

REPRESENTATIONS AND RESPONSES ON THE PROPOSAL TO DISPOSE BY LEASE OF THE FORTROSE GOLF CLUB CAR PARK SITE						
Id	What are your views on the Proposal utilising 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?	Please confirm if you are	Responses
1	This lease should be extended as proposed	The car park is vital for the sustainability of the golf course. If it were not granted, car parking would be haphazard around the area, leading to the potential of accidents.	No	No	Supportive of the Proposal	<p><b><u>Lease proposal</u></b></p> <p><b><u>How the proposed lease terms were negotiated prior to consultation – what does the process involve and who is involved?</u></b></p> <p>The tenant initially approached the Council to express an interest in extending the existing lease. Following review, officers recognised that the current lease terms were outdated and undervalued. To ensure Best Value for the Common Good Fund, a rental and lease assessment was undertaken in accordance with RICS standards, applying both the comparable and profits methods to establish an evidence-based rental level.</p> <p>Subsequent negotiations between the Estates team and the tenant resulted in a draft Heads of Terms, setting out provisional terms considered fair and reflective of current market conditions and modern compliance standards. Local Members were informed of this process and made aware of the provisional terms and therefore were minded proceeding with a statutory common good consultation process.</p> <p>The proposal has not yet been approved, it remains subject to public consultation, Member full consideration at the local area committee, and subsequent court consent prior to the proposal going ahead. The purpose of the consultation is specifically to seek views and feedback before any final decision is made.</p>
2	I tend to support but would like to see greater support for the community being given by the golf club.	Income is welcome.	No not really	None	Supportive of the Proposal	
3	This is a possible form of income and parking charges need to be paid for use	Income generated to help keep beach front tidy	O	No	Supportive of the Proposal	
4	The golf club brings in significant funds for our community each year. We are exceptionally lucky to have such a renowned and high-quality golf club and course in our community. The golf club also provides quality food and drink for all of us in our community. The car park is not only used by golfers but also by community members who are using the bar or restaurant. I strongly believe that the lease should be granted to the golf club.	The car park benefits the many visitors to our community, who spend money at the golf club and local shops. It also benefits members of our community who use the bar and restaurant at the golf club.	No concerns.	I am supportive of the proposal.	Supportive of the Proposal	
5	The golf club is an essential component in the community and the extension should be granted as an absolute priority. The club attracts a significant amount of income for the area and is also a huge leisure asset for the whole of the Black Isle. Without this car park there would be traffic chaos and attendance/income would inevitably diminish. The club is very well run and the common good land is meticulously well maintained at present.	As stated - the leisure aspect for visitor and local are highly significant and cannot be underestimated. The club has an international reputation for its quality.	None.	The granting of this extension should be a formality. This is an excellent use of the land.	Supportive of the Proposal	
6	continue as present arrangement	the land is still available for public use	maintenance of coastal protection barrier	maintenance of the carpark surface	Supportive of the Proposal	<p><b><u>Is the rent set at market rates?</u></b></p> <p>Yes, the proposed terms of the lease have set rent at market rates with 5-yearly reviews.</p> <p>The lease rental and terms assessment were carried out by the Council’s in-house Chartered RICS Surveyor, in accordance with the Royal Institution of Chartered Surveyors (RICS) Red Book standards. This ensures the valuation process meets professional and industry-recognised standards of Best Value. The assessment used both the comparable method (based on evidence from other similar site leases within the Council’s portfolio and wider market) and the profits method (reflecting the trading accounts of the site). The Council holds a wide range of comparable evidence from other Common Good and Council-owned sites, and the proposed Heads of Terms are fully in line with those benchmarks.</p> <p>Future rent reviews will follow the same professional principles, undertaken either by the Council’s RICS-qualified surveyor or, if required, an independent valuer, using RICS-compliant methodologies. This ensures that rents remain fair, evidence-based, and reflective of current market conditions throughout the duration of the lease.</p> <p><b><u>Not enough information in the consultation, lease terms and fee not disclosed – why?</u></b></p> <p>The detailed lease terms and proposed heads of terms were not published as part of the consultation because this information is commercially sensitive. Disclosing it publicly at this stage could undermine the Council’s negotiating position.</p> <p>The consultation focuses on the principle of the lease renewal and proposed use of the property, rather than the specific financial details. Once the proposal has been approved by Members and any required court consent is obtained, the final agreed lease will become part of the public record.</p> <p><b><u>Maintenance responsibilities</u></b></p> <p>The lease will be on a Full Repairing and Insuring (FRI) basis, meaning the tenant will be fully responsible for the maintenance, repair, and upkeep of the entire site for the duration of the lease.</p> <p>This includes all buildings, services, infrastructure, and grounds, as well as compliance with relevant health and safety, fire, and environmental regulations. The tenant will also be responsible for insuring the property.</p> <p><b><u>Alternative proposals and consultation</u></b></p>
