeting in September 2013, the Educational Services Committee instructed officers to approach again Greater Glasgow and Clyde Health Board to establish whether the Joint Hospital site next to the school might be made available for the provision of additional sports facilities. A written response has been received indicating that the Joint Hospital remains part of the Board's long term plans and will not be made available to the Council.
- 4.9.15** Similarly, Committee instructed officers to approach again the National Trust for Scotland to establish whether the Cunninghame Graham Memorial Park might be made permanently available for use as sports facilities. While confirming that contractors could use the park as a temporary site compound, provided it is then restored to its former condition, the NTS would not commit itself to allowing a permanent change of use for the park, indicating instead that further discussions would be required if the Castlehill site were to be selected as the site for the new school.
- 4.9.16** It should be emphasised that, if the NTS released the park for permanent use for the school, the site is too small for a full size sports pitch and there would still be significant under-provision of external sports facilities for a school of this size. Local residents have also expressed great concern about the potential permanent loss of the only parkland in the area. Furthermore, use of the park site as a long-term sports or play area would not in any way resolve the issues listed in paragraphs 4.9.3 – 4.9.10 relating to the construction period.

4.9.17 Some respondents have suggested that playing fields could be constructed on the former Notre Dame Convent site on the other side of Cardross Road from the current school site. However, apart from the fact that the Council does not own the convent site, the health and safety risks of transporting hundreds of young people per day on foot throughout the school day across such a busy main road to access sports pitches make this suggestion highly undesirable and problematic in timetabling terms.

4.9.18 Some respondents have suggested that the short term pain involved in constructing the school on its present site is a pain worth suffering to achieve a long-term solution. However, as other respondents have indicated, young people only get one chance at education and it would be wrong to disadvantage the current generation for the benefit of future generations. In addition, as indicated in foregoing paragraphs of this report, the final school design and provision would be severely compromised because of the nature and size of the site.

4.9.19 It should also be noted that the existing school site does not offer economic or regeneration benefits although existing businesses serving the school may be in favour of its retention on the current site.

4.10 Other Sites

4.10.1 Although the consultation invited respondents to express a preference for one of two sites, Posties Park or the current school site, three other sites were recommended by more than one respondent: the former Notre Dame Convent site, together with Havoc Park for playing fields; the Carvill former distillery site; and a privately owned site on the east side of Castle Road.

4.10.2 The former convent site is superficially attractive, situated close to the existing school site and itself formerly used as a school site. However, there are a number of significant drawbacks with this site:

- the site is not owned by the Council but by the Carmelite Order of nuns;
- a railway line runs under part of the site, making permission for a major construction project an issue which would require to be addressed;
- access is poor; the current access road would require significant upgrading and it may be a condition of any planning permission that a secondary access road be created, with significant financial implications;
- the site contains a listed building – the old convent chapel – and it is likely to be a planning requirement that this building be incorporated into the school design, a complex and expensive undertaking;
- the site is too small to accommodate playing fields, which would require to be provided at Havoc Park, creating logistical problems given that Havoc lies well below the convent site.
- This site currently has a planning permission for housing; another priority for the Council.

For all of the above reasons, this site received a very low score in the desktop evaluation which was conducted on seven sites.

4.10.3 The former distillery or Carvill site is in a suitable situation adjacent to the town centre. However, the following disadvantages apply:

- the site is not owned by the Council and there is no guarantee that the Council could acquire it;
- if it were to become available for purchase, the cost is unknown;
- the part of the site which may become available for purchase is not large enough to accommodate playing fields;
- the playing fields would therefore have to be provided at Posties Park, across the River Leven and it would also therefore be a necessary requirement to construct a footbridge at a cost of £3.0 - £3.5 million;
- users of Posties Park may still object to the development of the site for school use, albeit only for playing fields.

For all of the above reasons, this site received a very low score in the desktop evaluation which was conducted on seven sites.

4.10.4 The privately owned site to the east of Castle Street was not considered as part of the desktop evaluation, principally because it is not in the Council's ownership and there is no guarantee that the Council could acquire it or at what price. Furthermore, the site is currently zoned for housing and Planning Committee has indicated that it is "minded to grant permission for housing subject to conditions" and the landowners are currently in detailed discussion with the Council to get the planning permission released.

4.10.5 Four other sites were mentioned, each by one respondent: Garshake Road, Bellsmyre high flats, Crosslet House and Dumbarton Golf Club. For various reasons relating to size, access, topography, planning or current use, none of these sites is suitable for the construction of a secondary school.

