

**Nairn West & Suburban Community Council Ordinary Meeting (by Zoom)**  
**Monday 27<sup>th</sup> September 2021**  
**DRAFT MINUTES**

**Present:**

Sheena Baker (Chair) (SB)  
 Jimmy Ferguson (JF)  
 Ally Macdonald (Comm Liaison Sec) (AM)  
 Alastair Noble (Vice Chair) (AN)  
 Brian Stewart (BS)

**Apologies:**

Cllr Tom Heggie (TH)  
 Cllr Peter Saggars (PS)  
 Cllr L MacDonald (LM)  
 Bill Young (Treasurer) (BY)  
 Alan Hampson (AH)  
 Dick Youngson (DY)  
 Lorraine Mallinson (LM)  
 Joan Noble (JN)

**Ex Officio:****Also present:**

Donald Wilson  
 3 members of the public

Item	Description	Agreed motion/action
1	<b>Welcome:</b> Apologies, reminder meeting being recorded. No interests declared	
2	There were no amendments to previous minutes and were passed	Proposed: AN Seconded: JS All members agreed.
3	<b>Matters arising from previous minutes</b>	
3.a	<b>Signage – Update</b> The Chair noted the CC's appreciation for the work and input JN had made. 3 out of the 4 routes had been accepted and the new signage is either installed or due to be installed. SB had an email from Mark Smith that read "HC (Roads and Transport) advising that the fourth route was central and had been suggested by the BID and discussed with local Elected Members". It was noted that the pinch point under the railway bridge was yet to be removed.	SB to write to MS
3.b	<b>CCTV</b> A letter regarding the CCTV survey was sent to Peter Saggars on 9 <sup>th</sup> September and the other Elected Members. The letter was sent to him after he emailed the 2 CC's. Disappointingly no response or acknowledgment from PS or any HC Officers had been received. BS noted that Ward Business Minutes seen as a result of a FOI, had minuted that Mr R Pope from HC, had addressed the WBM in the summer. BS proposed that we write again to Peter Saggars asking why Mr Pope had instigated the report and why it was necessary. He also wanted to know who had designed the survey, he felt it was very selective and targeted. The Chair thanked Donald Wilson for initiating the press article which helped to ensure the Nairn public were made aware of our concerns. BS noted that the survey specifically noted three common good sites and felt that the circumstantial evidence points very specifically to the motive being parking enforcement.  <b>Pollution</b> The Chair had emailed the letter of 25 <sup>th</sup> August regarding emission pollution to the 4 Councillors and Tom Heggie acknowledged receipt. CC members all saw in the Inverness Courier that HC and the 4 Councillors have written to Scottish Government about the A96 By-pass and pollution is one of the issues affected by the non-delivery of the By-pass. BS suggested that a copy of the letter be sent to Ariane Burgess, SMP, HIE Green Party and request that this is considered when the Green Party are discussing the proposed Nairn and A96 By-pass.	SB to write to PS  SB to forward pollution letter by email to A Burgess

