



Ardersier Community Liaison Group

Meeting Minutes

Date of Meeting: Tuesday 3rd August 2021

Location: Meeting held via video call

Present:

Ardersier and Petty Community Council

- Kevin Reid - Chair (KR)
- Christine Wood (CW)
- Shane Spence (SS)

The Highland Council

- Cllr Trish Robertson (TR)
- Cllr Glynis Sinclair (GSi)

Scottish Water (SW) and ESD

- Paul Sexton, General Manager – Alliance Management (PS)
- Wendy Cooper, Chief Operating Officer, ESD (WC)
- David Kitching, Alliance Management Team Manager (DK)
- Gavin Steel, Corporate Affairs Manager (GSt)

Apologies: Graeme Campbell, ESD



Community Liaison Group Objective

'The aim of the community liaison group is to minimise any negative impact and maximise the positive impact on the local community.'

The group will provide feedback and guidance on Scottish Water's programme of engagement and communication with the local community, elected representatives and other stakeholders throughout the construction element of the approved projects. This will facilitate feedback and enable informed debate that will help Scottish Water identify areas of concern, explore solutions, aid communication and progress the projects.'

Minutes

1. Welcome & introductions

KR welcomed members to the meeting. As there were some new faces joining the meeting, everyone attending briefly introduced themselves.

2. Review of previous minutes and actions

KR confirmed that he was content with the minutes of the previous meeting, but noted CW had been the only other member present to approve them. (CW was able to join the meeting at a later stage and indicated that she was content with the minutes as previously circulated.)

Actions were reviewed as follows:

Action 1: Scottish Water to share findings of its investigation of the planning non-compliance with CLG once they are available.

GSt noted that this has been circulated by PS at the end of the previous week and that this was the first item on the agenda for this evening's meeting.

Action 2: ESD to arrange placement of boulders at suitable spacing to allow non-vehicular access but discourage vehicles from encroaching on the coastal path at end of the access track by the WWTW.

GSt noted that in GC's absence he was unsure whether the boulders which had been brought to site for this purpose had yet been put in place, but it had been agreed that this would be done. He and DK undertook to follow this up after the meeting.



Action 1: *Scottish Water / ESD to confirm whether placement of boulders had yet been carried out to discourage vehicles from encroaching on the coastal path at end of the access track by the WWTW; and otherwise to arrange for this to be done when suitable plant was next available on site.*

3. Planning issue / Scottish Water Internal Investigation

PS noted that, as well as discussing the report which he had circulated, he wanted to apologise for the issue which had been raised relating to the Notice of Initiation of Development, which GSt had emailed members about since the last meeting. He noted that this was a form which developers submitted to the Planning Department, detailed the starting date of work and the site's contact details. While a notice had been in place covering the ongoing activity on the whole site over recent years, a further notice relating to the most recent application had been submitted as soon as this matter had been drawn to Scottish Water's attention.

PS explained that the report which he had circulated reflected the findings of the review which he had promised would be carried out into the circumstances that resulted in structures being built that were not in accordance with planning consent. He explained that the investigation and report were undertaken by Scottish Water's Team Leader for Programme Compliance, who is tasked by the Director of Capital Investment with chairing the SW's Compliance Improvement Group. He is independent of the project and carried out the investigation following Terms of Reference which were included as an appendix to the document. The report had then been reviewed by a General Manager and signed off by the responsible Director. He explained the focus of the review was the process and the root cause so that the right lessons could be learned. He recognised the document might come across as direct and factual, but this should not be taken as detracting from the regret and apologies which he and Scottish Water colleagues had expressed.

PS did not propose to read through the whole report, but noted that it focused on several critical communications between the ESD design team and the Scottish Water planning team. The communications were not clear or were misunderstood, with the result that when the increase in height of some structures was identified this did not result in proper engagement with the planning process or escalation which might have resulted in the design decisions being reviewed by senior management.

