



**Scottish
Water**
Trusted to serve Scotland

Ardersier Community Liaison Group

Draft Meeting Minutes

Date of Meeting: Wednesday 25th November 2020

Location: Meeting held via video call

Present:

Highland Council

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

Ardersier and Petty Community Council

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

ESD (WWTW Project)

- Graeme Campbell, Project Manager (GC)

Scottish Water (SW)

- Paul Sexton, General Manager – Alliance Management (PS)
- Gavin Steel, Corporate Affairs Manager (GSt)

Apologies:

Cllr Roddy Balfour



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.

GSt noted that he had received apologies from Cllr Roddy Balfour.

2. Review of previous minutes and actions

GSt offered to talk members through the actions from the previous meeting.

Action 1: ESD / SW to advise CLG members when dates are known for work on the site's power supply.

GSt indicated that dates were not yet known for the upgrading of the WWTW site's power supply and this was not now expected to happen until the new year. GC confirmed. Scottish Water and ESD were aware there had been recent SSEN work on the electricity network, with a planned power interruption affecting nearby residents and the site itself – SSEN had issued customer notifications in advance of this work.

Action 2: ESD / SW to consider the vantage point highlighted (approach on coastal path from Fort George towards the village) and potential colour options for gantry, subject to the outcome of the planning process.

GSt noted that the outcome of the planning committee earlier in the month was the main item on the meeting's agenda and suggested this be discussed in that context.



Action 3: CLG to consider at future meeting whether production of a further newsletter would be helpful following the outcome of the planning process.

GSt suggested it might be best to carry this action forward, although it could be returned to later in the meeting if members wished. See new Action 6 below under Any Other Business.

Action 4: GC to follow-up with civil contractor to establish options (for boulders or similar to limit vehicle access to coastal path via track by WWTW); GS to make contact with Access Officer to confirm his views.

GSt confirmed that the Access Officer had confirmed he was happy for boulders to be placed and had provided guidance. GC noted that the improvement to the track had been carried out, but the team were awaiting delivery of suitable boulders to be placed.

KR noted that draft minutes had been circulated via email previously and agreed by members present. Members who had attended the August meeting confirmed they were happy for the minutes to be formally approved.

3. Scottish Water planning update and discussion

GSt explained that PS had prepared a presentation to review the planning issue and work which Scottish Water and ESD had been doing following its recent consideration by the planning committee.

GSi asked what formal response Scottish Water had made to the committee decision. She wished to know whether Scottish Water would consider a formal site visit.

GSt noted that Scottish Water had responded to a number of media enquiries arising from the planning committee's discussion and decision to defer the retrospective application. Scottish Water had not yet been formally notified of the committee's decision, which he understood had to await agreement of the meeting's minutes by Members. However, officers had provided guidance which had allowed some initial work to begin.

GSi objected and stated that Scottish Water was to blame for the situation and there was an expectation of consultation with the community. GSi and TR raised concerns that Scottish Water had prepared a presentation and felt this implied it had already decided its response.



PS assured the meeting that no decisions had been taken, but Scottish Water felt it was better to bring something to the meeting to show the attention and thought that had been given to the issue so far.

PS reiterated his apology that there had been a significant failure to comply with the planning consent and his disappointment that this had happened. He didn't propose to go over the full discussion from the previous meeting. He proceeded to share a presentation with Members (see accompanying presentation slides).

GSi intervened to say that she was not happy for the proceedings of the CLG meeting to be fed back to The Highland Council. She said that people were at the meeting to see what Scottish Water was going to do and that there was a lot more work to be done. She was not happy for any of the discussions to be used to support the retrospective planning application. Other community members were in agreement.

GSi challenged where the bullet points presented on PS's first slide had come from.

PS indicated that they were closely based upon feedback provided by planning officers after the committee discussion. He understood that they remained informal guidance until Members agreed the minutes of the decision at their next meeting. He was happy to get further detail if required.

PS presented slides outlining the details of the difference between the 2011 planning application, the 2016 variation and the Picket Fence Thickener tank which had been built in early 2020 (and was part of the recent retrospective application to amend the planning consent).

