McCaskell S (Stuart)

From: [redacted]
Sent: 25 May 2017 16:38
To: [redacted]
Cc: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended
Attachments: SeaOutfall_Noise_Rev0.2.pdf

Hello [redacted]

Apologies for the delayed response, we have been working on trying to co-ordinate as much information as we possibly can to inform further discussion relating to the proposed replacement of Ardersier WwTW Outfall.

Please find attached a report which considers the potential for noise generation further, and I hope will address the outstanding queries from MSS and the Fisheries Board.

Could you let me know the next steps, would this report be issued to the various stakeholders with a certain time allowed for review?

I was also hoping to check on the status of the EPS Licence. I responded to queries raised on 12 April, is any further information required in support of processing this application?

Many thanks and kind regards,
[redacted]

[redacted]
Environmental Advisor (SSD NW)
[redacted]

From: [redacted]
Sent: 08 March 2017 10:25
To: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Hi [redacted]

Apologies, MSS response now attached.

It would be helpful if you could submitted an updated method statement which refers to the finalised method of pilling which will be used. I will then pass this to all the consultees for comments.

Kind Regards
[redacted]

[redacted]
Marine Licensing Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: [redacted]
General Queries: +44 (0)1224 295 579
Fax: +44 (0)1224 295 524
Email: [redacted]
Website: http://www.gov.scot/Topics/marine/Licensing/marine

Frequently Asked Questions

From: [redacted]
Sent: 07 March 2017 09:11
To: [redacted]
Cc: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Good morning [redacted]

I couldn't find the consultation response from MSS in the documents attached to your email below, I would be grateful if you could please forward?
I also noticed, particularly in the SNH consultation response, there are several references to vibrational and percussive piling. The technique Scottish Water now propose to use for installation of the piles is Odex drilling. I know when the application was originally submitted there was some uncertainty around the methodology to be adopted, so I thought I should make this clear.
Please let me know if it would help for me to provide any further detail or clarification.

Kind regards,
[redacted]

[redacted]
Environmental Advisor (SSD NW)
[redacted]

From: [redacted]
Sent: 22 February 2017 11:16
To: [redacted]
Subject: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Dear [redacted]

I can confirm that the consultation period has concluded. Please find attached responses received from MCA, NLB, SNH, RYA, DSFB and Marine Scotland Science. I would like to draw your attention to:

- The request for further methodological information by Marine Scotland Science
- The response of the DSFB, SNH and MSS with regards to the impact on Salmon
- The response of SNH and MSS with regards to the impacts on Marine Mammals

If would be grateful if you could pass on the information requested by MSS to myself in the first instance and I will pass it on to them

Kind regards,
[redacted]

[redacted]
Marine Licensing Officer
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Frequently Asked Questions

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McCaskell S (Stuart)

From: [redacted]
Sent: 13 June 2017 08:04
To: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Hi [redacted]

Apologies for not getting back sooner, I have been out of office. Please see below comments from MSS.

"Once again, owing to the specific location of this development within the Moray Firth SAC and close to a known bottlenose dolphin foraging "hotspot", we are unable to rule out adverse effect on site integrity, nor disturbance to EPS, so we welcome the completion of an Appropriate Assessment and that the applicant is seeking an EPS licence.

I have one comment with respect to the new information.

On p.18, section 5.3.1, the applicant states, due to the distance between other developments e.g. BOWL and AHEP and the zone of potential disruption at Ardersier, that there will be no cumulative adverse effect on the bottlenose dolphin population. Whilst there is indeed separation in time and space between the developments, the principle of cumulative effects applies to the animals from the protected SAC population within their range, and not to temporal and spatial overlap of noise from other developments.

Dolphins considered part of the SAC population are known to range out with the bounds of the Moray Firth SAC, e.g. down the east Grampian and Angus coasts. For this reason, it cannot be said that there will be no cumulative effects of this development and others on the bottlenose dolphin population, and these developments should be considered in the context of cumulative effects.

However, the mitigation methods mentioned in the construction marine noise assessment will greatly reduce the risk of injury and/or disturbance. This includes the active mitigation (e.g. 500 m marine mammal exclusion zone, use of trained Marine Mammal Observers and PAM, slow start) and in-built mitigation (e.g. use of a non-impulsive piling method, piling operations where possible above the tide line). We welcome the provision of a compliance and sighting report."

