

NAIRN WEST & SUBURBAN COMMUNITY COUNCIL

Ordinary Meeting: 7.00pm, Monday 24 April at 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) Rev Steven Manders
Brian Stewart (BS) Federica Stefani (Courier)
Graham Stuart (GS) Donald Wilson
Dick Youngson (DY)

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

Apologies: Phill Stuart
Kevin Reid
Lorraine Mallinson

1. Welcome/Introduction

1.1 **The Chair** welcomed all those attending, and noted the apologies from Phill Stuart and Kevin Reid. There were no declarations of interest.

2. Minutes of previous meeting (20 March 2023)

2.1 The Chair thanked **GS** for drafting the minutes in the Secretary's absence. The draft had been circulated by email. There were no comments or amendments. They were approved – proposed by **BS**, seconded by **AH**.

3. Financial report

3.1 In the Treasurer's absence, **AN** in the Chair reported that there had been no recent transactions. The current bank balance was £2532.63.

4. Local Place Planning

4.1 **MG** announced that Councillors, Ward Manager, HIE and HC officials and NICE directors would meet on 17 May. The meeting would be facilitated by Community Enterprise. The agenda would consist of

- intro/scene setting
- outline of support from statutory authorities THC and HIE
- presentation of LPP strategy/workplan by NICE

4.2 **MG** added that the Ward Manager had suggested a visit to the Black Isle to observe the methods and practice being pursued there. It was also suggested that the LPP project leader from the Black Isle (Becky Richmond, becky@blackislestud.co.uk) might be invited to brief the Nairn team before or at the 17 May meeting.

Action: NICE to contact Transition Black Isle and arrange briefing/visit.

4.3 **BS** asked about the commissioning document prepared for Planning Aid Scotland, and suggested that a copy be circulated to all concerned ahead of the 17 May meeting so that participants were fully aware of the role proposed for PAS.

Action: MG agreed to make the document available.

ML (NICE Secretary) urged the early allocation of funding and support for the setting up and operation of a dedicated website for the Nairn LPP. **AN** commented that he was in regular contact with Nick Wright (planning consultant).

5. Common Good

5.1 **MG** and **PO** said that the formation of a CG engagement group would depend upon the recruitment of an additional 'CG officer' to lead the process. An advertisement had just been published. **JN** argued that it was not for an official (who was likely to be unfamiliar with Nairn's Common Good) to lead or manage the group. **BS** commented that there was no reason why the group – comprising local Councillors and community representatives – could not be convened straight away, as their role was to consider policy decisions; the task of the official would then be to implement the resulting action. **MG** and **BJ** disagreed, and maintained that the official had to be appointed, and the membership and terms of reference agreed, before the engagement group 'pilot' was taken forward. **MG** did not see the task as urgent, and insisted that meanwhile, Councillors and officials would continue to take decisions and administer the CG.

Action: MG agreed to circulate for comment the draft ToRs and membership proposals being prepared by officials.

5.2 This prompted debate around the current disposal-plans. On the Grant Street site, **JN** said that the second round of consultation, and the additional cost to the CG Fund, could have been avoided if all options had been fully considered and identified in the original consultation. For any proposed disposal of CG assets, it was not sensible or acceptable to consult only on a single option which had already been decided. This risked an unnecessary and costly succession of separate consultations on each different possible option.

5.3 There was further discussion of the legal status (inalienability) of the land beside the Seamen's Hall and the inaccuracies in the existing consultation notice. The CG officer had confirmed that as the question of inalienability had been raised, the disposal of the land would be subject to court approval, the costs of which would fall to the buyer of the land.

5.4 **AH** and others queried the proposal to dispose of the land at nil cost, on the grounds that the site had a value. Given the obligation on trustees to secure best value for the CG, other bidders including adjacent landowners should have the opportunity to make offers. **JN** argued that in any case disposal was inappropriate. The CG interest was better served by leasing the land to generate an income stream, as had been the policy with all other recent disposals. Moreover to give the land away free would set a damaging precedent: anyone else who sought to acquire CG land would then look for and expect similar free gifts.

5.5 **MG** acknowledged that past consultations had been flawed and unsatisfactory. It was not cost-effective to run additional or repeated consultations on the same disposal. For any disposal, all possible options should be looked at, costed, and reflected in the published documents. However in the current cases his view was that no re-think was required. The concerns and views expressed should be incorporated in the CC's response to the consultation.