7	I have no issue with the Golf Club obtaining a lease of the car park, provided a sensible market rent is achieved.	This will provide funds to the common good fund and in turn benefit the community. The Golf Club currently employs local people and tradesmen. They give back to the community in many ways. Having the car park means they can continue to do this, allowing members and the public to use the car park.	My only concern is that a sensible market rent is not achieved. What is the market rental value?	Who will be responsible for coastal erosion? If the Golf Club is responsible this should be and any percentage written into the lease. Rent should be reviewed on a 5 yearly basis.	Supportive of the Proposal	
8	This carpark facility requires to be maintained as a pay and display to raise funds for the upkeep of the Fortrose and Rosemarkie tourist attractions, eg sea front areas, toilet facilities, rubbish collection etc	Keeping council tax lower and making the tourism sector pay by usage.	I believe that the present agreement doesn’t raise enough money for the community	Start by making all parking spaces to be paid for	Against the Proposal	
9	I feel a full consultation with local people required before granting substantial leases	If the general public can also use the car park then I would be more in favour of the proposal	Lease amount, who is evaluating the market rate and will it increase proportionately?	No	Not sure	
10	I think that the golf club should be given a new lease as the club brings money into the area, and they need that car park.	No	No	No	Supportive of the Proposal	
11	Allow funds created to stay local supporting local causes and infrastructure	This would benefit the community hugely along as rent is significant enough to benefit local causes	Only that the rent should be considered to be true market rate	Please keep this community asset.	Supportive of the Proposal	

12	The car park is well used, not only by golfers club but for access to the beach. As a local (golfer and dog walker) the car park park is usually full and could be expanded. Unaware it was council land	Car park could be larger	Only if not approved, where will golfers park?	None	Supportive of the Proposal	<p><b>Alternative proposals and car parking</b></p> <p><b><u>Why can't the council make this a pay and display for all. Could generate more income. Has this been considered?</u></b></p> <p>While alternative uses could theoretically generate higher income, such options would involve a void period during transformation, planning risk, and some capital investment and ongoing maintenance and possible staff time to monitor/patrol the site. Such costs would need to be borne from the common good fund.</p> <p>The Road Traffic Order to make it mandatory payment or a regulated carpark for invitation to pay requires statutory consultation which takes around a minimum of 12 weeks may be longer if there are objections which would need to be decided at Committee.</p> <p><b><u>Consultation Process</u></b></p> <p><b><u>Common Good Guidance, lack of advertising, why not site notice, timing of consultation</u></b></p> <p>The Council has followed Scottish Government Guidance with regards to complying with section 104 of the Community Empowerment (Scotland) 2015 Act. Section 6 of the committee report details information how the consultation was conducted and advertised.</p> <p>The consultation was launched on the 4 August and concluded on the 29 September and therefore the 8-week statutory period has been complied with. The consultation avoided the summer recess period i.e. when The Council and Community Councils do not conduct business/committee meetings during July.</p> <p>The consultation decision-making process has not yet concluded and therefore what has been put forward for consideration and community feedback is a proposal. The proposal seeks views of the community for the site to continue to be used as a car park for the golf club to which it has been for many years. This will generate income for the common good fund. There is no change of use implications, hence why it is a disposal (by lease) consultation only as there is no change and therefore familiar within the community.</p> <p>The lease terms are a proposal and therefore has not yet been approved/ agreed. Members have been consulted on the details of what the lease term proposal entails.</p> <p>Full details of the proposed lease terms are commercially sensitive information and therefore were not disclosed in the consultation document. If the proposal is approved, details will be registered and will be publicly available. The consultation document however clearly states that rent has been assessed and set at current market rates and will be reviewed every five years to ensure they are set at the correct levels. This has been assessed/set by Highland Council Surveyors.</p> <p>With regards to transparency, the proposal along with the outcome of the consultation with be discussed at the Black Isle and Easter Ross Committee. Papers will be publicly available prior to the meeting, and the recording of the meeting will be available on the Council's media channels.</p> <p><b><u>Transparency of those who make decisions and conflict of interests</u></b></p> <p>Elected Members declare conflict of interests on agenda items at the start of all committee meetings. If they have declared an interest, the practice involves that they refrain from taking part in discussions/remove themselves from the meeting until the item has been discussed/a decision has been made.</p> <p><b><u>Governance of CGF</u></b></p> <p><b><u>The use of funds</u></b></p> <p>Transparency regarding use of funds is outlined in the Common Good Fund Policy and quarterly financial monitoring reports being presented to the next available Area Committee together with any other reports (budget setting, annual reports and specific item reports) that may be appropriate.</p> <p>As far as reasonably possible, funds are allocated against essential expenditure first (essential upkeep of assets) with any surplus being applied for discretionary expenditure (non-essential maintenance, investment to grow the relevant fund and grants).</p> <p>As part of the budget setting process a decision is made as to whether the fund</p>
