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**REPORT TO: THE MORAY COUNCIL MEETING ON 16 SEPTEMBER 2015**

**SUBJECT: LAND AT BOGTON ROAD FORRES**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,  
PLANNING & INFRASTRUCTURE)**

**1. REASON FOR REPORT**

- 1.1 This report asks the Council to consider the advice of consultants on proposals by a developer relating to land held on the Forres Common Good at Bogton Road, Forres.
- 1.2 This report is submitted to the Council in terms of Section A (45) of the Council's Scheme of Administration relating to the overall estates management of Council properties which are not for the time being used by the appropriate service department and the sale or lease of land or buildings.

**2. RECOMMENDATION**

- 2.1 It is recommended that the Council:-
- (a) notes the reasons for the delays in progressing the project;
  - (b) notes the anticipated timescales for a detailed report to be presented to the Council detailed in para. 3.9; and
  - (c) consider holding a special meeting of the Moray Council prior to the next scheduled meeting of 11 November 2015 to consider the consultants findings and recommendations
  - (d) in light of delays to date, considers whether to set a longstop date by which the Council must receive a final report from officers on the project in order to make a decision.

**3. BACKGROUND**

- Land
- 3.1 The Council owns the lands shown as Areas 1, 2, and 3 on **APPENDIX I**, which are held on the Forres Common Good (FCG) account, whilst Redco Milne (Redco) own the land shown as Area 4 on **APPENDIX I**.

- 3.2 The Policy and Resources Committee, at its meeting on 21 January 2014 (para. 8 of Minute refers) considered a report (a copy of which is attached as **APPENDIX II**) by the Corporate Director (Corporate Services) requesting the Committee consider proposals by a developer relating to land held on the Forres Common Good at Bogton Road, Forres and agreed:-
- (i) to receive a further report to fully assess the risks, opportunities and necessary consultations associated with the proposal put forward by the developer in relation to a commercial development on the Bogton Road Site of Forres Common Good Fund; and
  - (ii) that the final decision on the disposal of the common good land, following public consultation, will be taken by The Moray Council.

#### Consultant

- 3.3 Agreement was reached with the developer to initially fund the cost to the Council of obtaining specialist independent surveying and legal advice, to be recouped from the Council's share of the development value, should the development proceed.
- 3.4 Following a procurement exercise Culverwell Property Consultants (Culverwell) were appointed in July 2014 and the Council has retained advisers agreed to provide legal advice.
- 3.5 After an initial inception meeting numerous discussions took place involving Culverwell, the developer, Forres Mechanics Football Club, local members and Council officers.

#### Delays

- 3.6 Culverwell's report has been delayed principally due to the developer making revisions to the proposed scheme and the relatively slow progress between the developer and Forres Mechanics Football Club at the start of the commission in identifying, designing and agreeing the cost of the new stadium, with consequent impact on development costs, market analysis and potential proceeds. The developer has been slow to provide the Council's consultant with the revised information needed to carry out his commission with the final information and financial appraisals only being provided in early August 2015. In addition clarification of legal advice on common good and procurement issues have also caused delays at the start of the commission and most recently the Consultant's staff have been affected by serious illness. The Consultants are a small team and as a result the serious illness of one member of staff in August/September 2015 with specialist knowledge has impacted on their ability to complete a report for the Council.
- 3.7 It had been anticipated that Culverwell's report would have been received many months ago, with a detailed report subsequently presented to the Council. It is recognised that the delays and uncertainty have caused concerns in the local community.

#### Timescales

- 3.8 Culverwell has now advised that their report should be received by the Council no later than 30 September 2015. Based on that latest date of receipt, officers would expect to be in a position to report to on its findings to a meeting of the Council within a month of receiving the Culverwell's report.
- 3.9 The report to Committee will contain confidential information and will address complex issues relating to finance options, procurement and risk and Members may wish to hold a special meeting to enable sufficient debate of the issues a possible date could be the 27<sup>th</sup> October following the Policy and Resources Committee.
- 3.10 Although officers have been assured that Culverwell's report will be received by no later than 30.9, members may wish to set a longstop date by which a decision will be taken irrespective of whether the Culverwell report has been received and is viewed by officers as comprehensive. 27<sup>th</sup> October may be viewed as a suitable longstop date.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Moray 2023: A Plan for the Future/Service Plan**

This report accords with the Single Outcome Agreement Local Outcome for a growing and diverse economy.

**(b) Policy and Legal**

The Council's Consultant has liaised with the Council's retained legal advisers and will advise on legal matters as part of his report.

**(c) Financial implications**

There are no financial implications arising from this report.

**(d) Risk Implications**

As part of the commission Culverwell has been asked to advise on the risks associated with a proposed development of the Council's land.

Any continuing delay in receiving Culverwell's report would exacerbate community concerns and the Council may wish to consider setting a backstop date for its receipt, failing which it would consider the issues based on the best advice then available.

**(e) Staffing Implications**

None.

**(f) Property**

As detailed in this report.

**(g) Equalities**

No equalities implications have been identified.

**(h) Consultations**

The Corporate Director (Corporate Services), The Head of Housing & Property, The Design Manager, The Head of Legal and Democratic Services, the Equal Opportunities Officer and the Democratic Services Manager have been consulted and their comments incorporated in this report as appropriate.

Forres Ward Members, Councillors Alexander, Creswell, McLean and Skene have been consulted and may make their views known at Committee.

**5. CONCLUSION**

**5.1 This report provides an update of the Bogton Road project, the reasons for delays and anticipated timescales for a full report to be submitted to the Council for consideration.**

Author of Report: Head of Development Services and Stuart Beveridge, Estates Manager

Background Papers:

Ref: FR/675/18