**NAIRN REPRESENTATIONS AND RESPONSES**

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| **REPRESENTATIONS RECEIVED** | **RESPONSES** |
| **Nairn Links – links, west links, land west of harbour/The Parkie**   1. You raised the need to separate off the areas into different register entries describing the boundaries, areas and locations/sites/units and to ensure all such assets are noted for each area. 2. The boundaries of the area of land known as The Parkie need to be clarified. 3. A request has been made to refer to the Sundancer Restaurant by name on the register. 4. The Toorie monument has not been included on the list. | **Nairn Links – links, west links, land west of harbour/The Parkie**   1. Your comments have been noted and are agreed. The entries will be split into the various sites with descriptions of the boundaries of each site being given. Assets will be listed within each title entry. 2. The Parkie lies generally to the north of Park Street and Shore Street and to the south of the coastal path, its eastern and western boundaries merge with The Links land.   Nairn District Council bought The Parkie in 1983. As the purchase post-dates the abolition of the Burgh in 1975 this will be moved to a list classifying it as Common Good investment property. Unlike the rest of the Links land The Parkie is alienable.   1. The Sundancer is categorised as a restaurant site – there is no need to specify the name as this could change in the future. 2. The Toorie will be included in the asset register entry for its location. |
| **Viewfield House and Estate**   1. Viewfield House and estate should be Common Good as it is thought to have been acquired for public/community use. 2. McLaren Gardens – believed to have bequeathed to the people of Nairn. 3. Was land currently occupied by Police station and Community Centre part of the original Viewfield land? 4. Clarification has been requested regarding the area occupied by the fire station, shops and bus station and whether there are any funds due to the Common Good. 5. Was the money received for the purchase of the land where Viewfield flats are now located paid into Common Good fund? 6. What happened to the ATC/TA huts located on Viewfield estate at the time of purchase? | **Viewfield House and Estate**   1. In 1944 the Nairn Burgh Council wanted to acquire Viewfield for statutory housing purposes but was refused permission by Dept. of Health for Scotland. In 1949 the Nairn Burgh Council was offered and purchased Viewfield House, lodge, buildings and land with the exception of a rectangle in south west corner. This purchase was funded by a loan from one of the Council’s trust funds as approved by Secretary of State, subsequently repaid in full.   In 1952 Nairn Burgh Council 1.62 acres of the land excepted from the 1949 disposition with the assistance of an anonymous donation. There are no purposes for the purchases expressed in either disposition. The Council ran a public competition for suggestions for the use of the land with recreational use being favoured though parts of the buildings were leased to various organisations and land was cultivated for crops and used for allotments (corner next to King St).  Viewfield has been held as general fund property and as Common Good property over the intervening years. **However, as it was not bought for a statutory purpose, does not form part of the trust and was property of the Burgh it is now accepted it is Common Good and will be added to the register.**   1. McLaren Gardens – investigations have discovered that it was not a bequest of a garden but in 1969 the late Henry McLaren bequeathed £2000 to Nairn Common Good with no purpose specified. The Council wished to use it for a practical purpose with one being the creation of a sheltered garden at Viewfield. It is understood that any such garden no longer exists at Viewfield. 2. This land formed part of the original Viewfield purchase in 1949. In 1968 Nairn Burgh Council sold 1.371 acres (currently occupied by Police Station and Community Centre) to Scottish North Eastern Counties Police Board. The sale proceeds were capital receipts to the Public Parks Account.   In 2006 Northern Joint Police Board sold 0.928 acres of this land to Highland Council which is where the Community Centre is located.   1. This relates to the south west corner of land originally excluded from the initial purchase of Viewfield in 1949. In 1952 1.62 acres of this land was purchased as detailed at 1 above with Caledonian Associated Cinemas retaining approximately ¾ of an acre adjacent to King St.   In 1967 Caledonian Associated Cinemas sold the land retained to Shell & BP Scotland Ltd with the Council also selling 0.741 acres of the attached Viewfield land to the same purchaser. The purchase price was also received into the general fund Public Parks Account as detailed in 3 above.  In 1967 Shell sold the area for the bus station to Highland Omnibus Ltd.   1. In 1980 Shell sold the land they had purchased except for the bus station site to Highland Regional Council. This post-dates 1975 and is not Common Good. This area of land was sold by the Nairn Regional Council to Highlands & Islands Fire Board in 1983. No funds are due to Common Good from this purchase.   Viewfield flats are located on the former bus station site. In 1992 Council did not take up offer to buy former bus station site. It was sold to a third party with the shops and café being sold to the tenants. In 2013 the Highland Council bought the former bus station site (except shops & café) for the flatted development. There are no funds due to the Common Good from these transactions.   1. In 1949 a number of the huts were removed except for those being used by ATC which Ministry of Works would be asked to remove when ATC moved to new premises in Lodgehill Road. In 1952 the Nissen huts on site were considered to be in poor condition and were removed. |
