



HIGHLAND COUNCIL

EDUCATION CULTURE & SPORT SERVICE

CONSULTATION REPORT ON THE PROPOSED NEW WICK HIGH SCHOOL

This report has been prepared following a review of the proposal to:

Build a new Wick High School on either the existing Wick High School playing field site or in Bignold Park, Wick, and to determine what other community facilities should be included within the new school campus.

Having had regard (in particular) to:

- Relevant written representations received by the Council (from any person) during the consultation period
- Oral representations made to it (by any persons) at the public meeting held in Wick on the 13th September 2010
- Her Majesty's Inspectorate of Education report

This document has been issued by the Highland Council under the requirements of the Schools (Consultation) (Scotland) Act 2010.

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1.0 Background

- 1.1 The Education Culture & Sport Committee (ECS) at its meeting on 5th August 2010 agreed that a statutory consultation be undertaken on the proposal to build a new Wick High School on either the existing Wick High School playing field site or on Bignold Park, Wick, and to determine what community facilities should be included within the new school campus.
- 1.2 **Appendix 1** is the original consultative paper and provides full details of the above proposal.

2.0 Consultation process

- 2.1 The formal consultation period ran from 23rd August 2010 to 1st October 2010 and written representations on the proposal were sought from interested parties in accordance with the requirements of the Schools (Consultation) (Scotland) Act 2010.
- 2.2 In accordance with statutory requirements, the following were consulted:
 - The Parent Councils of all schools within the Wick High School Associated School Group (ASG) – Wick High School, Dunbeath Primary School, Lybster Primary School, Thrumster Primary School, Pulteneytown Primary School, South Primary School, Hillhead Primary School, North Primary School, Watten Primary School, Keiss Primary School, Bower Primary School and Canisbay Primary School.
 - The parents of the pupils attending the above schools
 - The pupils attending the above schools
 - The teaching and ancillary support staff in the above schools
 - The trade union representatives of the above staff members
 - The Association of Caithness Community Councils
 - The Chairman and Vice Chairman of the Education Culture & Sport Committee, Highland Council

- Local Highland Council Elected Members
 - The appropriate Members of the Scottish Parliament and Member of Parliament
 - Her Majesty's Inspectorate of Education (HMIE)
 - Catering & Cleaning Manager, the Highland Council
- 2.3 The proposal document was also advertised in the local press and on the Highland Council web-site.
- 2.4 A public meeting was held in Wick on the 13th September 2010. This meeting was advertised in advance in the local press and on the Highland Council web-site

3.0 Responses

- 3.1 A public meeting was held in Wick on the 13th September 2010. A transcript of that meeting is appended - **Appendix 2**
- 3.2 34 written submissions were received during the consultation period. Details of these submissions are appended – **Appendix 3.**

4.0 Issues raised during the statutory consultation period:

- 4.1 The oral and written submissions received during the consultation period can be summarised under the following headings.
- 4.2 **Bignold Park site:-**
- Significant community view that the new school should not be built on this site
 - Concerns re the legality of building on this community amenity site
 - If a school was built on this site then there would be an impact on existing users – members of public walking in the park, East End Boys Club were referred to
 - Concerns re the loss of amenity
 - Concerns re drainage and potential flooding on South Road
 - A sloping site may present access problems with limited mobility
 - Potential traffic congestion
 - Potential impact on house prices in relation to those houses that are situated on the immediate perimeter of the park
 - Question about the existing “right of way” through the park
 - Concerns that the site may not be big enough to allow future expansion
 - What was the outcome of the site survey?

4.3 Existing community facilities – Assembly Rooms, Carnegie Library and the community swimming pool:-

- Concerns re the potential loss of all 3 community facilities
- Related concerns re yet more “boarded up” public buildings in Wick
- Specific question re the future use of the Carnegie Library building, in particular the fact that the building houses the North Highland Archive and the St. Fergus Gallery.
- Concerns re the legality of changing future use of the Carnegie Library building
- SOLAG petition that gathered 2,750 signatures in support of retaining the Carnegie Library
- Query re the inclusion of Assembly Room lifecycle costs within Table 2:1 of the Caledonian Economics report included within the proposal document
- Will the new swimming pool within the school campus include a “training pool” and gym facilities
- The use of the community swimming pool by Wick High School pupils during the school day

4.4 Existing Wick High School site:-

- Examine the possibility of expanding the existing playing field site by the acquisition of adjacent land.
- Is it possible to redevelop the existing school around the existing façade
- Examine the potential for consolidating existing Council offices within the vacated Edwardian façade
- Consolidate the existing South-side Primary School provision within the campus of the new Secondary School (on the assumption that it will be built on the existing playing field site)
- What was the outcome of the site survey?

