

NAIRN WEST & SUBURBAN COMMUNITY COUNCIL

ORDINARY MEETING

7.00pm, Monday 24 January 2022 (held virtually on Zoom)

DRAFT Minutes

Present:

NWSCC members: Alastair Noble (in the Chair) *Others:* Hamish Bain (NRCC)
Alan Hampson Mandy Lawson (NRCC)
Ally MacDonald Paul Oldham (NRCC)
Joan Noble Loreine Thomson (NRCC)
Brian Stewart
Dick Youngson (and several members of the public)

Apologies: Lorraine Mallinson
Lewis Hannah (Ward Manager)
Cllr Tom Heggie
Ch Insp Jen Valentine (NNCPP Chair)

1. Welcome/Introduction

1.1 Alastair Noble (interim Chair) welcomed all to the meeting, and advised that the session was being recorded: there were no objections. There were no declarations of interest.

1.2 Apologies were conveyed from Lorraine Mallinson, Ward Manager Lewis Hannah, NNCPP Chair Jen Valentine, and Cllr Tom Heggie. No other local Councillors were in attendance.

1.3 Tributes were paid to the late Rosemary Young OBE, former Chair of Nairn West CC, who had passed away in December. She was described as an inspiring colleague and a community champion who had campaigned tirelessly to promote and improve the town. Former Highland Councillor Graham Marsden had also passed away recently and was remembered as a sympathetic and supportive representative of the community.

2. Minutes of previous meeting (29 Nov 2021)

2.1 The draft minutes (previously circulated by email) were approved without amendment.

The minutes were adopted (proposed by AH, seconded by AN).

3. Matters Arising – and website queries (not otherwise listed as agenda items)

3.1 Traffic and speeding on A96 and parking on Moss-side Road. Local residents' concerns had been communicated to both Highland Council and Transport Scotland. The latter had responded, commenting that they saw no reason or scope to make changes to the A96 speed limit notifications or the layout of the road, junctions, pavements or crossing arrangements. No response had been received from Highland Council regarding Moss-side Road.

Action: the TS reply will be forwarded to the resident who raised the issues (BS).

3.2 Parking in Rowan Place. A resident had submitted a complaint via the NW&SCC website about neighbours' obstructive parking in this cul-de-sac.

Action: It was agreed that this should be referred to the Ward Manager and Shane Manning of HC traffic management department (BS).

3.3 Air quality and exhaust emissions. A resident of Douglas Street had raised concerns. It was noted that in August 2021 both NW&SCC and River CC had requested that monitoring be carried out at key points along the A96 and at junctions such as Leopold Street. The Council had taken no action: the replies pointed to the delivery of the bypass as the solution, and asserted that air quality was 'within government guidelines'. In discussion this latter point was challenged on the grounds that the single reading taken [in 2020] had been very close to the permitted maximum, and that the safe thresholds had since been reduced.

Action: A further follow-up request for systematic monitoring to be submitted (BS).

3.4 Developer Contributions (DCs). The precise details of DC-accounting by Highland Council were still not available.

Action: preparation of a joint CCs letter to Audit Scotland asking for a review and scrutiny (for discussion with River CC).

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

4. Membership and Office Bearers

4.1 The Chair confirmed that Highland Council was now organising interim elections for the vacant seats on NW&SCC and a number of other CCs around the Highlands. In total there were six vacancies on NW&SCC: two seats had been unfilled since the last elections, three members had resigned, and the Council also required co-opted members – NW&SCC has one – to step down.

4.2 The election procedure, set out on the HC website, was outlined. The deadline for submitting nominations is 12 noon on 1 February.

Action: A notification drawing attention to the elections and encouraging candidates to apply would be put on the NW&SCC website (AM with JN).

5. Financial Report

5.1 The ring-fenced funds for the fireworks display of £3261.16 had been transferred to the BID on 8 Dec. The NW&SCC account had a balance of £2219.16 as at 8 December. There had been no other transactions since the last meeting.

