

NFA Community Group Recommendations for North Whins Sales Criteria & Deed of Developer Conditions incorporating Duneland Commentary

Introduction

This document presents the list of items raised by the community during the NFA community meeting on 14 January 2019 and the few additional comments received by email during the week which followed.

At that event the community was invited to put forth their thoughts/wishes/desires for things they would like to see included in the proposed North Whins Sales Criteria and Deed of Developers Conditions. Detailed descriptions of what these documents are and the function they fulfil have been circulated by the NFA and are available to any member of the community upon request to either the Listener Conveners or Duneland.

Representatives of the community were selected during the 14 Jan meeting who would meet with Greg Paul on 22 January to review the list items and consolidate them into a workable list that reflected the community's apparent wishes.

Only two of the four representatives came to the meeting. They were Stephen Couling and Johanna Hyrkas.

At the meeting general matters were discussed and the group reviewed the list. The list is included herein and the collective conclusions of the group relating to each item is noted in **RED**.

The Duneland analysis/position regarding each comment is noted in **GREEN**.

Duneland will submit to Park Planning Group:

- It's proposed Sales Criteria and Deed of Developers Conditions.
- This Summary of the Community's wishes and their appointed representatives distilled take, incorporating Duneland's considered view and highlighting any discrepancies between the two.

Park Planning Group will meet on 13th February to consider all and advise.

Duneland will make any amendments and circulate to PPG and NFA.

This document is prepared for the benefit of PPG and is to be read in conjunction with:

- Sales Criteria,
- Deed of Developers Conditions,

The Lists & Considered group positions

Financial structures to minimise private gain and maximise community gain:

- Maximise philanthropic £ to affordable housing (rather than just profit for a developer)
CONSIDERED TO BE A VALID ASPIRATION RELEVANT TO THE SALES CRITERIA THE INTENT OF THIS COMMENT IS INCLUDED IN SALES CRITERIA ITEM 6
- Minimise £ to developer or design builder or private owners **CONSIDERED TO BE EXACTLY THE SAME AS THE LAST POINT AS ABOVE**
- Properties not for investors (except where there is a commitment to responsible housing)
CONSIDERED TO BE A VALID ASPIRATION RELEVANT TO THE SALES CRITERIA SPECIFICALLY ADDED

TO SALES CRITERIA ITEM 10

- Community owned rental property **CONSIDERED TO BE A VALID ASPIRATION RELEVANT TO THE SALES CRITERIA SPECIFICALLY ADDED TO SALES CRITERIA ITEM 8**
- B&B profits back to community **CONSIDERED TO BE UNREASONABLE AND POTENTIALLY UNLAWFUL NO ACTION REQUIRED**
- % of business/private profit back into community **CONSIDERED TO BE UNREASONABLE OR INAPPROPRIATE NO ACTION REQUIRED**
- 2% Levy on sale **CONSIDERED TO BE RELEVANT TO DODC – ALREADY INCLUDED IN EAST AND WEST WHINS BUT WOULD LIKE TO SEE A TIGHTER PROCESS IN PLACE FOR NORTH WHINS PROPOSED WORDING CHANGED TO TIGHTEN UP PROVISION – SUBJECT TO LAWYER APPROVAL**
- Cap on value increase **REWORDED AND INCLUDED IN SALES CRITERIA ITEM 7**
- Financing - How many plots and any subsidised - transparency for how much is needed. **CONSIDERED TO BE NOT APPLICABLE TO THE SALES CRITERIA/DODC EXERCISE NO ACTION REQUIRED**
- What are the financial (re?)straints in relation to the whole project? **CONSIDERED TO BE NOT APPLICABLE TO THE SALES CRITERIA/DODC EXERCISE NO ACTION REQUIRED**

Issues of occupancy:

