

NAIRN WEST & SUBURBAN COMMUNITY COUNCIL

Ordinary Meeting: 7.00pm, Monday 29 Aug 2022 at Nairn Community & Arts Centre

DRAFT Minutes

Present:

NWSCC members:	Alastair Noble (in the Chair) Alan Hampson Joan Noble Kevin Reid Brian Stewart Phill Stuart Graham Stuart Dick Youngson	Others: Donald Wilson (Courier) Hamish Bain (NRCC) Mandy Lawson (NRCC) Veronica McKinnon (NRCC) Alan Calder
(ex-officio)	Cllr Laurie Fraser Cllr Babs Jarvie Cllr Paul Oldham	

Apologies Cllr Michael Green

Absent: Lorraine Mallinson

1. Welcome/Introduction

1.1 The Chair welcomed all those attending. Cllr Green had sent his apologies. There were no declarations of interest.

2. Minutes of previous meeting (30 May 2022)

2.1 The draft minutes (previously circulated by email) were approved – proposed by AH, seconded by JN.

3. Matters Arising (not otherwise listed as agenda items)

3.1 There was brief discussion of the situation regarding the Delnies site. No clear explanation was offered as to how a part of the site could be advertised separately with planning consent for housing when the original planning application and approval was for the whole site and was linked to the delivery of a range of recreational and other facilities. It was suggested that the landowner/developer might be “pulling a fast one”. Councillors Jarvie and Oldham took the view that the landowner/developer was entitled to offer a part of the site separately for sale, and that any development proposals would be subject to a [new, or further] planning application.

4. Financial report

4.1 The new Treasurer was still in dialogue with the bank about arranging for the necessary change of account signatories. Meanwhile there had been no transactions on the account in the past month. The current balance remained at £2219.16. Various invoices (notably for room-hire) were still pending. Once these had been settled, the balance would be approximately £1847. Following the AGM and submission of all the required documentation, It was hoped that the current years' annual grant from Highland Council would soon be credited to the NW&SCC account.

5. Local Place Planning

5.1 AN (in the Chair) spoke positively about Nairn's potential, said that it was important to rectify and learn from the mistakes of the past, called for more investment ("fair shares") in improving local facilities and services and in creating sustainable employment, and reaffirmed the CC's commitment to working constructively with the four new Councillors to achieve these objectives. The production of an agreed Local Place Plan was an essential part of this process.

5.2 BS then relayed to the meeting a request from Cllr Green, who in his capacity as Nairn Area Committee Chair had requested the support of the local CCs for action to deliver a Local Place Plan (LPP) which – in Cllr Green's view – ought to aim at stimulating the local economy, attracting investment, creating local jobs, and enhancing the town as a visitor destination by reviving and improving the harbour area, regenerating the town centre and addressing the inadequacies in infrastructure. All CC members agreed that NW&SCC should express formal support for this approach, which was fully in line with the CC's long-held views.

5.3 In the subsequent discussion, various points were made:

- it was still unclear how an LPP would relate to, or could be reconciled with, the – revised – Inner Moray Firth Local Development Plan which Highland Council was due to publish and which was still heavily focused on large-scale housing development;
- Questions were asked about the actual process for drafting and delivery of an LPP. Who would engage in this? How would the community participate? It was argued that the Nairn & Nairnshire Community Planning Partnership (NNCPP) was not the appropriate body to lead: its members were representatives of public agencies and service providers and not of the local community, it had no planning remit or expertise, its task was to ensure effective delivery of services;
- Infrastructure was highlighted as a priority. The delays and uncertainty over delivery of the bypass raised serious concerns over the prospects for resolving the town's traffic management and access issues. Urgent progress was needed on flood-prevention measures and on drainage, sewage and water-supply problems;
- HB pointed out that the official government guidance on LPPs was very clear. They had to be "community-led". The plan was about "how land is to be developed and used". Local planning had to link into the National Planning Framework. The local Council was under an obligation to accept the input of properly-constituted community organisations.

- Cllr Jarvie said that all sectors of the community, schoolchildren, the less able, the Access Panel, the elderly and others should be included. She urged local residents to respond to the online ‘Have Your Say’ survey (now extended into September) inviting local project-ideas.
- ML emphasised that the task was urgent. Putting forward individual project bids in isolation was not sensible. A coordinated blueprint and agreed priorities were crucial. The Fort William plan had taken years to compile. The risk was that in the time taken to put together a plan, the available project and development funding would be directed elsewhere.