GSi stated that Scottish Water was required by law to consult the Community Council during the original planning process. Residents had raised concerns about the height of sludge storage structures. Despite being aware of these concerns, Scottish Water had built higher structures than allowed, resulting in an Enforcement Notice having to be served. She expressed her anger.

TR expressed frustration that the presentation was telling members of the group what they already know. People wanted to know what Scottish Water were going to do to address the situation. What the village wanted was for the structures to go back to their original height, so that was the starting point.

PS explained that he had been trying to provide some context and scale, not to present excuses. He suggested that he would move on and the meeting could then come to the key part of the discussion.

PS noted that full visualisations were being produced, but in the meantime GC and his team had taken some photographs, including a staff / pole to



represent the height of the planting that would be taking place on the bunds. He noted that the approach from the Fort George side of the site on the coastal path was probably the worst vantage point – where a significant part of the structure would be seen above the initial height of planting. As had been touched on at the previous meeting, the tank itself would be seen less than the steelwork of the gantry which was more visible. Scottish Water and ESD were very aware that the hand-railing, kicker plate, cable trays and control board were all adding to the visibility of the gantry – these were things which he hoped could be revisited.

PS noted some other viewpoints had been included too to give a range of vantage points, some where the structure was more and less visible. He explained that the planting once established was expected to provide significant screening from several points.

PS noted there had been some discussion at the last meeting about whether the Picket Fence Thickener couldn't just be lowered. He showed a slide reflecting the machinery inside the tank. He explained that the height of the equipment was intrinsic to its operation and therefore it wasn't straightforward to reduce its height in situ. He believed the only option may be to remove it altogether and consider what alternative equipment may be available, including potentially sinking it into the ground.

PS noted that the Inlet Works were also covered by the recent planning application, although these had not yet been built on site. Some small elements of these were also higher than the original application, which was down to the supplier's development of the design in the intervening period. He wanted to be as up front as possible about this at this stage.

GSI said the meeting was becoming very difficult. She felt the meeting was to address what had been done outwith planning permission, but PS was now saying further structures were also going to be higher. She said the meeting should be about Scottish Water coming to make good with the community. Scottish Water had not been up front and no-one had informed the Community Liaison Group that structures were going to be higher than the planning consent until an Enforcement Notice had to be served, following observation of the issue by residents. She expressed the view that it was too late for Scottish Water to be up front. She felt Scottish Water was telling the meeting what it was going to do and should instead be asking what the community wants it to do.

PS apologised if he had come over that way and explained that he had not wanted to repeat everything he had said at the previous meeting. He noted he had explained how Scottish Water believed the failure had come about and that its investigations did not suggest this had been deliberate. Equally he understood in the circumstances why residents may not believe this.



GSI asked whether PS was saying that Scottish Water did not intend to build the tank 40% higher than the planning consent.

PS explained that he believed no-one intended to break the planning permission. A series of engineering decisions had been made for reasonable engineering reasons, but the height difference and its implication for the planning consent had not been properly considered. He was only in a position to apologise that this has happened at this stage.

GSI said the problem was that Scottish Water had not considered the community or considered its planning application.

PS accepted these criticisms about how this had come about. He was extremely frustrated that the situation had arisen.

KR said he felt that Scottish Water, given the organisation that it was, should know enough about planning to follow the rules rather than just going about development in its own way. This was why people wondered if it was a deliberate act to avoid planning control, because it believed that a retrospective planning application would be granted in the end.

PS reiterated that he understood this criticism. Scottish Water had done an initial internal review. It made hundreds of planning applications every year and generally its record was good. He had been through the detail in this case and had tried to understand how the situation had arisen. He did not believe it was done in an underhand way, but also recognised that the history of the relationship with the community meant people may not accept this.

TR referred to PS mentioning that the tank might have to be sunk into the ground. Much earlier in the project's development she recalled discussions where Scottish Water had said that some of the equipment would have to be sunk down to keep to the height required by planning. She expressed the view that sorry was not good enough. She felt that Scottish Water knew enough about the planning system to believe that making a mistake and applying retrospectively would go through as there would be insufficient basis for refusal of an application of this kind. Retrospective applications were regularly used by developers to cover up mistakes – and most go through. In this case, that was not good enough and the village wanted the structure to go back to the way it was.