| **Society St & Grant St garage stances**  These have historically been referred to as Common Good assets and should be included in the register. | **Society St & Grant St garage stances**  Stances created when Nairn Burgh Council demolished ruinous hotel & houses in 1955. The properties were in the ownership of heirs of James & William Davidson but subject to a security to Trustees of Nairn Hospital Trust. An attempt by Nairn Burgh Council to buy in 1943 was refused by one of heirs. The security was never discharged. The stances were let by the Council at low rent on understanding it was at occupiers’ own risk as Council did not own the land. **These have never been Common Good.** |
| **Grant St workshop & yard**   1. What is meant by “unsold residue of Common Good land granted by Charter of King James VI”? 2. What larger site did it form part of and what happened to the rest of the land? 3. Why is this considered inalienable? 4. Who has control of this land and is it leased? | **Grant St workshop & yard**   1. In 2007 First Scottish Searching Services researched the possible title to this property and concluded that the Highland Council is the only party who could claim recorded title to the site. That recorded title being that of the Charter of King James VI registered in the Register of the Great Seal, Book 37, and No. 225. Therefore, it may form part of the Nairn Burgh Charter of 1589. 2. The neighbouring plots are described as having been feued from the Links of Nairn in late 1800s. At that time there were a large number of land plots feued but there appears to be no evidence that this plot was one of them. 3. This is part of the land contained in the Nairn Burgh Charter for Nairn’s Common Good and is presumed to be inalienable. 4. The workshop and yard have been vacant for some time. |
| **Marine Road property**   1. Is this the former toilet block building? 2. Description is not sufficient in stating that it is opposite 11 Marine Road when there are other buildings on other locations on the West Links. 3. The Links land is inalienable but is the same the case with the current building? | **Marine Road property**   1. Yes, however it has now been repurposed and has been let for the purposes of a kitchen for food preparation and for an art studio. It is not appropriate to continue to list it as former toilet block. 2. This is not accepted as it is the only building opposite 11 Marine Road however the register will be amended to state “directly opposite 11 Marine Road”. 3. The Court’s consent to a disposal must be obtained when a question arises about a Council’s right to alienate. Depending on the circumstances, the Council’s ability to alienate a building subsequently built on inalienable Common Good land may raise enough of a question as to require a Court application. |
| **River Nairn fishing rights**   1. What is their status as this is not land or property in the usual sense? 2. The description is not sufficiently specific. 3. The rights were not acquired by the Common Good in 1923. 4. What is the status of the River banks? | **River Nairn fishing rights**   1. These are not stated to be land or property but are described as “fishing rights” which is a clear description. 2. The fishing rights are in 2 titles noted as 1) & 2) on list. Further details will be provided of the relevant dispositions transferring ownership. 3. The area of fishing rights referred to as **area 1)** was purchased from Major John Baillie Rose by Nairn Common Good by disposition recorded 5 July 1923. Payment for this is detailed in the Abstract of Accounts for the Common Good account for the year ending 15 May 1924 and they have remained owned by the Common Good ever since.   The area referred to as **area 2)** is not owned by the Council and no claim to title has been made. The fishing rights to area 2) were sold (with the exception of the area previously sold to Nairn Burgh Council) to the Committee of Riparian Proprietors by Millicent Lang Rose by disposition recorded 22 April 1933. The Council leased this area from the Committee. By 1976 there were no members of this committee remaining and the Council agreed to accept delivery of the 1933 disposition and take over the responsibilities though no title was transferred and has administered them together with the area they own since leasing them in the early 1930s. The register will include the details regarding ownership in the description.   1. The River banks were not included in the 1923 disposition of the salmon fishing rights. |
| **Tradespark Woods**  This area is widely believed to be public open space and Common Good. It was used historically by herdsman to keep cattle before market. | **Tradespark Woods**  As long ago as 1903 these woods formed part of land contained in a notarial instrument in favour of Tyrrell Hastings Clarke so, even if historically used by herdsman (and possibly Common Good), it had passed out of Burgh ownership by this time (1903).  Tradespark Woods were contained in a Notice of Title of Major Cyril John Wilson-Clarke in 1954. He sold this area of woodland to Highland Regional Council in 1988 (subject to an option to buy back in the event of obtaining planning permission over a specified area within the woods, such option exercisable for a 10 year period).  The1988 purchase was after the abolition of Nairn Burgh Council and therefore, is not a Common Good asset. |
| **Ruthven Cottage garden ground**   1. The location, extent and use need to be clarified. 2. Why is it considered Common Good? | **Ruthven Cottage garden ground**   1. The asset register will be amended to read “lying immediately to the north of the subjects known as Ruthven Cottage, Delnies”. The lease by the Highland Council to the owners of Ruthven Cottage contains a condition that it is only to be used as garden ground. 2. Title to this land was researched by independent searchers in 2004 and concluded that this piece of land had never been separately sold and should have been included in the Sandown lands that were the subject of voluntary registration with title being based on the Royal Charter of 1589. This has been done. |