PS explained that the actions identified by the report had either been carried out or were in progress. All teams involved in planning and delivering Scottish



Water's capital programme were being briefed on the importance of managing design changes appropriately via the planning process, when required, as well as carrying out design work in order to minimise the need for changes as far as possible. There would be a quarterly design review by Scottish Water's planning team to look at all projects underway with planning sensitivity and check their compliance with the planning consents in place. Scottish Water's Quality Team which otherwise carried out work on construction sites to check on things like Health & Safety standards and quality of construction work would now also check the structures being set out and built to ensure they corresponded with the planning consents in place.

GSI raised the Initiation of Development Notice. She stated that she was aware the document had not been submitted by Scottish Water and this had been identified by a resident 6 or 7 weeks earlier. The resident had made efforts to engage the council's planning service about this and she felt the planning service had not responded to this with sufficient urgency and importance. She felt that the community had been let down again and that no amount of apologies would help matters. She felt the situation where Scottish Water had to apologise should never arise and that commitments made should have been set in stone and fulfilled.

GSI noted that she felt the report was a technical document produced by technical people to absolve Scottish Water of all technical issues. She could not see why the lessons learned had not already been in place. She did not know if the planning issue would ever have been identified without the attentiveness of residents in Ardersier.

GSI had seen papers suggesting that rectifying the situation was going to cost Scottish Water £312,000 but wanted to know how the village would be compensated. She was raising this with the local MSP. She acknowledged and was grateful for the sincere apology that had been received from Scottish Water's Chief Executive Douglas Millican.

PS thanked GSI for her feedback. He acknowledged that Scottish Water had let the community down by not preventing the non-compliance with its planning consent. He wished to assure members that the matter had been taken extremely seriously, not just via the report but in the substantial work which was currently being carried out to remedy the situation as far as possible on site.

TR indicated that she would investigate the feedback about the planning service given the importance of this matter to the village. She also felt that apologies were of no value and she had also asked Fergus Ewing for an investigation.

TR's remaining concern was that Scottish Water still intended to come back at some point in the future to ask for an extension. She hoped it would not do so



because she felt that people in Ardersier wanted nothing more to do with Scottish Water. She noted her thanks to the member of the community that had held Scottish Water to account.

PS thanked TR for her feedback.

SS commented that he felt there had been systemic management failures and that there was a lack of oversight and correct procedure. The latest issue about permissions had reinforced this view.

SS noted that it was well recorded that the community did not want the project at the WWTW. That decision had been made, but from that point on the community was entitled to expect the project would be managed competently. He was glad that lessons were being learned, but shared the view that the mistakes should never have occurred originally.

PS acknowledged SS's comments and reflected that the Scottish Water and ESD representatives at the meeting all wanted to ensure that the project was carried through to its completion with as little further disruption to the community as possible.

WC added on behalf of ESD that they did not want to be in the situation of disappointing the community or getting engagement wrong. She assured the group that searching questions had been asked across their whole portfolio of projects. She recognised many of the points being made and appreciated that members didn't want to hear apologies, but nevertheless she wanted to take the opportunity to apologise on behalf of her organisation for the shortcomings that had contributed to the situation.

PS noted that he wanted to be clear that Scottish Water fully accepted its responsibility for what had happened and for the oversight of the project. He did not want ESD's recognition of its part in the situation to be taken as reducing Scottish Water's acknowledgement of its overall responsibility.

SS wished to echo the concerns raised about planning oversight by the Highland Council.

KR agreed and reflected disappointment that it had taken a member of the public to identify the issue and that the Liaison Group had not been informed beforehand about the design changes. KR felt that fundamental responsibility rested with Scottish Water as the developer. Whether or not Highland Council should have picked up on it was a separate matter.

PS responded that there had been multiple opportunities for the issue to be spotted by multiple people. This was one of the reasons that there had been a focus on improving procedures so there were more checks and people were



asked to actively confirm that both designs and construction work were compliant at each stage in the process.

KR noted that a height issue was difficult for a member of the public to assess accurately, but if a resident had not done this then Scottish Water may have got away with the non-compliance.