5.4 In response, the Chair noted that the existing models such as the ‘Fort William 2040’ local plan, and the ‘Inverness City Vision’ were useful patterns to follow. These had been largely drawn up by professional planning staff in Highland Council, with funding from HIE, the Scottish Government and the Highland Council and advice from specialist consultants. There was no reason why the same method should not be adopted for a Nairn local plan. The Dornoch plan was also mentioned as an example of a collaborative, community-driven tourism management plan. He added that NICE as the local development trust was ready to engage in the process, as were the CCs.

5.5 BS observed that Cllr Green would no doubt take all this on board. The key point was that there was unequivocal political commitment and a policy decision to take forward an LPP. The principles were clear in the official guidance. The practical details had still to be worked out. It would require professional input from the Council planners and from expert consultants. The arrangements for community participation and engagement would be key. It was not clear how the ‘Have Your Say’ survey would feed into local place planning, as that survey was about bidding for specific earmarked grant-allocations. And sourcing the funding for the production of an LPP would be critical. The next NNCPP meeting (on 8 September) would have to address all these matters.

5.6 Summing up, the Chair said that ***NW&SCC welcomed Cllr Green’s initiative and was fully committed to supporting action to deliver an LPP.***

6. Town Centre Regeneration

6.1 There was no separate discussion of the town centre. Current and pending matters of local concern, including action to revive and support the High Street, the re-use of empty premises, the future of vacant and soon-to-be-vacant public buildings including the former Finance Department, the Old Police Station, and St Ninian’s Church, would all have to be addressed in the context of the Local Place Plan. This underlined the urgency of the task.

7. Common Good

7.1 Again at Cllr Green’s request, BS referred to the announcement at the recent Nairnshire Area Committee that a local Common Good Advisory Group would be established to scrutinise and provide input into the management of Nairn’s Common Good. Cllr Green had requested NWSCC endorsement and support for this proposal.

7.2 ***It was unanimously agreed that NW&SCC were supportive of, and keen to participate in, such a group.*** It was noted that there was a considerable reservoir of knowledge and expertise on CG matters within the CC. All were keen to support the elected Councillors in exercising

effective oversight and management of the town's CG assets. It was understood that proposals for the membership, remit and terms of reference of such a group would be put forward for consultation before the next Nairnshire Area Committee meeting.

7.3 In follow-up discussion, members also **endorsed Cllr Green's call for full and transparent reporting of CG accounts**. Full information was in the public interest. The current [quarterly] summary-reports were an inadequate basis for proper management and policy decisions.

7.4 In further discussion, JN drew attention to the role of the CCs in highlighting the questionable assumptions and decisions over the allocation of revenue from parking on CG sites in Nairn. It was welcome that Highland Council had now accepted that the diversion ("top-slicing") of such revenue into the Council's general operational budgets was inappropriate, and that all revenue would now accrue to the CG Fund. It was recognised that Highland Council budgets were under severe pressure. But we needed to be watchful. The apparent policy of charging costs to the CG Fund wherever possible, and the decision to cease maintenance in lieu of rent, were of concern. This, and the arrangements under which HLH was charging for leisure facilities and splashpad maintenance, needed further review and debate. **It was agreed that this would be pursued at future meetings.**

7.5 Members welcomed the fact that Highland Council had taken note of the outcome of the public consultations on the possible disposal of the Sandown land, and had decided that this asset would not be put up for disposal or development. It was generally agreed that the 2014 development brief was now obsolete, and it was suggested that there should be no rush in putting forward piecemeal ideas for the future of the land. A holistic plan was needed – perhaps based on another charrette. Cllr Oldham observed that this was an obvious matter to be addressed in the context of the Local Place Plan.

7.6 In brief exchanges on the Grant Street site, the decision to explore local lease-options was welcomed as preferable to the earlier proposal to sell off the site.

8. Parking Scheme

8.1 There was lengthy, vigorous, and at times heated discussion of the scheme for charging for parking on CG sites in Nairn.