4.10.6 If Committee were to decide to recommend another site already within the Council's ownership as the preferred site for the new school, the consequences would be as follows:

- further statutory consultation would be required under the terms of the Schools (Consultation) (Scotland) Act 2010, with workload implications for Council officers;
- this would involve a delay of at least 6 months, and possibly longer, for the project;
- additional inflationary costs would be incurred on the construction costs estimated at £0.407 million for a 6 months delay, based on the current BCIS All-in Tender Price Index;
- additional costs, currently unquantifiable, would be incurred for site investigations and surveys and additional design elements;
- Hub West Scotland has advised the Council that any delay in the project would necessitate the de-coupling of the project from the East Renfrewshire (Barrhead High School) project, incurring additional costs for both Councils estimated by Hub West Scotland at between £0.600m

and £0.800m and causing reputational damage to West Dunbartonshire Council;

- all of the other possible sites in the Council's ownership have significant disadvantages (for instance, it is significant that no respondents to the consultation favoured the Argyll Park or Jamestown sites, which were ranked third and fourth respectively in the desktop evaluation behind Posties Park and the current school site);
- there is no guarantee that a consensus would be reached on any other site, with the potential for further delay if no consensus emerged.

4.10.7 If Committee were to decide to recommend another site outwith the Council's ownership as the preferred site for the new school, the consequences would be as follows:

- a delay of at least a year for the project, given the complexities involved in purchasing land from a private owner;
- there is no certainty that the Council would be successful in acquiring any piece of land;
- if it were unsuccessful, the whole project could be in jeopardy;
- there would be significant, but currently unquantifiable additional costs incurred in purchasing land;
- further statutory consultation would be required under the terms of the Schools (Consultation) (Scotland) Act 2010, with workload implications for Council officers; this consultation could only be launched after the land was acquired;
- Hub West Scotland has advised the Council that any delay in the project would necessitate the de-coupling of the project from the East Renfrewshire (Barrhead High School) project, incurring additional costs for both Councils estimated by Hub West Scotland at between £0.600m and £0.800m and causing reputational damage to West Dunbartonshire Council;
- although the Scottish Futures Trust has confirmed verbally that their financial contribution to the project (£14million in revenue funding) is guaranteed, provided the project is completed by 31 March 2018, it has also indicated that it would be unlikely to cover the inflationary uplift on the cost of the project if there were to be a significant delay; this would mean that the Council would become liable for the inflationary increase on the total construction cost of the project (£21.0 million); with construction inflation currently running at around 4%, this would amount to an additional cost to the Council of £0.732 million for a one year delay and £1.709 million for a two year delay based on the current BCIS All-in Tender Price Index;
- there is no guarantee that a consensus would be reached on any other site, with the potential for further delay if no consensus emerged and a risk to the overall project.

4.11 The Consultation Process

4.11.1 Some respondents complained that there was inadequate public consultation on the proposal. However, the consultation has been carried out fully in accordance with the terms of the Schools (Consultation) (Scotland) Act 2010.

There will also be a further opportunity for members of the public to express their views through the formal planning processes.

4.11.2 Some respondents have also complained that the consultation has been biased in favour of the Posties Park site and that the Executive Director of Educational Services, having previously recommended the Posties Park site in the September Committee report, should not have chaired the public consultation meeting. While this is a legitimate view to hold, the tests of whether the consultation meeting was fair and balanced are to ask whether both sides of the argument were aired fully at the meeting and whether these views were accurately recorded. The meeting lasted two and a half hours and everyone who wished to speak had the opportunity to do so, with several individuals making more than one contribution. All views were recorded accurately by an experienced minute taker. When accused of bias at the meeting, the chair asked the audience if they could point to any statement he had made which was emotive or non-factual. No such examples were provided by members of the audience.

4.11.3 Some respondents have argued that the Educational Services Committee should make its decision based on the majority view: if more respondents favour the current site than that is where the new school should be located. However, the consultation process is not a referendum and, for instance, there is no electoral roll. Committee must make its final decision based on the strength of the evidence presented, not the number of responses. To do otherwise would be to allow the best organised campaigns always to win the day, regardless of the quality of the arguments.

4.11.4 All consultation responses were read by the author of this report, as were the notes of the consultation meetings and the report by Education Scotland on the educational benefits of the proposal (Appendix 1). Consultation responses were also logged and categorised on a database. All of this information was assessed against the terms of the proposals paper before the author arrived at the recommendations listed in paragraph 2.1. Accordingly the process has been conducted in compliance with Section 9 of the Schools (Consultation) (Scotland) Act 2010.

4.12 Conclusion

4.12.1 This has undoubtedly been a very difficult consultation process. It is probably true to state that there is no ideal site for the new Our Lady and St Patrick's High School in either Dumbarton or Vale of Leven.

