THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

NOTICE OF STATUTORY CONSULTATION ON THE PROPOSED CHANGE OF USE OF COMMON GOOD LAND.

Nairn Links Beach, IV12 4EA

The Highland Council ("the Council") is undertaking a statutory public consultation on a proposal to change the use of an area of land at Nairn Links Beach which forms part of the Nairn Common Good Fund. Before reaching a decision, the Council is required, under Section 104 of the Community Empowerment (Scotland) Act 2015, to consult with the inhabitants of Nairn and have regard to their views. Following consideration of the consultation responses, if the Council decides to proceed with the proposal, consent from the Sheriff Court will be required before the change of use can take place.

What is being proposed?

The Highland Council (through the Nairn Common Good Fund) proposes to construct a new bespoke public toilet facility at Nairn Links Beach. The development would include a Changing Places Toilet facility - providing additional space and specialist equipment for people with disabilities and accessibility needs - together with general public toilet facilities and an outdoor beach shower provision.

The proposal aims to modernise and enhance the existing public toilet provision at Nairn Links Beach, improving accessibility and inclusivity for residents and visitors. The development has the potential to support a positive visitor experience at one of Nairn's most popular destinations while ensuring facilities are better equipped to meet a range of user needs.

A Changing Places Toilet is a specialist accessible facility designed for people with disabilities who require additional space and equipment beyond that provided in a standard accessible toilet. Typically, these facilities include an adult-sized changing bench, ceiling hoist, accessible toilet, and space for carers, enabling users to access the facilities safely, comfortably, and with dignity.

The new bespoke facility is proposed to be constructed on a site adjacent to the existing public toilets. The existing facility will remain operational throughout the construction period to ensure uninterrupted access to public toilet facilities in the area. Once the new facility becomes operational, the existing toilet building will be deemed surplus to operational requirements. It is anticipated that the building may be repurposed for commercial or community use at a later date, subject to any necessary approvals. The future redevelopment or reuse of the existing toilet building does not form part of the current proposal and is not the subject of this consultation.

Responsibility for the future operation, maintenance and repair of the new facility would initially rest with the Nairn Common Good Fund, creating an ongoing financial commitment.

Project development

The proposal has been developed following a programme of feasibility work, stakeholder engagement and public consultation. In August 2025, funding was approved to explore options for improving public toilet provision at Nairn Links Beach, including the creation of a fully accessible Changing Places Toilet facility.

A Project Board comprising of representatives from The Highland Council, Nairn Improvement Community Enterprise (NICE), Nairn River Community Council and professional advisers was established to oversee the development of the project. The Board considered a range of options for delivering improved facilities and guiding the design process.

Community engagement has played an important role in shaping the proposal to date. Stakeholders and local residents were invited to comment on three design options through workshops, public exhibitions and an online consultation led by NICE. Following consideration of the feedback received, Option 3, the construction of a new bespoke public toilet facility, emerged as the preferred option. The preferred design has subsequently been refined and is currently being progressed through the planning process.



(Artist impression of what the new Nairn Toilets will look like – subject to planning permission)

Benefits and Impacts

The proposal has the potential to improve public toilet provision at Nairn Links Beach and enhance accessibility across the surrounding Common Good property,

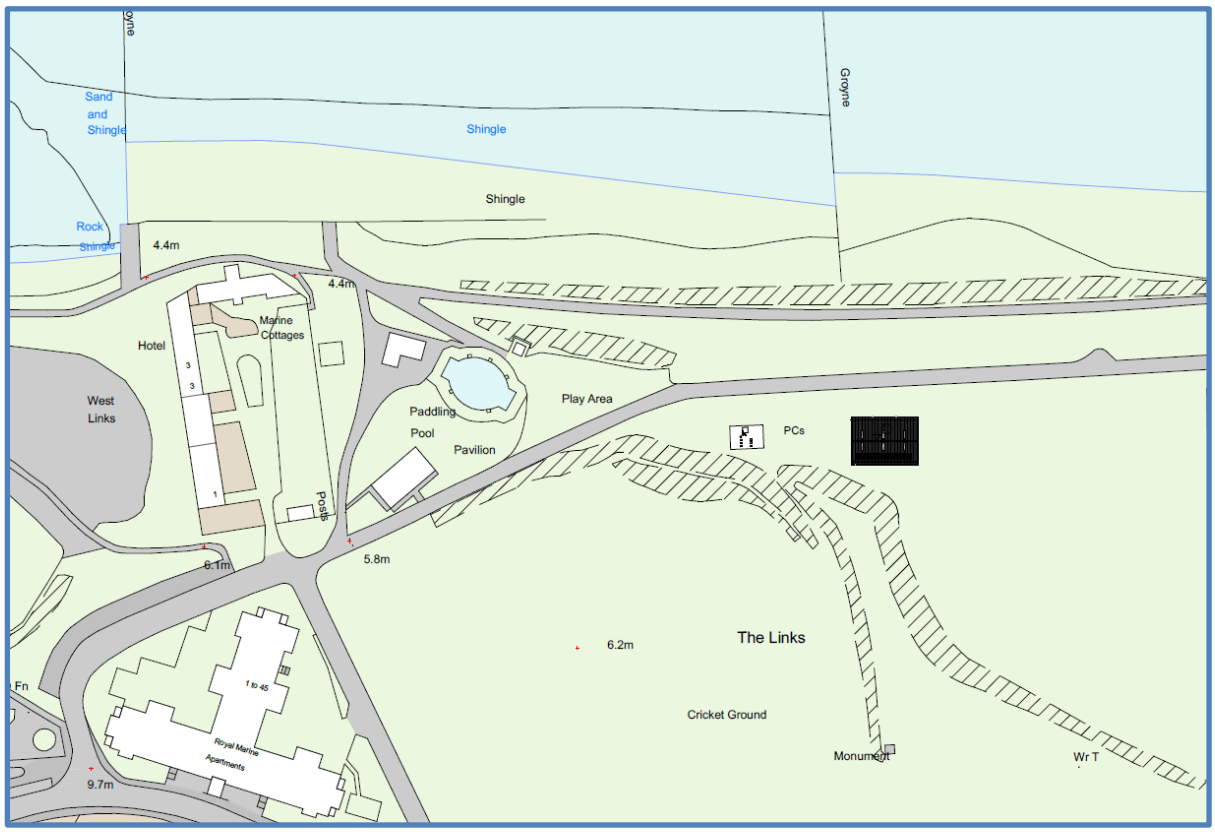
supporting wider community use and enjoyment. Through the provision of a dedicated Changing Places Toilet facility, modern public toilet facilities and improved visitor amenities, it would enable a wider range of residents and visitors to access and enjoy one of Nairn's key recreational destinations, while also supporting priorities identified in Nairn's Local Place Plan and Links Development Plan.