8.2. JN noted that the dossier of correspondence with officials, together with expert legal advice and other documentation, had been forwarded to elected Councillors for review and action. As outlined at the previous NW&SCC meeting in June, the situation was unsatisfactory in a number of respects:

- it was unauthorised. The scheme introduced at short notice in 2021 was explicitly approved only for that summer season. The NAC had not approved its continuation into 2022;
- it had not been subject to consultation. The initial proposals had been described as a 'pilot' scheme, and the then Councillors had given public assurances that it would be subject to public consultation before the end of 2021. This had not happened;
- the scheme had no legal basis. The Council had acknowledged that there were no valid Traffic Regulation orders underpinning the Council notices which sought to regulate the three CG sites for parking;

- the provision and demarcation of parking bays at the harbour for motorhomes was unsafe. There were serious safety and fire risks in having overnight stays by motorhomes situated so close together. This led to a debate as to whether staying overnight in a motorhome was “parking” or “camping”. JN was firmly of the view that an overnight stay was “camping” as defined by the dictionary. There was a serious issue of liability in the event of any accident. The question as to whether there had been a risk assessment was unanswered;
- the notices and regulations about parking were confusing and contradictory. It was unclear whether payment was voluntary or compulsory. It was unclear whether an overnight stay was or was not permitted, and whether if so a charge was payable.
- the allocation of ‘permits’ at the harbour was challenged. This had apparently been an initiative by officials, in private and unrecorded discussion with unidentified ‘harbour users’, and without the knowledge, authorisation or approval of Councillors. It was not clear who might be eligible for such permits, what the criteria were, or what the justification was. The designation of reserved bays was unjustified. The area should be available for all who sought access to the harbour.

8.3 Cllr Fraser’s suggestion that the CCs pursue this in direct correspondence with officials (Shane Manning....) was firmly rejected. There had already been several exchanges with officials on the subject, and the responses had been inadequate and unsatisfactory. This was a matter of policy, which was the responsibility of Councillors, not officials. It had been agreed at the June meeting to ask elected Councillors to address the issues.

8.4 Noting the various concerns and criticisms of the present scheme, Cllr Oldham asked what the CC actually wanted: was there a desire for an “aire” facility? This led to comments that the harbour was for visitors and recreation and not the right venue for motorhome facilities or overnight stays; that the Maggot was not appropriate as there were other, better uses for that site; and that it was not for the Council or Nairn Common Good to set up in competition with Parkdean and other sites, especially as Parkdean’s extended lease on CG land was supposed to provide for motorhomes.

8.5 HB said it was not for the CCs to prescribe or decide what facilities should be provided or where. Whatever is provided, clear rules and proper enforcement were key. ML added that it was important not to confuse Common Good management policy and parking-planning.

8.6 In answer to Cllr Oldham’s question, BS suggested that the CCs – and local residents – wanted fair, reasonable, pragmatic, professionally-planned and administered arrangements, subject to prior public consultation, with a clear legal basis, appropriate authorisation, based on a coherent visitor-management plan, and with due regard for the particular status of Common Good sites. The present scheme delivered on none of these essential criteria. A serious and comprehensive re-think was required.

8.7 GS observed that local elected Councillors appeared to have been undermined, misled or bypassed by officials involved in promoting the scheme, and that the CCs should offer collective support for action by Councillors to review the current arrangements. ***This was agreed, as was the Chair’s conclusion that the discussion further reinforced the case for a comprehensive visitor-management plan to be prepared and agreed as a matter of urgency (Action: local Councillors)***

9. New Academy (and possible Library relocation – see 9.5 and 9.6 below)

9.1 AH reiterated disappointment that the CCs had been excluded from the earlier stages of planning discussion by other stakeholders, and had only become involved after most decisions had already been made. He was concerned about the quality of the proposed building, given the evidence of failures and snags at other recent new school projects. He was also worried about the already-escalating cost-estimates and the deadline which required completion by December 2025. The risk was that corners would be cut and that Nairn would end up – again – with a defective building delivered in haste. If the building was unsatisfactory, who would be held responsible?

9.2 GS, who had attended the most recent stakeholders' meeting, reported that the funding was not yet fully confirmed. He regretted the past missed opportunities, but argued that the priority was to ensure delivery for the sake of the children and teachers. In his view it was a good project, a sensible layout and a suitable design. There was provision for expansion, and residents' concerns had been taken into account. The deadline was challenging. But the project was "*on track for delivery*". There would be further opportunities for public consultation.

9.3 In the subsequent discussion, HB and others who had attended the meeting and examined the design-plans made various observations. AC was concerned, for example, about the "*inverted roof... and likely drainage problems*". Some believed that issues of access and disturbance, not just by construction traffic but in terms of possible new access roads, remained to be resolved. Funding was also a major worry, as was the availability and cost of the necessary specialist construction skills. ML regretted the lack of joined-up thinking. Not only was there a lack of clarity around the provision of associated nursery/primary capacity, but there was no sign of any engagement or co-operation with UHI who could have been a useful partner.

