

4. Financial report

4.1 The new Treasurer reported that the bank had declined to provide a full account statement but was only prepared to give details from the date the Treasurer became a signatory. The current balance was £3153.51, but there were a number of bills still to be paid.

5. Planning Matters

(i) proposed IMFLDP and outcome of Nairnshire Committee

5.1 Speaking on behalf of the CC, GS acknowledged that local councillors, sitting as the Nairnshire Area Committee (NAC), were entitled as elected representatives to take decisions on their constituents' behalf. The draft of the proposed revised Inner Moray Firth Local Development Plan had been approved in the NAC by 3 votes to 1. It would be useful to have explanations from the four Councillors, for the record, of the reasons for their decision. He acknowledged Cllr Oldham's blog-post on the subject and noted that the other three Councillors were not present to explain their positions. He welcomed the inclusion in the draft plan of wording making development at Nairn East explicitly conditional upon completion of the A96 Bypass and recognising the need to provide for expansion of existing and new industry and business on that site.

5.2 GS commented that earlier and clearer explanation of the legal advice about a "planning vacuum", which was presented at the last minute, would have been helpful. He would also have liked to see full and detailed discussion at the NAC of all the elements in the draft proposed plan. He noted the poor technical quality of the audio recording of the NAC, which had made the online video difficult to follow.

5.3 Cllr Oldham invited people to read his blog for an explanation of his views. He agreed that there were technical issues with the video recording, but thought it inevitable that for practical, logistical and cost reasons most Council meetings would continue to be virtual and online rather than in person. On the way forward for the proposed IMFLDP, he said that the Grigorhill businesses had been encouraged to prepare their own (alternative) proposals for development at Nairn East. These would be considered by the Economy & Infrastructure Committee and submitted to the government Reporter as part of the formal processing of the draft IMFLDP.

5.4 In subsequent discussion JN argued strongly that although the public were not permitted to speak at NAC meetings, people should be able to attend and observe; and also that limiting such meetings to an hour, and only three or four times a year, was inadequate for proper consideration and scrutiny of major policy and planning matters. If, as seemed to be current practice, most decisions were pre-agreed in Ward Business Meetings (WBMs), then the proceedings and records of WBMs should be circulated and publicly available in the same way as CC agendas and minutes. Cllr Oldham agreed that it was inefficient, and inconvenient for all concerned, to rely on FoI requests to obtain copies of WBM notes: they should be made available automatically.

5.5 BS queried Cllr Oldham's assertion that the Reporter when reviewing the IMFLDP would arbitrate or make a choice between rival development propositions (by Springfield and the local businesses). That was not the Reporter's responsibility or remit. BS also challenged the suggestion of a "planning vacuum", pointing out that the existing IMFLDP remained in place and legally valid until a successor plan was adopted. So the choice was not simply between adopting a new proposed plan or rejecting it and leaving a vacuum. It was also open to the NAC to amend and revise any aspect of the proposed plan before giving their approval. The amendment linking Nairn East to the

delivery of the bypass was welcome. It was however regrettable that the NAC had failed to ensure other amendments, for example so that the plan included specific provision and site-allocations for business and industry, and set out clear requirements for “infrastructure first” especially in sites where serious deficiencies and capacity issues had already been identified. The Councillors had missed a significant opportunity to align the proposed IMFLDP with local needs and priorities.

5.5 In a separate intervention on the technical issues associated with meetings, ML (of Nairn River CC) urged that if for security reasons ‘Teams’ was to be used rather than ‘Zoom’ for virtual meetings, then the Council should provide and pay for CC subscriptions to ‘Teams’

(ii) Local Place Plan (LPP) and role of NNCPP

5.6 The Chair remarked that the situation was not ideal, but that it was vital to press forward with an LPP even if it was not going to be reflected or incorporated into the proposed IMFLDP.

5.7 GS, taking the lead in setting out the CC’s views, said that there was much work to do. Energy and optimism were needed. It would be important to generate momentum. All CC members hoped that the Council’s financial and political support, which was crucial, would be forthcoming soon as promised by Cllr Green. There was concern that some stakeholders – such as the HIE representative at the Community Planning Partnership – appeared not to share this sense of urgency and were outlining administrative procedures and further review exercises (“*community mapping*”) which would take years to carry out. He urged NICE to mobilise and campaign. In response AN said that in order to do so NICE would in due course be expanding its board-membership.