Potential impacts include the introduction of a new building within the beach environment, temporary disruption during construction, and ongoing maintenance and operational responsibilities. The Nairn Common Good Fund has committed £200,000 towards the construction of the facility and will incur future maintenance and operating costs. While the proposal is intended to deliver significant community benefit, it is not expected to generate a direct financial return for the Nairn Common Good Fund. A modest user charge may be introduced to support ongoing maintenance costs, and the future reuse of the existing toilet building may provide an opportunity to generate income and offset any operating liabilities. Options for the long-term management and sustainability of the new facility are currently being explored.

What land is affected?

The location proposed for the new bespoke public toilet facility (shaded in black below) is situated adjacent to the existing toilets and would be positioned alongside the existing footpath. The site currently comprises an area of open recreational ground, as shown in the plan and photograph below.

The proposed development site extends approximately 65 square metres, as identified by the plan below. Existing footpaths would be retained and would not be adversely affected by the proposal. The facility would connect to existing water and drainage infrastructure, minimising the need for additional service installations.





Representations

Before making a decision on whether to proceed with the proposal and change the use of Common Good land, the Council is seeking the views of the inhabitants of Nairn.

The purpose of this consultation is to help the Council understand any potential benefits, concerns or impacts the proposal may have on the use, enjoyment and management of the affected Common Good property. All representations received during the consultation period will be considered as part of the decision-making process.

This consultation relates specifically to the Common Good requirements set out under Section 104 of the Community Empowerment (Scotland) Act 2015. Planning permission and Common Good consent are separate statutory processes, and where both are required, obtaining one does not remove the need to secure the other. The preferred design is currently being progressed through the planning process, and this consultation seeks views solely on the proposed change of use of Common Good land.

Key questions:

1. What are your views on the proposal?
2. What benefits, if any, do you think the proposal may have?
3. Do you think the proposal may have a negative impact on the current use, enjoyment, accessibility, appearance, or character of the Common Good land?
4. Do you have any other comments on the proposal that the Council should consider?
5. Do you support, object to, or remain undecided about the proposal?

How to Respond

Please submit your written representations using one of the following methods:

- Engagement Platform: Engage Highland

- Email: common.good@highland.gov.uk
- Post: Common Good Fund Officer, Highland Council, Headquarters, Glenurquhart Road, Inverness, IV3 5NX.

Decision making

In reaching a decision, Members will have regard to the views and interests of the inhabitants of Nairn, the impact on the current use and enjoyment of the Common Good property, any benefits or disadvantages arising from the proposal, and any potential financial implications for the Nairn Common Good Fund. Following consideration of these matters, Members will determine whether to:

- Approve the proposal; or
- Approve the proposal with amendments or conditions; or
- Reject the proposal.

Should any significant amendments be made to the proposal, further consultation may be required.

The Committee's decision, together with the representations received and the Council's response to them, will be published on the Council's website.

Timescales

The consultation period will be open for 8-weeks commencing from **29 October 2026**. Final written representations must be received by midnight **24 December 2026.**

It is anticipated that a report on the outcome of the consultation will be considered by the Nairnshire Area Committee on **15 February 2027.**

Should Members approve the proposal, a court application under section 75(2) of the Local Government (Scotland) Act 1973 will be required. It can take approximately 2-3 months to be determined should there be no objections.

Additional Information

Common Good property is categorised as either alienable or inalienable. Alienable property may be sold, leased, or have its use changed in a way that affects public use, subject to the relevant statutory consultation requirements. Inalienable property is also subject to statutory consultation but may additionally require the consent of the Sheriff Court under Section 75(2) of the Local Government (Scotland) Act 1973 where there is uncertainty regarding the Council's power to otherwise alienate the property.

As the Property subject to this consultation is held by the Council by virtue of the Royal Charter for the Burgh of Nairn dated 16 October 1589, it may be regarded as inalienable Common Good property. If, following consideration of the consultation responses, the Council decides to proceed with the proposal, an application would require to be made to the Sheriff Court seeking consent for the proposed change of use.

The Sheriff Court process would provide a further opportunity for the public to make representations on the proposal. Notice of the application would also be advertised in the local press in accordance with statutory requirements.