SS felt that what had happened called into question the project management of the project and oversight of the contractor's work. He felt that Scottish Water had made a mistake, but the village is paying the price. He didn't see any sign from Scottish Water that it was going to pay for the mistake it had made. He felt the mistake should be rectified. It did not seem fair for the community to be left with the impact of this.



PS indicated that he understood the position that members were expressing. Scottish Water's position was that it would prefer not to remove and redesign the structures, because of the time this would take and the cost to customers of doing so. He understood the community may reject these reasons, but this was why Scottish Water wanted to explore whether there was anything it could do to provide mitigation and lessen the visual impact in this way.

PS noted GC and the team had been working on mitigation options – there was still some work ongoing, but following the last CLG there had been a focus on reducing the impact of the access gantry as far as possible. This would include painting the galvanised steel and might also involve removing solid structures and seeing if the hand-rails could be made to fold down. There was further design needed to confirm if this was possible. SW had looked at whether the galvanised steel structure could be removed completely, but unfortunately it was structural with the motor at the top of the tank relying on it for support.

PS noted that the other area Scottish Water had reviewed was whether any additional planting might be beneficial. He noted that extensive landscaping and use of more mature trees for planting was already included in existing plans. Once well established, this would provide significant screening from the site from most key vantage points. At this stage, PS was hoping to avoid taking the Picket Fence Thickener tank down, but he had heard very clearly what members of the community had said about this and would consider Scottish Water's position.

TR stated that the community's position was that it would like the structure reduced to the original height and it was not prepared to compromise on that. She felt that extra trees would change the character of the area, citing Highland Council's tree officer view, and this would not be acceptable.

GSi indicated that she believed all 3 local Members would support that. She pointed out that if Scottish Water had not broken the rules, there would be no impact on the public purse. She felt that Scottish Water had behaved in a disgusting way and was stating what it was going to do without hearing what the community wanted. She felt the village would want the Waste Water Treatment Works removed altogether, but reluctantly people accepted that would not happen and they wanted the structures reduced in height. GSi felt that no amount of planting would hide what's at the site and that Scottish Water had to reflect on what the village wants, not what it is proposing. She wanted a complete redesign before anything else.

PS explained that Scottish Water had looked in outline at redesign and it was a very binary option and there appeared no option to alter the structure in situ. GSi stated that the village would welcome if the option to remove the structure altogether and replace it with something else was taken – she proposed to put



this in a questionnaire which she was writing and anticipated 100% agreement from residents.

PS explained that he was not able to offer that at this point, but was attempting to explain Scottish Water's position as well as to listen. He had tried to set out some of the things that could be done to lower the structure, although not as far as the consented height, and mitigate its visual impact.

GSi said that this was not going to work. PS accepted that view, but had been hoping to have a discussion about whether there was any middle ground that may be acceptable. GSi added that there were only a few people at the meeting, but the whole village was angry. She stated that all 3 local members were supporting the community's stance.

SS said that the relationship with the community had broken down and agreement could never be given to mitigate the issue. He felt the design was nothing like the original planning consent, there had been a major increase and it did not allow the tree line and bunding to hide the structures. He felt the issue was a self-inflicted problem for Scottish Water.

TR said that this had been a long road. The village did not want the Waste Water Treatment Works upgrade. The CLG had spent 3 years trying to repair the relationship between Scottish Water and the community, but it was now right back where it started because of this issue. TR said discussions about height had not happened in 2011, but in 2016. From her engagement with residents, everyone wanted to say no to any change to the planning consent. The only ones with any doubt felt that there was no point because Scottish Water would do what it wanted to do anyway. She felt Scottish Water was saying tonight that it would go ahead regardless. There appeared to be no scope for compromise as Scottish Water would not move to meet the community's expectations; and the community would not move to meet Scottish Water's position.