4.5 Comments re content of proposal documentation:-

- The statement that the school rolls for all Primary Schools within the Wick High School ASG are due to fall was challenged
- Some confusion re the Option “numbering”
- The lack of decent school designs on which to comment
- Clarification re the Scottish Futures Trust funding - the amount and what it could be used for
- The inclusion of “demolition costs” in relation to the proposed school building on Bignold Park
- Confirmation that there will be an opportunity for the public to comment on the Consultation Report to be published in December

4.6 Issues relating to the operation of the new school:-

- Mixed views re the creation of a “community hub” – although on balance more opinions expressed against than in favour
- Public access to swimming pool and library within new school
- Child protection issues
- Is it possible to create community facilities within new school **and** retain the existing community facilities
- Will the new site be big enough to allow expansion if the future population of East Caithness increases?
- The school campus should be big enough to accommodate a 3 to 18 campus incorporating crèche facilities
- Will the new community library within the school accommodate the North Highland Archive?
- The timing of the construction – will the school be built within the original timescales planned?

5.0 Summary of the issues raised by Her Majesty’s Inspectorate of Education (HMIE):

5.1 A copy of the HMIE report is included at **Appendix 4**. The report highlights the positive aspects of providing a new community High School to serve the communities in East Caithness and the fact this will address concerns with the existing High School accommodation and ultimately enhance and improve the learning experience of all those attending the new school. The specific issues identified within the report that the Highland Council has to address include:

- The legal position regarding the proposal to build the new school on Bignold Park
- In relation to this, how the Council would mitigate the detrimental impact on young people’s learning experiences if the new school was delayed as a result of legal wrangles
- To state more clearly why the Bignold Park site might offer longer term benefits to young people and the wider community
- To offer a clearer rationale as to why the proposals to include a performance venue, swimming pool and community library offer appropriate value for money and the potential to benefit young people attending Wick High School and members of the wider community.

6.0 Highland Council’s response to the written and oral representations, including the HMIE report:

6.1 **Appendix 5** summarises the legal opinion provided by Professor Robert Rennie in relation to the potential use of the Bignold Park site for the new Wick High School. The Council initially considered that Bignold Park could be considered as a viable option for the new school on the basis that alternative amenity ground, in the form of the existing High School playing field site, could be made available for public use. However, Professor Rennie’s advice was that unless this alternative

amenity land was available **immediately**, then a legal challenge would likely be successful. Neither the alternative amenity land at the High School playing field site nor the Bignold Park would be available to the general public during the 2 year period when the new school was being constructed. The potential of a successful legal challenge in relation to the proposed siting of the new school on Bignold Park therefore introduced an element of risk to the successful delivery of the project within the required timescale. Having considered the relative risks associated with pursuing the Bignold Park site the local Elected Members were concerned that the new school project could be delayed to such an extent that the offer of the funding contribution for the new school might be withdrawn.

6.2 **Appendix 6** provides details of the title search carried out in relation to the Carnegie Library building. The title is in the form of a Feu Contract recorded by John Usher on the 21st January 1897. The burden in the title restricting use is that the subjects be “used solely as a public library and for all purposes allowed by the Public Libraries (Scotland) Acts for the Parish of Wick. Critically, there is no notice by John Usher, or his successors, to preserve the feudal burdens. If no notice was progressed to preserve the burdens, then the burdens could only be enforceable as a matter of contract. If the Council sold the property then the next owner would not be bound by the use restriction as they would not be deemed a party to the original contract. If the Council did not sell the property but instead changed the use, then the enforcement right may be with Scottish Water who succeeded the Usher Trust as Superior. Scottish Water may not be considered to have the interest to enforce the restriction on use. There is an issue that it would be considered a common good title as it was to be used as a library for the Parish of Wick including the towns of Wick and Pulteneytown however if there is alternative library provision this should not be an impediment.

6.3 **Appendix 7** provides details of the preliminary site investigation carried out by A.F. Cruden Associates on the 2 proposed sites. The sites areas are:

- Bignold Park – 6.784 hectares (16.76 acres)
- Playing Field site – 6.624 hectares (16.37 acres) – this includes the existing school building extension but excludes the original school building at the front)

Bedrock was encountered at shallow depth within 2 (of 3) trial pits in Bignold Park and within 1 (of 3) trial pit in the High School playing field site. The recommendation was that further investigation, including site topography and required floor levels would further clarify the extent of expected rock exaction required at either site.