Kind Regards
[redacted]

[redacted]
Marine Licensing Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

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Fax: +44 (0)1224 295 524
Email: [redacted]
Website: http://www.gov.scot/Topics/marine/Licensing/marine

Frequently Asked Questions

From: [redacted]
Sent: 06 June 2017 09:27
To: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Hi [redacted]

Thanks very much for your email, this is really helpful. I don't think the attachment with MSS comments came through though, I would appreciate it if you could please forward.

Thank you,
[redacted]

[redacted]
Environmental Advisor (SSD NW)
[redacted]

From: [redacted]
Sent: 06 June 2017 08:04
To: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Hi [redacted]

The consultation period for EPS is 28 days. Once responses are received I would hope to be in a position to determine the licence within 2 weeks of this.

I have not imposed a set timescale for additional comments, as the consultation responses will form the basis of the determination. MSS have already come back with some comments, which are attached. However if I have not heard anything back by the end of the week, particularly from SNH, I will chase them.

The appropriate assessment for this application is quite extensive and I am working through this at the moment (I am out the office a lot this week, but I will try to get if finished by Friday). It will then go to our HRA compliance advice team for comments/approval. Once I have the AA approved I will be in a position to move toward making a determination on the licence. An exact timescale is difficult to estimate for this as it depends on the workload of the other teams, but I would hope within the next month to be nearing the end of the marine licence process.

The EPS licence can only be issued once all the other consents are in place, so I am making best efforts to ensure these are running in tandem just now.

I hope this is helpful.

Kind Regards
[redacted]

[redacted]
Marine Licensing Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: [redacted]
General Queries: +44 (0)1224 295 579
Fax: +44 (0)1224 295 524
Email: [redacted]
Website: http://www.gov.scot/Topics/marine/Licensing/marine

Frequently Asked Questions

From: [redacted]
Sent: 31 May 2017 16:39
To: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Thanks for getting back to me [redacted]

I have received a couple of queries at my end regarding dates, I was hoping you might be able to confirm;

How long is the consultation period for the EPS licence application? Is the licence, if acceptable, likely to be issued reasonably soon after the consultation exercise has been completed?
For Marine Construction Licence 06167, again is there a set time the various stakeholders have for review of the new information relating to noise provided recently?

I appreciate the additional noise information has only just been issued to you and I expect your team is very busy at the moment, but if there is even an approximate timescale available for the remaining licencing process which I could feed back to the project team, that would be very much appreciated.

Many thanks,
[redacted]

[redacted]
Environmental Advisor (SSD NW)
[redacted]

From: [redacted]
Sent: 31 May 2017 10:55
To: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Hi [redacted]

Many thanks for sending this through. I have passed it on to MSS, SNH and the DSFB and asked that they provide any additional comments in light of the document as soon as possible. I am in the process of completing the appropriate assessment for the works as instructed by SNH. The information in the noise document is very useful for this, so thanks again for sending that through. The EPS application will be going to consultation by the end of the week.

Kind Regards

[redacted]

[redacted]
Marine Licensing Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: [redacted]
General Queries: +44 (0)1224 295 579
Fax: +44 (0)1224 295 524
Email: [redacted]
Website: http://www.gov.scot/Topics/marine/Licensing/marine

Frequently Asked Questions

From: [redacted]
Sent: 25 May 2017 16:38
To: [redacted]
Cc: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Hello [redacted]

Apologies for the delayed response, we have been working on trying to co-ordinate as much information as we possibly can to inform further discussion relating to the proposed replacement of Ardersier WwTW Outfall.

Please find attached a report which considers the potential for noise generation further, and I hope will address the outstanding queries from MSS and the Fisheries Board.

Could you let me know the next steps, would this report be issued to the various stakeholders with a certain time allowed for review?

