

Agenda Item	7a
Report No	BIER/31/25

The Highland Council

Committee: Black Isle and Easter Ross

Date: 10 November 2025

Report Title: Common Good Consultation on the Proposal to dispose by lease the Fortrose Golf Club Car Park

Report By: Assistant Chief Executive – Corporate
Assistant Chief Executive – Place

1 Purpose/Executive Summary

1.1 This report provides information on the outcome of a public consultation under section 104 Community Empowerment (Scotland) Act 2015 in respect of the proposal to dispose, by lease common good land known to be the Fortrose Golf Club Car Park.

2 Recommendations

2.1 Members are asked to:-

- i. **Note** the process and outcome of the consultation as contained in section 6 and 7 and Appendix 1 of this report.
- ii. **Consider** the representations and responses as set out in Appendix 2, taking them into account whilst having regard to the views of the inhabitants of the former Burgh of Fortrose and Rosemarkie during the decision-making process.
- iii. **Decide** the proposal should be either:
 - a) Approved subject to Sheriff Court consent, or
 - b) Rejected; and
- iv. **Approve** the responses to the representations in Appendix 2 for publication on the Council's website.

3 Implications

3.1 **Resource** - The proposal, subject to court consent, will result in the granting of a 20-year lease extension to the existing tenant - Fortrose and Rosemarkie Golf Club. During the lease term, the Fortrose and Rosemarkie Common Good Fund would receive rental income, while the tenant would assume full responsibility for the repairs and maintenance of the property. The rent would be reviewed every five years in line with CPI inflation.

A lease and rental assessment has been undertaken in accordance with Royal Institution of Chartered Surveyors (RICS) standards, ensuring that the proposed terms reflect current market conditions and deliver Best Value for the Fortrose and Rosemarkie Common Good Fund.

If the proposal does not proceed, there are potential resource implications for the Fortrose and Rosemarkie Common Good Fund. Please see 'Risk' in 3.3 below.

- 3.2 **Legal** - There is a statutory requirement under section 104 of the Community Empowerment (Scotland) Act 2015 to consult prior to disposing and/or changing the use of common good property. The outcome of the consultation must be considered during the decision-making process on how to proceed with a proposal.

There is an additional requirement under section 75 of the Local Government (Scotland) Act 1973 to seek Sheriff Court consent prior to proceeding with a proposal where a common good asset may be inalienable property.

The property of this consultation is owned by the Council in terms of the Charter for Fortrose by King James VI dated 6 August 1590 and the Charter for Fortrose and Rosemarkie by King James VI dated 4 November 1592 (both were ratified by King Charles II on 20 May 1661).

Please see 'Risk' in 3.3 below.

- 3.3 **Risk** - This report is specifically in relation to the statutory requirement to consult as per the Community Empowerment (Scotland) Act 2015 prior to disposing and/or changing the use of common good property. The Council has complied with this obligation and followed best practice in conducting common good consultations.

With regards to seeking Sheriff Court consent (see 3.2 above), it had originally been considered that accepted practice could be followed to forgo this requirement if Members were minded to approve the proposal. There is no change of use implications, and the property has been alienated as a car park for many years. The existing tenant's lease was granted nearly 25 years ago. The proposal is a continuation of what the community is familiar with.

However, as the consultation has generated some community objections to the proposal, it is considered prudent to apply to the Sheriff Court should Members agree to proceed. This approach will increase opportunities for further scrutiny and community engagement.

With regards to resource implications (see 3.1 above), continuing with the current tenant is regarded as the most efficient and low-risk option for the Fortrose and Rosemarkie Common Good Fund. It avoids disruption, transitional downtime, and costs that would arise from exploring new options for the site.

- 3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** - All common good properties are managed in accordance with existing Council policies regarding health and safety requirements.

- 3.5 **Gaelic** - There are no Gaelic implications resulting from this report.

4 Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This report is the outcome of a common good consultation process and therefore an impact assessment is not required as guided by the Integrated Impact Assessment guidance.