6.4 **Appendix 8** provides details of the traffic assessment and access issues relating to both sites. The summary findings of this study are

outlined in Section 8 of that report. Through comparison of the various traffic and transportation aspects associated with the construction and operation of both sites the following conclusions were arrived at:-

- The playing field site would have slightly greater construction phase issues (mainly in terms of traffic impacts) than the Bignold Park site. These issues would need to be addressed via appropriate mitigation measures
- Impacts during the operational phase are also likely to be similar at both sites
- Implementation cost of transport measures is likely to be slightly more expensive at Bignold Park than the playing field site
- In transport terms the Bignold Park site has potential to be slightly more sustainable than the playing field site.

On the basis that the location with the lowest score (per page 31 of Appendix 8) is judged the more favourable option, Bignold Park is the preferred option winning on technical performance considering transport related aspects only

6.5 Appendices 9(a), 9(b) and 9(c) provides the following:

- The “annual visits” to and “annual issues” from the community libraries in Wick, Portree, Thurso, Dingwall and Fort William over the 3 year period from 2007 to 2010.
- The “user numbers” for the Wick and Portree community swimming pools over the 3 year period from 2007 to 2010
- A summary of the strengths and weaknesses in relation to the Carnegie Library and community swimming pool buildings

6.6 In relation to the community library data the most striking factor is the impact on “annual visits” and “user numbers” of closing the community libraries in Portree and Dingwall and instead incorporating the community library within the new Portree High School and Dingwall Academy respectively. The “issues” figures for Wick, Portree and Dingwall community libraries over the 3 years were as follows:

	2007-08	2008-09	2009-10
Wick	49,766	49,489	49,967
Portree	52,148	64,354	72,434
Dingwall	68,662	96,263	105,295

6.7 There is a similar pattern in relation to the community swimming pool use statistics for Portree and Wick which reflect the period before and after the Portree community swimming pool was closed and replaced by a community swimming pool within the new Portree High School.

	2007-08	2008-09	2009-10
Wick	52,191	56,769	45,349
Portree	29,530	41,649	46,526

6.8 The operational issues identified within the existing Carnegie Library building as identified by senior managers within the Community Learning & Leisure sector include:

- Difficult to adapt existing building to meet changing requirements of a modern library
- Expensive to heat due to age of building and high ceilings and windows
- Lack of separate children's area
- The building is not compliant with the requirements of the Disability Discrimination Act
- Lack of operational space for staff - behind counter, office, staffroom, modern toilet facilities

6.9 The operational issues identified within the existing community swimming pool as identified by senior managers within the Community Learning & Leisure sector include:

- Significant investment required in relation to the pool walkway
- The building is not compliant with the requirements of the Disability Discrimination Act
- Unlike other Highlife leisure facilities there is no provision for "dry-side" activity classes
- Gym is not of sufficient size to accommodate all users during peak times
- Capacity issues with pool

6.10 On the basis of the operational issues identified in paragraphs 6.8 and 6.9 above the Council can confirm that these issues will be addressed during the school and community facilities design consultation process. In addition, any other issues identified during this consultative period will be addressed to ensure that the community facilities included within the new school will offer the best quality within the overall funding package available for the project. For the avoidance of doubt the Assembly Rooms will continue to operate in the future irrespective of the outcome of this statutory consultation.

6.11 **Appendix 10(a)** provides a definition of each of the proposed options for the new school that were costed. **Appendix 10(b)** provides an analysis of the costs of building and operating the 4 options under consideration over a 60 year period. The information contained within Appendix 10(b) is derived from the cost benefit analysis work

undertaken by Caledonian Economics Limited on behalf of the Highland Council.