| **Sandown Lands**   1. Description and location of the fields should be more accurately specified and mapped together with clarification on ownership. 2. Is it alienable or inalienable? | **Sandown Lands**   1. Sandown Lands are all contained within a single Registered Title. It is considered that their location is adequately described however the reference to north and south will be added.   The lands were subject of a voluntary registration application which was granted with the basis of title being that of the Royal Charter of 1589. A title plan forms part of the Land Registration. A link to a map of the Highland Council Common Good land and buildings has been requested however there are other current projects ahead of it pending completion.   1. This is part of the land contained in the foundation Charter for Nairn’s Common Good and such land is invariably inalienable as a result. |
| **Clerks Acre**  It is understood that rent/feu duty is paid to the Common Good fund for this property therefore it should be included as a Common Good asset. | **Clerks Acre**  Clerks Acre is not owned by the Council. The Council was the superior of the land until the abolition of Feudal Tenure in 2004. No feu duties should have been payable from this time. |
| **John Street site**  Site pays rent to Common Good so should be on the list. | **John Street site**  This was always thought to be Common Good however investigations have revealed it to be a Housing Revenue Account property. Highland Reserves & Cadet Association was allowed to use the site when old building in King St was sold to the Burgh by Secretary of State in 1969.  The property is not Common Good. |
| **Promenade**  It is believed this was bought in 1948 and should be Common Good. | **Promenade**  The remaining trustee of William Grigor transferred ownership of the Promenade to the Burgh Council by disposition dated 31 January 1949 (recorded 9 March 1949) for no price but in consideration of the considerable expense incurred by the Council in maintaining it. The deed notes the strip of land known as the Promenade was left for the purposes of forming a road for the benefit of the feuars and the inhabitants of Nairn. It is an adopted road (ref: U5455) and is maintained by Highland Council roads department. However, the manner of its acquisition will be reflected by inclusion as a Common Good asset on the register. |
| **Old Community Centre**  This was the former Free Church of Scotland that was bought for community use before1975 so should be Common Good. | **Old Community Centre**  In early 1900’s this site (inc. buildings) was sold in part to Highland Volunteer Artillery Corps and in part to 3rd party. Second part came into ownership of Territorial & Auxiliary Forces Association in 1951. Secretary of State sold all to Nairn Burgh Council in disposition recorded 16 September 1970 but there was no restriction on use. Nairn Burgh Council sold it to Trustees of the Nairn Community Association also recorded 16 September 1970. It was this disposition that included the community use provision. In April 1975 it was sold by the Trustees to the Joint County Council of the Combined County of Moray & Nairn. It was never purchased as Common Good land. |
| **Flowerbed & old toilet at A96 roundabout**  The precise nature of this query is unclear however it is assumed it relates to the status of this area of land. | **Flowerbed & old toilet at A96 roundabout**  Area of land that also included the area of the old toilet (St Ninians) was acquired by Police Commissioners of the Burgh of Nairn in 1891 under the General Police & Improvement (Scotland) Act 1862 in connection with road improvements. Therefore, acquired for a statutory purpose so not Common Good. |
| **Burnstisland Street unspecified site**  A site was mentioned in a list from 1996 so should be located, verified and included if Common Good. | **Burntisland Street unspecified site**  Old files have been fully researched but any reference to a site in Burntisland Street does not include a location so this is impossible to identify. In 2002 there was a piece of land considered to be common land not Common Good land but even that did not give a location. There is a piece of unoccupied land on the general fund account that is technically in Caledonian Street used by residents for parking cars. There is no other information regarding any possible Common Good land on Burntisland Street. |
| **Mill Road allotment site**  Does the Common Good land extend more widely than the allotment site itself? | **Mill Road allotment site**  This site was purchased by the Burgh of Nairn in 1937 from the trustees of the late Mrs Isabella Anderson Jeans or Asher. There is a clear description and plan forming part of the deed and the register description will be amended as far as it is possible to do so given changes in ownership of boundary properties over the years. The deed describes the eastern boundary as being the River Nairn however it is now more accurately described in the register as bordered by Riverside Park which had not been created at the time the allotment site was purchased. |
| **Calfward Gardens**  Where is Calfward Gardens? It was referred to in a 1996 report as being a Common Good asset and should be included in the register. | **Calfward Gardens**   * Calfward Gardens is located at the corner of Mill Road and Church Road. It extends approximately 215 feet along Mill Road from the junction to the allotments and for approximately 125 feet along Church Road from the junction. It formed part of the old field of Calfward that was sold by the Nairn Burgh Council in the mid-1800s. Some of the land remained in the ownership of the Burgh Council but was subsequently sold in 1969 to North of Scotland Hydro-Electric Board. * By 1956 the Council considered using statutory powers to tidy the area at Calfward Gardens. This did not proceed as owners were identified. These owners agreed to give some of Calfward Gardens for road improvements. * In 1978 Nairn District Council purchased a portion of Calfward Gardens for housing. This project was abandoned due to flooding. In 1984 it was planted with shrubs. * The 1978 purchase for housing means that the land is not Common Good. |