5 The proposal

- 5.1 The proposal relates to a lease extension to the existing tenants of Fortrose Golf Club Car Park which is common good property. In 2002 a lease was granted to the Fortrose and Rosemarkie Golf Club to provide car parking facilities for golfing members. However, the lease is up for renewal and new provisional terms have been negotiated.
- 5.2 The current tenants have asked the Council to consider a lease extension for a period of 20 years which will give them the security to continue to use the site for golfing operations.
- 5.3 A summary of the proposed lease terms is noted in 3.1. Full details were not published as part of the consultation because this is currently commercially sensitive information. Members have been informed of the proposed terms which have been assessed as delivering Best Value for the Fortrose and Rosemarkie Common Good Fund. The proposed lease terms have as yet not been approved. If the proposal proceeds, the registered lease will become a public document.
- 5.4 In deciding whether to accept or reject the proposal, the Council must have regard to the views of the inhabitants of the former Burgh of Fortrose and Rosemarkie (Section 104 of the Community Empowerment (Scotland) 2015 Act).
- 5.5 The remainder of this report describes the process and results of the consultation, to facilitate the decision-making of Members in relation to the proposal.

6 Common Good Consultation

- 6.1 A statutory consultation on the proposal outlined in 5.1-5.3 commenced on 4 August and concluded on 29 September 2025. The consultation document is included within **Appendix 3** of this report.
- 6.2 The purpose of the consultation was to allow Fortrose and Rosemarkie residents, including the community council and community groups to have their say on the proposal affecting common good property, whilst considering the following key questions:-

1. What are your views on the proposal utilising common good property?
2. Do you have any views on potential benefits of the proposal?
3. Do you have any issues or concerns arising from the proposal?
4. Do you have any additional comments?

A copy of the representations are included within **Appendix 2**. The representations are reproduced verbatim, with personal information excluded/redacted, together with the Council's proposed responses to the consultation.

6.3 The consultation was publicised via the following methods:-

- The Fortrose and Rosemarkie Community Council was informed directly on the day of the launch.
- Five community groups were also informed directly on the day of the launch.
- A consultation notice poster and document was provided to those who were informed directly, requesting assistance to publicise within the local community and raise awareness via key contacts. The Community Council for example posted information on their Facebook account to which they have 1.6k followers. They also posted information on their website.
- A consultation notice poster and document was provided to those who manage public buildings such as the leisure centre, library, and community hall (via HLH). These were displayed at the locations.
- A press release and social media posts were issued on the Council's media accounts including website – during the launch and 2-weeks before the closing date. The Council has 52k followers on Facebook.
- The Council's press release and social media posts were reported by local press outlets (Inverness Courier and Ross-shire Journal).
- Reminder emails were sent to all those who were informed directly before the closing date.
- The consultation document was published on the [Council's website](#) at the beginning of the launch and continues to be accessible.
- Members were notified on the day of the launch that the consultation period had commenced.
- A local Member attended a Community Council meeting.

A notice of consultation was not displayed at the property as this was deemed inappropriate given the site is occupied and operating a public facing commercial business.

7 Summary of representations received

7.1 Nineteen representations were received during the consultation period:-

- 1 community body - Fortrose and Rosemarkie Community Council; and
- 18 individuals

All responses were from residents within Fortrose and Rosemarkie and were submitted using the on-line platform.

As of 2021 the combined population for Fortrose and Rosemarkie was approximately 2,320.

7.2 The analysis document included within **Appendix 1** details a summary of the comments, themes and concerns which have been distilled from the full representations contained within **Appendix 2**. Members are asked to review both documents while considering the proposal.

Summary of themes:-

- Golf club good for the local economy.
- Income source for the common good fund but other options could be more viable.
- Rent should be achieved at market rates with regular rent reviews.
- Broader options should be considered to alleviate parking issues in the area.
- Seems little benefit to continue with the lease for certain users.
- Maintenance and coastal erosion.
- Consultation process and transparency.
- Community input in common good decisions and management of funds.

