

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

3.1 Traffic and speeding on A96. The Transport Scotland response declining to take action had been forwarded to the local resident who had raised the issue.

3.2 Parking in Rowan Place. In response to the resident's complaint about neighbours' obstructive parking, the Highland Council official responsible for traffic management (Manning) had replied advising that the Council "resisted any regulation of residential roads" and suggesting that the local residents raise their concerns with the local Area Roads team. This message had been forwarded to the resident concerned.

3.3 Air quality and exhaust emissions. A resident of Douglas Street had raised concerns. A request for up-to-date monitoring had been relayed to the Ward Manager, following earlier representations made in 2021. An interim reply had been received saying that an update from the Council officials responsible was still awaited.

3.4 Speed warning signs ("smiley faces"). The mention of traffic management prompted a question about previous requests. A smiley-face sign had been installed along Lochloy Road, but no action had been taken to install a sign on Seabank Road and expand of the 20mph limits in residential areas to deter 'rat-running', both matters raised with the Council in 2020 and 2021.

Action: a follow-up reminder would be sent to the Ward Manager (BS).

3.5 Flood prevention (carried forward from Oct/Nov 2021 and Jan 2022). Not discussed. Still no response or update from Councillors or NNCPP on local action.

4. Financial Report

4.1 There had been no transactions since the January meeting. The NW&SCC account had a balance of £2219.16. Arrangements would be made to update the signatories of the bank account.

4.2 A message had been received from the Nairn Rotary Club, in conjunction with the Lord Lieutenant, about a proposed picnic event to mark the Queen's Platinum Jubilee. NW&SCC expressed support for the idea but noted that the CC was not able to make a financial donation.

5. Nairn Town Centre

5.1 The Scottish Public Service Ombudsman's Report had concluded that the Council had failed to follow proper procedure in the decision-making and funding arrangements for the new housing and office block in the town centre. A statement had been issued by both CCs (copy attached) welcoming the verdict, calling for reform and for those responsible to be held to account.

5.2 In brief discussion about future opportunities to regenerate the town centre, some concern was expressed about the prospect of relocating the library and the possible loss of car parking space (see para 11.3 below); about the eventual fate of the listed Italianate school building – currently used by the Council Finance department; and about the need to develop an integrated plan for the revival and re-use of empty or under-used premises in the town centre as a matter of priority, especially as there was funding available from the Place-Based Investment Fund and other sources.

Action: to be taken forward in discussion at the NNCPP and as part of Local Place Planning.

6. Sandown: the further consultation

6.1 The additional/second consultation had closed. NW&SCC had reiterated their objections to disposal of the Sandown land, and with River CC had also co-signed a joint letter to the Council's Executive Chief Officer responsible for Nairn, pointing out a number of deficiencies in the organisation, publication and procedural management of the second consultation which rendered the exercise unreliable, unsatisfactory and invalid.

Action: There had been no acknowledgement or response. This had been drawn to the Ward Manager's attention: he had undertaken to follow up.

7. Other Common Good proposals

7.1 Maggot waste disposal point. The planning application, to which both CCs had objected (and on which ParkDean had not been consulted) had been withdrawn without explanation. NW&SCC had written to ask the Council what alternative arrangements or locations for motorhome waste disposal were being examined, and seeking confirmation that the funds earmarked for this would be spent on providing or improving visitor facilities in Nairn and not reassigned elsewhere.

Action: There had been no reply; but the Ward Manager had advised that a report to the 1 March Nairn Area Committee on "Motorhome Infrastructure" was in preparation and that an update would be provided thereafter.

7.2 Grant Street Store & Yard. A written response to the current consultation was agreed: it objects to the proposed disposal by sale and recommending instead a full evaluation of alternative options, eg offering the site to community applicants for rental/refurbishment.

Action: response to be submitted by 10 March deadline (BS)

7.3 James' Kiosk. A written response to the consultation was agreed: it supports the lease-extension, subject to appropriate conditions regarding subletting, renewal and reversion.

Action: response to be submitted by 11 March deadline (BS).

7.4. BMX track/cycling coaching on the Links. The main points of concern raised at the January meeting had been fully reported to the Ward Manager on 27 January, who had responded saying our views "had been noted".

7.5 A lengthy message from the cycling club president, commenting on the record of discussions at the January NW&SCC meeting, had been circulated to members. In discussion it was again argued that the priority should be to revive and expand the well-established cycle tracks and dedicated facilities at the Riverside, rather than to relocate coaching activity to the Links. It was noted that much of the equipment, signage etc at the Riverside had been removed [by the Council?]. Questions were also raised about possible alternative venues for additional cycle-coaching – such as the Cemetery Field and/or the Boath Park recreation ground. Both were near the Riverside; both offered the grassy slopes that were said to be desirable; and neither was subject to the same extensive and significant demands from multiple users and visitors as the main Links area.