| **Foreshore, beaches and land accretion**   1. Crown maps show they do not own the foreshore within the Royalty Boundary. This should be Common Good. 2. What is the extent of the foreshore owned – Links/ East Beach? 3. Accretion – when this happens the land that accrues above the Mean High-Water Mark belongs to the adjacent owner therefore in Nairn this means that all the areas of dunes above the Mean High-Water Mark is the property of the Common Good and should be recorded as such. | **Foreshore, beaches and land accretion**   1. Research undertaken with the assets management team at the Crown estate have confirmed that Nairn successfully claimed the foreshore, specifically the land below the high-water mark, in 1929 with entitlement being based on the Royal Charter of King James VI dated 16 October 1589 thus making it Common Good.      1. The area of foreshore concerned runs from the boundary with Culbin Sands Reserve on the east to a point level with the western boundary of Sandown lands. There is an area around the mouth of the harbour entrance that is in Crown ownership and subject to a lease to the Council. The register will be amended to include the foreshore (including Links and East beaches within the royalty boundary). 2. Accretion due to natural deposit of material would result in that land becoming the property of the adjacent owner however land created by means of man-made reclamation is not treated the same. In that case the ownership boundaries remain as they were before any construction occurred. Given the change in the coast line due to tidal effects over the years together with the reclamation works known to have happened in and around the harbour area (and possibly other areas) it would be virtually impossible to say how much land has or has not passed into the ownership of the Common Good by virtue of accretion. |
| **Harbour area**   1. The extent and location of the boatyard (Sailing Club) site is not specified. 2. There is no information included about the land between the yard and the pier including the site of the harbour car park. 3. Is the Fisherwife Statue Common Good? 4. The Coastguard hut/Harbourmaster office should be included on the register as it is understood that rent is paid to the Common Good for this. 5. Shelter that is in this area should be referred to in the register. 6. Harbour Street toilets should be included as Common Good as they are located on former Burgh land that was part of the old Maggot. 7. The Harbour Street car wash site should be included on the register on the same basis as the toilet site. 8. Flats have been built on the site of the old Sea Scout hut, was this land Common Good? 9. Was the land where Shore Street development took place Common Good? 10. What is the position regarding the land around the marina and along the riverside? It is believed that this would have been Burgh/common land. | **Harbour area**   1. The register gives a postcode, area in square metres and description of bordering properties that is sufficient to identify its location in accordance with guidance.   It is stated that this boatyard is sited on land believed to form part of the Royal Charter – investigations have now confirmed that the foreshore was successfully claimed from the Crown in 1929 (see above). Please see comments about issues regarding accretion and man-made reclamation.     1. When the Burghs were abolished in 1975 the responsibility for harbours passed to the Regional Councils whereas Common Good responsibility passed to District Councils. In 1988 title was completed by Highland Regional Council of 35,950 square metres from the marina in the south where it abuts Harbour Street to the end of the piers in the north including the road to the west of the marina, the land within the sloping masonry wall to the north of the marina, both piers, and the land to the west of the sloping masonry adjacent to the caravan park to the wharf just south of the harbour entrance. Ownership of the riverbed in this area was disponed to the Crown in 1989 and leased back to the Regional Council in 1990.   The harbour car park falls within the land to the north of the marina (and within the 1988 title) that was previously in the ownership of Highland Regional Council therefore is not considered to be on Common Good land.   1. The Fisherwife Statue was erected in 2007 as part of the Highland Year of Culture. It was jointly funded by lottery, HIE and Highland Council Year of Culture funds. No Common Good funds were used. It is not a Common Good asset. 2. The building was erected by Highland Regional Council after 1975. It is now used by the Harbourmaster and falls under the responsibility of Council Community Services. No rent is being taken for this building. Whilst the building is located on land considered to be Common Good as part of reclaimed foreshore (see comments above), it is of a temporary/portacabin construction and would not be classified as a Common Good asset. 3. This is agreed and will be added. The shelter was originally classed as Common Good and has been relocated but is still on land that is considered Common Good as part of reclaimed foreshore (see comments above). 4. A title investigation was prepared in respect of the Harbour Street toilets and concluded that they form part of the Common Good by virtue of the Burgh Charter and are considered inalienable. This investigation noted that there had been dispositions of land in and around the area but that the toilets were not included. The register will be amended. 5. Similarly, to above, the car wash site was not included in the dispositions of land in and around the area and as a result the site would be considered to be located on land forming part of the Common Good by virtue of the Burgh Charter. 6. The area of ground including Scout Hall, Harbour Street was contained in a Charter of Novodamus by the Trustees of Rev Thomas Bain in favour of Trustees of Inverness Area Scout Council recorded 15 June 1992 and disponed by them to a third party in 2001. Thereafter the land was acquired by the developer who built the flats. This is not Common Good land. 7. Much of the land where this development is located had formed part of the land held by the Trustees of the Rev Thomas Bain and had been either feued/disponed in plots or contained in Charters of Novodamus’ from 1906 onwards. 8. See the comments above at 6 & 7 relating to the land where the toilets and car wash sites are located. Also see comment regarding land held by the Trustees of the Rev. Thomas Bain.   As with the toilets and car wash sites, it is possible that small remnants of Burgh land may still exist in this area. However, this is by no means certain and to undertake all title investigations that might be needed to clarify further would be costly and time consuming. Any such land identified during any future investigations will be added to the register when it is reviewed. |