7.3 The views of those who responded to the proposal can be summarised as follows:-

- 1 - Against
- 1 - Not sure
- 2 - Supportive with concerns
- 15 - Supportive

Almost all representations are in favour of the proposal. Residents are of the view that the golf club is good for the local economy; the car park is important for the sustainability of the club; and that the lease arrangement generates income for the common good fund.

A couple of people however noted that the site should be used more broadly to alleviate parking issues in the area and that it could generate more income as a pay and display for all users, managed by THC/common good. Some believe that there is little benefit to continue with the lease for certain users.

Five noted concerns about the lack of information about the lease fee and that they should be set at commercial rates to ensure a fair return. In addition to this, some were dissatisfied with the consultation process and lack of transparency with comments about the management of common good funds generally i.e. lack of community involvement how the fund should be managed and earlier input into proposals.

Some individuals noted wider concerns in the area such as parking issues, visitor management and coastal erosion.

There were also cross-over comments in relation to the Rosemarkie Caravan Park common good consultation.

The responses in **Appendix 2** addresses some of the concerns noted in the representations.

8 Decision making and outcome

- 8.1 Decision making on common good proposals is delegated to the appropriate Area Committee if the value is less than 10% of the relevant common good fund. Decisions must be taken at Full Council if the value is greater than this.
- 8.2 If Members agree to proceed with the proposal outlined in 5.1-5.3, the value of the lease does not exceed 10% of the Fortrose and Rosemarkie Common Good Fund and therefore does not require Full Council decision.
- 8.3 Members must have regard to the views of the representations received as contained in **Appendix 2** and consider the responses, whilst also reflecting on responsibilities for the Fortrose and Rosemarkie Good Fund, in reaching a decision on how to proceed.
- 8.4 Members are asked to consider the proposal and decided to:-
- Approve subject to Sheriff Court consent; or
 - Reject.

Members are also asked to provide reasons for the outcome.

Designation: Assistant Chief Executive – Corporate
Assistant Chief Executive – Place

Date: 10 October 2025

Author: Paula Betts, Common Good Fund Officer

Appendices: Appendix 1 – Consultation Analysis
Appendix 2 – Representations and Responses
Appendix 3 – Consultation Document

FORTROSE AND ROSEMARKIE COMMON GOOD FUND

CONSULTATION ANALYSIS ON THE PROPOSAL TO DISPOSE BY LEASE OF FORTROSE GOLF CLUB CAR PARK SITE

1. Consultation purpose

Complying with section 104 Community Empowerment (Scotland) Act 2015, the consultation is in relation to a lease extension proposal for a further 20 years to the Fortrose and Rosemarkie Golf Club to provide parking facilities for golfing members.

2. Number of responses received

The public consultation period commenced on the 4 August 2025 and concluded on 29 September 2025.

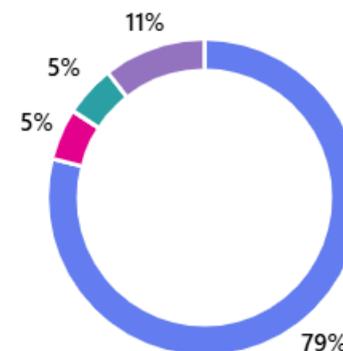
19 responses were received from:

- 1 community body (Fortrose and Rosemarkie Community Council).
- 18 individual residents.

All responses were from local residents within Fortrose and Rosemarkie.

The views of those who responded to the proposal can be summarised as follows:

● Supportive of the Proposal	15
● Against the Proposal	1
● Not sure	1
● Other	2



The 'other' relates to being supportive of the proposal but with some concerns.

3. Summary of the representations received

The analysis, which is presented in the Table 1 below, provides a summary of the themes and comments raised during the consultation period. **Appendix 2** within the main Committee Report contains verbatim reproductions of all representations received together with the proposed responses. In compliance with the Council's data protection policy and the common good consultation guidance, personal information has been removed/redacted.