	<p><b>Flood Prevention</b></p> <p>A letter had been sent on 25<sup>th</sup> July to our 4 Elected Members, all the other Nairnshire CC Chairs, the Ward 18 Manager and to Chief Inspector Jen Valentine who Chairs the NNCP. Cllr Tom Heggie acknowledged receipt but noted he was not at work but would respond when back in harness. So far nothing further has been received however SB advised that the Chair of the NNCP has picked up on the content of the letter and is organising a meeting with SEPA and she hopes to include the CC's in it. BS felt that the responsibility is HCs as the lead agent in his view the police are not front line when making flood prevention police.</p>	BS to draft a letter for the Chair.
3.c	<p><b>Lochloy Bridge Consultation</b></p> <p>The Chair noted that as a CC, we submitted our response to the Lochloy Bridge Consultation and she briefly outlined the main points covered in the submission. This was emailed to Steven Grant, part of the HC infrastructure team. He acknowledged receipt on 26<sup>th</sup> August and said our CC views will be considered during the ongoing design and project planning process. She had received nothing since then. BS remarked that the local survey delivered a clear verdict: a footbridge alone was inadequate, it was in the wrong place, and the design proposals raised issues of safety, vandalism risk, maintenance and privacy. The clear consensus was for a more substantial (multimodal) crossing further east. He felt that the CC objective should be to press for the local residents needs to be properly considered and for the redeployment of DC's and other funding to deliver that.</p>	NFA at this time.
3.d	<p><b>Membership</b></p> <p>The Chair tried to update those present about the summer recruitment campaign. BS interrupted stating that as a point of order it was not listed on the agenda. The Chair reminded him he had asked for an update, AN felt the meeting should move onto the next agenda point. (As a follow-on observation the agenda listed at the bottom that the Chair may add to or re-arrange the agenda on the night).</p>	
4.0	<p><b>Treasurers Report:</b> In the absence of the Treasurer, the Chair reported on the financial statement and noted that to date there was a net surplus of £756.35. An invoice requires approval by the meeting. It is from Spanglefish for the annual gold cover. The bank account totalled £5510.23</p> <p>Bank Balance: CC Funds £2,249.11 Fireworks Account £3,261.12</p>	Proposed – AN Seconded - BS
5.0	<p><b>Formation of Strategic Priorities subgroup – adoption</b></p> <p>The Chair invited Brian Stewart to speak about the subgroups work relating to NWSCC Strategic Priorities.</p> <p>BS advised that this work represents an agreed yardstick both to decide how we deploy our own efforts and resources and how we address other proposals which come forward from elsewhere. He advised that the CC has to be prepared to challenge any proposals which do not align with our strategy. He asked that the CC adopt this set of strategic priorities and that it be displayed on the NWSCC website inviting comments from the public. The Chair proposed adoption and Alastair Noble seconded.</p>	AM to place on website with an open invitation for others to comment
6.0	<p><b>Springfield Development Proposal</b> – The Chair opened this topic stating most people would be aware of the proposal and that the developers had, during September, held a series of open meetings that the public could attend. Jimmy Ferguson had attended one and his feedback had been that whilst questions were taken, there were little answers at that time as they advised they were taking them back to the team for future comment. Ally MacDonald stated she was opposed to any development taking place before all the necessary infrastructure (roads, sewerage etc) were in place. SB had provisionally booked Stuart Morrison of the Springfield development team to join any CC members wishing to attend for an informal Q &amp; A zoom gathering on 4<sup>th</sup> October when they could address their individual questions to him. It would purely be a Q &amp; A and not a consultation in any form. S Morrison has indicated he is available to attend a Q &amp; A.</p> <p>BS said that there are some key points to bear in mind. These are:</p>	

	<ul style="list-style-type: none"> <li>• this is a non-preferred site i.e. THC does not support development there, and for several important reasons.</li> <li>• When Househill was raised during the IMFLDP examination, the SG Reporter’s clear judgement was that there were significant infrastructure constraints (notably access and drainage/flooding) which rendered the site unsuitable. The implication was that development would depend upon linkage to the bypass (the route had not then been settled). The constraints have not gone away and there is no proposed link to the bypass.</li> <li>• So, the site remains non-preferred in the latest revise of the IMFLDP/MIR. The already-existing challenges of access, congestion and flood prevention have not begun to be addressed.</li> <li>• Also, notable that the site is huge (146ha, &gt;650 houses). The case for additional development on this scale is simply not supported by the evidence. The HC housing forecasts have consistently been unrealistically high, and way in excess of the actual build rate.</li> <li>• and the claim of ‘desperate need for affordable housing’ is simply a political slogan. If the need and pressure was so great, then the developments already consented – notably at Delnies – could and should proceed before agreeing a major additional number of houses.</li> </ul> <p>He went on to say we should not be framing the debate in terms of Sandown versus Nairn East, either/or, and which is the better (or the lesser evil). Neither of these large-scale developments is needed during the period of the LDP. The bypass, and serious upgrading of the town’s infrastructure first, must be pre-conditions for consent to either. It is worrying that Springfield are already on record as saying they are seeking to develop ahead of the delivery of the bypass.</p> <p>There is a tactical issue about which we ought to register concern. The use of the pre-application process to try to secure endorsement of the proposal ahead of the detailed application is a clear attempt to load the dice and influence the HC planners and the IMFLDP. BS also had concerns about giving Springfield a platform to present their proposal. Loreine Thomson (member of the public) noted that outline planning revised to in principal had been given for the Delnies site and that still has to be built.</p> <p>Worse than that, the proposal has already come to the SPAC and he asked who had seen the webcast? This was supposed to be an opportunity for Cllrs to flag up any broad issues of concern. Cllr Laurie Fraser did so – especially on access issues, the need for detailed Transport Assessments and the flooding problems. His comments appeared to be ignored. BS stated that this is a very worrying sign. He suggested that NWSCC ought to put on record our recognition of LF’s representations and our real concerns that they were not properly taken on board. He suggested and it was agreed that as a CC we write to LF, to recognise his efforts and to express support.</p>	<p>SB to send letter to LF</p>
<p><b>7.0</b></p>	<p><b>NNCP Partnership</b></p> <p>Report circulated re meeting 23 Sep 2021.</p> <p>The Chair advised she had attended the Nairn, Nairnshire Community Planning Partnership last Thursday. It was very pleasantly and ably Chaired by Chief Inspector Jen Valentine. SB noted her disappointment that there is no secretarial support to allow NNCP minutes rather than action points to be taken. The Chair had circulated her first draft notes so CC members had time to read them and see what agenda items were discussed. The whole Partnership next meets 16<sup>th</sup> December.</p>	<p>BS to draft a letter about the proposed reference group</p>