| **Former Old Parish Church (ruined) and graveyard**  Who owns/is responsible for the old Church and graveyard on Church Road and should it be recorded on the Common Good register? | **Former Old Parish Church (ruined) and graveyard**  Church of Scotland (Property and Endowments) Act 1925 vested the graveyard and its contents in the Nairn Council. The position is not so clear in relation to buildings no longer in use or ruined. They may be deemed to be part of the graveyard and thus to fall into the ownership of the Local Authority.  Investigations have confirmed that the Old Parish Church (ruined) is not included on the list of ruined churches still held within the ownership of the General Trustees of the Church of Scotland. Similarly, it does not appear on any Council list of ownership although the listed building entry does show the Highland Council as owner.  It is understood that the Council cuts the grass in the graveyard. As responsibility is pursuant to statutory provisions it is not Common Good. |
| **Site of flats (Riverside flats) and car park on east of river and north of Bridge Street**   1. Does this include the site of the old Shambles? Was this Common Good? 2. What about the rest of the land making up this development? Was this Common Good? 3. Were the sales that took place after 1975 unlawful in light of the fact they did not comply with section 75 Local Government (Scotland) Act 1973? | **Site of flats and car park on east of river and north of Bridge Street**   1. This land did include part of the area of the old Shambles site. This was disponed by the Burgh of Nairn (recorded 1868) to the Police Commissioners for the Burgh of Nairn acting under The General Police and Improvement (Scotland) Act 1862. This was a disposal from Common Good and for a statutory purpose. 2. There were 3 additional parcels of land making up this development – all assessed to be Common Good land by virtue of the Royal Charter.   In dispositions recorded in 1974 and 1980 2 parts were sold to the same construction company (1980 disposition also included the area owned by the Council as stated in 1. above). In 2003 this company sold both parcels of land to a further construction company. Nairn Burgh Council Minutes and Abstract of Accounts and Nairn District Council Minutes have been checked but do not identify the account into which these sale proceeds were paid.  In December 2004 Nairnshire Committee declared that the 3rd piece of land was surplus to Nairn Common Good Fund. In April 2005 full Council approved the transfer of this area of land to the Housing Revenue account who paid an open market value sum to the Common Good Fund. Council then sold this land to Albyn Housing who also acquired the 2 areas of land held by the construction company.  **This land is no longer Common Good land.**   1. Since 1975 local authorities have been required to seek Court approval before disposing of Common Good land where a question of alienability arises. However, an interpretation of the Nairn Burgh Charter had been adopted in 2002 that it contained wording giving the Burgh “special licence” to dispose of property without seeking the Court’s approval. This opinion is no longer accepted and, going forward, Court applications will be made in the event of any disposals of inalienable Common Good land. |
| **Parkland area south of Bridge Street adjacent to east (right) bank of River Nairn**  The John Wood map of 1821 shows this area as part of Burgh lands. It has been continuously used as such since with no evidence of sales. What is its status?  **Prince of Wales Walk** – is this Common Good? | **Parkland area south of Bridge Street adjacent to east (right) bank of River Nairn**   1. Not all of that land was Burgh land, some of it was in the ownership of Sir James Dunbar at the time of the John Wood map. 2. The area of land south of Braehead & Boath Terrace, west of the rear of 11 – 31 View Road and 58 – 64 Macrae Ave, north of railway and east of Prince of Wales Walk was purchased from Sir Frederick George Dunbar by the Burgh in 1934 for a statutory purpose (housing development). **This area of land should not be considered Common Good land.** 3. The area of land between the west boundary of the land purchased at point b above and the River extending from Nairn Bridge to the Auldearn Burn forms part of the unsold residue of the Common Good lands of the Burgh of Nairn. **This area of land is Common Good land** under exception of a small area sold to Scottish Water in 2004 for a pumping station.   The area of land on the east side of River Nairn from the south of the Auldearn Burn to the Howford Bridge is not owned by the Council. Evidence from 1950’s and 1960’s proves that this land was in private ownership at that time. **This land is not Common Good land.**   1. **Prince of Wales Walk** – investigations at a-c above mean that only section of the Walk that remains in Council ownership runs from Nairn Bridge to Auldearn Burn. |
