

## Nairn West & Suburban Community Council

Ordinary monthly meeting, 7.00 pm Mon 22 May 2023, Nairn Community & Arts Centre

### DRAFT MINUTES

#### Present:

NWSCC members: Alastair Noble (AN, in the Chair)      Others: Mandy Lawson (NRCC)  
Alan Hampson (AH)      Hamish Bain (NRCC)  
Joan Noble (JN)      Veronica McKinnon (NRCC)  
Brian Stewart (BS)      Alan Calder (NRCC)  
Dick Youngson (DY)

(ex-officio)      Cllr Laurie Fraser (LF)  
Cllr Michael Green (MG)  
Cllr Paul Oldham (PO)

#### **1. Introduction and welcome**

1.1 **AN** welcomed all and conveyed apologies from Cllr Babs Jarvie, Graham Stuart, and Lorraine Mallinson.

#### **2. Minutes of last meeting, 24 April 23**

2.1. The minutes were approved as an accurate record (proposed **AH**, seconded **JN**)

#### **3. Accounts and Admin**

3.1 **PS** (who had presented the annual accounts to the AGM) said there was nothing further to report.

#### Matters arising or carried forward from April meeting

#### **4. Local Place Planning**

4.1 **MG** said that “the building blocks were all in place”. Consultants (PAS) were lined up (there was no detail on the terms or the remit of the contract). Ewen McIntosh of the Highland Council planning staff was assigned to provide support. Funding had been allocated. But the next local meeting (due on 2 June) had been postponed. It would be rearranged “as soon as possible”.

4.2 **AN** stressed that a steering group needed to be set up urgently, and – drawing on the recent dialogue with the Black Isle team – saw the appointment of a local coordinator (the equivalent to Becky Richmond) as essential.

## 5. Common Good

5.1 **MG** explained that the appointment of an additional CG officer had been delayed. The recruitment ad had mistakenly indicated that the post was only open to existing HC staff. Few if any members of the local community had seen or been aware of the opportunity. The post would be re-advertised. This would mean further delay in progress towards the establishment of an CG Engagement Group, which would not be set up until the official was in place; its proposed membership and terms of reference were still not available for discussion.

5.2 In answer to a question, **Councillors** confirmed that the Grant Street site would be offered for sale. **JN** pointed out that it was Common Good by virtue of the Charter, and recorded in the register as such. Sheriff court consent would therefore be needed for disposal. **MG** and **PO** disputed this, on the grounds that officials' advice was different. In discussion of the rationale for sale, **Councillors** argued that the property was derelict and the Council could be served with a repair-schedule notice. This would involve costs and an extra management burden.

5.3 In response **JN** pointed out that the condition of the site was the result of landlord neglect in the 10-15 years since the last lease had expired and was the responsibility of THC. **Councillors** made clear that they simply wanted to get rid of the asset as soon as possible. **MG** added that he would oppose to a Community Asset Transfer if a local group applied; he preferred to secure a capital gain to the CG Fund. **BS** pointed out that neglecting a site in order ultimately to justify selling it off raised ethical questions and had implications for other CG assets.

5.4 **BS** asked whether the sale could be subject to a condition or covenant that the site had to be used for purposes beneficial to the community, in keeping with its status as a CG asset. This was dismissed. **LF** was convinced it would be developed for housing as this would deliver the best price. **PO** noted that the conservation status of Fishertown provided some safeguard against inappropriate development of the site.

5.5 On the possible disposal of the strip of land adjacent to the Seamens' Hall, there was no update.

## 6. Town Centre and SPSO verdict

6.1 **LF** said that the improprieties in decision-making "should not have happened", but that no changes had been, or would be, made to procedures in the light of the SPSO report.

## 7. Parking scheme

7.1 Considerable discussion took place, focused on two main issues. On the queries about the "irregularities" and legal concerns relating in particular to the marking of permit bays at the harbour, the lack of Traffic Regulation Orders and the misleading public notices and official briefings, a response was still awaited from the THC head of legal services (Stewart Fraser).

7.2 This led into a wider exchange about the importance of doing things properly. **PS** reminded the meeting that the local community was not supportive of parking charges. Councillors has endorsed a scheme which was neither clear nor – apparently – legally defensible. The irregularities in the present scheme had put them in a hole: they should stop digging.

7.3 **MG** acknowledged that there was a need for a traffic management plan, but that this was not a top priority. Meanwhile the ‘invitation to pay’, however confusing and poorly presented, was generating income. It was pointed out that the ends did not justify the means. If traffic and parking was to be managed, it should be on the basis of consultation with the community and should be clear, fair and credible.

## **8. Local events funding**

8.1 **AN** proposed that in **GS**’ absence this topic should be deferred. **JN** however insisted that the reply received from the Ward Manager was ‘too vague’ and had not answered the question posed. She wished to see a formal policy statement on the use of the Bandstand (and/or other CG sites) for non-commercial, non-trading, non-fundraising activities by local community groups such as Music Nairn.

8.2 The discussion then diverted into an exchange about where liability and responsibility lay for insurance cover. **PO** took the view that while the Council as CG-managers or “landlord” had to have insurance cover, any user also had to have public liability cover.

8.3 **PS** made the point that there had to be clarity and consistency over the exercise of any discretion over the waiving of charges for community use: it could not be left to the personal choice of a local official.

