

Community Surgery – Ardersier Meeting Minutes 3rd June 2016

Opening

Drew Hendry opened the meeting by requesting questions from the floor on topics the community wished raised in relation to the Water Treatment Plant.

The Community Group raised their opposition to the project & put forward several concerns about;

Lack of Consultation, flooding if they alter the flood defence network, no clear leader from Scottish Water to communicate with, traffic issues in the town with increase in volume, scope and size.

Questions

Drew Hendry requested clear list of issues to take to Scottish Water from Community.

Community Group provided list of immediate concerns about the nature of the consultation process; maps too small, obstructive behaviour by Scottish Water, failure of Scottish Water management to engage with the Community.

Drew Hendry agreed it was reasonable that Scottish Water re-engage the community, with a clearer consultation.

Various members of the community raised concerns over planning process, particularly in relation to traffic.

Drew Hendry agreed with the community that the traffic issue is another area where there should be an opportunity for a full consultation on.

Concerns

Drew Hendry MP thanked the group for providing the strong planning concerns and issues to take away;

Key Comments:

- You didn't want it, ask for it, and you've said no.
- As an absolute minimum Scottish Water need to come and do a proper consultation – explanation, models, large maps and 3d diagram of the new system to idea of heights, scales and the probabilities of expansion in terms of the expansion the area.

Key comments from the community:

- Concerns over planning process and Highland Councils involvement.
- Objections based on Environmental Impact
- Objections based on impact/damage to properties
- Impact to economy – tourism – cultural impact to the village – change to the status of the village has been ongoing this could set it back
- Risk of smell
- Impact on local organic farms

- Impact of pollution
- Sound
- Disruption
- Air pollution
- Impact on businesses
- Impact on energy infrastructure
- Impact on the army and the MOD's position
- Marine Scotland's position (Nairn beach has just failed water testing)
- Aesthetic impact on the sweep of the bay

Meeting Close

Agreed Actions to be taken forward by Drew Hendry:-

- Communicate with Scottish Water advocating new Consultation
- Gather planning info (*Please see enclosed below*).

Drew Hendry thanked everyone for attending & there was full agreement from all attendees that a new consultation was important.

Inverness, Nairn, Badenoch and Strathspey Planning Applications and Review Committee

. Agenda

Minutes of Meeting of the Inverness, Nairn, Badenoch and Strathspey Planning Applications Committee commenced at 10.00am in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 18th January 2011.

Present:

Mr S Black
Mr I Brown
Mrs J Campbell
Mr J Crawford
Mrs M Davidson (except Items 3.2, 3.3 and 3.4)
Mr D Fallows
Mr J Finnie
Mr A Graham (except Item 3.4)

Mr J Gray (Chair)
Mr D Henderson
Mr J Holden
Mr D Kerr
Mrs L Macdonald
Mr S Park
Mr H Wood (except Items 3.2, 3.3 and 3.4)
Mr B Wynd

Non-Members Present:

Mrs G Sinclair (Item 3.4)
Mr P Corbett (Items 3.1 and 3.2)
Mrs B McAllister (Items 3.1, 3.2 and 3.3)
Mr D Hendry (Item 3.5)

Officials in attendance:

Ms S Blease, Solicitor (Clerk)
Mr D Polson, Area Planning and Building Standards Manager
Ms N Drummond, Team Leader, Planning and Development Service
Mr R Evans, Area Roads and Community Works Manager, TEC Services

Mrs K Smart, Administrative Assistant, Chief Executive's Office
Mr K Gordon, Clerical Assistant, Chief Executive's Office

Councillor J Gray in the Chair

Business

There were no declarations of interest.

Mrs M Davidson requested that Item 3.5 (Application by Jacobite Cruises 10/01962/FUL for a new operating base west of the Clansman Hotel, Loch Ness) be deferred for a site visit. Mr D Kerr also requested that a Forestry Officer be present at the site visit.

Members agreed to **DEFER** determination of the application for a site visit.

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr R Balfour.

2. Minutes

In relation to the minutes of the meeting held on 7 December 2010, Mr D Polson made reference to item 4.4 in which it had been suggested in the course of debate that the CNPA's failure to call in the application demonstrated their tacit support for the application. Mr Polson reported that the CNPA had subsequently expressed their concern at this suggestion and wished to remind the Committee that they expect the Planning Authority to determine applications within the National Park which are not called in by the CNPA in accordance with the CNP Local Plan. They had also offered to attend a Committee meeting to explain their new policy in greater detail. The Committee **AGREED** to invite members from the CNPA to a Committee meeting to provide a briefing on the Local Plan.