- 6.12 The analysis in Appendix 10(b) compares building the new High School on the existing playing field site with limited community facilities (Option 2 per the definition outlined in Appendix 10(a)) with **either** the new school being built on Bignold Park with enhanced community facilities (Option 3) **or** the new school being built on the existing playing field with enhanced community facilities (Option 4).
- 6.13 On a Net Present Value calculated basis, Option 3 is £1.071M less expensive than Option 2 over a 60 year period. Option 4 is £2.465M less expensive than Option 2 over a 60 year period. The conclusion, therefore, is that the incorporation of the community facilities within the new High School is more financially advantageous than maintaining the existing community facilities within Wick over that period.
- 6.14 In summary the inclusion of community facilities within the new school addresses a number of key issues including:-
- There is demonstrable evidence that the inclusion of community library and swimming pool facilities within a new school complex results in increased usage – as evidenced in the new Secondary Schools in Dingwall and Portree
 - The inclusion of greatly enhanced and improved community library and community swimming pool facilities within the new Wick High School and the closure of the corresponding existing facilities in Wick is both more financially advantageous to the Council, during a period of unprecedented financial austerity, and provides improved experiences for the future users of these facilities
 - The inclusion of the community library and swimming pool on the school campus will result in an enhanced learning experience for the pupils at the school. This will include a significant expansion on time-tabled swimming lessons and also access to a “state of the art” library facility on the campus.
 - The issue of competing time and space for access to these community facilities will be managed in accordance with best practice on similar school campuses within the Highlands and further afield.
- 6.15 On the basis that the Highland Council is keen to create a community “hub” that maximises the range of educational and community facilities on the same campus there are on-going discussions with land agents acting on behalf of British Telecom who own the 10 acre site immediately adjacent to the existing High School playing field site. These discussions will continue on the basis that the Council is keen to keep all options open.

6.16 **Appendix 11** provides details of the funding offer from the Scottish Futures Trust (SFT) towards the new Wick High School building. The key information within this letter is as follows:

- The SFT funding will commence in financial year 2012/13
- The funding contribution towards the new school assumes that there will be 840 pupils, provides £2.0M towards a new swimming pool and £0.660M towards a new Autism Unit/ Multi Sensory Room
- The total SFT funding contribution is £18.39M

6.17 Other specific issues identified during the consultation period:-

- The design of the new school will be led by an external project manager and an external school design consultant
- The design process will be collaborative and will involve a wide range of practitioners from the school community as well as others within the wider community in East Caithness
- The design process will be informed by a number of influences including, best school design practice elsewhere in the UK, meeting the specific requirements of a Curriculum for Excellence, the appropriate use of space and light and the creation of a “true community school” that operates 7 days a week.
- The timescale for the construction of the new school remains unchanged with construction beginning in 2012 and the new community school being available for occupation by August 2014.
- If the decision is taken to close the existing Carnegie Library building then an alternative owner/operator of the building will be sought as a priority in accordance with Council policy
- If the decision is taken to close the existing community swimming pool then the building will be demolished.

7.0 Review of proposals following consultation period

7.1 Following receipt of written representations received by Highland Council and consideration of oral representations made at the public meeting held during the consultation period, officials have reviewed all information received.

8.0 Alleged omissions or inaccuracies

8.1 There was one inaccuracy identified within the original proposal documentation. The statement, contained within paragraph 3:2 of the proposal document, that the schools rolls of all Primary Schools within the Wick High School Associated School Group were projected to fall over the next 15 years was incorrect. By academic year 2024/25 the projected school roll figures at Watten PS, Thrumster PS, South Wick

PS, North Wick PS and Keiss PS will be higher than the September 2010 school roll figure for each of these schools.

- 8:2 There was a query in relation to the inclusion of “demolition costs” for both the Bignold Park and High School playing field site options. These costs would be incurred for both options on the basis that they relate to the part of the existing High School constructed in the 1960s which would be demolished to create car-parking space if the new High School was constructed on the playing field site.

9.0 Procedures for ministerial call-in

- 9.1 The ECS Committee will be asked to consider this proposal on the 13th January 2011. If the ECS Committee agrees to recommend to the Council approval of the said proposal, the Scottish Ministers must be notified of this decision.
- 9.2 The Scottish Ministers then have a 6 week period from the 10th February 2011 (the next Highland Council after the January ECS Committee) to consider whether or not they will issue a notice to the Council to call-in the proposal and all related documentation on which the decision was made.
- 9.3 In taking the decision whether or not to issue a call-in notice the Scottish Ministers are required by the Act “to take account of any relevant representations made to them (by any person) within the first 3 weeks of that 6 week period”. In effect, this means that any one seeking to have the Council decision called-in would need to contact the Scottish Ministers in writing within 3 weeks of the Council’s decision to support the proposal setting out reasons why the decision should be called in by them.
- 9.4 Anyone wishing to contact the Scottish Ministers during the 3 week period referred to above should do so by email to – schoolestates@scotland.gsi.gov.uk , or in writing to:

James Newman,
School Estates Team
Scottish Government
2-D (S) Victoria Quay
Edinburgh
EH6 6QQ

10.0 Legal issues

- 10.1 The Council has complied in full with the requirements of the Schools (Consultation) (Scotland) Act 2010 throughout this statutory consultation

- 10.2 As provided for in section 1 of the 1980 Act it is the duty of the Council to ensure adequate and efficient provision of school education within Highland, such education to be directed towards the development of the personality, talents and mental and physical abilities of children or young persons to their fullest potential (Standards in Scotland's Schools ETC. Act 2000). That said, as with all Council duties, the Council has a duty to make arrangements to secure best value and in securing best value the Council is required to maintain an appropriate balance between, inter alia, the quality of performance of its functions and the cost to the authority of that performance (Local Government in Scotland Act 2002, section 1). In coming to any decision the above factors should be taken into account.