| **Riverside Park**   1. Origins of Common Good status needs clarifying as possibly some of land was part of lands of Millbank and owned by William Mackintosh rather than deriving title from Nairn Burgh Charter of 1589. 2. The extent of Common Good land previously owned by Whinnieknowe Estate has not been separately delineated. 3. Does the southern boundary extend as far as Firhall Bridge? 4. The car park is not on the register. 5. Jubilee Bridge – it was built in 1920 believed to have been funded by public subscription and Common Good so should be on the register. 6. Who owns Firhall Bridge? | **Riverside Park**   1. Investigations of old maps show that Millbank lands lay to the east of Mill Road whereas the Riverside Park area lies to the west of Mill Road.   Research so far has not indicated that any of the Riverside Park land was purchased by Nairn Burgh Council from William Mackintosh. By 1939 when Nairn Burgh Council purchased the old Glen Cawdor distillery site (which now makes up part of the Riverside Park site – see below), the land to the west was already in the ownership of the Burgh. Title investigations have confirmed that the area of land referred as being in the ownership of the Burgh derives title by virtue of being unsold residue of Common Good lands of Burgh of Nairn as contained in the Royal Charter.  In 1939 Nairn Burgh Council bought the old Glen Cawdor distillery site to create a playing field. The land was located at the northern end between Mill Road and the land belonging to Nairn Burgh Council, in the middle between Mill Road and River Nairn then tapering to a narrow strip between the River Nairn and the property known as Whinnieknowe.  Later the same year, the Council decided more land was required to create the playing field. This was eventually achieved via a 1949 disposition by the Burgh incorporating some of the land purchased in 1939 along with existing Common Good. The 1949 disposition also created a trust in accordance with the requirements of the National Playing Fields Association. The creation of this trust for the ownership of this area of land as playing fields means **it can no longer be considered as Common Good land.**  The remnant of the old distillery site(1939 deed) remains as Common Good.   1. In October 1974 Nairn Burgh Council purchased 0.94 acres of Whinnieknowe land. This is the triangular piece of land forming the south end of Riverside Park bordered by riverside footpath on the west, from the rear of the properties known as Allander to Riverway Cottage on the east and the road to the south. There is a condition in the disposition that this land is to be used as a picnic/amenity area only and no buildings are to be erected on it. 2. Investigations do not show that the Burgh land extends as far as Firhall Bridge. The 1939 and 1974 purchases effectively extended the southern boundary of the Burgh land. 3. The car park is not listed separately from the playing fields as it is not considered to be a separate asset however it will be included in the description. 4. The bridge that was built in 1920 was subsequently washed away. The current bridge was built in 1957 and was funded specifically by a loan pursuant to the Public Parks Act therefore this was for a statutory purpose. As a result, this is a Council asset and not Common Good. 5. Firhall Bridge was a pipe bridge and still carries a water pipe. It was improved in 1957 with the assistance of a Department of Health approved loan. This is a statutory purpose and is a Council asset not Common Good. |
| **Land adjacent to west (left) bank of River Nairn**   1. Land North of Bridge Street. Wood map of 1821 shows some of this as Maggot land. The full extent of Common Good land in this area needs to be added to the register. 2. What is the position regarding the land south of Bridge Street? | **Land adjacent to west (left) bank of River Nairn**   1. The 1821 Wood map shows an area of Maggot land lying between William McIntosh yard and Charles Street (adjacent to river). The OS 25 inch 1892-1914 map shows that Charles Street had become Harbour Street and had been moved to the left and buildings had been constructed on some of that land.   See the comments above regarding the area in the vicinity of Harbour Street toilets. It is possible that small remnants of Burgh land may still exist in this area. However, this is by no means certain and to undertake all title investigations that might be needed to clarify further would be costly and time consuming. Any such land identified during any future investigations will be added to the register when it is reviewed.   1. See section above on Riverside Park. |
| **Nairn Dunbar Golf Course**   1. The source and date of the condition about the playing of golf or use for recreation needs to be stated. 2. Ownership needs to be clarified as not all may be Common Good. 3. What happened to the area known as “The Hill” and, if sold, what happened to the proceeds? 4. Have any of the lands been disposed of and, if so, was this legally proper? 5. Kingsteps car park should be included as it is Common Good. | **Nairn Dunbar Golf Course**   1. The original reference for use to play golf was contained in a deed of servitude granted by Sir James Dunbar of Boath in 1898 relating to approximately 62 acres of land. It has subsequently been confirmed in the current lease (1980) between the Council and the Golf Club. The lease also contains the provision that, in the event of it ceasing to be used for golf, the land will revert to the Council for use for games, leisure or recreation purposes for the behoof of the community of Nairn. The Register will be clarified. 2. The current Golf Club area is made up of 3 parcels of land as follows:  * Approximately 40 acres adjacent to the caravan park is Common Good land with title being derived from the Royal Charter of King James VI. This is Common Good land. * Approximately 59.6 acres was former Boath lands over which the Nairn Burgh Council was granted a heritable and irredeemable right for playing golf by Sir Alexander Dunbar in 1898. This land lies between Lochloy Road and the land mentioned above. It was sold by the Trustees of Nairn Dunbar Golf Club to Nairn District Council in February 1980. This is classed as Common Good investment property.      * Approximately 30 acres was former Brodie land which lies to the east of the Common Good parcel of land. It was sold by the Trustees of Nairn Dunbar Golf Club to Nairn District Council in April 1980. This is classed as Common Good investment property.  1. “The Hill” was purchased technically by the Golf Club but conveyed to Nairn Burgh Council from Sir Frederick Dunbar in 1922. It was used as security for an improvement loan to the Golf Club from the Council. It became the outright property of the Council as part of the same transaction that transferred the 30 acres referred to above. When it was sold by Highland Council in 1996 and, following sums deducted that had been paid by the Council on the Golf Club’s behalf, there was an agreement that the net proceeds would be passed to the Golf Club as part of the funding for the new clubhouse development at that time. 2. Since the lease was granted in 1980 there have been several small disposals of land for valid reasons – land adjacent to sewage works, small area for garden ground and new footpath, rights of servitude for British Gas and Transco. All decisions would have been properly made in accordance with Highland Council governance procedures. 3. Kingsteps car park is part of the 30 acres of land purchased by the Council from the Golf Club in 1980. As such it would be considered to be Common Good investment property. |