6. Sandown: the further consultation

6.1 A letter had been received from Alison Clark (THC) dated 31 Dec responding to the joint CCs letter of 4 October about the additional or second consultation exercise.

6.2 Representatives from NW&SCC and NRCC who had attended the 12 January meeting of the so-called 'reference group' reported on that discussion. It was disturbing that the other reference group members appeared to be unfamiliar with the subject of Common Good and the relevant legislation. None had past experience or knowledge of Common Good issues (some were not local Nairn community members). Most had not read or reviewed the responses to the first consultation. The group was unaware that there were differing versions of the online questionnaire form. Several were unclear about the task and responsibilities of the group: some appeared to believe that the consultation exercise was designed to mobilise support for the development of more housing. It was felt that this was deeply unsatisfactory.

Actions: It was agreed that each CC should respond to this second consultation reiterating the objections submitted in the first (Jan 2021) consultation on the Sandown land (BS).

It was also agreed that a separate joint letter (already circulated in draft) be sent to the Council pointing out the procedural deficiencies in the organisation, publication and procedural management of the second consultation – defects which rendered the exercise unreliable and thus invalid (BS with NRCC).

7. Other Common Good proposals

7.1 Grant Street Store & Yard. Considerable concern was expressed about the fact that in the public consultation on the future of this Common Good site the Council had proposed only one option: the disposal by sale. In discussion it was pointed out that there was extensive and clear evidence of local interest from a number of different community groups and businesses in renting and refurbishing the property. The possible presence of asbestos as a constraint on repair or use was raised: it was noted that the Council had commissioned a survey, and any tenant or future user would be expected to seek specialist advice as required.

Action: NW&SCC to prepare a consultation response (for approval at Feb meeting to meet the 10 March deadline) objecting to the sale by disposal and recommending an evaluation of alternative options, eg offering the site to community applicants for rental/refurbishment (BS).

7.2 James' Kiosk. The proposal to extend the lease-period and to grant occupancy of a small additional area of adjacent land at a proportionate increase in rent was generally supported, on the grounds that it was desirable to treat tenants of CG sites consistently and fairly (other tenants such as the Strathnairn and the SunDancer already had leases of 30 years or longer) and that the Kiosk operation was a local business which significantly enhanced the Links as a recreational area and

provided a service to both residents and visitors. It was noted that provided the lease agreement was suitably drafted, there should be no risk that a longer lease would convey any permanent rights of occupancy or ownership and that the agreement should incorporate a renewal or reversion condition to safeguard the CG ownership of the site.

Action: Draft CC response to be prepared, supporting the lease extension, for approval at the Feb meeting and submission by the 11 March deadline (BS).

7.3. BMX track on the Links. There was considerable discussion of this topic, and a number of points were raised. It was acknowledged that the local cycling group (Revolution CT) did valuable work in promoting cycle use. But there was deep disquiet that this proposal had only been discovered by chance from Ward Business meeting minutes obtained under FoI. Councillors had apparently considered and decided the request to use the Links with no public mention or briefing, no notification to the CCs, and no evident consideration of the potential impact and implications. This was seen as unacceptable. It was extremely regrettable that this proposal had not been subject to any form of public consultation.

The idea that a major part of the open green space at the Links should be ‘coned off’ and assigned for the exclusive use of BMX riders every Sunday afternoon was regarded as inappropriate, and incompatible with the diverse other uses of that recreational area by families, children, dog walkers, and other visitors especially at weekends. The presence of the ‘showies’ for a number of weeks in the summer was also seen as a factor. While it was understood that the organisers had done their own risk assessment, the conclusion that members of the public would have to bear the responsibility for any collision or accident arising from their presence at the site was untenable.

Strong views were also expressed about the environmental impact: with regular weekly activity, BMX bikes would inevitably leave tracks and erode the grassy slopes, inflicting long term damage, as had already become evident at “unofficial” tracks elsewhere around the town.