TABLE1: Summary of comments			
Against (1)	Not sure (1)	Supportive with concerns (2)	Supportive (15)
<ul style="list-style-type: none"> • Car park should be a pay and display. • Present agreement does not raise enough income. • Income for the CGF via a pay and display could raise more money for the CGF to support improve other amenities. 	<ul style="list-style-type: none"> • Lease amount and market rate - who evaluates the rent, and will it increase? • Full consultation required. • If the general public can also use the car park, would be more in favour of the proposal. 	<ul style="list-style-type: none"> • Options should be considered more broadly to maximise the benefit for the common good fund. • Seems little benefit to continue with lease for certain users. • The car park could be run by the THC/CGF to all users, not just for golf club members. This would help alleviate issues with parking all along the foreshore. • The car park could also be used for overnight parking. • Lease must be at the right market rent and tenant to show returns • Other options could generate more income for the common good rather than by lease. • Concerned about the partiality of the decision makers if they are also golfers. 	<ul style="list-style-type: none"> • Car park is vital for the sustainability of the golf course. • Income is welcomed but would like to see more community support from the golf club. • How will the income be used? • Golf club good for the local economy and jobs. • Golf club a local amenity for the Black Isle. • Who is responsible for maintenance of the coastal defence and maintenance of the car park surface. • As long market rent is achieved, should be reviewed every 5-years. • Lease will provide income for the CGF. • Lessee should be responsible for coastal erosion. • There is a lack of parking at the sea front. • Transparency of the common good funds and to use appropriately for the benefit of the community. • Lack of information in the consultation. Details of the lease should be made publicly immediately and details of maintenance. • Issues with the length of the term. Reviews on rent should occur and community should be consulted. Key Performance Indicators should be part of the review.

			<ul style="list-style-type: none"> • Issues with traffic and visitor management in the area, THC along with the Local Place Plan should take serious action to address this. • Access to rights of way to be continued and maintenance of paths during the lease period. • Investment by THC with regards to coastal erosion including disabled beach access. • Issues with the consultation not adequately advertised and governance of decisions. Lack of engagement. • Community would like to be involved in earlier discussions about changes to common good sites. Would like to have an opportunity to have a say in how the funds should be used locally and greater access for groups to apply - would like THC to address this asap.
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4. Summary of themes

- Golf club good for the local economy.
- Income source for the common good fund but other options could be more viable.
- Rent should be achieved at market rates with regular rent reviews.
- Broader options should be considered to alleviate parking issues in the area.
- Seems little benefit to continue with the lease for certain users.
- Maintenance and coastal erosion.
- Consultation process and transparency.
- Community input in common good decisions and management of funds.

Members must have regard to the views of the inhabitants of the former Burgh of Fortrose and Rosemarkie during the decision-making process.

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	Lease proposal How the proposed lease terms were negotiated prior to consultation – what does the process involve and who is involved? 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.
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	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.
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	0	No	Supportive of the Proposal	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.
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	Is the rent set at market rates? Yes, the proposed terms of the lease have set rent at market rates with 5-yearly reviews. 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.
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	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. Not enough information in the consultation, lease terms and fee not disclosed – why?
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	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.
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	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.
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	Maintenance responsibilities 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. 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.
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>Alternative proposals and car parking Why can't the council make this a pay and display for all. Could generate more income. Has this been considered? 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. 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. Consultation Process Common Good Guidance, lack of advertising, why not site notice, timing of consultation 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. 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. 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. 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. 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. With regards to transparency, the proposal along with the outcome of the consultation will 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. Transparency of those who make decisions and conflict of interests 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. Governance of CGF The use of funds 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. 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). 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 public	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.	Additional 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	I am not convinced that the opportunities for the use of this area of land have been fully explored in the Consultation Document. Other options that could be explored are: 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. 2): An overnight parking area for campervans, either added to the Caravan site or as a lease on its own right for that purpose. 3): Both of these proposals could be combined to further increase revenue.	1): I am not convinced that the opportunities for the use of this area of land have been fully explored in the Consultation Document. Other options that could be explored are: 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. An overnight parking area for campervans, either added to the Caravan site or as a lease on its own right for that purpose. Both of these proposals could be combined to further increase revenue. 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.	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>Community Council</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>Supportive of the Proposal</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><u>Community involvement</u></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><u>Coastal Erosion</u></p> <p><u>Will the tenant be responsible for sea defence to tackle coastal erosion?</u></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><u>Has coastal erosion been considered an issue given the duration of the lease period being so long?</u></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><u>Highland Council's coastal erosion adaptation plan</u></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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Appendix 3

THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 NOTICE OF CONSULTATION ON THE DISPOSAL, BY LEASE OF COMMON GOOD LAND.