	<p>The Chair asked that with the exception of the Sandown element which would be covered in the next agenda item if there was anything any member wanted to bring out at this meeting.</p> <p>BS started by saying that at the moment the whole process is pretty opaque, with cryptic references to "agreed workstreams" and "subgroups" and "focused strands of activity", with no explanation of what the subjects or tasks actually are. BS then reviewed the current membership and activity of the NNCPP. He noted that a number of local community groups in key areas of activity and concern from transport to the environment were ignored or unrepresented. He was concerned that resilience was poorly defined, failing to distinguish between the provision of social welfare and support and the delivery of physical measures (eg flood prevention). He felt the role of HTSI was unclear and their engagement in Nairn not visible.</p> <p>He also pointed out that the NNCP – most of whose members were from outwith the burgh - had no remit and no standing to consider Common Good issues such as Sandown, nor any responsibility for development planning – points which were discussed further under Item 8.</p> <p>In a brief follow-on discussion about regeneration, questions were raised about the role and purpose of the NNCPP’s “Economic Forum” and specifically about the way in which significant amounts of Place-Based Investment funding had been allocated to selected groups without any publicity, invitations to bid, or open local debate. BS observed that it was odd and inconsistent, in particular to assign funds for the establishment of a new community hub in the historic Seamens’ Hall when the Council had cut its grant funding for the existing Community &amp; Arts Centre and had also opposed several initiatives to revive another historic building (the Old Police Station) for a similar purpose.</p>	
<p><b>8.0</b></p>	<p><b>Sandown Land</b></p> <p>The Chair stated that we have all heard that at the Nairnshire Committee meeting on 15<sup>th</sup> September the Elected Members agreed to “an extension” of the Consultation. Some of the points they based that on was – 1 - limited responses, 2 - HC felt too few groups had responded, 3 - also limited suggestions for the land use. It was noted that the original submissions will still be valid and be part of the extended consultation. HC are setting up a short-term reference group to guide and support the extended engagement, that group is to be drawn up from members of the NNCPP.</p> <p>The Chair opened the discussion up to the CC members and advised that she would like to give members of the public a chance to speak on this item if they so wish.</p> <p>AN opened the discussion stating that nearly 100 responses had been submitted and that it was unacceptable to be told this is not a good response. He felt strongly that it must be local Nairn people who look after the Nairn Common Good and he did not agree with a referencing group being set up from the NNCP with some members not residing within the Nairn town and in some cases the Nairnshire boundaries. The discussion included the view that it is a set of new questions, so it is therefore a new consultation not an extension.</p> <p>BS argued that the initial (and extensive) Sandown consultation had delivered a clear verdict. There was no case for a re-run. The proposed second round or extension of the consultation was a cynical exercise aimed at generating a different outcome by prompting responses on a selective basis from those who had shown neither knowledge nor interest. To use the 2013 development brief as a way of soliciting support was misleading, and to seek consent for the Council to have absolute discretion (“a blank cheque”) to dispose of inalienable land as and when they saw fit at some unspecified future time for whatever price and whatever purposes they chose was unacceptable.</p>	<p>BS to draft a letter</p>