4.12.2 There is no doubt that many Dumbarton residents sincerely and strongly oppose the use of Posties Park for the construction of a school. They wish to see the retention of the open space for the use and enjoyment of the citizens of the town.

4.12.3 It is also the case, however, that there is very strong opposition by many staff, parents and pupils of OLSP, supported by the Archdiocese of Glasgow, to the construction of a new school on its present site and that many of them have

expressed a preference for the Posties Park site. They are concerned that there will be severe disruption to education over three school sessions during the period of construction if the current site is chosen. They are also concerned that the final outcome would be an inferior building with inadequate external sports facilities and that future pupils of OLSP would have inferior educational facilities to pupils in all other West Dunbartonshire secondary schools. As the project has developed, more and more issues with the current site have emerged. Had these issues been known at the time when the desktop evaluation was carried out, then the current site would almost certainly have been ranked much lower than second place.

4.12.4 Any suggestion that the Council should now consult on one of the other sites previously discounted presents significant financial and other difficulties, as outlined in paragraphs 4.10.2, 4.10.3 and 4.10.6 above. It is also the case that no consultee expressed a preference for Argyll Park or Jamestown, which were the third and fourth ranked sites respectively in the desktop evaluation.

4.12.5 There would be very significant financial consequences and equally significant risks for the project and for the Council if it were to seek to purchase a site from a third party. These issues are detailed in paragraph 4.10.7 above.

4.12.6 Notwithstanding the difficult issues surrounding this project, the current offer of 66% of capital funding from the Scottish Government through the Scottish Futures Trust represents a wonderful opportunity for West Dunbartonshire Council to complete the reconstruction of its mainstream secondary school estate. It is essential that the Educational Services Committee does not make a recommendation which could jeopardise that funding.

4.12.7 In educational terms (and education is the primary concern of the Educational Services Committee) the Posties Park site would allow the Council to deliver an excellent new facility by 2016 for Catholic secondary school pupils in Dumbarton, Vale of Leven and the Helensburgh area. This new school would have similar high quality facilities to the four other new secondary schools in West Dunbartonshire. The existing site does not offer these possibilities and there would be unacceptable levels of disruption to the education of the current generation of students if the existing site were chosen. To consult on another site within the Council's ownership would represent significant financial and other risks to the Council. To seek to purchase a site from a third party would involve even greater risks, including a risk to the delivery of the project itself.

4.12.8 For these reasons, on balance and while acknowledging the very real and sincere objections of the "Save Posties Park" campaigners, it is recommended that the new Our Lady and St Patrick's High School be constructed on the Posties Park site, provided planning permission is achieved and provided Council approves funding of up to £3.5 million for the construction of a footbridge over the River Leven at its meeting on 6 February 2014. In developing the design of the new campus, it will be essential that architects and designers pay due and sensitive notice to the site's surroundings. While a new school on Posties Park would undoubtedly change the nature of the

site, it would also provide excellent educational facilities and first class sporting and other facilities for community use outwith school hours. It could also prove to be a catalyst for further regeneration of Dumbarton town centre. In short, it will provide benefits for Dumbarton which the existing site can never achieve.

5. People Implications

- 5.1** Because this is a like-for-like replacement of a school, there are no direct personnel implications.
- 5.2** Some additional staffing capacity will be required during the planning and construction phases of the project. This has been budgeted for, using the contribution to the project from the Council's Capital Programme.

6. Financial Implications

- 6.1** The capital budget for this project is £22.5m, £14m from the Scottish Government as revenue funding via the Scottish Futures Trust and £8.5m from the Council's Capital Programme.
- 6.2** Due to the nature of the Scottish Government's financial contribution to the project which is from the Scottish Government's revenue budget this project requires to operate as a Design, Build, Finance and Manage (DBFM) contract. One of the conditions of the Scottish Government funding relates to the ongoing maintenance of the school in relation to Hard FM (Facilities Management) and Lifecycle Maintenance and these elements requires to operate under this DBFM arrangement with the Council requiring to commit to provide funding of this work through a payment each year to the school operator.
 - 6.2.1** The operation of the school would be by a subsidiary of hub West Scotland Ltd and the service charge payment for the provision of the school and its maintenance would be through the Council, with the Scottish Government passing revenue funding to the Council to pay for the Scottish Government's element of funding of the school. The Council's share of the cost of the school would be paid as a capital payment during the construction period. The Council's ongoing contribution to the maintenance of the property would be an ongoing revenue contribution.
- 6.3** The potential capital receipt arising from a successful sale of the current school site of £1,250,000 was not assumed within the capital programme for prudence.
- 6.4** It should be noted that the Scottish Government contribution is capped at 66.7% of the capital costs of the project based on a set costing matrix for schools. Any spend over and above this matrix derived value will be 100% the responsibility of the Council. Such increase in cost could be as a result of increased specification, additional works relating to other (non-school) facilities, additional developments. This equates to a build cost of £21m and

the additional £1.5m built into the outline capital budget is intended to cover additional costs in relation to specialist reports, staffing and any infrastructure upgrades.

