

Agenda Item	<b>4</b>
Report No	<b>NC/15/21</b>

**THE HIGHLAND COUNCIL**

**Committee:** **Nairnshire Area Committee**

**Date:** **15 September 2021**

**Report Title:** **Nairn Common Good Fund: Proposal to dispose of Sandown Lands for development – update and additional consultation**

**Report By:** **Executive Chief Officer – Communities and Place**  
**Executive Chief Officer – Resources and Finance**

**1. Purpose/Executive Summary**

- 1.1 Under the terms of the Community Empowerment (Scotland) Act 2015, a Local Authority must undertake a consultation if it wishes to consider disposing – by lease or sale – of Common Good land or property. In November 2020, a public consultation was launched to consider the views of the Nairn and Nairnshire community on the potential disposal of Sandown lands to the east of the town of Nairn. There were no offers from developers or formal plans to sell Sandown at that point, nor are there currently any such proposals. However, there was a wish to understand the views of the community so that, should a decision be taken to sell, the Council would be in a position to progress that opportunity.
- 1.2 A report was provided to the Nairnshire Committee in June 2021, summarising the results of the consultation and where Members considered the responses to the representations received and agreed for these to be published. A period of reflection was agreed to enable wider consideration of the responses. Further work has been undertaken to review the analysis which has highlighted concerns regarding: the numbers who responded to the original consultation; key groups within the community who have not responded; misunderstandings of the proposals and potential use of the land; and a lack of feedback from respondents on what they would wish to see Sandown lands used for.
- 1.3 This report summarises the proposed next steps, including the establishment of a short-life reference group to support further engagement with the community and enable the issues identified to be addressed more fully prior to any decision being taken on the proposal to dispose of Sandown lands.

## 2. Recommendations

### 2.1 Members are asked to:

- i. Consider and agree the terms of the additional consultation period as contained in the draft document at **Appendix 1**.
- ii. Note the reflections on the consultation to date and the proposals for widening the engagement within the additional consultation period.
- iii. Note that a short life reference group will be established to support the further period of consultation.
- iv. Agree to allow to the end of December for the additional consultation period with the outcome and recommendations being considered at the first meeting of the Nairnshire Committee in 2022.

## 3. Implications

- 3.1 Resource – There are no resource implications with the proposed report.
- 3.2 Legal – Under the terms of the Community Empowerment Act, a public consultation must be undertaken to seek the views of the community prior to any decision being taken on disposal of an asset by sale or lease. There is nothing in the legislation or statutory guidance that prevents a local authority from undertaking an additional, focussed period of consultation, if the circumstances justify it.
- 3.3 Community (Equality, Poverty, Rural and Island) – 98 responses were received to the original public consultation period which reflects only a small proportion of the estimated population of Nairn. The additional consultation period proposed will enable wider public response to be encouraged, and some more targeted work to be undertaken, particularly with those who may not engage through traditional consultation mechanisms within the community, to ensure that the opportunity to comment is given to as many members of the Nairn community as possible. The further period of consultation will also enable the opportunity for further discussion and reflection with the community.
- 3.4 Climate Change / Carbon Clever – Any use of the land for housing would allow subsequent planning considerations and conditions to address green and environmentally friendly construction and installation materials and methods. The current proposal excludes the existing allotments and proposed extension. The proposal to dispose is currently in line with the Sandown Development brief which includes provision for green space and the retention of wetlands.
- 3.5 Risk – There will always be a risk of volatility in the market and this, combined with the current impact of Covid, is why the proposal is **not** seeking disposal of the land now. The consultation and Court application process is lengthy and, as a result the Council

cannot act quickly to take advantage of short term improvements in market conditions. However, by seeking approval for the disposal in principle, the Council would be able to react quickly to changing market conditions to ensure best value for the Nairn Common Good Fund.

3.6 Gaelic – none.

#### 4. Consultation in respect of Sandown Lands

4.1 Under the terms of the Community Empowerment (Scotland) 2015, a Local Authority must undertake a consultation if it wishes to consider disposing – by lease or sale – Common Good land or property. In November 2020, a public consultation was launched to consider the views of the Nairn and Nairnshire community on the potential disposal of Sandown lands to the east of the town of Nairn. The original public consultation on the proposal to sell Sandown Lands for development concluded on 26 February 2021 with 98 responses being received. The analysis document was lengthy and detailed. It was brought before Nairnshire Committee on [23 June 2021](#). Members approved the recommendation to allow a period for full reflection of the contents of the analysis with the matter being carried forward to the next Committee meeting on 15 September 2021.