| **Firth Street (ATC Hut) site**   1. The ATC hut should be on the register. 2. Title and question of alienability needs to be clarified. | **Firth Street (ATC Hut) site**   1. This is recorded on the register as Firth Street site to reflect the fact it is a ground lease. 2. The location of the site is on the Links. Investigations of titles to neighbouring properties show them as being located at the east end of the Links. Therefore, the land is considered to derive title from the Royal Charter of King James VI and to be inalienable. |
| **Church Road Yard**  Title and question of alienability needs to be clarified. | **Church Road Yard**  The plots of land lying to the west of the northern end of Riverside Park and bounded by Church Road and the Rifle Club were originally Burgh land deriving title from the Royal Charter of King James VI and land reclaimed by the Burgh as the river naturally changed course. In 1946 Nairn Burgh Council granted a Charter of Novodamus in respect of approximately 0.10 acre located on the corner bounded by the corner of Church Road and rifle club. This has remained in private ownership since. The remaining 0.08 acre or thereby has remained in Council ownership.  As title is derived from the Royal Charter and reclaimed land any disposal would raise a question of alienability requiring a Court application. |
| **The Maggot**   1. The car park is not mentioned on the register. 2. The athletics track and changing rooms are not included on the register. 3. The past and present boundaries of the land are ill-defined. 4. How far up the east side of the river does the land extend? 5. Does it include the land now occupied by the Riverside flats car park? | **The Maggot**   1. The car park is not listed separately as it is not considered to be a separate asset however it will be included in the description. 2. The athletics track is referred to under description and the changing rooms will be added. 3. Historically the River Nairn split into 2 branches at approximately the point of the current south end of The Maggot public Park. The land within that space is marked as “Towns Property” on the John Wood map   The OS 25-inch 1892-1914 map shows the modern-day location of The Maggot Public Park as falling within the saltings and flood plain contained within High Water Mark for the River in the area opposite the gas works. The current Maggot Road follows that line almost exactly.  The rest of the land to the east and north east was shown at that time to be liable to flooding and extends down to the foreshore. The term “Maggot land” or “Carseland” often refers to a riverside area of flat, fertile land. At the current time part of Nairn Dunbar Golf Course and the Lochloy Caravan Park are located on this land. It all remains Common Good land deriving title from the Royal Charter of King James VI.   1. It extends from Merryton Bridge at its south end to the bridge linking across to the harbour at its north end. 2. Please see entries under heading **Site of flats (Riverside flats) and car park on east of river and north of Bridge Street** |
| **Shaw’s Close (Watson’s Place) car park**  It is believed rent has been paid to Common Good for parking spaces so investigation as to whether it is fully, or part, owned by Common Good needs to take place. | **Shaw’s Close (Watson’s Place) car park**  A plot of land adjoining Harbour Street was sold to the Combined County Council of Moray & Nairn in 1936. This is not Common Good property.  Other properties in Shaw’s Close and Simpson Street were sold to Nairn Burgh Council in 1968 and 1969 as part of the programme of clearance of uninhabitable properties and improvement for that part of the town. Such programmes were governed by statutory provisions at the time. There is nothing contained in the documentation to indicate these were purchased for Common Good.  The proposal to use it for parking was made in 1974 and fell under the governance of Roads Committee. Following the abolition of the burghs in 1975 roads became a function of the Highland Regional Council. Therefore, the assessment from the information considered is that this car park is a Highland Council asset rather than Common Good. |
| **Courthouse/Falconers Lane car park**  This car park was purchased in 1975 with Common Good money therefore it should be included on the Common Good Register. | **Courthouse/Falconers Lane car park**   * The actual purchase of the land was completed in November 1975 (recorded January 1976) after the abolition of the Burghs. In addition, date of entry was 16 May 1975 which was the first day of the new District Council. * However, investigations into the Nairn Burgh Council minutes have confirmed that negotiations had agreed the terms of the purchase by the end of April 1975 and that the land was to be held on the Common Good account pending a decision as to future use. * Correspondence from 1981 has confirmed the car park as still being held on the Common Good account. * The car park will be added to the Common Good register however, due to the actual completion date of the purchase being after the abolition of the Burghs, it will be classified as investment property. |
| **Weather station**  This was historically a Common Good asset. What is its current status? | **Weather station**  Historically the weather station had been sited on the Golf Club land on a grace and favour basis with the weather masters wages being paid by the Common Good fund. This position has not been in existence for some time. The weather station was relocated in 1980 when the club steward’s house was built. In 2015 local area Members were advised that it had been removed a number of years previously as it was no longer in use. Its current whereabouts are unknown. |