GSi said that she and a resident had identified the issue from the beach and she felt it was clearly apparent. It was challenged and she felt that the response from planners was too slow and there had been reluctance to engage. She noted that a planning official had attended a meeting with ward members and acknowledged he had not visited the site to see the issue for himself.

GSi asked what would have happened if the issue had not been identified.

GSt indicated that he didn't think anyone could state what would have happened in other circumstances with certainty. He understood there was a process at completion of a development where planners could check that a project had been built in line with its planning consent, so the non-compliance may have been identified at that stage. He recognised that remedying the situation would have been even more difficult as the site would be expected to be in operation by this stage in the process.

PS noted that the biggest issue for Scottish Water was the failure to understand the issue properly at the design stage. Scottish Water would never wish to be in the position of something being built before a non-compliance was identified. Trying to remedy the situation after construction was well advanced was much more challenging than getting the design process right. Additional safeguards had been put in place to address the risk of non-compliance at the construction stage, but the most important part of the process was for the designers to understand the planning consent and its absolute importance.

GSi felt that everything being said had been said before and that it was too late for the community in Ardersier. She could only hope that due diligence would be shown towards other communities in the future.

TR reflected that the community had been blind-sided by Scottish Water at every stage in the process, from the earliest investigation work carried out on the coastal path. She reflected that the height of the development had been highlighted by the community at an early stage and that its importance should have been understood. She felt that there had been a lack of up-front communication all the way through and that members of the CLG had been kept in the dark.



PS acknowledged the points made. GSt said that he did not think there had been any intention in any of the communications or conversations with the CLG to mislead members. The issue had been one of oversight, and this should not have happened, but effort had been made to work with the group in good faith, while recognising that members had been opposed to the development in the first instance.

TR reflected that she felt that any efforts Scottish Water had made had failed and that the CLG had not worked as intended. There had not been adequate dialogue and she did not feel members had been treated fairly or enabled to act as a meaningful link with the community.

GSt indicated that he was sorry this was TR's view and that Scottish Water would never wish to put community members of the CLG in a position of being held responsible for things which were in no way their fault; and which were Scottish Water and ESD's responsibility.

GSt asked when Scottish Water expected to apply for a completion certificate in relation to the site.

PS suggested that DK provide an update on the project's progress which might give the best indication of this, with the main factor being the completion of the remaining construction and commissioning work.

4. ESD project progress update

DK shared a slide giving an overview of progress at the site.

He explained that testing / wet commissioning was underway in Primary, Secondary and Aeration treatment areas. A temporary generator was on site to allow this activity to go ahead, with the site acceptance test expected to start from week commencing 16th August.

The modified wall panels and launder channel for the Picket Fence Thickener were also expected to be delivered to the site in week commencing 16th August.

The upgrade to the site's power supply was now expected to take place in September, including a road crossing for the cable / cable duct. The transformer and associated kiosk would also be delivered and connections completed. A temporary generator would be on site to maintain operation of the existing WWTW, as a one day interruption to mains power to the site would be required for the final connection, but there should not be any impact on the power supply to the village.



The modified elements of the Picket Fence Thickener Tank would be fitted to enable hydrostatic testing, with completion of this element expected by the end of October.

The modified bypass screen for the inlet works was expected to be delivered in late October, in order for its installation and commissioning of the inlet works to take place from October into November.

The current expectation was for the new WWTW to be ready to receive flows before the end of November. He expected that the final completion was likely to be in early 2022.

5. Feedback and discussion

- **Odour Management Plan**

GSi asked if the revised Odour Management Plan had been submitted and, if so, when this had happened.

PS indicated that this had not yet happened. ESD's team were working on it and he understood it would be available imminently.

GSi expressed disappointment that this had not yet been done. She felt that Scottish Water should get everything in order and just finish as she did not want to hear any more excuses.

PS undertook to ensure that a revised Odour Management Plan (OMP) was submitted as soon as possible. He stressed that there was an OMP in place, much of which would remain applicable, but acknowledged that Scottish Water had been asked to check and update this. If anything, the design changes since the earlier OMP had been produced had the effect of reducing the odour risk so he did not anticipate significant changes to the plan being required.