11.0 Conclusion

- 11.1 The issues raised during the statutory consultation are summarised within sections 4 and 5 of this report. The Highland Council's response to these issues is contained within section 6 of the report.
- 11:2 The main concerns identified during the statutory consultation period are encapsulated within the following: -
- The legal position regarding the proposal to build the new school on Bignold Park
 - In relation to this, how the Council would mitigate the detrimental impact on young people's learning experiences if the new school was delayed as a result of legal wrangles
 - To state more clearly why the Bignold Park site might offer longer term benefits to young people and the wider community
 - To offer a clearer rationale as to why the proposals to include a performance venue, swimming pool and community library offer appropriate value for money and the potential to benefit young people attending Wick High School and members of the wider community.
- 11:3 The onus is therefore on the Highland Council to address these concerns to the satisfaction of all interested parties. The Council's response to these issues in the order listed in paragraph 11:2 above is as follows.
- 11.4 On the basis of the specialist legal advice received from Professor Rennie there is a very real risk that a successful legal challenge could be mounted in relation to the proposal to construct the new school on Bignold Park. This is on the basis that it is not possible for the Council to provide alternative equivalent amenity ground within Wick from the date on which construction of a new school on Bignold Park would commence. For this reason and the consequential potential for protracted legal wrangling, the Bignold Park option may be subject to delay. This potential risk is not acceptable to local Members.

- 11.5 Notwithstanding the potential legal risks, Bignold Park is a very credible option, as was evidenced by the relative size of the site and the potential for including an extensive range of educational and community facilities. In addition the traffic impact and access report identified Bignold Park as the preferred site. Ultimately, however, the critical factor is the level of local opposition to the Bignold Park proposal and the likelihood of a successful legal challenge.
- 11.6 The case for the inclusion of community library and swimming pool facilities within the new school and the subsequent closure of the corresponding existing community facilities is well made and supported by robust evidence. The key factors are:
- The evidence of increased usage of the community facilities when these were incorporated into the new Secondary Schools constructed in Portree and Dingwall
 - The library “issues” from Portree and Dingwall community libraries (both housed within new schools) in 2009/10 were 38.9% and 53.3% higher respectively than the corresponding figures when the community libraries were housed in their former community buildings in 2007/08.
 - The usage of the Portree swimming pool (housed within the new school) in 2009/10 was 57.5% higher than the corresponding figure when the community pool was housed in the former community swimming pool building in Portree.
 - There is a sound asset management argument as the Council is effectively delivering the same level of community facilities whilst reducing the number of buildings it is operating by 2
 - There is a compelling financial argument as the cost of housing the community library and swimming pool within the new school on the existing playing field site and closing and disposing of the existing community facilities saves the Council £3.155M over 60 years
 - There will be undoubted educational and health and well-being benefits by having “state of the art” community facilities within the school campus with pupils able to access greatly improved library facilities that will contain enhanced access to learning. In addition the presence of a 25 meter, 6 lane, swimming pool will ensure that there will be a significant increase in pupil participation in swimming, thereby promoting health and well-being.
 - The presence of these community facilities on the new school campus is in accordance with the principles contained within the national School Estate strategy : Building Better Schools: Investing in Scotland’s future, in particular the notion of creating a “community hub”.
- 11.7 It is recommended, therefore, that the new school, should include at least a community library and a community swimming pool and that the existing corresponding community facilities in Wick should close. During the detailed consultation in relation to the next phase of this project there will be an opportunity to offer other public agencies the

opportunity to become part of the new school campus, thereby further enhancing the place of the new school in the heart of the East Caithness community.

12.0 Recommendations

12:1 It is therefore recommended that:

- The new Wick High School is built on the site of the existing High School playing field site
- The new Wick High School campus should include a community library and a community swimming pool and as a result the existing community library and swimming pool would close
- Subject to the proposal being approved, instruct the Director of Housing and Property to dispose of the existing community library and the existing community swimming pool in accordance with the requirements of the title deeds and in accordance with the Highland Council's asset management policy.

Hugh Fraser

Director Education Culture & Sport

8th December 2010.

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