5.6 **JN** reminded the meeting that clarification was still required on the various fees and charges raised by HighLife Highland against the CG Fund. She asked also for confirmation that the income which HLH generated from the putting green was being credited to the CG Fund.

Action: Whether or not the consultation document on the land beside the Seamen's Hall was withdrawn and reviewed, it was agreed that NW&SCC should submit comments on the proposed disposal.

6. Town Centre and SPSO verdict

6.1 **MG** repeated that the SPSO investigation had raised serious issues, but admitted that he had not yet looked at what procedural reforms had been made, or were proposed, by THC in the light of the SPSO verdict. **PO** noted that Councillors were to receive additional training. **GS** asked whether the matter was closed or whether further changes would be made. The Audit and Scrutiny Committee had met on 23 March. **LF** is a member, and **BJ** had attended; but neither was able to indicate what had been recommended or agreed.

Action: LF to check on decisions and action taken by A&S committee, and update next meeting.

7. Parking scheme

7.1 **The Chair** noted that concerns remained about the legal basis, the administration and implementation of the scheme, on which a reply was awaited from THC legal officials; and about "irregularities" in the conduct of the official responsible, which **MG** had undertaken to look into.

Action: the Chair concluded that it was agreed that this "would be escalated".

8. Local events funding

8.1 **GS** outlined the detrimental impact on the financial viability of major local events (such as the Highland Games and the Book & Arts Festival) of the additional and increased charges levied by THC. He also raised the specific issue of charging community groups for use of the Bandstand, and drew attention to the CC's letter of 11 April to Councillors seeking clarification and explanation (copy available online at <https://web-cdn.org/s/94/file/Documents/2023/2023-NWSCC-letter-to-Councillors-Events-Funding-From-Common-.pdf>). He urged that such charges be waived for usage by, or for the benefit of, the community.

8.2 **MG** responded that there was a charging policy and a matrix of fees, and that officials, not Councillors, had the power to waive charges. He accepted that transparency and fairness in the Council's approach were important. He pointed out that THC continued to provide significant practical support in setting-up and clearing-up for the Games, and that the CG fund benefited from the rental income from the 'showies' and the beer tent. **LF** noted that charges for use of the Bandstand were necessary to cover costs such as insurance and maintenance. **PO** added that there were data protection constraints on public discussion of specific cases.

Action: MG advised that in due course the charging policy and its impact would be reviewed.

9. Public Toilets

9.1 In the light of **MG**'s statement a year ago (May 2022) that the Harbour toilets would reopen "soon", an update was requested. **PO** said that an in-house feasibility study was ongoing, and that his proposals for a 'comfort scheme' alternative had not found support from local businesses.

9.2 This led to a question about the progress and outcome of the visitor management strategy (for which funding had been assigned in 2021) which was to have addressed toilets, parking, motorhome facilities and other destination-management requirements. **MG** noted that the official responsible (Colin Simpson, THC tourism officer) had left. He did not know who had taken over the task.

Action: MG undertook to find out and report back on progress with the visitor strategy.

10. Developer Contributions (DCs)

10.1 Following on from the toilets item, **JN** asked why DCs could not be allocated, or reassigned, to the refurbishment of public toilets, unquestionably a greater priority as a community facility than a dance studio. **GS** drew attention to the new 'protocol' for managing and allocating future DCs. This gave Area Committees a role. Did Councillors see this as a step forward and how did they plan to influence the future use of DC funds? **ML** drew attention to the forthcoming revision of Supplementary Guidance on the subject.

10.2 **MG** commented that past management of DCs had been poor and misdirected (he cited the example of Sainsburys and the traffic lights). He noted that THC were already holding a substantial amount (£1.2 million) of unspent DC money. It would be unfortunate if any of this money had to be returned to developers.

Action: MG agreed to look into the matter and to establish what restrictions might apply and what scope there might be to repurpose or reuse the money.

11. Spindrift caravan site planning

11.1 **JN** said that Malcolm Macleod (ECO Development and Infrastructure) had acknowledged and promised a reply to the NW&SCC letter of 1 Dec 2022 seeking clarification of the planning advice given to the owner of the Spindrift site. No reply had been received. The owner was proceeding with the installation of 24 more permanent residential mobile homes on a floodplain site, apparently without planning consent. This could have major and adverse consequences. **PO** said that he believed the Area Planning Officer (Mudie) had replied.