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Many thanks and kind regards,

[redacted]

[redacted]
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[redacted]

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Sent: 08 March 2017 10:25
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Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

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Kind Regards

[redacted]

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Frequently Asked Questions

From: [redacted]
Sent: 07 March 2017 09:11
To: [redacted]
Cc: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Good morning [redacted]

I couldn't find the consultation response from MSS in the documents attached to your email below, I would be grateful if you could please forward?
I also noticed, particularly in the SNH consultation response, there are several references to vibrational and percussive piling. The technique Scottish Water now propose to use for installation of the piles is Odex drilling. I know when the application was originally submitted there was some uncertainty around the methodology to be adopted, so I thought I should make this clear.
Please let me know if it would help for me to provide any further detail or clarification.

Kind regards,

[redacted]

[redacted]
Environmental Advisor (SSD NW)
[redacted]

From: [redacted]
Sent: 22 February 2017 11:16
To: [redacted]
Subject: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier, East of Fort George - Consultation Ended

Dear [redacted]

I can confirm that the consultation period has concluded. Please find attached responses received from MCA, NLB, SNH, RYA, DSFB and Marine Scotland Science. I would like to draw your attention to:

- The request for further methodological information by Marine Scotland Science
- The response of the DSFB, SNH and MSS with regards to the impact on Salmon
- The response of SNH and MSS with regards to the impacts on Marine Mammals

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Kind regards,

[redacted]

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Frequently Asked Questions

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McCaskell S (Stuart)

From: [redacted]
Sent: 12 April 2017 16:02
To: [redacted]
Cc: [redacted]
Subject: RE: MS EPS 06 2017 0 - Further Information Required.
Attachments: 00483055 - Arderiser Outfall EPS Application Rev2.docx

Hi [redacted]

I have updated the EPS Licence application and attempted to incorporate your points below, please see the attached. Please let me know if there are any issues or if you would like to discuss further.

Kind regards,
[redacted]

[redacted]
Environmental Advisor (SSD NW)
[redacted]

From: [redacted]
Sent: 22 February 2017 12:31
To: [redacted]
Subject: MS EPS 06 2017 0 - Further Information Required.

Dear [redacted]

Many thanks for submitting the application for an EPS licence. I have reviewed your application and note that you have included harbour seals as a specie which will be affected by the proposed works. Harbour seals are not a European Protected Species, therefore could you please remove this from your application form.

Additionally, I note that you have selected imperative reasons of overriding public interest (IROPI) as the purpose of the licence application. Can you please provide additional justification as to how the works fall under IROPI. Your justification should include but not be limited to:

Section 6 a)
- What benefit does the activity provide, or what need does it address?
- Why is the activity essential?
- What public interest is served?
- The benefit should be weighed up against the impact on EPS. Are the works short term? Or are they more serious?

Section 7.
- The 'do-nothing' alternative should be considered along with the implications.

Happy to discuss if you would like further clarification.

Kind Regards
[redacted]

[redacted]
Marine Licensing Officer

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

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Fax: +44 (0)1224 295 524
Email: [redacted]
Website: http://www.gov.scot/Topics/marine/Licensing/marine

Frequently Asked Questions

From: [redacted]
Sent: 17 February 2017 15:42
To: [redacted]
Cc: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier WwTW Outfall, East of Fort George

Good afternoon [redacted]

Please accept the attached documents as Scottish Water's submission for EPS Licence, in support of pending Marine Scotland Licence application ref 06167. Please let me know if any additional information is required.

Kind regards,
[redacted]

[redacted]
Environmental Advisor (SSD NW)
[redacted]

From: [redacted]
Sent: 16 February 2017 14:10
To: [redacted]
Subject: RE: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier WwTW Outfall, East of Fort George

Hi [redacted],

I just wondered when you will be in a position to submit your application for an EPS licence? The consultation has finished for the marine licence, however I cannot proceed to determination until the EPS licence is in hand.