	<p>BS said that if there was to be further consultation, a full range of potential options should be on the table, each supported by a detailed business case. But just to ask the same question and to try to use the NNCPP (or a group within it) and the CAB to solicit responses from particular sectors of the community and Council client groups was inappropriate. A recommendation to write formally to the Council setting out these concerns was agreed. Proposed that the BS draft a CC letter stating that this “extended” consultation is simply not acceptable.</p>	
9	<p><b>Local Place Plan</b></p> <p>The Chair remarked that all of the CC Members should have received the NICE September 2021 – “Towards a Strategic Economic Plan and Active Masterplan” that Alastair, as Chair of NICE, had emailed to us. She then asked the Chair of NICE to elaborate on the intention. AN spoke about the view that Nairn could be a green and sustainable model for Scotland going forward. The plan had been devised with professional support and the next stage would be to enable it to form part a 10-year masterplan and he hoped that both Nairn CC’s could support these proposals. BS thought the CC should be supportive as it needs to be community led. AMacD is in favour of environmental planning as well as Local Place Planning. SB expressed that the main challenge to NICE would be to get the local Councillors and HC to fully engage and support the proposals and urged that the NICE Chair engage with them early on. JF wondered about the funding of such proposals. Overall the CC members present were supportive of the NICE proposal to initiate a LPP.</p>	
10	<p><b>Car Parking Charges</b></p> <p>The Chair had previously forwarded to all the CC Members an email from Shane Manning HC Traffic Management and Control officer, detailing the income collected to 22<sup>nd</sup> September at the Cumming Street, the Harbour and the Maggot Car parks. The Gross income for each site is:  Cumming Street £13,311.45, the Harbour £5,165.20, the Maggot £6,507.30. A Gross total for the 3 locations of £ 24,983.95. The amount HC are proposing allocating to the Common Good Fund is 50% of that gross income, £12,491.97, leaving a net total for the 3 locations of £12,491.98. The Chair remarked there will be views on the unspecified 50% being netted off the income along with other thoughts and opened the discussion up to the members. Of the 50% deduction SB understood 20% would go to HC for administration and 30% in HC own transport management budget.</p> <p>AN stated that he believed that legal opinion would state that this allocation was contrary to the correct use of CG funds and that he believed that there was a conflict of interest with HC allocating funds to subsidise HC running costs. BS used the analogy of Highland Council treating people in Nairn like native Americans who were bribed by colonialists with beads and blankets! He stated that Common Good revenue is required to be spent in Nairn. Nairn should be refusing to play this game and that we (Nairn) are not prepared to be bribed by the modern-day equivalent of beads and blankets. He stated that this deduction was against the LASAC guidelines. The perceived lack of itemised detail relating to the 50% caused general disquiet amongst the members present.</p>	<p>BS to draft a letter covering the misgivings the CC had around the proposed HC deduction</p>
11	<p><b>Developers Contributions and Developers Contributions allocations</b></p> <p>The Chair observed that several reminders had been sent since we first wrote in May to Scott Dalgarno about the historic Developers Contributions. She had circulated SD’s updated figures in his response that afternoon. AN felt, that for the figures prior to 2018, Audit Scotland should be involved. BS felt there was a need to ensure that the community is engaged in shaping emerging action and he wanted the book-keeping and accounting prior to 2018 to be provided. He spoke of the need to ensure full transparency and accurate accounting for all DC’s. JF’s view was that as a CC we should stipulate that the community have an entitlement to participate and be engaged as well as being actively consulted on DC’s when the formula is being drawn up. SB felt that, as the</p>	<p>SB to write to SD</p> <p>SB to write to NRCC</p> <p>BS draft letter</p>