In conclusion it was pointed out that the case for access and use of the Links by BMX riders had not been satisfactorily demonstrated: there was already a dedicated area at the Riverside for BMX trails and safety instruction. This facility had regrettably been neglected by the Council’s leisure and amenities service. The appropriate and preferable approach should be for the Council to assign resources to the maintenance, upgrading and if necessary expansion of the Riverside site, rather than agreeing that BMX users should occupy an additional location at the Links which would put them into competition and potential conflict with other users of that open space.

Action: The CCs would make representations accordingly to the Ward Manager and local Councillors (BS).

8. **[Leisure and Recreation Spending - taken later in the meeting after item 12. – see below]**

9. **Parking Charges and Motorhome Facilities**

9.1 Maggot waste disposal point. Again, there was lengthy and detailed discussion. Parkdean had advised that they were unaware of, and had not been notified or consulted about, the planning application. They had expressed concern that the proposed “shed” at the Maggot would be located directly in front of their main restaurant and services. They had also pointed out that as part of the

agreement for their occupancy of additional land at the East beach Parkdean provided motorhome facilities there, and that there was always available vacant space and capacity. This led to speculation that charging for the proposed facility at the Maggot would effectively be competing with, or taking custom away from, Parkdean's operations.

There was general opposition to placing a chemical disposal point on the Maggot (and because of the planning deadline an objection had already been submitted saying so). There was however no consensus on an alternative location. Nearby residents, while keen to see the harbour public toilets reopened, had voiced objection to the installation of a chemical waste disposal unit there on the grounds that this would increase traffic. This led into a separate debate about the harbour toilets (see 9.2 below). On the wider issue of the parking scheme, it was agreed that the CC should also write raising a number of detailed questions about the legal and regulatory basis for the implementation of the scheme on Common Good land.

Action: NW&SCC (with River CC) to raise queries and seek explanation of the parking plans. (BS)

9.2 Harbour toilets. Most boat owners required a different (suction pump) facility for waste disposal, so usually got rid of waste at sea and would not use the facility designed for motorhomes and caravans. This led into discussion of the facilities offered at the harbour and at the Sailing Club: it was pointed out that there had long been unhappiness that the Council charged harbour users the same fees as at other harbours in the Highlands while providing fewer facilities and services.

River CC were pursuing a campaign to get the Harbour toilets reopened. The costs quoted by HC for refurbishing (£4,000) and operating the toilets (£31,000 for 6 months) were dramatically out of line with the costs for similar toilets elsewhere (eg Arisaig, £15,000 per year). There were many examples of successful provision of public toilets elsewhere around the highland, many of them provided by Highland Council, some involving local community groups, and many benefiting from grant funding aimed at tourism and rural communities. It was very disappointing that Highland council seemed so reluctant to support, fund and enable adequate toilet facilities in a visitor destination such as Nairn.

Action: The Chair expressed support for River CC's campaign and concluded that this all underlined the urgency of action to devise and deliver a local place plan.

10. Town centre sitrep/update

10.1 The meeting recalled that the process by which decisions had been made and funding allocated for the construction of the large new housing block and CAB offices in the town centre had been highly controversial and that the matter was now the subject of formal investigation and review by the Scottish Government. Since then there had been further examples of decisions taken and funding allocated in similar fashion to favoured projects with no public engagement. Recent indications that the listed former school (occupied by HC Finance staff) might be declared surplus to requirements, and the suggestion to relocate the library, would also affect the town centre.

Action: it was agreed that when the government (SPSO) investigation conclusions were published, the CCs would write to ask what action the Council would be taking in the light of those findings (BS with River CC)

11. Planning for new Academy

11.1 Complaints were again raised that there was little transparency and a lack of information. For the past two years CCs had been excluded from meetings and not briefed or informed. It was suggested that alternative locations – such as Sandown – would be more sensible than building on the current site which was surrounded by housing and restricted by the railway line. There was concern that the planning was for a new school with smaller capacity (perhaps 6-700) when it seemed likely that development would expand the population and generate increased demand. There could be a need for up to 300 additional places. There was apparently no evidence-based forecasting, no review of catchment areas, and little flexibility for future expansion. It was pointed out that government guidance required school provision to be based on current demand.