The Committee then **AGREED** the content of the minutes of the meeting held on 7th December 2010.

3. Planning Application to be Determined

There had been circulated Report Nos. PLI-01/11 – PLI-05/11 by the Area Planning and Building Standards Manager as follows:-

Item 3.4

Scottish Water 10/02007/FUL (PLI-04-11 (1) | PLI-04-11 (2) | PLI-04-11 (3) | PLI-04-11 (4) | PLI-04-11 (5) | PLI-04-11 (6) | PLI-04-11 (7) | PLI-04-11 (8) | PLI-04-11 (9) | PLI-04-11 (10)) **Land adjacent to the existing Waste Water Treatment Plant, Ardersier, Inverness. Full planning permission for development of a new Waste Water Treatment Plant (WWTP) at the existing site at Ardersier.**

Mrs G Sinclair had requested, and been granted, a Local Member Vote for this item.

Ms N Drummond outlined the application and report which recommended that planning permission be granted subject to conditions. Detailed pictures and projections were shown to Members to show how the development would merge in to the landscape as it was recognised the area was important for tourists. The application was to provide a new facility with greater capacity and providing a higher standard of treatment. When this had been built the old facility would be decommissioned. The new plant would produce a cleaner quality of effluent to be released through a longer outfall into the outer Moray Firth.

Three possible access routes to the site during construction had been identified and TEC Services were satisfied that all three routes were suitable. However, the Traffic Management Plan the developers would be required to prepare in terms of condition 15 would look in more detail at this and the final decision on the construction traffic route would then be made in consultation with the Community Council.

Mr B Wynd then raised his concern that the application was premature. He advised that he had previously visited Allanfean WWTP with fellow Councillor, Mr J Ford in response to complaints about odour nuisance. One of the reasons the operators of Allanfean put forward for odour problems was that the Allanfean plant was operating at considerably under capacity. The operators also pointed out that another contributing factor to odour problems was discharge from sludge tankers. The Ardersier proposal would result in an increase in tankers delivering heavy sludge. The operators had also explained that there were areas available for greater expansion of the capacity of Allanfean so the plant had potential to cater for most of the developments envisaged in the Local Plan along the A96 corridor. This being the case, Mr Wynd considered that the Ardersier application was premature because there was available capacity within the area to deal with the proposed A96 developments. No business case had been made to support the requirement for a new plant at Ardersier. Nor had the applicants explained why they had discarded Allanfean as an alternative option to a new plant at Ardersier.

Mr D Polson explained that the application had been accompanied by an extensive environmental impact assessment (EIA) which did take into account the various options for providing this facility. The options had also been discussed during the extensive pre-application consultation which had taken place in which SNH and SEPA had been involved. The outcome had been that locating the plant at Ardersier had been the option with the greatest environmental advantage, not least of which was the fact that the outfall would go in to the outer Firth whereas at Allanfean the outfall went in to the inner Firth. So from a nature conservation point of view, and taking account of the important European interests in the area, Ardersier was assessed as a far better option than Allanfean.

It was, however, a matter for Scottish Water to assess their preferred option and they had selected this one for good environmental reasons.

Mr Wynd queried whether part of their reason for rejecting Allanfean as an option was that it was a PPP plant and additional through put and expansion there might have cost implications.

The Chair advised that Mr Wynd was simply speculating and that the Committee required to deal with the application which was in front of them. They had been given the explanation for the selection of Ardersier as the preferred option and this was that the environmental assessment had identified this as the most appropriate site.

Mrs L MacDonald advised that she welcomed this investment by Scottish Water in infrastructure in the Highlands. It would help to unlock development potential and be of great benefit to the community. She was reassured that the EIA had taken account of the proximity to Nairn beach and the bathing waters and she was happy to support the recommendation.

Mr J Holden then spoke in support of Mr Wynd's grounds of objection, also pointing out that at paragraph 8.7 of the report it was stated that the development would be in breach of the Local Plan. He also felt that the A96 developments which the proposed new plant was intended to accommodate were unlikely to proceed in the near future given the current economic recession.

Mr J Finnie asked whether the access route for construction traffic which avoided the village of Ardersier, and which he understood was TEC Services' preferred option, could be required as the definite route. He also asked that it be ensured that the bund and planting were of a height that would ensure the plant was screened at an early stage. In all other respects he was in support of the application which would provide infrastructure to support the A96 developments and without which these developments could not take place.

Mr S Park also spoke in support of the application which would provide a major upgrade for current residents as well as for future residents.