Fortrose Golf Club Car Park, Ness Road East IV10 8SY

The Highland Council ('the Council') has received a request to dispose, by lease common good property known to be the Fortrose Golf Club Car Park ('the Property'). Before reaching a decision, the Council must have regard to the views of Fortrose and Rosemarkie residents via a consultation in terms of Section 104 Community Empowerment (Scotland) Act 2015.

What is being proposed?

The proposal relates to a lease extension to the existing tenants of the Fortrose Golf Club Car Park site which is believed to be common good property ('the Proposal'). In 2002, a lease was granted to the Fortrose & Rosemarkie Golf Club to provide car parking facilities for its golfing members however, the lease is up for renewal and new provisional terms has been negotiated.

The Property covers a total area of 1,767.85 square metres, or thereby, and is adjacent to the Rosemarkie Caravan Park located at the foreshore of Rosemarkie Bay.

The current tenants have requested the Council to consider a lease extension for a period of 20 years. For the duration of the lease, the Fortrose and Rosemarkie Common Good Fund would receive rental income representing market rates and achieving Best Value for the fund. Should the Proposal go ahead, the new lease term will commence at the earliest possible time following the consultation process. The rent will be reviewed every 5-years and the tenants being responsible for maintenance and repair of the site.

What land is affected?



The common good Property (outlined in red) is located along Ness Road East at the foreshore of Rosemarkie Bay, adjacent to the Rosemarkie Caravan Park and the Golf Club House.



Representations

This consultation seeks the views of the Fortrose and Rosemarkie inhabitants to inform the Council's decision in respect of the Proposal as described above to:

- Dispose, by lease common good land known to be the Fortrose Golf Club Car Park site.

This consultation is specifically in relation to the statutory requirements relating to common good.

Key questions:

1. What are your views on the Proposal utilising common good land?
2. Do you have any views on potential benefits of the Proposal?
3. Do you have any issues or concerns arising from the Proposal?
4. Do you have any additional comments?

The Council will take all representations received into account in reaching a decision. A report of the outcome of the consultation will be presented at the Black Isle and Easter Ross Area Committee and a copy of the representations and responses will be published on the Council's website.

The possible outcomes are:

- a. The proposal goes ahead.
- b. The proposal is amended significantly, and a fresh consultation takes place.
- c. The proposal does not go ahead.

Please submit written representations online, by email or post

- Online - <https://forms.office.com/e/VxsFYT21kC>
- Email: common.good@highland.gov.uk
- Post: Common Good Fund Officer, Highland Council, Headquarters, Glenurquhart Road, Inverness, IV3 5NX.

Timescales

The consultation period will be open for **8-weeks** commencing from **4 August 2025**. Final written representations must be received by close of play **29 September 2025**.

It is anticipated that a report will be presented at the Black Isle and Easter Ross Area Committee on 10 November 2025.

Additional Information

All common good property falls into one of two categories – alienable or inalienable. Alienable property can be sold, leased or have its use changed in a way that reduces public use, subject to statutory consultation. Inalienable property is also subject to statutory consultation with the additional requirement to gain court consent in terms of Section 75 Local Government (Scotland) Act 1973 if a question arises whether the property can be alienated.

The subjects of this consultation i.e. the Property is owned by the Council in terms of the Charter for Fortrose by King James VI dated 6 August 1590 and the Charter for Fortrose and Rosemarkie by King James VI dated 4 November 1592 (both were ratified by King Charles II on 20 May 1661) and may be inalienable common good. However, the Council believes that following the statutory consultation, this Proposal does not require court consent. Circumstances have not changed, and the Property will continue to be used as it has for many years.