

Fort Augustus and Glenmoriston Community Council

Summary of options for Inchnacardoch Land and other assets.

For some time there has been discussion relating to the Community Council ownership of inchnacardoch land (not waterline or bay). This has arisen due to the nature of the liability, which has been recently confirmed by the Highland Council, where this falls directly and without limitation on the Office Bearers of the Community Council. This is clearly not tolerable and needs to be addressed.

For clarity to those who have not been engaged in this discussion, there have been multiple times over at least 18 months where this has been openly discussed. Details can be found on the Community Council website in the minutes of previous meetings. Also this proposal would include Dr Kirton's memorial and land adjacent to the School.

Various options have been discussed in relation to this problem and they are listed below with reasons as to why the Community Council, or other party, have decided this cannot be enacted.

1. Transfer ownership to the Highland Council

The Community Council has asked the Highland Council if they would relieve them of this asset.

The Highland Council has refused this request based on them not accepting further liabilities.

2. Transfer ownership to the Community Company.

The Community Council has been in extended consultation with the Community Company to transfer ownership on the grounds of maintaining this asset within the community.

The Community Company has been advised to not accept this asset as it may have "hidden" burdens and would be in contradiction of OSCR guidelines. Solicitors on both sides have been unable to resolve this issue.

3. Transfer ownership to an external Community Interest Company.

The Community Council was offered this opportunity by an external group which would set up a Community Interest Company and managed the site on a commercial basis.

The Community Council has a duty to ensure that assets owned by them are controlled or transferred to owners who exist solely for the benefit of the community. This was not apparent in this CIC business plan outline.

4. Sale of land to private owner.

It was discussed that the land be sold to an external owner.

The Community Council has a duty to ensure that assets owned by them are controlled or transferred to owners who exist solely for the benefit of the community.

Therefore only one option remains:

5. Transfer ownership to an Internal Community Interest Company.

The Community Council would transfer the assets to a Community interest Company which would be made up by a controlling majority of directors from the elected Community Council.

The Community Council deems this to be the best course of action as it allows the liability to be devolved to a limited liability Company whilst also ensuring that any changes or development stays within the control of the elected Community Council.

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