SS added that Scottish Water had given assurances, even if not legal assurances, that the height of the Waste Water Treatment Works would not be increased. He did not see how the community could trust Scottish Water in these circumstances. This was reflected in the Freedom of Information material he had obtained. This was why he felt there could be no agreement.

JS said that people had been asking why Scottish Water didn't notice that the tank was over the height of the planning consent and that it had taken someone local to raise this before it was admitted that there was an issue. She did not understand how project managers had not noticed and stopped in order to engage with the planning process.

PS noted that he had tried to explain this at the previous meeting. He agreed that there should have been better oversight. There had been some



correspondence between Scottish Water's planning team and the design team, but unfortunately the communication had not been successful. A design change had then been taken forward that made sense from an engineering perspective, but did not take account of the planning consent and broader sensitivity about the height of the structure.

JS said that the presentation had reflected that the gantry was intrinsic to the type of tank, so she felt Scottish Water must have known early on what the height would be.

PS explained that the original design included a building, which was 10.5m or 10.6m AOD, which used a different way of treating the sludge. Changing to a Picket Fence Thickener tank involved less energy and materials, so made sense from an engineering point of view, but had an implication for the height and the significance of this was not properly understood or addressed.

JS asked if Scottish Water was saying it had put up an entirely different structure than the one it had planning consent for. She felt this was unethical. She said it was coming through very strongly from the community that everyone wanted a vote of no confidence in Scottish Water.

PS explained that the change in the process had been part of the revision to the planning consent that was agreed in 2016, but the detailed development of the design had progressed later, which was when the issue with height should have been identified.

KR asked how Scottish Water staff would feel if someone was given approval to build a one storey house in front of their homes, but built a two storey house instead. If the development had ruined the outlook of your house, he felt Scottish Water staff would want it to be taken down. He felt this was what would happen in the case of a housing developer, but Scottish Water felt it could just get away with it.

PS said that he was receiving the feedback from members loud and clear. Scottish Water had done some work to explore if there was scope for compromise, but he understood that members did not feel there was so he was not sure there was benefit in continuing the conversation further at this time. Scottish Water would need to reflect on the position which community members had expressed and work out its next steps.

GSi said that one of the first steps had to be to get the community on board. She stated that the Vice Chair of Planning, Councillor Carolyn Caddick, had expressly said that Scottish Water must have community support for whatever it did next.



TR noted that the opinions expressed were not just those of CLG members. Community members had consulted other residents and were reflecting their views too.

PS indicated that he understood and thanked CLG members for doing that.

CW attempted to speak, but the audio could not be heard by other members of the group on the call. Via the chat, CW asked if a meeting in person could not be arranged within the public health guidelines.

GSt noted that there was potential to look at what was possible within the Government guidelines.

TR believed that up to 200 people could meet up, but that social distancing had to be worked out, with measures such as a 'one way in, one way out' system and appropriate risk assessment.

GSt had not seen this advice, but said he would look into it. TR said this was the guidance that had been given in relation to events for Remembrance Sunday. KR queried whether this was for outdoor events only and TR indicated that she thought it probably was.

PS apologised that as he was in a Tier 4 area, he would not be able to travel.

CW suggested a meeting at the War Memorial Hall on a socially distanced basis. KR noted that a 'one way in, one way out' system could be used at the War Memorial Hall. He did not think that 200 people could be accommodated safely, but perhaps 25 or 30. CW noted that 30 were allowed at a wake.

GSt said that Scottish Water needed to take away from the meeting that Ardersier would not accept any sort of mitigation. There had been a complete breakdown in trust and it had been brought on Scottish Water's own head.

GSt explained that he did not think Scottish Water's responsibility for the situation was being disputed. PS had tried to explain that Scottish Water nevertheless had to look at what could be done to resolve the situation openly. While it recognised responsibilities to the community, it also had to give some consideration to costs, carbon impacts and extension of the period of construction activity which had short term impacts on the community too. If the gantry was taken out of the equation, he felt that removing the tank and replacing it with a tank of the height originally consented would result in a relatively modest change. This was why Scottish Water had tried to look at what was possible with respect to the gantry.