	majority of the DC's in question related to the Lochloy development, NWSCC should invite Nairn River CC to jointly write to Audit Scotland. This suggestion met with general agreement. Member of the public, Loreine Thompson, stated, that the money belonged to the people of Nairn and that it should be used to provide facilities in Nairn. The discussion that followed agreed three separate actions. SB to send a note of thanks to Scott Dalgarno for his input, SB to write to the Chair of Nairn River CC inviting them to make the approach to Audit Scotland a joint one and BS to draft a letter about community engagement and "visibility" when prioritising and decision-making over what DC's should be spent on.							
<b>12</b>	<b>Request for verbal Update from Councillors</b>							
<b>12.a</b>	<p><b>Harbour Street Toilets</b></p> <p>The Chair advised she is now able to disclose that at the NNCP meeting we were advised by Alison Clark that Lewis Hannah will be temporarily covering Emma's sick absence, starting 25<sup>th</sup> October, 2021. She noted that Cllrs Saggars and Heggie were both unable to attend she would, for the record, note their emailed responses for the agenda items they were asked to respond on.</p> <p><u>Harbour Street Toilets PS's email report:</u></p> <table> <tr> <td><i>Costs provided by THC for the re-opening of the toilets:</i></td> <td><i>£4,222</i></td> </tr> <tr> <td><i>Estimated running costs August to October 2021</i></td> <td><i>£7,646</i></td> </tr> <tr> <td><i>Estimated annual running costs</i></td> <td><i>£26,500</i></td> </tr> </table> <p><i>With costs for re-opening for eleven weeks to the end of October 2021 estimated to be approximately £12,000, it was agreed that re-opening did not provide good value and the decision was taken not to do so.</i></p> <p><i>It was agreed to review the position early in 2022 with regards to re-opening for the 2021 season. In the meantime, the NCGF would ensure that the facilities were maintained over the winter period.</i></p> <p>The discussion that followed highlighted that the principle is simple. Most Councils in Scotland either pay rent for CG land or assets which are used to provide public facilities and amenities (playing fields, parks, etc), or they do maintenance in lieu of rent. HC already does this for various CG sites and buildings which are used to provide public services and amenities, one example being Dingwall's town hall. In Nairn, the Council pay no such rent: it also charges the CG for whatever maintenance it does, and it looks to the CG fund to meet capital expenditure. Additionally, it also debits the CG fund with the fees it then pays to itself for administering CG and to HLH to "manage" these facilities. The leisure park and splash pad being just two of many possible examples. NWSCC had repeatedly asked PS to address these anomalies and as a CC we would encourage him to "muscle" in with HC officials to ensure it is corrected.</p>	<i>Costs provided by THC for the re-opening of the toilets:</i>	<i>£4,222</i>	<i>Estimated running costs August to October 2021</i>	<i>£7,646</i>	<i>Estimated annual running costs</i>	<i>£26,500</i>	
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<b>12.b</b>	<p><b>Common Good</b></p> <p><i>PS's email advised he will be having a meeting with Council Officers scheduled for October 25<sup>th</sup>. He went on to note that THC's position remains that the obligations of the Council under the Local Government and Planning (Scotland) Act 1982 is "permissive", enabling discretion in how THC undertakes its duties in relation to the provision of recreational facilities. By providing the current level of facilities, THC says that it is meeting the requirements of the Act.</i></p> <p><i>While THC may be spending less per head on recreational facilities in Nairnshire than elsewhere in the area, the Council's position appears to be that it is providing some facilities in the Ward and therefore meeting the requirements of the Act.</i></p>							