Mrs G Sinclair advised that she was there to represent the thoughts of the residents of Ardersier and that the strength of feeling of residents was that they were not in support. They did not want Ardersier to be the toilet of the area. She considered the application pre-empted adoption of the Highland Wide Local Development Plan. It was designed to support the proposed developments at Whiteness, Tornagrain and the business park at Dalcross and to take much of the waste from Nairn. However, there was no guarantee that any of these developments would go ahead. Mrs Sinclair agreed, therefore, with Mr Wynd that the application was premature.

Mr J Crawford also considered the application premature given that the proposed A96 developments were not likely to happen for a very long time. He was also concerned at the potential for sludge escaping from the outfall to be washed back in. If the outfall were not long enough to reach deep enough water, sewage would be washed up on Nairn beach. He also considered that Scottish Water should instead be investing their money in upgrading pipes in the area as there was an immediate need for such an upgrade, whereas there was no immediate need for a new treatment plant at Ardersier.

Mrs Drummond assured the Committee that all issues in relation to the outfall would be dealt with by SEPA through their own regulations. The applicants would require to make a full application under the CAR regulations to SEPA for approval before the plant could operate.

Mr D Fallows and Mr D Henderson then both spoke in support of the application, commending Scottish Water for the proposal for strategic investment.

Mr D Kerr sought clarification of how the existing paths on Ardersier Common would be affected. Mrs Drummond confirmed that the site would be fenced off, but the tracks on Ardersier Common and the informal paths along the shore would not be affected by

this. Access to the shore from the public car park on Ardersier Common would also remain available.

Mr B Wynd still considered that the application was premature for the reasons he had previously expressed. He also noted that the construction traffic access route preferred by TEC Services was a route the applicants did not wish to use.

Mr R Evans and the Chairman confirmed, however, that TEC Services had expressed no preference as to which of the three options for the access route listed at paragraph 1.5 of the report should be used. This was a matter which would be determined following submission of the Traffic Management Plan by the applicants and this decision would be taken in full consultation with the local residents and Community Council.

The Chairman, seconded by Mr D Henderson, then **MOVED** that planning permission be granted subject to the conditions recommended in the report.

Mr B Wynd moved as an **AMENDMENT** that planning permission be refused on the following grounds:

- the application was premature as there was additional waste water treatment capacity available in the area at Allanfearn, with space available for future expansion of that facility and the business case had not been made for new build at Ardersier;
- The Local Plan presumed against development at this site.

The Clerk then sought a brief adjournment to enable her, along with Mr Polson, to examine with Mr Wynd his proposed reasons for moving refusal of permission.

Following the adjournment, the Clerk advised that during the recess she and Mr Polson had discussed the proposed reasons with Mr Wynd and advised him that none of the reasons he proposed was a competent reason for refusing the application. In relation to the Local Plan presumption against development, that policy applied because of the existence of the SSSI and natural heritage features in the area. The presumption was rebutted, however, by the rigorous environmental assessment which the application had gone through and which had been accepted by SEPA and SNH. Separately, the issue of there being additional capacity elsewhere in the locality was not a relevant planning reason for refusing the application. That was a business issue for Scottish Water. Similarly, Mr Wynd had suggested that the business case had not been made for a new build at Ardersier. Again, that was not a planning matter but was a commercial matter for Scottish Water. For these reasons, Mr Wynd had been advised that his proposed amendment was an incompetent one.

Mr Wynd confirmed that he had heard the advice but did not necessarily agree with it and therefore intended to proceed with his amendment.

Mr J Holden then seconded Mr Wynd's amendment.

On a vote being taken, the **MOTION** received 10 votes and the **AMENDMENT** received 3 votes. There was one abstention. The **MOTION** was therefore **CARRIED**, the votes being cast as follows:

For the Motion:-

Mr S Black
Mr I Brown
Ms J Campbell
Mr D Fallows
Mr J Finnie
Mr J Gray
Mr D Henderson
Mr D Kerr
Ms L MacDonald
Mr S Park

For the Amendment :-

Mr J Holden
Mr B Wynd
Mrs G Sinclair

Absentions :-

Mr J Crawford

The Committee accordingly agreed to **GRANT** planning permission subject to the conditions recommended in the report.

Item 3.5

Jacobite Cruises 10/01962/FUL (PLI-05-11 (1) | PLI-05-11 (2) | PLI-05-11 (3) | PLI-05-11 (4) | PLI-05-11 (5) | PLI-05-11 (6) | PLI-05-11 (7)) Land west of Clansman Hotel, Loch Ness, Inverness. A new operating base for Jacobite Cruises comprising a visitor centre, associated tourist facilities, new access and harbour / berthing facilities

The Committee agreed at the commencement of the meeting to **DEFER** determination of this application for a site visit.

The meeting closed at 12.00pm