- Minimal empty houses **ALREADY COVERED IN SPIRIT IN DEED OF COMMUNITY CONDITIONS – CONSIDERED TO BE A PARK-WIDE ISSUE OF ENFORCEMENT NOT APPLICABLE TO THIS PARTICULAR EXERCISE NO ACTION REQUIRED**
- Occupancy rate? **THE GROUP COULD NOT UNDERSTAND THE COMMENT NO ACTION REQUIRED**
- No holiday or second homes **ALREADY COVERED IN SPIRIT IN DEED OF COMMUNITY CONDITIONS – CONSIDERED TO BE A PARK-WIDE ISSUE OF ENFORCEMENT NOT APPLICABLE TO THIS PARTICULAR EXERCISE NO ACTION REQUIRED**
- Main residence **ALREADY COVERED IN SPIRIT IN DEED OF COMMUNITY CONDITIONS – CONSIDERED TO BE A PARK-WIDE ISSUE OF ENFORCEMENT NOT APPLICABLE TO THIS PARTICULAR EXERCISE NO ACTION REQUIRED**
- Service as part of residence **CONSIDERED TO BE POTENTIALLY UNLAWFUL. ALSO CONSIDERED TO FALL IN THE CATEGORY OF “YOU CAN’T LEGISLATE LOVE” NO ACTION REQUIRED**
- No more private ownership **CONSIDERED TO UNREASONABLE NO ACTION REQUIRED**
- No more B&Bs/ Designated accommodation **CONSIDERED TO OPPOSE THE COMMUNITY’S PURPOSE AND STATED NEEDS NO ACTION REQUIRED**
- Youth Hostel/ Bunk/ Free camping/ short term housing **CONSIDERED TO BE A VALID ASPIRATION BUT NOT APPLICABLE TO THIS EXERCISE NO ACTION REQUIRED**
- Some to rent **CONSIDERED TOO UNSPECIFIC TO BE ABLE TO DO ANYTHING WITH IT NO ACTION REQUIRED**

- Priority to those aligned with Level of personal involvement **CONSIDERED TO BE A VALID ASPIRATION RELEVANT TO THE SALES CRITERIA INCLUDED IN SALES CRITERIA ITEM 9**
- Affordable housing open to all (applicants from Findhorn Village) **EXISTING HOUSING ALLOCATIONS POLICY ALREADY IS NO ACTION REQUIRED**
- THA conditions (e.g. Experience Week hasn't been enforced/followed through) **ALREADY COVERED IN SPIRIT IN DEED OF COMMUNITY CONDITIONS – CONSIDERED TO BE A PARK-WIDE ISSUE OF ENFORCEMENT NOT APPLICABLE TO THIS PARTICULAR EXERCISE NO ACTION REQUIRED**

Physical Criteria: THIS ENTIRE SECTION WAS CONSIDERED TO REFLECT THE DESIRE TO SEE A DUNELAND SPONSORED DESIGN CODE – THIS WAS A STATED REQUEST OF THE GROUP. WHILST WE ACKNOWLEDGE THIS AS A VALID ASPIRATION OF THE COMMUNITY, IT IS NOT SPECIFICALLY RELEVANT TO EITHER THE SALES CRITERIA OR DEED OF DEVELOPER CONDITIONS SO WE HAVE NOT BEEN ABLE TO ADDRESS IT IN THIS EXERCISE.

- Minimum build (whole area), leaving maximum nature for gardens.
- Height of housing to not exceed Dune Ridge height.
- The quality of build environment - e.g. roads, surfaces
- The size of footprint in relation to the size of the plot
- The materials and colours
- Proper restoration of Ridge pathway
- Just gorse - No houses
- No roads
- No cars
- Community Green spaces + for kids play
- Tasteful designs and colours
- Low house level - size matters - i.e. not too high - in both relation to gorse and ridge levels and also 'groundlevel' - no skyscrapers
- Cluster housing with shared facilities
- Roof gardens (bio-mimicry)
- Establish an ecosystem/natural habitat
- Sustainable technology
- Standard sustainability - e.g. passive housing/ lean housing - insulation/ Life cycle analysis - what happens @ demolition

Strength/enforceability of criteria:

- Learn from past - East/West Whins - Who polices the rules? = PPG? **CONSIDERED TO BE COVERED BY THE ENQUIRY CIRCLE'S DRAFT HOUSING STATEMENT ALREADY REFERENCED HEREIN NO**