9.4 In summary, the discussion brought out several policy concerns:

- capacity issues (given the possible further expansion of the town population) and the suitability of the site;
- the design of the building – both quality and configuration;
- access issues and the impact on residents of any new or additional roads;
- the possible inclusion of the library [see below];
- the adequacy of recreation-space and sports fields;
- the scope for a re-think of the purpose and function of the new premises, both in terms of possible linkage with UHI and in terms of wider community facilities – especially if funding constraints affect the delivery programme.

9.5 There was further discussion about the fate and future of the Library. Cllr Oldham described the response of Council education officials on this aspect as "*evasive waffle*". Although space had been earmarked in the design for a library, GS saw this as a multi-purpose space, and the official had described the inclusion of the library as "*not critical*" and "*a matter on which local Councillors will have the ultimate say*" - although it was not clear when, how or where.

9.6 Given the strong local feeling that the Library should remain in the town centre, as evidenced by the public petition, it was understood that Nairn River CC had already written to the Council education official [Campbell]. GS proposed that NW&SCC should make further

representations to Highland Council in support of that petition. ***This was agreed, and GS undertook to take action accordingly.***

10. Local Events

10.1 Following recent public disquiet about the difficulties encountered by the Highland Games committee in arranging the traditional pipe-band procession down to the Links, GS put forward a series of comments about the organisation and management of local events:

- events like the Games, the Book & Arts Festival, the Christmas Lights etc are very important to both visitors and residents;
- a tremendous amount of voluntary/unpaid work goes into making these events successful and a boost for the town and for the Highlands;
- these events have costs, and depend on volunteers but also on external funds and donations;
- it is consequently disappointing that the requirements now being imposed by the Council – in terms of permits and substantial costs – add to the burden and make the task more difficult;
- such events should be organised on a collaborative, partnership basis. But “collaboration” is a two-way street;
- It is reasonable (and inevitable) that the Council should look to local communities and volunteers to step up, organise and deliver events and activities.
- But this should be reciprocal: if volunteers engage, then it is only right that the Council should also contribute, if not financially, then in kind and by assisting/enabling/permitting things to happen rather than raising financial or other hurdles.

10.2 GS proposed that NW&SCC should put together an analysis and recommendations which would identify and propose effective ways to support locally-organised events. ***This was agreed (Action GS).***

11. Vaccination arrangements

11.1 AN gave an update on the exchanges with NHS Highland, whose CEO had written to indicate “... a willingness to work together using the local integrated health care team”. It was not yet clear when, where or how this would come into effect locally: the arrangements for the next round of Covid and flu jabs beginning in September were not yet known. ML pointed out that this was important for Nairn, as a town with a much higher than average % of over-65s. ***It was agreed that the pressure needed to be maintained for effective local delivery of vaccinations (Action: AN to follow up with NHS CEO).***

12. Planning issues: Moss-side

12.1 AN (in the Chair) noted that the recent decision by the South Planning Applications Committee (SPAC) on an application to build a large new house at Moss-side raised some serious questions about the integrity of the planning process.

12.2 Regarding procedure, the Council had eventually admitted that they were wrong to discount the formal representations by the CC as “non-statutory” and “late”.

12.3 In terms of the application itself, the official planning appraisal and report had recognised that in a number of respects – the requirement of HC planning policy on ‘hinterland’ development, compatibility with the existing character of the neighbourhood, the adequacy of the access road and other infrastructure, the configuration of the road junction, the scale and potential use of the property other than as a residence etc – the application was non-compliant with planning policy and principles. Nevertheless the report recommended, on each of these criteria, that an exception be made.... and the SPAC agreed, with little discussion, to grant permission. Questions about the purpose, integrity and credibility of planning policy and guidance were bound to arise if the rules and guidelines could be so easily ignored or overturned.

12.4 Cllr Fraser remarked that he was familiar with the location and the history. He had doubts about the justification for adding another house at the end of the existing very narrow street, and the precedent that it might set for further applications. There was no comment from the other Councillors present.

12.5 The Chair proposed that further representations about the local approach to planning should be made. He would circulate a draft for CC members to consider.

13. Updates from Councillors on other topics

13.1 No other information was offered.

14. Questions/comments from the public

14.1 There were none (other than the comments already noted under previous agenda items).

15. AOCB

15.1 No other matters were raised.

16. Next meeting: Monday 19 September at 7pm in the Community & Arts Centre