## **9. Public Toilets/Visitor Strategy**

9.1 **MG** reported that he had met the design team who were working on proposals for the reconfiguring of the public toilets in Harbour street. He gave no further details. **BS** urged that funding should be sought from the various Community Regeneration funds (CCF/PBIF/CLLDP/SPF), as had been done elsewhere: it should not be assumed that the CG Fund should be the default source of finance.

9.2 There was no update on the preparation or drafting of a visitor management strategy.

## **10. Developer Contributions (DCs)**

10.1 **AN** stressed that this was a priority. There were £millions in DCs uncollected or unspent. **MG** said there was no urgency and no need to reassign money. **HC** officials had advised that the funds available did not need to be spent [or returned] until 2036.

10.2 In terms of decisions on the spending or repurposing of the community-facilities element of DC funds, **MG** said that “*the money had been allocated to HC officials – who would talk with developers about how it would be spent*”. He personally was pressing for the Access Officer (Stewart Eastaugh) to prioritise the Coastal Path: Eastaugh’s claim that “landowners were resistant” was no excuse for inaction. **MG** declined to comment on the channelling of DC funds into a HighLife Highland dance studio.

## **11. Spindrift caravan site planning**

11.1 **AN** noted that a reply was still awaited from Malcolm Macleod. **JN** reminded the meeting again of the concerns about the absence of valid planning consent and the fact that additional residential units were being built and sold. The landlord could not seek a licence for more than the

14 units for which he had previous consent. **AN** summed up that it was essential to ensure – in the Council’s own interests – that the planning advice and process was proper and legally valid.

## **12. Vaccination policy**

12.1 **AN** would shortly meet Fergus Ewing MSP and Scottish Ministers. He was pleased that the Inverurie GP practice would not after all be closing. He reminded Councillors that THC was the lead authority for the provision of childrens’ immunisations.

## **13. Road access and safety issues (A96 at Altonsyde)**

13.1 No information on proposed action (eg on speed limits) by Transport Scotland, who were carrying out a survey. **AN** reiterated that the answer was a bypass.

## **14. Delnies development site**

14.1 It was understood that Barratts had acquired the land. **KR** said that they had applied for a building warrant but not yet submitted a planning application. **BS** noted that Council planners were on record as saying that development of that site was ‘inappropriate’. **JN** rehearsed the planning history since 2008, and highlighted the linkage between the consent for housing construction and the delivery of the other “green” elements outlined in the original scheme. There were 38 conditions. To build housing alone would imply that planning consent had been given on a false prospectus.

14.2 **AH** took the view that the landowner’s interest was in selling the site; and the developer would aim to profit and would not be keen to commit to delivery of the rest of the scheme. **AN** reminded the meeting of past examples (Sandown, Nairn South) where Highland Council had been obliged to overrule the advice and decisions of officials and (with community support) defend their position at appeal. **(Action: MG agreed to seek official advice on the planning position.)**

## **15. SSE plans for new high-capacity power lines** *[deferred from last meeting]*

15.1 It was agreed that NW&SCC would submit a comment expressing preference for the most southerly of the three possible routes for the new pylon lines. **(Action: JN)**

### *New topics since April meeting*

## **16. Nairn Academy**

16.1 The latest update was not encouraging. The Nairn PTA was meeting the same evening. The difficulties were financial and political.

## **17. IMFLDP2**

17.1 Councillors were unable to confirm that the Nairn East/Grigorhill supplementary material had been submitted to SG Reporter. **PO** asked for the link to the DPEA website **(Action: BS)**

## **18. Community Regeneration funds**

19.1 E&I committee had decided how to share out the money. The CCF funding was based on length of coastline. Councillors were asked how the "allocation formula" for other funding was decided. (Nairn receives 0.3% of the £2.9m CCF, 4.01% of PBIF/CLLDP/SPF) **(Action: MG to enquire)**.

## **19. Developer Contributions**

19.1 No discussion of changes in policy and procedure agreed by E&I committee.

## **20. Nairn Station footbridge**

20.1 It was agreed that NW&SCC would submit joint comments with River CC welcoming the proposed new accessible footbridge, favouring its location at the western end of the platforms, and calling for the retention, not the removal, of the existing historic footbridge **(Action: BS)**

## **21. Flood prevention**

21.1 **MG** said that the latest official briefing had highlighted the threat to the coastline, the inadequacy of coastal defences and the lack of funds for prevention. **JN** expressed concern about Fishertown. In discussion of the continuing problem of sewage discharge via Combined Sewer Overflows (CSOs) into the river Nairn, **HB** noted that Scottish Water's six-year capital investment programme contained no provision for network-improvement in nairn.

## **22. AOCB:**

### **(a) Brown Bins**

22.1 Reflecting a resident's enquiry, **AN** asked if Nairn's brown bin contents went for composting or landfill. **KR** advised that it went for processing to Aberdeenshire (Peterhead) as the material was unsuitable/insufficient for the local bio-digesters.

### **(b) Access platform to Nairn beach**

22.2 **AH** described the inadequacy of the design and construction of the new beach ramp. **MG** agreed that it was unsatisfactory, and said discussions were ongoing with the contractor about remedying the problems.

## **23. Next meeting**

Monday 26 June at 7.00pm, Community & Arts Centre