13	I think this should go ahead as proposed	Continues to provide sustainable income to the common good fund and ensures ongoing parking facilities which are used by golfers & general publiic	None	No	Supportive of the Proposal	
14	I would be happy to lease again to the current tenants as long as a market rate is achieved, and when it is reviewed, it is with "open books" by the tenant (ie showing returns).	No	No	No	Supportive at the right £	
15	I'm completely in favour of the Golf Club but don't think the campsite should get such a large lease as they contribute very little to the local economy.	No, they're doing a grand job.	No.	No.	Supportive of the Proposal	
16	Continue to lease the land to the Golf Club on a 21 year lease, at a commercial rent, not less than the existing rent plus inflation.	Additonal rent to the Common Good Fund.	Coastal erosion repairs. Lessee should be responsible for the cost.	No	Supportive of the Proposal	
17	I think that the proposal for leasing this land currently being leased to Fortrose Golf Club should be considered more broadly to maximise the benefit to the Fortrose and Rosemarkie community and the Common Good.	There seems little benefit in the proposal if it does not yield a significant benefit for the Common Good	<p>I am not convinced that the opportunities for the use of this area of land have been fully explored in the Consultation Document.</p> <p>Other options that could be explored are:</p> <p>1): A paying car park run by Highland Council for the Common Good. It could be utilised by golfers , and could alleviate the parking problems that occur at the beach front and at Chanonry Point during summer months.</p> <p>2): An overnight parking area for campervans, either added to the Caravan site or as a lease on its own right for that purpose.</p> <p>3): Both of these proposals could be combined to further increase revenue.</p>	<p>1): I am not convinced that the opportunities for the use of this area of land have been fully explored in the Consultation Document.</p> <p>Other options that could be explored are:</p> <p>A paying car park run by Highland Council for the Common Good. It could be utilised by golfers , and could alleviate the parking problems that occur at the beach front and at Chanonry Point during summer months.</p> <p>An overnight parking area for campervans, either added to the Caravan site or as a lease on its own right for that purpose.</p> <p>Both of these proposals could be combined to further increase revenue.</p> <p>2): I am concerned about the partiality of the decision makers on the lease of this land if they are also golfers as they have an interest in its lease other than that of our Common Good.</p>	I am not against the lease of this land, but am against the narrow basis on which THC propose to lease it .	
18	The Golf Club is an important business in the area and needs a parking area	There is a lack of parking on the sea front at Rosemarkie. Any proposal to maintain existing or increase suitable parking is a benefit to the area as well as the income generated for the common good funds	The car park could attract overnight camper van parking. This should be prevented especially when there are 2 camp sites in the local area	I would like transparency of the common good funds and to see them used appropriately for the benefit of Fortrose and Rosemarkie	Supportive of the Proposal	

19	<p><b>Community Council</b></p> <p>The proposal is missing key information regarding the maintenance, upkeep and long term benefit to the local community and as such, We advise that the long term length of the lease of 30 years has been the cause of serious debate and whilst aware of the potential commercial security this can bring, the length as proposed is only acceptable to the Community Council with the promise of 5 year reviews on the full annual rental amount and the conditions of the lease. This is in conjunction with the community to be provided the opportunity to present any concerns as part of the review process. We also propose the inclusion of Key Performance Indicators to allow for a defined measurement of success to be conducted at each five-year review.</p> <p>Fortrose and Rosemarkie Community Council ask that the full lease and market rent details be published in full immediately and that the details regarding provisions to carry out upkeep and continued maintenance on the site are made available as soon as commercial sensitivities allow.</p>	<p>Regards the Highland Council’s own responsibilities that are linked to the Common Good disposal lease for both sites, whilst the Campsite and Golf Course are long standing businesses that benefit the local economy, the increased traffic and access requirements for large vehicles, campervans and caravans does cause concern to residents, we request that in conjunction with the Local Place Plan, serious action is taken to ensure that tourism in the area is well managed and roads are viable for this traffic load along with traffic calming measures being installed on the main access routes to the two sites as part of the overarching proposal regarding the disposal of the lease. Alongside this, continued investment, protection and maintenance of footpaths, the public right of way across the sites and access must be continued and ensured over the total length of the lease. We expect the Highland Council will make a continued long-term investment backed by funding to ensure the protection of the seafront and improved access for all, including disabled beach access.</p>	<p>There has been extreme disappointment in the consultation process that has been put in place for this lease extension proposal and the manner in which it has been run by the Highland Council. The process in which the Common Good publication and administration has not been transparent and we would like to register our deep unhappiness with the process and raise grave concerns regarding the legality of the consultation process as it has been carried out. The lack of specific details, rental income amounts and detailed real benefits of the Common Good lease disposal for both sites from the initial publication of the proposal has led to distrust that the best interests for the Common Good fund and the local community were not taken into consideration, and it has taken numerous correspondence and discussions to alleviate only some of these concerns in the weeks since this was first published.