Kind Regards
[redacted]

[redacted]
Marine Licensing Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: [redacted]

General Queries: +44 (0)1224 295 579
Fax: +44 (0)1224 295 524
Email: [redacted]
Website: http://www.gov.scot/Topics/marine/Licensing/marine

Frequently Asked Questions

From: [redacted]
Sent: 16 December 2016 11:10
To: MS Marine Licensing
Cc: [redacted]
Subject: 06167 - Scottish Water - Extension to existing sea outfall - Ardersier WwTW Outfall, East of Fort George

FAO [redacted]

Dear [redacted]

Pending Marine Construction Licence Ref 06167
Scottish Water – Proposed extension to sea outfall, Ardersier WwTW, East of Fort George

Due to a number of issues affecting construction programme, along with the timescale required for finalisation and closing out of the Marine Scotland Licence, the associated programme slip would result in Scottish Water's proposals for extension of Ardersier outfall pushing into the summer months of 2017.

In order to avoid construction work at this location during the summer months, considered to be most sensitive time for marine mammals, the project team have taken a decision to defer the proposed works to January – May 2018.

Scottish Water would like to continue to progress the pending Marine Construction Licence Application Ref. 06167, noting this request for change to construction programme but with all other details as per information already provided. Thank you for your email of 25 November confirming the need for an EPS licence for disturbance of marine mammals linked to the outfall extension construction activity. I am in the process of drafting this application and have targeted submission of the EPS licence application for January 2017.

I would be grateful if you could acknowledge receipt of this email and advise if this represents any issues with processing of the pending licence application. Please let me know if you have any queries.

Many thanks and kind regards,
[redacted]

[redacted]
Specialist Service Delivery - Environment (NW)
[redacted]
Inverness Area Office | 31 Henderson Drive | Longman North | Inverness | IV1 1TR

email: [redacted]
Web: www.scottishwater.co.uk

Scottish Water
Trusted to Serve Scotland

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marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: MS.MarineLicensing@Scotland.gsi.gov.uk

The Scottish Government
Riaghaltas na h-Alba

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Application for a licence to disturb or injure marine European protected species (EPS) for one of the following purposes

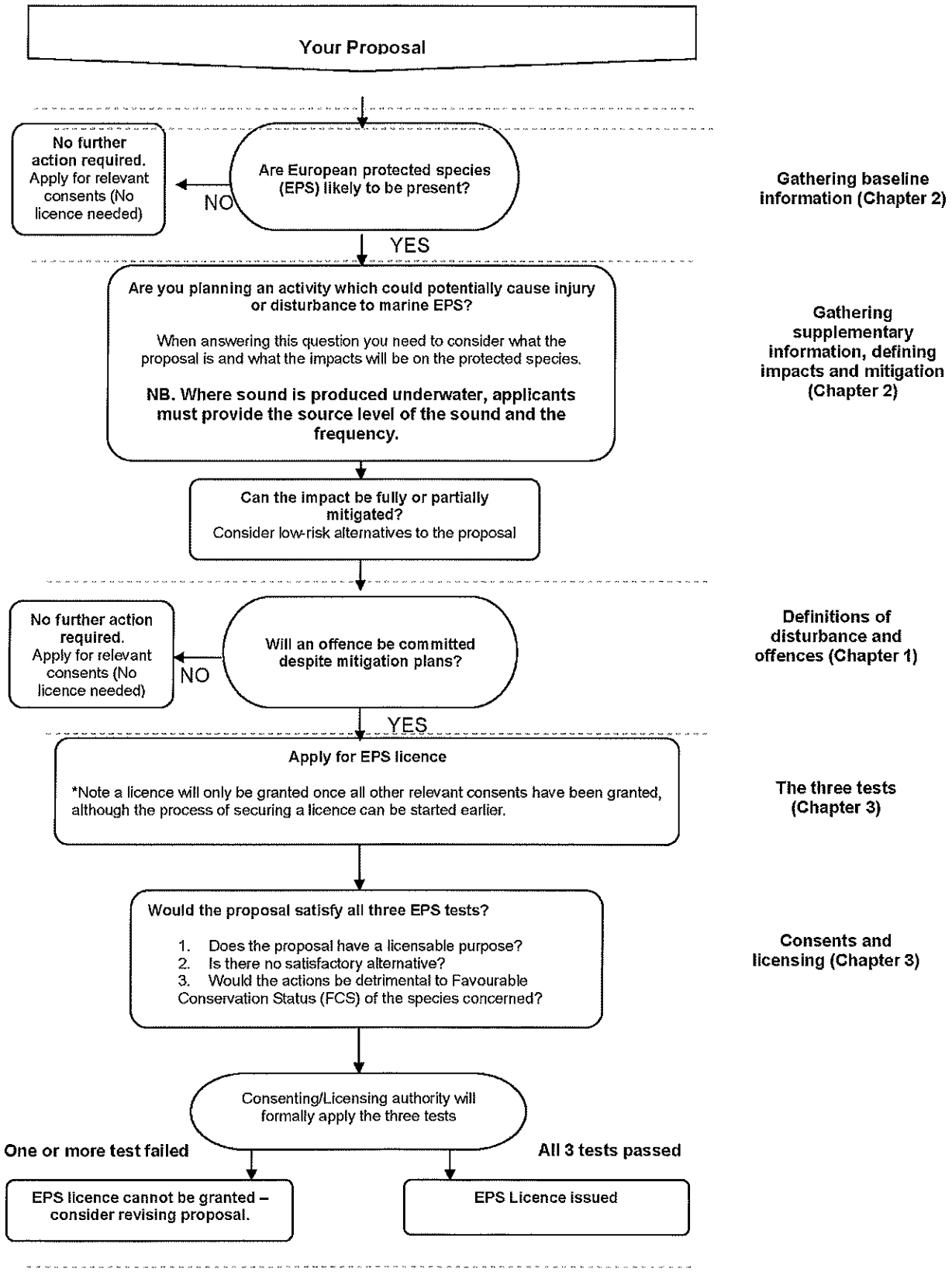
- **For preserving public health or public safety**
- **For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)**
- **For preventing the spread of disease**
- **For preventing serious damage to livestock, foodstuffs for livestock, crops,vegetables, fruit, growing timber or any other form of property, or to fisheries.**

Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish marine area (0 – 12nm).

IMPORTANT: Before completing this form, please read these notes carefully

Applicants are advised to read these notes in conjunction with The Protection of Marine European Protected Species from injury and disturbance:Guidance for Scottish Inshore Waters. If further clarification is needed please contact Marine Scotland Licensing Operations Team (MS-LOT) on 01224 295579 or email: MS.MarineLicensing@scotland.gsi.gov.uk

Flowchart showing the decision-making process
Please refer to the relevant chapter of The Protection of Marine European Protected Species from injury and disturbance:Guidance for Scottish Inshore Waters



Please complete all relevant sections of the form.

Please ensure that you answer questions fully in order to avoid delays.

The completed application should be sent to Marine Scotland Licensing Operations Team (MS-LOT) at the address below or emailed to MS.Marinelicensing@scotland.gsi.gov.uk. **We will not process unsigned application forms**.

Please ensure that you provide appropriate information to support your application. Applicants can provide this supporting information in the form of an EPS Risk Asessment. Guidance can be found in The Protection of Marine European Protected Species from injury and disturbance:Guidance for Scottish Inshore Waters. Please contact MS-LOT if you wish to discuss the level of supporting documentation required for your application. Failure to provide sufficient supporting information may delay the consultation and licensing process.

MS-LOT will aim to determine whether a licence should be issued **within 6 to 8 weeks of acceptance of a completed application**. However, please note that for large scale or complex projects, the determination period may be longer.

If you experience any problems filling in this form, please contact MS-LOT.

Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish marine area (0 – 12nm).

Please note that European protected species are also protected in the offshore marine environment (between 12 and 200 nautical miles). Species in this area are protected under the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007.

Do not use this form if your application relates to scientific, research, conservation or educational purposes. Please contact Scottish Natural Heritage (SNH Licensing, Great Glen House, Leachkin Road, Inverness IV3 8NW, Telephone 01463 725000, email **licensing@snh.gov.uk** or visit their website) for a licence application for these purposes. SNH also issues licences for the purposes of marking animals or plants in relation to conservation or introducing them to particular areas for conserving natural habitats, and for protecting zoological or botanical collections.

Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg Marine licence).

It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Part A
Section 1 Personal details

Please provide details of the individual, company or partnership you wish to be named on the licence. The licensee is responsible for ensuring compliance with the licence and its conditions. Under the Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with the terms and conditions of a licence.

