**NAIRN COMMON GOOD**

**SECOND CONSULTATION ON THE PROPOSAL TO DISPOSE, BY SALE AND/OR DEMOLITION OF GRANT STREET WORKSHOP AND YARD, NAIRN.**

**REPRESENTATIONS AND RESPONSES**

**Number of representations received**

The public consultation period ended on 17 March 2023 with a total of 11 responses having been received. Responses were received from one of the Nairn town Community Councils and local residents. These responses are broken down as follows:

* 3 were supportive.
* 7 objected.
* 1 was an expression of interest but also contained views on retention of the asset and a preference for action should sale be approved.

With the exception of Nairn River Community Council, the people responding to the second consultation were different to those responding to the first consultation. The nature of the objections to sale are broadly similar in each consultation.

**Supportive comments**

* Local councillors have fully considered the best options and are correct to market it for sale.
* It would make an ideal small housing plot of which there are a shortage in central Nairn.
* Councillors could consider the disposal of other small pieces of land in Nairn for small scale development.
* The site is probably only suitable for demolition and development as a private residence in keeping with the surroundings of Fishertown.
* It could be used for development as a further arts venue although the size of the site and costs of development may make this cost prohibitive.
* It should be sold – the common good has bigger fish to fry and needs the cash.

**Objections or issues raised for response**

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| **Questions/issues/concerns** | **Council’s response** |
| Ongoing reference to Councillors as Common Good trustees. | This is a misnomer – trusts are covered by different statutory provisions to Common Good. Councillors are custodian or managers of the Common Good not Trustees. |
| The decision to consult again has been taken again at a Ward Business Meeting in private. This is not a decision making forum and no minute is recorded. This decision should have been taken in a public forum at a Nairnshire Area Committee. | The requirement to conduct a consultation is a statutory duty. As such, if Councillors wish to propose either the disposal of or change of use of a Common Good asset they must initiate a consultation. This is not them making a formal decision but confirming compliance with a statutory obligation. The consultation process is the gathering of public opinion and views to inform the eventual formal decision by Councillors which is always taken at a public meeting (either Area Committee or full Council). Therefore this consultation has been conducted in accordance with statute and Council due governance. |
| As with the first consultation, the Councillors preference for sale was decided in private at a Ward Business Meeting instead of at a Nairnshire Area Committee. | By way of clarification, whilst in both cases, Councillors may have expressed an initial preference for sale as an option , the first consultation process was formally decided at a Nairnshire Area Committee and Councillors decided against sale and amended the proposal for disposal to lease only. The second consultation has yet to come before Committee for a formal decision to be made. |
| The rationale for the preferred sale option is flawed as it does not fairly reflect that a lease holder will usually invest in the property at their own expense – there are examples of this at other Nairn properties. | The current consultation expressly retains the option to lease the site. As this may require the need to demolish the buildings, either by the Council or a prospective tenant, the consultation also includes disposal by demolition. In the event that disposal by sale is the outcome, it would be on the basis of the site in its current condition. Therefore, the consultation reflects all available options for consideration. |
| There has been no prior discussion with Community Councils on the future of this asset or to take on board the previous detailed submissions. | The consultation process is the statutory forum for Community Councils to currently have input into such matters. The fact that the previous consultation decided against sale in favour of lease after Councillors considered all representations proves that full account was taken of the submissions received. |
| The people of Nairn still await the establishment of a promised community led Nairn Common Good reference group. | This is not directly the subject of this consultation and is in the course of being dealt with separately. |
| The Community Councils made it clear in 2022 that there should be no further Common Good disposals or changes of use considered until the new community led reference group is convened to support Councillors to develop with the community more transparent and consistent practise in Common Good asset management in the best interests of the people of Nairn. | The responsibility for managing the Common Good lies with the Council as legal owner of the property. The request by the Community Councils for a community engagement group in respect of Common Good is receiving attention but aspects such as resourcing such a group have yet to be clarified before progress can be made. The Community Councils do not have the power to insist that the Council delay or withhold any considerations of disposals or changes of use meantime. This would result in a dereliction in the Council’s responsibility for managing the Common Good. |