	<i>In practical terms, the Council says that it does not have the budget to cover the maintenance of the recreational facilities owned by the NCGF and that therefore the NCGF should pay.</i>																	
<b>12.c</b>	<p><b>Leisure and Recreation spend – fair share</b>  <i>PS wrote in his email that regrettably, the notion of a fair share seems to be alien to THC officers. Much of the allocation of the leisure and recreation budgets are determined by historical spend running through from the time of the district councils.</i></p> <p><i>For instance, the 2019/20 budgets for play areas were as follows:</i></p> <table border="0"> <tr> <td><i>Badenoch &amp; Strathspey</i></td> <td><i>£4,700</i></td> </tr> <tr> <td><i>Caithness</i></td> <td><i>£41,000</i></td> </tr> <tr> <td><i>Inverness</i></td> <td><i>£40,300</i></td> </tr> <tr> <td><i>Lochaber</i></td> <td><i>£13,000</i></td> </tr> <tr> <td><i>Nairn</i></td> <td><i>£4,000</i></td> </tr> <tr> <td><i>Ross &amp; Cromarty</i></td> <td><i>£62,923</i></td> </tr> <tr> <td><i>Skye</i></td> <td><i>£8,000</i></td> </tr> <tr> <td><i>Sutherland</i></td> <td><i>£11,800</i></td> </tr> </table> <p><i>There is no correlation either between populations or the number of play parks in each area.</i></p> <p><i>With Council budgets under pressure, an increase in expenditure in one area would likely be at the expense of another area and would require the consent of council members. In this particular field, it is expected that each Ward should find money for play parks out of ward discretionary and other ward funding. Nairn has recently provided £10,500 from the Nairn Place Based Investment Funds towards play parks in the town.</i></p> <p>During the discussion on both these items that followed, several observed that the “update” was inadequate. PS is admitting the Council approach is unjustified and inequitable. It was felt that as a Nairn Councillor he should be challenging and seeking to change the present situation. The feeling of the meeting was that there should be a robust letter written in response to PS’s briefing.</p>	<i>Badenoch &amp; Strathspey</i>	<i>£4,700</i>	<i>Caithness</i>	<i>£41,000</i>	<i>Inverness</i>	<i>£40,300</i>	<i>Lochaber</i>	<i>£13,000</i>	<i>Nairn</i>	<i>£4,000</i>	<i>Ross &amp; Cromarty</i>	<i>£62,923</i>	<i>Skye</i>	<i>£8,000</i>	<i>Sutherland</i>	<i>£11,800</i>	BS to draft a letter
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<b>12.d</b>	<p><b>New Nairn Academy</b>  Cllr Heggie had emailed a short update on 20<sup>th</sup> September which read:</p> <p><i>“You may have noted the extensive work being done within the school estate at present. There will be a specific update for Nairn Academy in October when the team will discuss issues with elected members and school stakeholders. I have agreed to join a call later today to clarify the process. The team are managing several significant capital projects and have an agreed process which will be followed”.</i></p> <p>The discussion that followed was that the update had no substance and the Chair was asked to write to Cllr Heggie with a list of the following questions:</p> <p>Who are the Stakeholders involved in the project?  Do we have the actual or suggested proposals for the new Academy?  What will it all actually include apart from a school and classrooms?  Has the location been decided and if it has is there a site drawing we can all see?  When will the local community be included and updated?  What the likely cost will be and what is the latest position on funding it?  Significant projects – what are these?</p>	SB to write to TH																

NWSCC Meeting

	The Chair then moved to the subject of the all-weather pitches, JN had asked for this to be included. Her observation related to the fact that there had been a promise of a start date of Easter for the renovation of the all-weather pitches. She observed this had been and gone and noted that the students still have no all-weather surface.	SB to include this question in correspondence to TH about the Academy
9	<b>Questions or contribution from members of the public –</b> Member of the Public, Alan Calder, who had joined the meeting late spoke stating he had enjoyed the meeting and requested sight of the minutes. He had previously lived at Seabank Road and had submitted a request for assistance with the matter of speeding on Seabank Road which NWSCC had followed up with correspondence to HC re speeding, SIDs and other traffic matters in that area.	
10	<b>AOCB:</b> The Chair conveyed her thanks to all attending, hopefully our next meeting will be in public, she observed she had asked HC if we can return to meeting in public at the Community and Arts Centre. The request had been acknowledged by Alison Clark but she still had not received an answer.	SB to email TH
	<b>Meeting closed</b>	
11	<b>Date of Next Ordinary Meeting:</b> Monday 25 <sup>th</sup> October 2021 – 7pm	