5.8 BS drew attention to formal Council statements that the NNCPP and the new Nairn Economic Forum, whenever it was established, “... *had no statutory role in the planning system and is thus outwith the remit of this [IMFLDP] Plan*”. GS and AN nevertheless felt that a community-based LPP would carry weight in planning decisions.

5.9 AN in the Chair said that the Council and public agencies, professional planners and consultants, and representatives of the local community, all needed to be engaged in the LPP process. He announced that Cllr Green would be meeting the Council’s Director for Economy & Infrastructure (Malcolm MacLeod) the following day.

5.10 ML pointed out that Fort William, Inverness and other communities had produced LPPs already. Experience, good models and best practice were already available. The task was urgent. A schedule of public engagement events was needed.

(iii) Statutory consultation on planning applications

5.11 Following up on discussion at the October meeting, JN reiterated the arguments about unreasonable and unrealistic 7-day deadlines for CCs to seek prior official consent to make comments as statutory consultees on individual planning applications. She summarised the reply from the Council Area Planning Manager (Mudie) to an NW&SCC letter on the subject. He had sought to justify the existing arrangements and had ignored the request for NW&SCC to have a “permanent” or automatic right to be considered as a statutory consultee on all applications in their area.

5.12 In discussion it was pointed out that the volume of planning applications could at times be substantial, and coincidentally or not, often timed to coincide with holiday periods (eg Christmas and summer school holidays). The procedures laid down by Highland Council, which differed from

other councils, seemed to be geared not to enable CC input. Cllr Oldham commented that in fact CCs usually had more local knowledge than others and so their comments on planning applications were especially valuable and welcome.

It was agreed that – rather than write a further letter – NW&SCC would send a standard email every week in which a local application appeared on the list, notifying the Council that the CC wished to submit comments on each application. It was hoped that this might prompt a change. (Action: AH)

6. Common Good issues

(i) Parking scheme (and visitor-management strategy)

6.1 In the light of the NAC decision to endorse the continuation of the parking fee/donation scheme for four years with an annual review, JN spelled out a number of local concerns (*see also para 8 of minutes of NW&SCC meeting of 29 August*):

- the lack of local consultation despite the public commitment made when the scheme was launched as a ‘pilot’ in 2021;
- the absence of a proper legal basis (TROs) for the measures implemented on the three sites;
- unacceptable actions by Council officials to promote and refine the arrangements without authorisation and approval;
- misleading and inaccurate claims by the same official (Manning) in formal presentations;
- the detrimental consequences, in a tourist town which should welcome visitors, of a charging scheme based on intimidation and deception;
- the dishonesty of an approach which appeared to encourage local residents to ignore the public signs about designated spaces and payment, and the confusion resulting from contradictory signage;
- the fact that the Council – which had previously administered the car park areas on CG land on the basis of providing maintenance in lieu of rent – was no longer doing so: it was now not paying rent, and was also charging the CG Fund all the maintenance and administrative costs;
- the risk that the Council was breaching the law and could be challenged.

6.2 Cllr Oldham recognised the validity of many of these points. He was ambivalent – but he felt that “... *even if the arrangements are a bit iffy, we could live with it*”. This prompted the response that by acquiescing in an unsatisfactory, misconceived and poorly-planned scheme the Councillors were in effect assenting in deception and possible illegality. The Chair commented that the present parking scheme was bad for Nairn’s image; parking management and other local facilities ought to be part of a properly-considered visitor-management strategy devised in consultation with the local community, businesses and service-providers.

6.3 In further discussion, GS said that the official’s explanation (given at the NAC) for the arrangements relating to reserved spaces at the harbour for sailing club members was neither credible nor transparent. He was surprised that Councillors had not queried or challenged it. This led to a number of personal comments directed at the conduct and judgement of the Council official responsible (Manning) and his engagement on social media. Some called for him to be censured or disciplined. Cllr Oldham remarked that this was unlikely: Manning was well-regarded by his managers because his initiatives generated substantial income for the Council across the whole Highland region. This was met with incredulity. It was pointed out – not entirely in jest – that drug-dealers and fraudsters made a great deal of money from clever schemes and improper and illegal activity; that did not make their conduct acceptable.