- 6.5** If the Posties Park site is chosen, there would be additional costs of £0.900 million for the upgrading and widening of Woodyard Road (this would be covered from within the capital budget for the project) and between £3.0 and £3.5 million for a footbridge over the River Leven, for which Council approval would be required as part of the Council's Capital Programme.
- 6.6** If the current school site were chosen, there would be additional costs of £1.017 million for various enabling works and temporary accommodation (this would be covered from within the capital budget for the project). The Council would also lose the possibility of realising a £1.250 million capital receipt for the Castlehill site.
- 6.7** The financial implications of a significant delay in the completion of the project are detailed in paragraphs 4.10.6 and 4.10.7 above
- 6.8** Monies already expended or committed on the OLSP project to date amount to £0.702 million. This sum would not be recoverable if the project had to be abandoned for any reason.
- 6.9** Investment Opportunity
As a shareholder in hub West Scotland Ltd the Council will be provided with an opportunity to invest in the financing of the development. Under the partnership agreement the public body shareholders are entitled to take-up up to 30% of the sub debt funding requirement of the project. This will offer an opportunity to obtain investment returns which can be used to offset the revenue impact of the borrowing for the school. More information on this will become available as work progressed through the procurement with hub West Scotland Ltd. Such an investment opportunity would only be possible if the Council is in a financial position to invest at the time the opportunity arises.

7. Risk Analysis

- 7.1** Failure to continue to regenerate the schools estate would mean that the condition of the school buildings would continue to deteriorate, leading to increased inequalities for young people and reputational damage for the Council.
- 7.2** The risks of failing to complete the project on time and within budget will be controlled via robust project management based on the Council's substantial and successful recent experience in delivering schools projects. The expertise of Hub West Scotland and the Scottish Futures Trust will also help to control this risk.
- 7.3** Notwithstanding the undoubted risks involved in agreeing to construct a school on Posties Park, the risks which would be involved in choosing any other of the available sites would be even greater, as detailed in section 4.10 of this report.

8. Equalities Impact Assessment (EIA)

- 8.1** This project will improve the quality of educational experience for young people attending OLSP and there are therefore no negative impacts relating to equality issues. Indeed, the project will ensure that all mainstream secondary pupils in West Dunbartonshire experience education in establishments of similar standards and quality. This was confirmed by an equalities impact assessment.

9. Consultation

- 9.1** This project has been the subject of extensive discussion by the Strategic Asset Management Group and the Corporate Management Team as well as by Council and the Educational Services Committee.
- 9.2** The Chief Executive, Legal Services, the Section 95 Officer, the Executive Director of Regeneration and Infrastructure, the Corporate Asset Manager and Planning and Roads officers have been consulted on the content of this report.
- 9.3** Consultation with all statutory consultees has been conducted on the proposals in this report in accordance with the requirements of the Schools (Consultation) (Scotland) Act 2010.
- 9.4** Proposal of Application Notices have been submitted for the construction of a new school on the existing school site and the Posties Park site.

10. Strategic Assessment

- 10.1** The OLSP project will make a significant contribution to the delivery of the Council's strategic priorities of Economic Regeneration and Improved Outcomes for Children and Young People.



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Appendices:	<p>Appendix 1: Education Scotland report on the educational benefit of the proposal</p> <p>Appendix 2: proposed site layout for the Posties Park site</p>
Background Papers:	<p>Council Report 6 February 2013: 10 Year Capital Programme</p> <p>Educational Services Committee Report 15 May 2013: Regeneration of the Schools Estate: Our Lady and St Patrick's High School</p> <p>Educational Services Committee Report 11 September 2013: Proposal Paper and launch of statutory consultation on the location of the new Our Lady and St Patrick's High School</p> <p>Notes of meeting of OLSP school staff on 7 October 2013, public meeting on 26 October 2013 and meeting of OLSP Pupil Council on 7 November 2013</p> <p>Equalities Impact Assessment</p> <p>Schools (Consultation) (Scotland) Act 2010</p>
Wards Affected:	Wards 1.2 and 3