7.6 The arrangements for use of the cricket field and the ‘seven-a-side’ football were mentioned. It was pointed out that the football was only occasional, and on the eastern part of the Links which was less heavily used by other residents and visitors; and that the cricket field was a dedicated part of the Links to which the club had rights of access which dated back more than a century and which were the subject of a formal agreement and annual payment.

7.7 Cllr Fraser’s view that the number of cyclists was unlikely to be large, and that it was sufficient to “wait and see”, attracted no support.

Action: it was agreed that an acknowledgement be sent to the Cycling Club president responding to the various comments he had made (BS).

7.8 Harbour Street toilets. Extensive discussion had taken place at the Nairn River CC meeting. There was wide consensus that restoring the toilets and bringing them back into use was a priority, and considerable scepticism about the cost-estimates that had been mentioned. The Council was under an obligation to make good the dilapidations and restore the toilets to satisfactory condition before handing the building back to the Common Good. Cllr Fraser indicated that studies and a survey were to be undertaken. In discussion the point was made that public toilets were an important facility especially for visitors and tourists, so the timing was urgent. It was essential that they were refurbished and reopened ahead of the summer season.

Action: with Highland Council and Ward management.

8. Leisure & Recreation Spend and CG rent/maintenance

8.1 Splashpad costs. The Council had acknowledged that £25,000 had been wrongly debited to the Common Good Fund rather than to Council budgets – apparently as a result of “miscoding”. It had been confirmed that the money would be refunded. This case had highlighted the inadequacy of existing reporting and scrutiny by the Area Committee which, it was hoped, would be improved.

8.2 HLH management fees and “double charging”. The situation described in January (see 8.1 of January NW&SCC minutes) had still not been explained. The Council’s service delivery agreement with Highlife Highland under the Public Service Obligation paid for facilities-management, region-wide, at a cost of some £16m pa. Yet HLH had also been billing the Nairn Common Good some £6-7,000 annually for the same service (and was now seeking some £15,000 pa to manage the splashpad, as successor to the paddling pool) apparently under a separate and “pre-existing” agreement. A copy of this agreement had been requested, but not yet produced. It was noted that the Council had a statutory duty to provide and maintain leisure & recreation facilities, and did so across the region – yet only in Nairn was the local community (via the Common Good Fund) charged additionally and directly by HLH for such services.

8.3 It was also pointed out that the Council normally either paid rent for use of Common Good assets, or provided maintenance in lieu of rent. Yet in Nairn the Council paid no rent into the CG fund, and were not maintaining the assets, but were in fact charging costs to the CG Fund. This was inappropriate and unacceptable.

Action: Letters had been sent to the Council CEO on 8 December and 11 January on these issues. A reply, promised in January, had not been received. According to the Ward Manager, a reply was in preparation which would appear “this week or next”. Further representations to the Council seemed likely to be required; and a formal request under Section 101 of the 1973 Local

Government Act for full disclosure and access to all Common Good Fund accounts and records (AN/JN).

[item 13 – taken out of sequence] Developer Contributions

13.1 The mention of HighLife Highland led into discussion of the management and proposed expansion of Nairn’s leisure facilities and specifically the swimming pool. It had been noted with considerable dissatisfaction that Highland Council had published a “Delivery Programme” policy document for the Inner Moray Firth area which assigned all current and future DCs for leisure and recreation facilities from developments in and around the Nairn area to paying for the provision of a dance studio, additional changing rooms, and a café at the HLH swimming pool/leisure centre, at an estimated total cost over 10 years of some £1.5 million.

13.2 It was pointed out that this represented the Council channelling DC funds into its own assets and into the budgets of its own arms’ length organisation. There had been no public discussion of this approach; there had been no needs assessment; there were already high-quality venues for a dance studio at the Community & Arts Centre; and there were several locally-run cafés in the vicinity which would be threatened by a Council-subsidised competitor.

13.3 Comparisons were made with the approach taken by Moray Council (<https://www.forres-gazette.co.uk/news/50k-developer-contributions-invested-in-forres-265762/>) which invited public suggestions and bids, carried out open evaluations of all proposals, and distributed the DC funds from developments across a wide range of local community organisations.

Action: agreement to write formally to Audit Scotland [and others] to challenge the Highland Council approach as unreasonable (AN).

9. Port of Ardersier

9.1 A reply had been received from the Council planners (Scott Dalgarno) on the existing planning consents related to the site. There was no clarification on the question of construction of an incinerator, and it appeared that there were few restrictions on “harbour-related works” such as dredging, despite the proximity to SSSI and RAMSAR sites and the protected status of the Moray Firth marine environment. This raised serious concerns as to whether the spoil from dredging would adversely impact on Nairn’s beaches and shoreline. The message from Dalgarno offered little reassurance, and gave no indication that the Council were monitoring or overseeing whatever work was under way.