6.4 In summing up the discussion, the Chair noted that several very serious criticisms and allegations had been made about the promotion and implementation of the scheme and about the approach and conduct of the official responsible. There were clear grounds for a formal complaint. ***It was agreed that NW&SCC would write to the Council accordingly. (Action JN/AN)***

(ii) Harbour toilets

6.5 JN said it was surprising that the NAC considered it necessary to conduct a feasibility study. There was nothing intrinsically difficult about public toilets, which were an essential facility, and as the Council already manages 75 or more toilets across the region, it should have ample experience and knowledge. Why was the Council not drawing on existing models of funding and best practice from elsewhere (eg Skye...)? On the question of funding, Cllr Oldham explained that the cost of the feasibility study would be met from a Place-Based Investment Fund allocation and would not be borne by the Common Good Fund [however, any “additional” costs will be charged to Nairn’s Common Good].

6.6 In response to comments that public toilets were important for public health and for tourism, and that a delay of a year or more pending the completion of a study was unacceptable, Cllr Oldham referred to his support for a “comfort scheme” utilising toilet facilities in shops or other local premises in the town.

(iii) Community food growing

6.7 Similar surprise was expressed over the NAC decision to draw down £18,000 from the Common Good Fund for another feasibility study into local food-growing. BS recognised that such activity was topical and aimed at promoting self-sufficiency and “green” objectives. But a study – at substantial cost to the CG Fund – seemed unjustified. Not only was there considerable local expertise and knowledge already available from local voluntary groups such as the Allotments Society, but the Council itself had recruited employees whose job-specification was to devise, develop and deliver community food growing. Why were these employees not undertaking this work? How were similar studies paid for in those communities without Common Good Funds? It was inappropriate to draw down CG Funds, and/or to pay outside consultants, for work which Council staff should be doing. The comment was also made that the £18,000 earmarked for a study would pay for a great deal of food or planting....

(iv) Local CG management group

6.8 BS recalled the unambiguous commitment made by Councillors in early 2022 that a local advisory group would be set up to provide community input on CG management, and NW&SCC’s formal support for this recorded at Cllr Green’s request at the August CC meeting. Yet here were three important matters (parking, toilets, food-growing) on which decisions had been made and expenditure committed from the Common Good without any local consultation. He argued that no decisions should be made on CG assets or expenditure until a local group was established and involved. Cllr Oldham explained that officials were preparing a report and recommendations which would come forward to the NAC for a “CG Community Engagement Group”. He was not able to say whether, when or how the local CCs or other community groups and representatives would be consulted about the remit, terms of reference, or membership of the proposed group.

(v) Monitoring of CG expenditure

6.9 As a direct follow-on, JN drew attention to the spreadsheet accounts of the Nairn Common Good. Councillors had already indicated that the summary reports submitted to the NAC were inadequate and lacking in detail. A detailed scrutiny of the accounts revealed significant charges to the CG Fund which deserved explanation. She cited in particular

- the substantial payments (some £17,000) made towards the employment of the CG Officer in 2021, for which there was no indication of how and on what basis the amounts were calculated;
- the recurrent payments for the “Riverside Park public toilets” - which were understood to have been leased out and were not available or operated as a public facility;
- charges against the CG Fund for conducting the second consultation on disposal of Sandown – a duplicate exercise decided and carried out by Highland Council – and the £1300 payments for promotional activities undertaken by the Third Sector Interface in that context.

None of these appeared to have been drawn to the attention of, or queried by, the NAC. These examples (and there were others) reinforced the case both for Councillors to monitor the CG accounting more closely, and for a local advisory/engagement group to have a scrutiny role.