CC members who had attended the most recent “Academy stakeholder group” had asked whether feasibility studies had been carried out and alternative sites and options assessed. This had been ruled out, on the grounds that there was no time: the existing building needed urgent replacement and the funding had to be spent within a very short timescale. The focus was therefore on the design of a new building on part of the present site. This led to the comment that once again, the Council’s lack of forward planning was leading to another short-term and unsatisfactory proposal.

Action: The Chair concluded that the discussion had revealed serious anxiety and a number of practical issues, which would be conveyed to the stakeholder group at its next meeting (in Feb).

12. Local Planning

12.1 There was no discussion other than a reminder that the draft proposed revised IMFLDP was expected to be put out for public comment in April, and that there was a pressing need to draw up a Local Place Plan.

8. Leisure & Recreational Spend and CG rent & maintenance [taken out of sequence]

8.1 “Double charging”. JN confirmed that Nairn was the only area in the Highlands where the Common Good was charged by the Council for maintenance. She noted that HighLife Highland had been charging the CG fund under what was claimed to be a pre-existing agreement, while also being paid by Highland Council under a management contract. She had requested a copy of that pre-existing agreement and was awaiting a reply. It was possible that substantial repayments (£40-80,000) were due to the CG Fund.

8.2 Splashpad project costs. FoI requests and scrutiny of the Council accounts had revealed that the Council, which had undertaken to contribute £25,000 to the project, had in fact debited the CG Fund for the costs. Highland Council had now said that this was a “miscoding” and that the money would be reimbursed. In discussion the point was made that this was serious, could not be dismissed as a simple oversight, but raised the question of what other costs and charges might have been improperly debited against the CG Fund by “Miss Code”....

Action: JN would pursue the efforts to obtain the HLH agreement documents. It was agreed that NW&SCC should write formally to seek confirmation that the miscoded splashpad costs had been reimbursed, and to request full disclosure of, and access to, all Common Good accounts and invoices in order to ensure that there were no other inappropriate charges.(JN).

8.3 A follow-on discussion debated who was responsible for maintaining the drainage/sewage network under CG land, as the Nairn CGF had borne the cost of such work at the Links. On the one hand it was said that the CG as 'landowner' had to meet the cost; on the other, it was argued that the Council, as the authority responsible for management and maintenance, should do so, and that there was clear precedent in the case of Burntisland CG and Fife Council that this latter arrangement should apply.

13. Questions/Comments from the Public

13.1 There were none other than those raised via the website and recorded under item 3 above.

14. AOCB

14.1 Seamens' Hall. It was noted that recent reporting of the proposed takeover of this historic building by the local Green Hive charity with funds provided by Highland Council and HIE had prompted a number of queries from local residents and demands for a public meeting. The Chair noted that various individual members of the Ccs had been sent personal messages inviting them to submit their views to the consultancy firm which was carrying out a community survey.

Action: the Chair had already expressed interest in meeting with the consultants involved, as had River CC. It was agreed that letters/messages would be sent to both the community survey company and the designer/architect firm asking that they agree to meetings (virtual or physical) with the local CCs. This might then usefully be followed by a public meeting to consider how this 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 etc (AN with River CC).

14.2 Ardersier Port and incinerator. Press reports on the redevelopment of the port appeared to include the possibility of an incinerator to process industrial waste and generate power. To locate such an installation at Whiteness, to the west of Nairn, upwind of the beaches and golf courses, represented a major threat. Incineration of plastics and other material was more polluting than landfill, with risks of the release of toxic fumes and chemicals. Earlier initiatives to establish such incinerators at Invergordon and on the Longman estate in Inverness had been fiercely opposed by those local communities. It would be disastrous for Nairn to have such an installation in the vicinity.

Action: Enquiries would be pursued with the Council as planning authority, with a view to making representations well before any planning application was tabled. It was hoped that local media and other community organisations would draw attention to this issue (JN).

15. Next meeting: to be held in public at 7pm on Mon 21 Feb, in the Community & Arts Centre.