**NAIRN COMMON GOOD**

**PROPOSAL TO DISPOSE, BY SALE, OF GRANT STREET WORKSHOP AND YARD, GRANT STREET, FISHERTOWN, NAIRN.**

**REPRESENTATIONS AND RESPONSES**

1. **Number of responses received**

The public consultation period ended on 10 March 2022 with a total of 9 responses having been received. Responses were received from both Nairn town Community Councils and local residents. In addition, 3 expressions of interest in the property were received. These responses are broken down as follows:

* 2 were supportive.
* 6 raised issues/comments for response with 2 of those not indicating specifically whether they supported or objected to the proposal.
* 1 was a simple rejection of the proposal but no comment.

In addition:

* 3 expressions of interest in taking on the property either by rental or purchase were received.

1. **Representations, questions and issues distilled from the responses received**
2. **Supportive comments received**

The types of supportive comments received can be summarised in the following examples:-

* No problem with selling off this land.
* May be best to advertise for lease or sale then let the trustees (Councillors) decide what would be the most financially beneficial to the Common Good Fund in the long run.

1. **Objections or issues raised for response**

Some representations received raised comments or issues for comment only with others objecting to the proposal and also raising comments or issues.

The issues raised are summarised in the table below.

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| **Questions/issues/concerns** | **Council’s suggested response** |
| The option to lease should have been included in the consultation document. The document states interest in leasing has been minimal but since the consultation commenced there has been significant interest on social media which contradicts this point.  It is understood the Council has not publicised, advertised or offered the site for rent. | The property has not been advertised in recent years as far as the Area Surveyor is aware however, one of the benefits of the current consultation is to raise awareness of the availability of the property. If the property is to be marketed for either sale or rent, it would be via the Council website, Council usual media channels and HSPC.  Although there may have been interest expressed on social media, only 2 parties submitted expressions of interest within the consultation process with an additional expression of interest being submitted directly to the property team. |
| It is wrong to consult on only one option. | The Council is presenting its proposal. The community can make other suggestions within the consultation process which Members will consider and may adopt as part of the decision making. |
| A lease holder might invest in the property at their own expense. This would also support local enterprise. | This possibility is acknowledged however, it is likely any such party would expect a significantly discounted rental in return. |
| There has been no prior discussion with community councils on the future of this asset. The Members have a clear duty to invite and listen to the views of local residents before making any decision and did not do so. | The consultation is the process within which the community councils and the local community can submit their comments which will receive due regard during the decision making process.  No decision has been or can be taken on the matter until the outcome of the consultation has been fully considered by Members at Area Committee. |
| The consultation is not valid because:   * It only offers one option, sale, based on unverified arguments * It was not discussed in public at Nairnshire Area Committee but approved in private at a Ward Business Meeting. * A full range of options aimed at keeping it as a public asset for the sole benefit of Nairn residents needs to be discussed. * No decisions or action regarding Nairn Common Good should take place before the local elections in May. | Responses:   * The Council’s Nairn Area Surveyor is the person qualified to assess the condition of and provide advice on future rental income for the property. * The consultation is an information gathering process and, as such, it is valid to authorise its commencement at a Ward Business Meeting. * Options can be raised during the consultation process and will be given full consideration. * Timetabling alone means this matter will not be considered until the Area Committee following the local elections however, in the meantime, the management of Nairn Common Good will continue as necessary. |
| Any approaches from local community groups, individuals or local businesses to rent the site should be given consideration by the Highland Council. | Currently there have been only 3 expressions of interest received. These have been acknowledged and will be included in the report to Area Committee as part of the overall information received for Members to consider. |
| The consultation document states that, after taking all matters into consideration, Members were of the opinion disposal “might be” the best option. This is hardly definitive. It implies Members have either not done due diligence or only been able to form an uncertain view. | This is not the case. At this stage, this is only a proposal. Members can only be of the view that this *might* be the best option as the outcome of the public consultation has not been considered. Only after full consideration at an Area Committee has taken place can this proposal become a firm decision. |
| There has been no cost/benefit analysis for disposal (in present state) against rental (with a range of options) to generate an income stream whilst retaining the capital asset. Rental/income for a long period, even at a concessionary rent, must surely be better value for Common Good than a one off gain by disposal. | Such an analysis is difficult to produce as, without marketing the site, it is difficult to gauge what the level of interest would be. Therefore, any suggested figures are **highly subjective**.   * The pre-app enquiry indicated residential development *may* be possible. Assuming that to be the case a reasonable capital receipt could possibly be in the region of £45-£50k based on a nearby site. This would only be determined if the site were actually marketed for sale. * Estimated rental figure either in current condition or if cleared are likely to be £1,200-£1,400 per annum based on ground rents in locality and size. * Estimated costs to make property wind & watertight are likely to be £10k. * Estimated demolition costs £12k.   The value in the long term development of the site whether by sale or development lease is debateable. Members will consider the outcome of the consultation and all representations received and will have the scope to amend to consider a disposal by lease if they so decide. |
| * If rented, conditions could be imposed requiring tenant to maintain and restore the property. * Rental could justify the setting of a concessionary rental if to a community group or charity if of benefit to the town. * If sold, conditions could limit “opportunistic” asset purchase – land banking or speculative redevelopment. Protect it from commercial development by keeping for rental housing. | * A tenant will usually take a property in the condition it is in at rental – if a tenant is to restore then maintain the property, it would be reasonable for the tenant to expect a significant concession in the rental figure. * The Council has a specific policy covering this on the website – see below this table for web link. * This would require an economic development burden to be placed on the property, but this could reduce the value of the land. What can or cannot be done on site is largely governed by its planning status and the fact it is within a conservation area. |
| Work with housing association to build housing for young people or families. | This is a possibility, but it may not be of interest to a housing association given the relatively small size of the site. |
| It is a community property and proposals should be put forward for community use. If site was cleared it could be used as a community garden.  It should continue to be used in a way in keeping with its historic usage in the Fishertown area. | Members will consider any suggestions at the decision making stage. However, as part of the Council’s responsibility to Common Good, it must consider strategic and viable use of assets in addition to maintaining the historical aspect. It is understood this can often be difficult to reconcile. |
| The store is built on to the gable of an existing dwelling and, as such, needs to be properly maintained to ensure there is no negative impact to that property. | The store does not physically adjoin the adjacent property. It would be the responsibility of any purchaser or tenant to comply with any legislation pertaining to the neighbouring property. |
| Disposal is a short term option as once it is sold; it is gone forever. The Council should be looking at the long term management of the assets instead. | The proposal being consulted upon is based on a view that retention may not be in the long term interests of Nairn Common Good. However, Members must fully consider all representations received within the decision making and may make a decision different to that contained within the proposal – for instance to dispose by sale or long term rental. |

Policy for disposal or lease of Common Good property for a consideration less than market value

<https://www.highland.gov.uk/downloads/download/1846/policy_for_disposal_or_lease_of_common_good_property_for_less_than_market_value>