**Proposal to dispose, by lease, of an area of common good land to Nairn Sailing Club.**

**What is proposed**

This proposal relates to a parcel of Common Good land of approximately 92 square metres or thereby lying to the north of the boatyard used by Nairn Sailing Club and shown coloured red on the plan below.



The Council is proposing to dispose of this piece of land by changing the current lease to the Nairn Sailing Club to include this additional area. The land will then be sub-let to the Nairn Coastal Rowing Club. The proposed length of the sub-lease is until 2045 which is the current duration of the existing lease to the Nairn Sailing Club and is why the Council is consulting on this proposal.

The Nairn Coastal Rowing Club has been in existence just over 12 months. It has 2 skiffs and a road trailer that require storage which cannot be accommodated within the existing area leased by Nairn Sailing Club. Coastal Rowing is a growing sport and the Nairn Club is keen to build on its current level of interest and continue to provide accessible participation to all in the community at the harbour. It also reflects the sea-faring traditions of Nairn, prioritises and educates about sea safety and has revived the age old skills of wooden boat building.

**Consultation**

Section 104 of the Community Empowerment (Scotland) Act 2015 requires the Council to consult local communities when considering disposing of Common Good assets. This includes where the proposal is to grant a lease of over 10 years. Therefore, before taking any decision, and to inform the decision making process, we are keen to hear the views of the community, in particular:

* What are your views on the proposed disposal by lease of this piece of Common Good land?
* Do you have any views on potential benefits of the proposal?
* Do you have any issues or concerns arising from the proposal?
* Do you have any additional comments?

The Council will take all representations into account in reaching a decision.

Depending on the representations received the possible outcomes are:-

1. The proposal goes ahead. The anticipated completion date will be dependent upon the requirement to seek the Court’s approval.
2. The proposal is amended significantly and a fresh consultation takes place.
3. The proposal does not go ahead.

**Representations**

Consultation closing date – **26 April 2019**

Please submit written representations to:-

Email: [commongood@highland.gov.uk](mailto:commongood@highland.gov.uk)

Post: Sara Murdoch, Highland Council, Headquarters, Glenurquhart Road, Inverness, IV3 5NX

**Additional information**

There are specific regulations governing the management of Common Good. This is to ensure protection for assets held. One such area is where property is considered ‘inalienable’. This means that there is a restriction regarding the property, its purpose is clearly stated in the deed or gift to the Common Good Fund (often specifically dedicated for public use) or it has to be used in a certain beneficial way for a lengthy period of time (time immemorial). Land that derives its Common Good title from the original Burgh Royal Charter is invariably inalienable.

The piece of land that is the subject of this proposal derives its title from the original Burgh Royal Charter and has been used as public amenity land for time immemorial and therefore, is considered by the Council to be inalienable. It will be necessary to seek the consent of the Sheriff Court to any proposed disposal. Any application to the Court will include information about this consultation and the responses received. It will also have an impact on any likely timescales involved with leasing the property should a decision be made to proceed with the proposal.