6.9 Cllr Oldham said that Common Good matters took up a lot of officials’ time, and he spoke in detail about the issues and difficulties related to the Grant Street site. This prompted the response that greater engagement with the local community should facilitate rather than complicate the task: as had been demonstrated during the preparation and review of the asset register, the town’s residents could offer a substantial reservoir of knowledge and information which the Council could tap into. The Chair summed up that with a Local Place Plan and a CG engagement group, local priority-setting and decision-making would be a great deal better.

7. New Academy and possible Library relocation

7.1 GS said that against the background of wider economic challenges and the pressure on the Council’s capital programme, there was serious concern about the prospects for the new Academy. A meeting of stakeholders was likely to take place on 6 December (he and AH planned to attend). On the future of the Library, which Councillors had agreed to keep in view, nothing to report.

8. Developer Contributions

8.1 JN recalled the earlier discussions and the correspondence with Council officials on this issue. Nine other CCs had also made joint representations to the Council instigated by NW&SCC. The reply from the Council Director responsible (Malcolm MacLeod) had been evasive. But recently a planning officer (Tim Stott) had acknowledged in a briefing to the Black Isle Committee that the present arrangement, whereby DCs were allocated by a closed group of officials including HighLife Highland and based on school catchment areas, was unsatisfactory. A review and report was expected to go to E&I Committee soon, and this might lead to some reform. JN saw this as a welcome result. AN, in the Chair, reminded the meeting that answers were still awaited on the various questions around DCs paid, or due, in respect of the various phases of the Lochloy development. The amounts involved were significant.

9. Vaccinations (and chiropody)

9.1 AN regretted that there had been no progress towards reinstating local delivery of vaccinations at the health centre, despite continuing lobbying at all levels. He drew attention to a recent press article on the subject. It was important to keep up the pressure.

10. Access to the new CAB building

10.1 AN said that there was sympathy and support for the Access Panel's criticism of the design of the new building.

10.2 Cllr Oldham mentioned that the building had been officially named: "Provost Watson's House". He went on to say that he was exploring a number of serious questions around the ownership, title, and management of the building which included matters such as disabled access. He had found it very curious that apparently the CAB "owned" the ground floor, and the Council "owned" the upper floors (such an arrangement would be inconceivable in English property law). It was not clear what legal title or tenancy agreements were in place, nor who was responsible for the surrounding curtilage. BS applauded Cllr Oldham's investigation, noting that the local CCs had raised the same questions several years ago before the project building works had begun, and had received no answers. There were also still questions around the financing of the project.

11. Other matters raised by Councillors

11.1 Cllr Oldham gave an update on the plans for 20mph zones in residential areas. Officials were working on it, in dialogue with others (eg Transport Scotland). But certain roads – eg at Kingsteps – would not be subject to new speed limits.

12. AOCB

12.1 The Spindrift caravan site. JN explained that the current [new] owner was seeking to add a further 24 permanent residential static caravans to the 14 for which the site has planning consent and which are in place. Highland Council planning officials (Mudie) had apparently advised that planning permission for the additional homes was not required... as the site has permission dating from 1981. Local residents had queried this. It appeared that that Council officials, and perhaps the site owner, were confused as between licensing (as a caravan site – which dates from 1981) and planning permission (legally required for mobile homes intended for permanent occupation).

12.2 The issue is of significance not only because of the unreliability or inaccuracy of Highland Council's planning advice. Expansion of the site and the addition of numerous new units has direct impacts in terms of poor road access, flood risk, drainage and sewage, septic tank provision and pollution risk to the River Nairn. It also has implications for parts of the town of Nairn, as Scottish Water has already flagged up that water supply and pressure to Achareidh and other areas will be adversely affected. All these material considerations suggest that full scrutiny and appraisal on the basis of a planning application is essential.

It was agreed that NW&SCC should write formally to the Council to seek clarity and explanation (Action: JN)

12.3 Press coverage. In the light of Donald Wilson's decision to retire as local correspondent for the Courier, all members joined in expressing thanks and appreciation for his interest and reporting on the CC discussions.

13. Next meeting

13.1 The Chair confirmed that there would be no meeting in December because of the Christmas/New Year holidays. He conveyed a suggestion from Nairn River CC for a joint meeting in January (rather than two meetings 48 hours apart). **Monday 23 January 2023** was identified as the most suitable date, and this was unanimously agreed.