Section 2 Previous applications

Please provide details of any previous relevant licences.

Part B
Section 3

Species

Please provide details of the species that will be affected by the work and, what the actual work is. This information can be described in detail in your supporting information. You will need to provide detailed proposals (to be included in the 'Supporting information') of all the mitigation work that you plan to carry out which will affect European protected species.

Location

Include a list of the National Grid References (NGR) or latitude and longitude co-ordinates of the boundary points of the proposed project. In a few cases, (e.g. laying of long pipelines) it may only be practicable to supply NGR or latitude and longitude co-ordinates for the start and end points, but enough detail should be included to allow assessment of the proposed work.

NGR: Should consist of two letters followed by 10 digits (e.g. TL6320031700) where the first 5 digits are the eastings (read from the south west corner of an Ordnance Survey map) and the last 5 digits are northings.

Latitude & longitude: For positions read from charts of 1:25,000 scale or smaller, the format should be, e.g. 55°55.55'N 2°22.22'W. The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the datum should be explicitly marked, e.g. 55°55'44"N 2°22'11"W. For positions read from larger scale charts, e.g. 1:10,000, three decimal places of minutes should be used, e.g. 55°55.444'N 2°22.222'W.

Section 4 Consideration of designated sites

Please provide details of any designated sites affected by your proposals. You are advised to consult Scottish Natural Heritage, or other appropriate regulator, if the work you propose to do affects a Natura site, an MPA or a Site of Special Scientific Interest.

Section 5 Activities to be licensed

Please indicate the activities you intend to undertake that would otherwise be unlawful

Provide details of the proposed commencement and completion dates of the activities. **The licence start date will not be backdated, since to commence a project for which a licence has not been obtained may constitute an offence resulting in appropriate legal action.**

It is the licensee's responsibility to apply for any further licences or an extension prior to the expiry of the initial licence.

Section 6 Purpose of the licence application

Please indicate the purpose of the licence application, the first of the legal tests.

Section 7 Justification for carrying out the proposed work

Please provide a rational and reasoned justification as to why the proposed activity relates to the licensing purpose. Please explain why the proposed work is necessary. This is the legal basis of the application.

Section 8 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This could include the other options that have been evaluated, the alternative sites that were considered by you and why they were rejected (if no other sites were considered, you must provide the reasons why), or alternative methods of carrying out the work.

In relation to each alternative considered, please provide an explanation of why you consider it to be satisfactory or unsatisfactory. In respect of any alternative sites please provide the location(s) and details of the alternative site(s), or your views on how the activity/proposal might have been achieved differently, and any other helpful information; e.g., pros and cons of alternative sites, or whether there is likely to be demand for all suitable sites to be used to meet an identified need. Please explain how this conclusion was reached.

Section 9 Summary of the planning / licensing position

Detail all consents and licences required for the proposed project and indicate those that you have applied for or received.

Section 10 Noise Monitoring

Under the Marine Strategy Regulations (2010), there is now a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. This includes use of seismic airguns, other geophysical surveys (<10kHz), pile driving, explosives and certain acoustic deterrent devices. This monitoring requires completion of a form at the application stage (giving details of the proposed work) as well as completion of a 'close-out' form (giving details of the actual dates and locations where the activities occurred). The close-out form should be returned within 12 weeks of completing the 'noisy' activity or, in the case of prolonged activities such as piling for harbour construction or wind farms, at quarterly intervals or after each phase of foundation installation.
These forms can be downloaded from:

http://www.scotland.gov.uk/Topics/marine/Licensing/marine/guidance/noise-registry

Section 11 Using and sharing your information

This section briefly describes the Scottish Ministers responsibilities in relation to Data Protection based on the requirements of the Data Protection Act 1998 and the Environmental Information (Scotland) Regulations 2004 and the Freedom of Information (Scotland) Act 2002.

Part D
Section 12 Declaration and warning

It is important to read the Declaration and Warning sections before signing the application form.

Site visits and compliance checks

It is possible that the licensing authority may undertake a site visit prior to the issue of a licence. The majority of site visits will be arranged several days in advance and will be conducted in the presence of the licensee (or applicant) however there may be occasions when a site visit will be made at short notice.