TR said that the tank should be almost 2 metres lower to meet the commitment that the community had been given. If it meant an extra 6 months



of construction work, that was one thing but if the tank was left at its current height it would impact on the community forever.

GSi felt that Scottish Water had come to the meeting without proper consideration for what the Chair and the Vice Chair of the Planning Committee had said.

GSi asked when Scottish Water realised that the height of the tank was much larger than what was consented. She wished to know the date and to have it in writing. She noted that her husband is an engineer and that there was no way he would make any modifications that infringe upon planning consent.

PS said that he thought this had been identified via Scottish Water's internal review. He had laid out that errors had been made and this did not present Scottish Water in a positive light, but the information would be shared openly.

GSi pressed PS on whether he knew the answer. PS explained that the timeline had been identified and he would share this. He explained that there had been some communications between different teams about the height while detailed design development took place, but they had not resulted in the proper actions being taken.

Action 1: Scottish Water to confirm in writing the date at which the height of the tank was known and understood to be higher than allowed by the site's planning consent.

KR said that he thought it was disappointing that Scottish Water tried to argue that a change to the design would cost customers money. He pointed out it was not customers that made the mistake, but Scottish Water and that people should not be made to feel guilty for wanting the mistake remedied.

GSt apologised if his comments had come across in this way. He had been trying to reflect that this was how all of Scottish Water's work is funded, as a publicly owned company, so it was something it always had to consider in its internal decision-making. He echoed PS's comment that CLG members had set out their position very clearly and that Scottish Water and ESD would have to give further thought to what they could do in light of this.

SS felt that whatever happened in the next 6 months, where there appeared to be diametrically opposed views, Scottish Water had set itself up for a very difficult time in the future. He believed the capacity of the WWTW was now at a population equivalent (PE) of 9680 approximately. If Scottish Water was look for additional capacity in the future, it would have a difficult time for any changes or expansion. Whatever happens, he asked if there was any other planned expansion in the next 20 or 30 years to accommodate the levels of population growth expected in the wider area.



PS explained that the WWTW had been designed to be scalable. SS sought clarification on whether further construction work would be required in the future to achieve this. PS explained that some aspects of the project had been designed for longer term growth, but that more process units / capacity would be required. He thought drawings had been produced earlier in the project's development which gave an indication of what was expected to be involved.

SS asked if this would mean extension beyond the site. PS explained that additional plant would be needed but it would be all within the current site boundary. Roadways and some of the structures had been designed to allow additional work to add capacity without the need to re-work the layout and the infrastructure within it.

SS asked if future structures would have a considerable height again. PS indicated that only outline designs existed, but the purpose of structures would be similar or identical to those within the current site. Given what had happened, he felt that every effort would be made to avoid recurrence of a similar issue.

SS asked if Scottish Water didn't need to be designing in screening for this future work. PS noted that original landscaping is around the perimeter of the site and is designed to be ready for future phases. He wanted to be clear that the level of design was only the footprint and he did not think it reflected heights or other design details – it was only 'a general arrangement' to allow potential future layout to be considered. SS said he would like to see these diagrams and PS agreed to respond on this. He added that the growth was uncertain so Scottish Water did not know when or if any additional capacity might be needed, but it wanted to be clear that there was provision for potential future phases, including in some of equipment and infrastructure. GSt noted that as the footprint of the site was not expected to change, the landscaping plan would be delivered as part of the current project. It was not expected that this would need to be disturbed in any future phases so this would be of increasing benefit over time in terms of the site's visual impact.

Action 2: Scottish Water to confirm whether a General Arrangement drawing can be shared to reflect potential future phases / additional treatment capacity.

GSi asked the Scottish Water team to ensure that the CLG's concerns were relayed within the organisation. Everyone attending the meeting were not just interested parties, but also fully paid up consumers of Scottish Water's. Given Scottish Water had created a situation where it was going to cost more to deliver its project, as consumers she felt that members would be asking for an audit to understand the consequence if Scottish Water does agree to redesign



the plant. She felt it was unbelievable that the CLG had to sit through excuses and apologies and it was not good enough.