| **Monuments**  The following monuments should be included as Common Good assets namely:   * Ardclach war memorial * Auldearn war memorial * Toorie monument * War memorial, Cawdor Street * Straith Memorial * Market Cross * Victoria Fountain * Poet’s Well * 3rd Division Infantry Stone * Dr Grigor statue | **Monuments**   * Ardclach and Auldearn were within the County of Nairn but not the former Royal Burgh. In the absence of evidence to the contrary these cannot be considered Common Good assets * Toorie monument – on the basis that this monument lies on Links land – considered Common Good. * War Memorial, Cawdor Street - this is not erected on Common Good land and in the absence of evidence to the contrary cannot be considered Common Good. * Straith Memorial - this is not erected on Common Good land and in the absence of evidence to the contrary cannot be considered Common Good. * Market Cross – listed monument, moved to present site in 1968. Considered Common Good. * Victoria Fountain – this is not erected on Common Good land and in the absence of evidence to the contrary cannot be considered Common Good. * Poet’s Well – on the basis that this monument lies on Links land – considered Common Good. * 3rd Division Infantry Stone - on the basis that this monument lies on Links land – considered Common Good. * Dr Grigor statue - on the basis that this statue is located on Viewfield land – considered Common Good. * All memorials and statues mentioned are currently managed by the Highland Council Community Services. There is no proposal to change this arrangement. proposal to change this arrangement. |
| **Artworks**   1. There are a number of paintings in the Nairn Courthouse which need investigating to clarify whether any should be considered to be Common Good. | **Artworks**   1. Some of the pictures were gifted and some were purchased. Investigations have ascertained the following information: -  * Painting of Viscount Finlay by Henry T Wells – donated in 1898 with Lord Finlay’s compliments – **Common Good**. * Painting of Town of Nairn from the River (from Jubilee Bridge) – gifted to Nairn Burgh Council in 1969 and believed to be approximately 100 years old at that time - **Common Good**. * Painting of D Sub Section Inverness Battery RHA Palestine (1914-1918) by Seoras MacDonald Telfer – noted to be a gift but no date of gift identified. Artist was born in 1929 so in the absence of any other information it is assumed to be **Common Good.** * Painting of 1st Viscount Finlay of Nairn by George Fiddes Watt – donated by Lady Hayes on 27.06.1989. As this was after the abolition of the Burghs, this is **not Common Good.** * 4 Sketches by Gordon R Archibald – i) Making for the Games, ii) Amusements, Nairn Games, iii) Preparing for the Games and iv) Morning Games Day – these were purchased by Nairn District Council in September 1979. They are **not Common Good.** * The following pictures and ceramics had been some of the entries in the Nairn Art Competition in 1979. * Low Tide by Evelyn Pottie * Jazz at the Links by Maurice Jackson * Early Morning, Nairn by Donald Jack * Links & Bandstand by S Rose Stevenson * Miss MacLean’s by Sonia Stevenson * Wintry Day on the Links by Sonia Stevenson * Nairn from the old Cemetery by Mary Wilson * Cawdor Bridge/Church by Ray Lawson * Dulsie Bridge by Laura E Wilson * The Nairn Bowl 1979 by Muriel McIntyre * Bandstand Mk1 by Muriel McIntyre * Bandstand Fantastic Mk2 by Muriel McIntyre   NB of the 2 Bandstands, 1 is complete and marked 1979 but the other is incomplete.  The funds to purchase these artworks were due to come from the competition income and a bequest fund however there was shortfall that was made up by a grant from the Common Good fund. There was no indication that these paintings were purchased for the Common Good as investments therefore, due to the date of purchase, they are **not Common Good.**   * Court room (line & ink) by Mary Wilson is dated 1979 but was not on the Art Competition list and no other information has been identified however, due to the date, it is **not Common Good.** |
| **General issues**   1. OS referencing should be used in the location description. 2. The asset register should be accompanied by a town-wide OS map. 3. Historical or early maps should also be annexed to the register. 4. Title information – this should include full information of the source, status of the asset, history, donor, conditions etc. 5. The register should state if property is leased/occupied and what the terms or details of the leases are. | **General issues**   1. OS referencing was considered but not adopted. Not everyone is familiar/experienced with OS references. The use of a location based on surrounding streets/identifiable neighbouring land marks together with the postcode is more user friendly. The area of each asset is stated in square metres. The statutory guidance which states the list should “include enough detail about each item to enable members of the public to identify and locate individual assets. The Council is satisfied that its proposed register complies with this requirement. 2. The proposal is to include a link to a Highland Council wide map with Common Good land and buildings shaded in a colour. This will be the most effective way to include all Common Good assets across the Highlands. A request has been submitted but there are currently other projects ahead of it awaiting completion. 3. The historical maps are a snap shot of what ownership was at that time however, the asset register reflects the Common Good property in the possession of the Council now. It is not proposed to provide a link to the historical sites. 4. Full information is included where known but, due to the nature of Common Good property, such level of information is not always available. 5. The proposed register identifies if the assets are leased. It is not agreed that detailed information regarding the lease terms should be included as this is not needed to identify the asset and there may also be issues concerning commercial confidentiality and agreements that need to be taken into account. |