9.2 Local community criticisms had focused immediately on the installation of a new barrier fence blocking all access to the ‘secret beach’ and the bothy, and the port owners’ reported determination to prevent all access – as reported in the local press.

9.3 Among the comments from those present, there were suggestions that the financial status and track record of the current [new] port licensee or operator was open to question. There was also concern that the company was aiming to bypass local and regional government planning scrutiny.

Action: it was agreed that Council planners would be asked to monitor and report back on the extent of the work being undertaken and whether it complied with the planning consents granted: that the Council Access Officer would be asked to look into the current situation; and that other agencies including NatureScot and the RSPB would also be contacted (AN/JN).

10. Parking scheme

10.1 A joint letter from Nairn's CC had been sent on 26 January raising queries both about the legal/regulatory basis for charging on Common Good sites, and about the Council's appropriation ("top-slicing") of any revenue. There has been no response. The question of Council provision of maintenance in lieu of rent [as noted in para 8.3 above] was also relevant: the Council was now apparently intending to do neither, and looking to meet maintenance costs from fee-revenue.

Action: *The Ward Manager has undertaken to pursue the matter and prompt a reply.*

10.2 A dialogue is under way with CCs from Wick and other communities elsewhere around the region which are also faced with Council proposals to introduce parking charges and are concerned about issues of Common Good management.

Action: *a virtual Zoom meeting with other CCs is scheduled for 8 March (River CC is hosting).*

11. New Nairn Academy

11.1 Those who attended the 17 Feb 'stakeholders meeting' reported that the proposal to build on the existing site was "a done deal". A contractor had been appointed, ahead of any consultation about the design (which would be 'contractor-led' with no public discussion planned). There was a clear intention to relocate the library into the new building – and a one-week public consultation was envisaged, from 7 March.

11.2 In discussion several key points were made. The current site was not the best location (Sandown would be better). There were concerns about the capacity: evidence from elsewhere, like Culloden where portakabins were being brought in, and the expansion outlined in the current development plan, suggested that demand was consistently underestimated.

11.3 The experience of Wick provided clear evidence that relocation of the library away from the town centre would lead to a significant reduction in usage and issues over public access especially for certain user-groups. Moving the Nairn library and giving up its present leased site would also result in the loss of some 60? town centre parking spaces. This had major implications.

Action: *the meeting concluded that there was little that could be done. Regrettably the plans appeared – once again – to be a fait accompli with minimal consideration of alternatives, inadequate evaluation, and little public engagement.*

12. Local Planning Applications

12.1 Moss-side Road (22/00053/FUL). At least 9 objections had been submitted by local residents. The central concern was that the proposed new building was large, out of scale, and incompatible with the capacity of the local infrastructure. The design was for a very large building (6 bedrooms, 4 parking spaces). This raised questions about its possible commercial use (AirB&B) or subletting. The access road was narrow and could not be widened, there was limited turning space, and questions about the adequacy of drainage.

Action: *NW&SCC as statutory consultee would submit an objection a.s.a.p. [a short extension of deadline, to 28 Feb, has been granted] (AN/JN)*

13. Local Place Planning (and Visitor Management)

13.1 Discussions in the NNCPP offered the possibility of a Local Economic Forum and a framework for a Local Place Plan. Meanwhile the draft proposed revised IMFLDP was already the Council's "settled view" and was expected to be put out for public comment in April. It was not clear where matters stood on the allocation of current and future Place-Based Investment Funding (PBIF) and Visitor-Management Plan (VMP) funding. Documents submitted to the Council's Tourism Committee indicated that Nairn was not seen as a priority destination for visitors!

14. Questions/comments from the public – there were none.

15. AOCB: Seamens' Hall

15.1 In a very brief discussion, it was noted that the case for another "hub" was not persuasive, given the range of existing premises, community facilities and organisations such as the Community & Arts Centre, the Mens' Shed, the Links School and the new CAB. There was also serious concern about the justification for transferring title to a new owner and for seeking public funds from HIE to meet the costs.

Action: the architects and the community-survey consultants had agreed to a Zoom meeting with the two Nairn CCs on 23 February: the outcome would be reported to the next CC meetings in March. As noted in January, this might then usefully be followed by a public meeting to consider how the proposal fitted into the wider vision for the regeneration of the town and to discuss the various priorities for the allocation of Place-Based Investment Funding and other public support for urban revival, destination management, visitor facilities (AN with River CC).

16. Next meeting

16.1 A special meeting has been proposed by the Ward Manager for 10 March** following the interim election, to oversee the appointment of office-bearers and any other relevant business.
[**NOTE: subsequently postponed]

16.2 The next regular monthly working meeting of NW&SCC will be held in public (Covid rules permitting) at 7pm on Mon 28 March, in the Community & Arts Centre.