| Reference in the Community Council response has been made to a lack of information in the first consultation regarding evidence to support demolition or restoration costs. | The first consultation has concluded with the outcome being to lease. Attempts at marketing raised concerns regarding the condition of the buildings. The second consultation document confirms expert advice was sought and confirms the outcome. An approximation of demolition costs was given together with a caveat that this could not be exact unless or until such action was taken. |
| A lessee could invest in this property and improve it at minimal public expense whilst retaining it as a Common Good asset. | That is possible and is the reason the possibility of lease remains available, and the current consultation also addresses the question of demolition. In reality, however, in such cases a lessee will seek a low ground rent to compensate for the level of work required. |
| Until due process is followed at ward level and a new governance group established, any interest to lease Grant Street premises should be considered at Highland Council who must then initiate a proper consultation process. | This is not necessary. The current consultation process complies with Council governance and statutory requirements and is being validly conducted. |
| The site and buildings have been left for over 10 years to become dilapidated with nothing being done and no income generated. This is a dereliction of duties. The building and yard should be reinstated at the Highland Council expense in compensation rather than further costs being incurred by the Common Good fund. | The position is noted regarding the extent of time that this site has been left unattended and no explanation for this can be offered. However, the site is a Common Good asset and the cost of any renovation (and/or demolition) would fall to the Common Good rather than the Council general fund. |
| The small sale income the land will fetch does not justify giving up the land asset. Short term disposal seems like the least long term value for the Common Good | Advice from the Council’s Area Surveyor confirms that the site is unlikely to generate what most people would consider, a significant income for Nairn Common Good. |
| The Fishertown area is of high cultural and heritage value and this building is part of that. | The heritage background of Fishertown is agreed however, the buildings on site are a workshop and some sheds and have no heritage value. |
| Creative thinking could bring it back into use for the community and enhance Fishertown as a tourist area. | Renovating the site would incur costs to the Common Good fund and it is unclear how it could be used for community benefit. |
| Consider a long term lease arrangement. | This was the outcome of the first consultation. It was when it was marketed for lease that the serious health and safety concerns came to light resulting in this matter being reconsidered and the current consultation being commenced. |
| Any sale should be for greater than market value. | Sale price is dependent on a number of factors including prevailing market conditions, prices of similar size sites in the locale etc. |
| The land should not be sold at a low value of £50k. | £50k was an estimation based on a slightly larger plot being marketed in close proximity. See above for comments on what may affect the actual price achieved. Ultimately, the market will decide the value of the plot. |
| The land should be retained for the benefit of local people and future generations. | The Councillors will need to consider what is the best option after having due regard to the representations received within the consultation process. |
| The arbitrary figure of £15k seems a lot to knock down an old shed. | This figure is an estimate based on the Nairn Area Surveyors experience of possible costings and follows advice from an independent Building Surveyor. |
| Common Good should invest in making good the site/installing a new unit and leasing it out. Small industrial units are in short supply in Nairn. | The expense of doing so could greatly outweigh the future income generation benefit to the Common Good fund.  It could take many years to recoup the investment required in the site following demolition and rebuilding an industrial unit thereafter. Cost of rebuilding would be dependent on the type and size of unit suggested.  Based on comparable evidence, any subsequent rental value is likely to be somewhere in the region of £3,500-£4,000 per annum (NB estimated figures only). It is also debateable whether an industrial use is in keeping with the Fishertown area. |
| If the yard is sold, it will no doubt be developed into another holiday home thus contributing to the destruction of community life in Fishertown. | It is possible that, if sold, the site could be developed for a small residence. Planning conditions can have some control over style etc but private or holiday home use would be up to the owner. |
| Sale of this site is short sited. | Councillors will need to balance all factors involved in retaining or disposing of the site in reaching a decision. |
| Prefer it to be retained as Common Good and building renovated. But if to be sold can first refusal be given to a community organisation to keep it as an asset contributing to the community. | This view is noted. |
| Use Common Good funds to clear the site then lease it providing a long term income source while retaining the land within community ownership. | The consultation document confirms the advice received from the Nairn Area Surveyor that leasing the premises in either its current or cleared condition would not generate a reasonable rental income for Nairn Common Good. As a result consideration must be given to how long it would take to recoup the renovation costs from the rental figure received.  Assuming a unit similar to those owned by the Council at Balmakeith were to be built, and taking into account the site clearance costs, it would be likely to take in excess of 30 years to recoup the initial capital outlay. |