ACTION REQUIRED

- Construction vehicles - 'normal wear and tear' - How do we measure the damage done by construction vehicles? Are they beyond the normal wear and tear? **CONSIDERED TO BE A MATTER FOR DUNELAND & FF/NFD. AN ACCOUNTING ISSUE NOT APPLICABLE TO THE GENERAL COMMUNITY NO ACTION REQUIRED**
- The 'Community Benefit Society' - Who would scrutinise it? **CONSIDERED TO BE NOT APPLICABLE TO THE SALES CRITERIA/DODC EXERCISE NO ACTION REQUIRED**
- Who defines community benefits? i.e. Duneland, PPG, Community? **CONSIDERED TO BE UNCLEAR HOW IT RELATES TO THE SALES CRITERIA/DODC EXERCISE NO ACTION REQUIRED**
- Professional qualifications **CONSIDERED TO BE NOT APPLICABLE TO THE SALES CRITERIA/DODC EXERCISE NO ACTION REQUIRED**

Context issues: **ALL ITEMS IN THIS SECTION CONSIDERED NOT APPLICABLE TO THIS EXERCISE NO ACTION REQUIRED**

- Jobs
- 1st priority Community Facility i.e. Community Centre and amenities, e.g. sport/social/gym
- Obligatory car share use
- Co-working space

Concerns about process: **ALL ITEMS IN THIS SECTION CONSIDERED NOT APPLICABLE TO THIS EXERCISE NO ACTION REQUIRED**

- Some in community not happy with current plan
- Some feel steamrollered
- Historically, some remember no agreement to build on N.Whins at all.
- Some feeling not enough transparency in process
- Concern PPG isn't really listening/accurately capturing community
- Or process used wasn't transparent
- Who scrutinises the current Duneland Board?

Other ideas received by email in the week prior to the meeting

I am proposing that education be an integral part of the North Whins development. The setting up of an eco-home design and built environment school.

- Learning about models of co-housing, bio-mimicry etc.
- Researching the latest innovative technology in the field
- Applying theory into practice - physical building
- Evaluation of projects by leading experts
- Living in the built homes and environment for a period of time

This would require:

- DL to allocate land specifically for this project.
- The school to apply for grants to fund the project.
- Opportunities for the school to continue its innovative work in the future.

This project would aspire to Findhorn being a leading edge eco village again. I hope it will be considered. We have the resources here to do it.

CONSIDERED TO BE A VALID ASPIRATION BUT NOT ENTIRELY RELEVANT TO THIS PARTICULAR EXERCISE – ALL PROPOSALS FOR PROJECTS CAN BE MADE TO DUNELAND AND THE NFA & DUNELAND TOGETHER WILL ENDEAVOUR TO SUPPORT ALL COMMUNITY BENEFIT INITIATIVES NO ACTION REQUIRED

- 1) People to do (or have done) Experience Week before moving in (ALREADY COVERED ABOVE) NO ACTION REQUIRED
- 2) Community members to do some hours of service to the community as a whole...eg. park kitchen... (ALREADY COVERED ABOVE) NO ACTION REQUIRED
- 3) Use bikes, electric bikes where possible instead of cars CONSIDERED TO BE NOT APPLICABLE TO THE SALES CRITERIA/DODC EXERCISE NO ACTION REQUIRED
- 4) A car free zone would be great CONSIDERED TO BE NOT APPLICABLE TO THE SALES CRITERIA/DODC EXERCISE NO ACTION REQUIRED

Other comments/wishes of the group

IT WAS CONSIDERED THAT THE SALES CRITERIA:

- NEEDS TO CONVEY WHO AND WHAT THIS COMMUNITY IS ABOUT; NEW PREAMBLE TO SALES CRITERIA TO REFLECT THIS. NEW ITEM NR 2 INSERTED IN CRITERIA LIST
- OUGHT TO STRESS THE DESIRE TO RECEIVE OFFERS AND PROPOSALS WHICH CLEARLY ARTICULATE THEIR ALIGNMENT WITH THE COMMON GROUND. NEW PREAMBLE TO SALES CRITERIA TO REFLECT THIS