*11.2 [Post-meeting update: There appear to have been separate and parallel communications on the subject. It emerged that the local resident who originally raised the issue had continued to pursue a separate dialogue by email with Mudie. An email from Mudie of 16 December (seen by **PO** but not copied to all) had offered an explanation of his planning advice. This had not mentioned, or been presented as a reply to, the NW&SCC letter.]*

Action: JN to review the 16 Dec email from Mudie and advise on whether NW&SCC should make any further representations.

12. Vaccination policy

12.1 **AN** in the Chair reported that despite strong support from local MSPs and others for a change of policy, there had been no progress. The potential consequences for local GP practices could be catastrophic (he drew attention to the situation in Inverurie). He urged Councillors and the Highland Council to speak up publicly in the interests of the local community.

12.2 **MG** was sympathetic, but observed that if MSPs and others had achieved nothing, there was little prospect that pressure from local Councillors would make a difference.

Action: AN would continue to lobby relevant contacts.

13. McDermotts' Memorial

13.1 The Chair invited **BS** to seek clarification and details of what was proposed. **All four Councillors** declined to engage in any discussion, on the grounds that a decision had been made at a Ward Business Meeting to refer the project proposal for consideration by the Common Good Engagement Group whenever it came into being. It was suggested that there should nevertheless be wider public explanation and description of the proposed memorial to raise public awareness, and that its location on Nairn's Common Good land should not be presumed. These suggestions were also dismissed by Councillors.

Action: BS to circulate briefing note to NW&SCC members on the memorial proposal.

14. Road access and safety issues

14.1 **AN** reported that local residents at Altonsyde beside the A96 had met Transport Scotland officials. It was recognised that the road, the junction, and pedestrian crossing, was "frightening and dangerous". Residents had put the case for a lower speed limit on the main road as a safety

improvement at minimal cost. It was not clear whether TS officials were prepared to consider this. There was general agreement on the need to deliver the A96 bypass urgently.

14.2 **AH** drew attention to the First Minister's latest statement about the delivery of the bypass "at the earliest possible opportunity". This was greeted with profound scepticism.

15. Delnies development site

15.1 **JN** recalled the history of planning consideration and consent for this site, which dated from 2008. There was an explicit linkage between the building of 300 houses as an "enabling" arrangement for the delivery of the various other recreational, green and sustainable elements of this mixed-use development (hotel, golf course, equestrian centre, visitor facilities etc). HC planners has subsequently said that isolated development on this site, some distance away from the town boundaries, would be inappropriate. Nevertheless, THC had granted the developers successive 3-year extensions to planning permission despite local objections. The land had now reportedly been sold [to Barratts]. What assurance was there that the original conditionality on the planning consent would be enforced – would Barratts simply build 300 houses and nothing else?

Action: Councillors agreed to look into the matter and report back.

16. SSE plans for new power lines

16.1 **JN** pointed out that the SSE announcement and maps indicated that the new larger pylon route would go across and affect a number of sensitive sites in Nairnshire (eg Dulsie Bridge). **PO** observed that Cawdor & West Nairnshire CC seemed uninterested, and East Nairnshire CC had lapsed. **BJ** announced that SSE would be holding a public briefing/exhibition between 10 and 12 noon on Wed 26 May at the Community Centre.

16.2 NW&SCC members were asked if they supported, opposed or were neutral about the SSE plans; and if they objected, would they favour aligning with the other CCs along the route who had sent an invitation to join a campaign of opposition aimed at forcing a public enquiry? No opinions were expressed.

Action: for further consideration at next NW&SCC meeting in May.

17. AOCB

17.1 Public attendance at CC meetings. **LF** recommended that CCs should take paid advertising space in the "Courier" to encourage people to attend meetings. Some were sceptical about the 'reach' of traditional press advertising, noting that younger people tended to rely on online sources and both CCs publicised their meetings on their websites and social media.

Action: GS agreed to examine the cost and effectiveness of paid advertising.

18. Next meeting

Monday 22 May, 7.00 pm, in Community & Arts Centre: AGM followed by regular meeting.