- **Power supply**

KR noted that the upgrade to the power supply appeared to have moved back as he recalled that it had originally been anticipated over weeks commencing 16 and 23 August.

GSt confirmed this and DK added that these had been earlier forecast dates from the specialist contractor carrying out this work. They had carried out further checks and identified some further work required with SSEN and specialist support needed to monitor the excavation which had caused a delay. He noted that he was waiting for a detailed programme and that dates would be passed on to the group as soon as they were received.



Action 2: *Scottish Water / ESD to confirm dates for the site's permanent power supply to be installed when received from the contractor.*

- **Screening / planting / landscaping**

SS asked for an update on the screening vegetation and how well this was developing on the site. He felt that it looked a bit threadbare in places.

DK noted that the planting had been completed in accordance with the landscaping plan. He reflected that it remained early days for the plants becoming established and that it would take some time for this to happen. He explained that there was a maintenance agreement in place with the supplier of the plants. He reassured SS that it would be monitored and any necessary maintenance to support the establishment of screening would be carried out.

PS added that he understood there was an arrangement in place to monitor and maintain the planting as required over the coming years. He noted that there remained some bunding and planting still to follow around the site entrance, which could only be finalised once the site cabins were cleared.

SS was concerned about the ground and growing conditions; and was keen to ensure that the planting would be monitored to ensure it provided the level of screening that was expected.

- **Future development of the site**

SS sought confirmation that the completion certificate for the current development would take the site to the population equivalent of 8831; and that a further planning application would be required to add further capacity above this.

PS indicated that this was correct. He did not have the precise capacity figure on hand, but it was of the order of the figure SS had referred to. The current project would only deliver the first tranche of capacity.

SS asked if there was any indication of when Scottish Water might seek to expand this capacity any further.

PS confirmed that the timescale for any further future capacity was unknown and the need for this was dependent on the build-out rates of development within the WWTW's catchment. He noted that currently the flows were still being managed by the existing / old WWTW (with the new UV treatment which had been added in 2017).

SS explained he was trying to anticipate when Scottish Water might look for a new planning permission to expand the site to the next stage. He



noted that the community would remain opposed to this, although he recognised that this was difficult for Scottish Water to assess.

PS noted that some of the infrastructure that was already installed had been designed to allow for the future state if further capacity was provided within the site's boundary, as reflected by the plan for phased development of the site that had recently been recirculated at the CLG's request.

TR sought clarification about what was meant by future state. She also noted that the community had asked for larger trees so she was surprised that SS had felt they still looked quite sparse.

PS noted that Graeme Campbell would be the best person to talk about the trees in further detail. He understood that the trees used were the most mature available and recommended by Scottish Water's landscape architect to maximise the likelihood of them becoming established successfully. He understood that seeking to bring in significantly larger trees would have increased the risk of the plants failing to thrive. He was hopeful the planting would establish well over the coming years.

PS clarified that by future state, he was referring to proposals for phased development of the site which would require new planning consent. He had been referring to the fact that some of the plant like the rising main had been designed to allow for the site to grow with reduced future disruption to the community. He acknowledged the views that members had expressed about this.

GSi felt the comment about future state were disconcerting. She asked if PS was saying that the site had been future-proofed to receive higher flows.

PS explained that he didn't want to overstate the position, but was seeking to explain that some of the infrastructure had been designed so that it would not need to be dug up and replaced if additional capacity was added in the future.

GSi noted that local members of Highland Council had always opposed planning permission for work at Ardersier WWTW. She felt the Scottish Water would have a fight on its hands if it thought it could expand the WWTW in the future and that it would have to go elsewhere in the Highlands.

TR sought clarification of whether there was a maximum capacity that was associated with the planning consent.

PS indicated that he understood this was what SS had been referring to.



He did not think the capacity of the site was strictly part of the planning consent, but the equipment which was currently being installed had a licensed capacity associated with it.

TR indicated that she had understood that if the capacity of the site was to go beyond the 8,000 to 9,000 that a new planning consent would be needed.

PS confirmed that if any future phases of development were to go ahead at the site to add further equipment and capacity, this would require a new planning consent.