4.2 Members and officers met during the intervening period as part of the process of consideration. It was felt that 98 responses reflected:

- only a very small proportion of the estimated population of Nairn and that it would be appropriate to undertake an additional period of consultation to widen the response,
- key groups were not represented in the response and therefore targeted work with harder to reach groups should be undertaken, for example through tenant participation officers/CAB/schools/nurseries,
- the need to provide further clarity over the contents of the Sandown Development Brief as a number of the suggestions for the use of the land were related to elements included within the existing brief,
- there were a limited number of suggestions from respondents about what they would like to see Sandown lands used for and an additional period of consultation would allow this to be explored in more detail.

4.3 The statutory guidance on Part 8 of the Community Empowerment (Scotland) Act 2015 provides that a local authority should allow a period of 8 weeks for public consultation however, both the Act and the guidance is silent on the issue of an extended or additional period of consultation. As a result, the Council is not prohibited from allowing a longer period than 8 weeks or an additional period if the circumstances indicate it would be appropriate to do so. Based on the issues identified above, it is considered appropriate and essential to seek further views, prior to any final decision is taken on the future of Sandown.

#### 4.4 *Understanding of the Sandown Brief*

Whilst the original consultation document made it clear that the proposal was based on the contents of the Sandown Development Brief, the analysis of the responses indicated key areas of misunderstanding as to the Brief's contents and a lack of knowledge of the principles and elements it contains. This would suggest that an opportunity to provide clarity on the detail of the Sandown Development Brief would be beneficial in order to ensure that the proposed land uses outlined in the document are fully understood, particularly as it was originally developed along with the community of Nairn.

4.5 Therefore, the proposal for the additional period of consultation is that it should seek to clarify any inaccuracies surrounding the understanding of the contents of the Sandown Development Brief.

#### 4.6 *Use of the Sandown Lands*

There were limited representations from respondents during the original consultation on what they would wish to see Sandown lands used for. Of those received, for example wetland areas/allotments/walking areas, these are already contained within the Sandown Development Brief. It is therefore important to achieve a better understanding of what people wish to see on the Sandown site.

It is proposed the additional consultation document includes graphical illustration of the existing Development Brief and the different elements contained within in.

#### 4.7 *Targeting Engagement*

It is clear from the responses received that there were groups from across the population who were underrepresented. It is considered important to both widen the range of responses and to target some further engagement in order to gather views from individuals who may not feel able to provide their views in the original consultation format.

4.8 Proposals for the practical methods of widening the engagement process include:

- Highlife Highland assistance – information point in library, leisure/community centre with availability of Development Brief/comment sheets/leisure centre staff assistance
- Simple discussion paper for use by supporting organisations/agencies/trusted individuals to gather responses including assistance to complete responses if necessary
- Drop in sessions/school bag drops to link with schools/parent councils, lunch clubs
- Additional community noticeboards in high traffic areas such as supermarkets
- Use of faith groups
- Use of existing networks some of whom were notified within the original consultation process as well as additional bodies such as DWP, Highland Senior Citizens Network, adult education services and youth services.

## 5 Next steps

- 5.1 This report asks Members to consider and agree the terms of the additional consultation period as contained in the draft document at **Appendix 1**, as well as noting the proposals for the practical methods to be utilised in widening the engagement within the additional consultation period. It is important to note that further work will be undertaken to finalise the document including a graphical illustration of the Sandown Development Brief. An easy read version will also be developed along with materials to support the involvement and inclusion of groups within the community through key officers, partners and agencies.
- 5.2 It is noted that a review of the Inner Moray Firth Local Development Plan is also underway and it is proposed that the site remains to be included as a potential development site until such time as this process is concluded.
- 5.3 It is proposed that to support the additional period of consultation, a short-term reference group will be established. This will be established through the Community Partnership and its role will be:
- To support the additional period of consultation including providing advice and support on methods and avenues to widen engagement and gather views.
- 5.4 It is important to note that the group will not be there to provide their individual views but to support the gathering of views and responses from the wider community. The Reference Group will set out the relationship between the Development Brief and Sandown very clearly and provide for the space needed for the community to be fully informed. This will further empower the community to feed into the consultation effectively.
- 5.5 Any responses received within the additional consultation period will be collated and analysed and form part of the total information that will be used to inform the decision making process. It is hoped that this additional consultation period will capture the opinions and responses of members of the community who have not previously participated. Anyone who has previously responded can also submit further comments in response to the questions contained in the document at **Appendix 1**. If agreed, the outcome of the additional consultation period will be considered at the first meeting of the Nairnshire Committee in 2022.