</p> <p>We thank the Black Isle Ward Councillors for their involvement and in their communications with Fortrose and Rosemarkie Community Council showing they have been open with the local community whilst being severely curtailed in what information could be presented due to supposed commercial sensitivities. The involvement of the officers involved in this process is noted and whilst we have received responses to certain information requested from certain officers in the Ward Management and Common Good teams, the issue with the lack of local publication at the affected sites and at the local library and town hall has been a negative note on this which has only hampered knowledge and publication of this issue locally. Again, due to the way in which the Highland Council has carried out this consultation, we believe that local residents have been failed by this consultation process. The lack of engagement and explanations as to why this lease was not put out to tender has also been raised as a concern.</p>	<p>We would expect the Highland Council would support the request for the community to be involved in any future significant proposed changes to both sites to ensure these are protected for the benefit of the Common Good and local community. Fortrose and Rosemarkie Community Council notes the diversity of opinion within the community over the Highland Council’s approach to the statutory consultation, but notes the unity of purpose in seeking the best outcome for the community, and protection and maximisation of Common Good funds for use within the Black Isle and to the specific benefit of Fortrose and Rosemarkie residents, visitors and businesses alike. Given that the Common Good fund is expected to benefit from a financial gain following the Disposal of Lease, we would demand improved access for local organisations to apply for use of these funds to the benefit of the local community and the way this fund is accessed and funds provided to be revised and improved. We expect action on this matter and for details on how this decision will benefit the local community to be published as soon as possible.</p>	<p><b>Supportive of the Proposal</b></p>	<p>As part of the budget setting process a decision is made as to whether the fund will be open to grant applications that year and, if so, how much will be set aside for this purpose. Any grant application must show how the project is going to be of benefit on a community wide basis.</p> <p><b><u>Community involvement</u></b></p> <p>The Community Empowerment Scotland (2015) Act, specifically section 104, allows community involvement with regards to proposals affecting common good assets. Local Authorities must first consult with the relevant community on change of use and/or disposal (lease of more than 10 years or sale) via a consultation process.</p> <p>Elected Members must have regard to all representations made within the process when reaching a decision in respect of the proposal. However, as custodians of the common good fund, the final decision rests with Elected Members after consideration of the information received and there is no requirement to seek the prior agreement of other community bodies such as the Community Council.</p> <p><b><u>Coastal Erosion</u></b></p> <p><b><u>Will the tenant be responsible for sea defence to tackle coastal erosion?</u></b></p> <p>The tenant will not be responsible for sea defences or major coastal erosion works.</p> <p>However, the tenant would be expected to maintain the site boundaries in good order and to report any deterioration or risks arising from coastal erosion to the Council promptly.</p> <p><b><u>Has coastal erosion been considered an issue given the duration of the lease period being so long?</u></b></p> <p>It is regarded as a separate matter for the Common Good Fund and the Council to monitor.</p> <p>The lease will include provisions requiring the tenant to cooperate with any future mitigation or adaptation measures the Council may implement, but the responsibility for sea defence works will remain with the landowner, not the tenant.</p> <p><b><u>Highland Council’s coastal erosion adaptation plan</u></b></p> <p>The Regional Coastal Change Adaptation Plan (RCCAP) provides an overview of communities and assets at risk within The Highland Council area, in relation to climate change, sea level rise, increased coastal erosion and flood risk now and into the future. The Regional CCAP, identifies those locations that are least resilient and develops an adaptive pathway approach to address these risks over time, whilst recognising the inherent uncertainty, surrounding current knowledge and data gaps associated with climate change. This plan provides a framework for the Highland Council to support coastal communities adapt and become resilient over time. The plan should underpin our local development plan and steer future development away from risk, whilst safeguarding locations that could provide opportunities for such things as asset relocation or space for coastal retreat.</p> <p>Within the RCCAP both Fortrose and Rosemarkie score highly for flood risk and erosion and both are considered to be amongst the areas at highest risk from climate induced changes at the coastline by 2050 in The Highland Council Area. Whilst, Rosemarkie scores are higher for erosion, Fortrose shows higher scores for flood risk. At Both locations there is a potential for an increased number of properties and road length to be impacted by either mechanism by 2050.</p> <p>Note: The assets focussed on at the RCCAP level are residential and non-residential properties, road and rail. It was considered that these assets would have the most significant impact on communities.</p> <p>For the future Local Coastal Change adaptation plans (as and when resource becomes available), other assets will also be considered such as utilities, heritage sites and environmentally designated locations amongst others.</p>
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