TR indicated that a new planning consent would not be granted if local councillors could help it.

PS indicated that he would get members an update on the current connected population equivalent and how this compared with the capacity provided by the current project.

Action 3: *Scottish Water to provide an update on the current connected population equivalent compared with the licensed / design capacity of the current project.*

- **Ardersier Port**

TR noted that Ardersier Port had been sold and that they were advertising for staff. She asked what the drainage arrangements for the site would be.

GSt indicated that he wasn't close to the detail, but he understood that a pumping station and rising main had been constructed by one of the previous owners of the site, which had been designed to bring flows to Ardersier WWTW. This had been one of the areas of potential development that the WWTW project had taken into consideration. He noted that there had been a number of plans for the site over time and he thought the infrastructure may have been installed when residential development was anticipated. The media coverage he had seen of the new owner seemed to suggest a focus on renewed industrial use of the site, so this might have a bearing on drainage requirements. He thought it was likely that the new owner would wish to make use of the infrastructure previously installed.

TR indicated she would take note of drainage arrangements in the planning process if any further applications came forward for the site.

GSi was aware that the pumping station had been put in and was intended to connect to Ardersier. She noted that she had campaigned with residents for the WWTW to be located at Whiteness rather than on the shoreline. She felt the nature of development at the site remained to be seen. She

thought that residential development might still be pursued by the new owners although recent statements had focused on potential decommissioning activity.

GSi made her apologies and left the meeting.

- **Sewer renewal work at Station Road / Nairn Road**

GSt noted that, while separate to the remit of the CLG, there was a separate project that was being prepared by a different project team which he wanted to make members aware of. This was a relatively localised piece of work to renew sewers that served the houses near to the junction of Station Road and Nairn Road. The work was at an early stage, but some initial engagement with residents might begin in the coming months.

KR asked if this was the same location where work had been carried out around two years ago.

GSt confirmed that the previous work had renewed the most urgent part of the sewer which had been impacting on drainage at times for residents. In the course of this work, it had been confirmed that the remainder of the sewers in the immediate area, which were all of the same age and type, were in need of replacement to prevent them deteriorating and causing further problems for residents. As with the earlier work, the project team would seek to engage with residents and manage the short term disruption involved as well as possible, while delivering the work that was needed. He stressed that the work was not very imminent yet, but initial engagement with customers was expected sooner.

TR advised GSt to tell the project team that first class reinstatement of the roads would be required as the roads were also part of her remit.

- **Request to install buoyancy aid on Ship Inn WWPS wall**

KR noted that he had emailed GSt to seek permission to install one of 2 life buoys which had been purchased by the community on the pumping station close to the Dolphin Bay Suites.

GSt confirmed he had seen the email and had been in touch with relevant colleagues. He would chase them up for confirmation, but thought it should be possible for Scottish Water to agree to this.

KR noted that he was thinking the best place would be on the coastal path side, where there was a pole in place.

GSt said that he thought the only issues would be ensuring that the buoy didn't obstruct the kiosk doors so that operators could continue to access it; and was installed appropriately so as to be secure and not to cause damage to the wall.



KR indicated that he would be happy for one of Scottish Water's engineers to carry out the installation if they were willing.

GSt indicated that he would enquire, but he thought it might be better if the community was able to arrange the installation.

Action 4: *Scottish Water to confirm permission and arrangements for proposed installation of life-saving / buoyancy aid on the wall surrounding its kiosk at Ship Inn WWPS.*

6. Future meetings

KR asked if dates had been planned for future meetings and hoped that a face-to-face meeting might be possible.

GSt confirmed the date previously proposed was Wednesday 29th September at 5:30pm and there was no need that he knew of to change this.

He suggested options for a face-to-face meeting could be revisited via email in early September, in order to allow as far as possible for any changes in the public health advice.

Remaining scheduled meetings for 2021 were therefore:

- Wednesday 29th September, 5:30pm
- Wednesday 24th November, 5:30pm

KR thanked attendees for their participation in the discussion and closed the meeting.