PS thanked members for their feedback which had been received loud and clear. He recognised that no compromise appeared to be possible, so Scottish Water would have to go away and consider what it might be able to do in light of this.

Action 3: Scottish Water and ESD to consider the CLG's feedback and provide an update on their proposed next steps.

GSt indicated that GC was able to give a brief update on work at the site, as was normally part of CLG meetings, if members wished to hear that.

GSi and TR left the meeting. KR indicated that those who wanted to stay for the update could remain and others were welcome to leave the call.

4. ESD project progress update

GC acknowledged that there had been quite significant traffic using the escorted HGV route along the C1005 in recent weeks, mostly related to the final surfacing works taking place on site.

The main civil engineering work was now completed on site and most of the continuing work was electrical, mostly cable pulling.

Some landscaping had been taking place within the site, including the laying of gravel and bark around various areas and structures. Planting work had not yet started and he was still awaiting confirmation of a date for this. It looked like it would not begin until December, but there was a window until the end of February and he was confident this would be completed on time.

It had been raised at a previous meeting whether community members could come and have input to the planting. He was happy to arrange this as far as public health guideline allowed – and noted that the planting scheme was set out as part of the planning submissions.

Overall, the completion of the civils meant there would be a noticeable reduction in personnel on the site in the near future. Remaining mechanical and electrical work required lower numbers of people.

As had been noted earlier, a date for the power connection was still awaited. He was aware that SSEN had carried out work on 24th November to improve the network in the area, which had required a planned supply interruption. His



understanding was that the date would be confirmed by SSEN and could be anywhere between January and March.

KR invited questions but there were none. He noted that he had seen the SSEN personnel working in the area. GC explained that he understood the SSEN's wider network improvements in the area had to be completed before the upgraded connection for the site could be progressed.

Action 4: Scottish Water and ESD to advise CLG members when dates are known for work on the site's power supply.

5. Feedback and discussion

There was no further feedback or questions from members.

- **Leaving a legacy**

KR asked if there was any update on 'Leaving a Legacy' work. GSt indicated that there was not, beyond the update on the improvement of the track by the WWTW and the boulders which had been covered under Action 4 earlier in the meeting.

KR asked whether sufficient space would be left for users to turn their vehicles. GC confirmed that it would. He added that enough boulders would be used to deter users from encroaching on the coastal path, but that it was not possible to prevent this completely if people were determined to do so.

6. Any other business

GSt noted the request that had been made for a meeting in person. He would review what was possible and come back to members in writing. He apologised that the Teams call had not allowed CW to speak, but explained that he did not think the guidelines would allow a meeting on the same basis as wakes which had generally been treated as special circumstances.

Action 5: Scottish Water to review whether a meeting in person can take place and on what basis.

Action 6: CLG to consider at future meeting whether production of a further newsletter would be helpful following the outcome of the planning process.

7. Future meetings



KR asked when Scottish Water was intending to go back to planning.

GSt said he believed the earliest available planning meeting was in early February, but there were points which Scottish Water would need to consider arising from the CLG meeting.

GSt noted there might be requirement for some form of exceptional meeting in relation to the planning, but that it might be helpful to plan some dates for continuing routine meetings in 2021. KR agreed this would be necessary, given both the planning issue and the impact of Covid-19 on other aspects of the programme. It was agreed that routine meetings should take place on a 2-monthly basis for the time being.

Members confirmed that Wednesdays at 5:30pm remained suitable. The proposed meeting dates for 2021 would therefore be:

- Wednesday 27th January, 5:30pm
- Wednesday 31st March, 5:30pm
- Wednesday 26th May, 5:30pm
- Wednesday 28th July, 5:30pm
- Wednesday 29th September, 5:30pm
- Wednesday 24th November, 5:30pm

Suitable arrangements and frequency for meetings could be kept under review as the year progressed.

KR thanked everyone attending. As had been expected, he realised Scottish Water had received some strong criticism and hoped they would take the feedback on board. GSt thanked members for giving up part of their evening to discuss the issues.