Designation: Executive Chief Officer, Communities and Place  
Executive Chief Officer, Resources and Finance

Date: 25 August 2021

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Background Papers: Draft Additional Consultation Document

**Community Empowerment consultation on proposal to dispose of Sandown  
Lands for development – additional consultation period  
Draft Consultation Brief**

**Background**

The public consultation in respect of the proposal to dispose of Sandown Lands by sale for development concluded on 26 February 2021, with 98 responses being received.

Following analysis and reflection on the responses received, it was concluded that:

- only a small proportion of the estimated population of Nairn responded and that it would be appropriate to undertake an additional period of consultation to widen the response,
- key groups were not represented in the response and therefore targeted work with groups who may not engage through traditional consultation routes should be undertaken to ensure the views of the whole community are reflected,
- although the consultation document stated that it was based on the Sandown Development Brief, the analysis of the responses indicated areas of misunderstanding as to the Brief's contents as a number of the suggestions for the use of the land were related to elements already included within the Sandown development brief,
- there were a limited number of suggestions from respondents about what they would like to see Sandown lands used for and an additional period of consultation would allow this to be explored in more detail.

Sandown Lands are an important asset for Nairn Common Good and any decision must be based on the most complete information available. Therefore, the Council is proposing a further period of consultation to ensure the opportunity to comment is given to as many members of the Nairn community as possible and to allow for the gathering of additional, detailed information.

Any additional information will be combined with the responses already received and accordingly, there is no need for the previous responses to be resubmitted as part of this additional consultation process. Individuals can provide additional responses focused on the key questions for this additional phase.

To support the additional period of consultation, a short-term reference group will be established through the Community Partnership, with its key role to:

- *Support the additional period of consultation including providing advice and support on methods and avenues to widen engagement and gather views.*

### **Sandown Development Brief**

The Sandown Development Brief document and associated assessments can be accessed from Highland Council website from this link [sandown development brief](#) or hard copies can be provided on request.

It was developed following an intensive Charrette process involving members of the community and other interested parties. The concerns expressed within the initial consultation that this Brief was developed nearly 10 years ago are noted however, in reviewing the contents, it is considered that the principles remain as valid now as they did then. The contents of the Development Brief remain the basis upon which any development of Sandown Lands will be considered or planned.

The Consultation Document in respect of the proposal to sell Sandown Lands for development refers specifically within the background section to the fact the proposal is for the purposes identified in the Sandown Development Brief. A number of the responses received raised questions that are answered by the information in the Development Brief.

### ***Graphical summary of the brief to be included***

### **Draft Questions for consideration as part of the additional consultation period**

1. Did you respond to the original consultation period?

Yes If yes, please refer to questions 3-5 below.

No If no, please go to question 2.

A copy of the original consultation document can be found at this link [sandown lands nairn consultation](#)

Or a hard copy can be provided on request.

2. What are your views on the proposed disposal of this piece of Common Good land?
  - a. Do you have any views on potential benefits of the proposal?
  - b. Do you have any issues or concerns arising from the proposal?
  
3. There are three key areas identified in the current Sandown Development brief for using the land. How important to you consider each of those:
  - a. How important is the housing element of the development brief:
    - Very Important
    - Important

Moderately Important  
Slightly Important  
Not Important

- b. How important is the community facilities spaces – including shops, wetlands centre, children’s play space, meeting space:

Very Important  
Important  
Moderately Important  
Slightly Important  
Not Important

- c. How important is the green space element – including wetlands, public open space and extended allotment provision:

Very Important  
Important  
Moderately Important  
Slightly Important  
Not Important

4. To what extent do you agree with the balance of housing/wetlands/green space as outlined in the Sandown Development Brief?

Strongly Agree  
Agree  
Neither agree nor disagree  
Disagree  
Strongly Disagree

Please explain what you agree or disagree with

5. What would you wish to see included as part of any future development that **is not covered** by the contents of the Development Brief?

6. Do you have any proposals for use of Sandown Lands that have not already been raised within the consultation process or are covered in the Development Brief?

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