Licensees should be aware that they may receive a request for a site visit by the licensing authority, or a person authorised by the licensing authority, to assess site conditions against the conditions of the licence. It is essential that if any of the agreed mitigation measures contained in the application and supporting information are changed for any reason, the licensing authority is informed as soon as possible.

The Licensing authority will monitor compliance with licences issued based on the information included in licence reports.

Where to seek further information

Further information can be obtained from Licensing Operations Team at the address below.
If your proposal relates to one of the purposes for which SNH is the licensing authority, please contact your local office of SNH.

Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

Tel: 01224 295579 Fax: 01224 295524
Email: MS.Marinelicensing@scotland.gsi.gov.uk

Disclaimer

While every effort has been made to ensure the information contained in this document is accurate, nothing in this document should be taken to replace the current legislation in force at this time. You are advised to obtain qualified legal advice in relation to your rights and responsibilities under the 1994 Regulations and other legislation.

Part A. The Applicant: Personal details

These questions relate to the person who will be the **named licensee**. The licence can be issued to an individual or a company or a partnership and the licensee will be responsible for ensuring compliance with the licence and the conditions of the licence. Under the Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with any condition imposed by a licence.

1. Name of applicant

Title (Mr/Mrs/Miss/Ms/Other)	Forename(s)	Surname
[redacted]	[redacted]	[redacted]

Company Name	Scottish Water
Business Title (if Appropriate)	
Address	Inverness Area Office
	31 Henderson Drive, Longman North
Town	Inverness
County	Highland Region — Postcode IV1 1TR
Tel no. (incl national dialling code)	[redacted] Mobile No. [redacted]
Fax no. (incl national dialling code)	N.A.
Email address	[redacted]

2. **The Applicant: Previous applications**:

Have you held a wildlife licence issued by any of the following? (please tick as appropriate)

Yes ☐ No ☒ (If yes, please complete below, if no, please go to Part B)

The Scottish Ministers ☐ Scottish Natural Heritage ☐ Marine Management Organisation ☒

Natural England ☐ English Nature ☐ Defra ☐ Other ☐

If **YES**, please give your last licence number and the year in which the licence was issued.
What species were covered by the licence?
What activity was covered by the licence e.g. capture, disturb?

Part B. The Application

3. **Species**

(a) Please indicate which species is / are affected by the proposed works.

Common name(s): bottlenose dolphins

Scientific name(s) *Tursiops truncatus*

Other marine mammal species may also be present in the inner Moray Firth, however the area surrounding the zone of influence of the proposed works appears to be particularly important for the two species listed above, recognised by their inclusion as qualifying features of the Moray Firth SAC (dolphins) and Dornoch Firth and Morrich More SAC (seals).

(b) How many individual animals will be affected by licensed work?

Tursiops truncatus – 112

Please provide a description of how this number was calculated / estimated

Total UK population is estimated to be fewer than 300 individuals[1]. Large aggregations of many hundreds of individuals have been recorded off the Atlantic coast of Ireland, but typically single animals or small groups of up to 25 animals are sighted. A small number of semi-resident inshore populations are known.

Site Condition Monitoring of bottlenose dolphins within the Moray Firth Special Area of Conservation: 2011-2013 (SNH Commissioned Report No. 797)[2] indicates that an estimated 112 individual dolphins used this SAC during the summer of 2012 (a maximum over the three year monitoring period).

These figures were recorded for the entire summer within the Moray Firth SAC. The proposed construction activity is extension of Ardersier WwTW Outfall, currently scheduled to take place January – May 2017. Advice from SNH indicates that bottlenose dolphins are known to be present in the inner Moray Firth year round, although the summer period is still the most important time of year for this species (pers comm. Ben Leyshon, 21 July 2016). The proposed works area is considered to be outwith the core area for dolphins, although the southern side of the Chanonry Narrows, including the area around Fort George, is frequently used by the animals and they can be disturbed by vessel movements.

(c) **Location of proposed licensed action**

This must include either Latitude and Longitude co-ordinates or National Grid References (NGR), defining the extent of the project. Please continue on a separate sheet if necessary.

LATITUDE												LONGITUDE									
5	7	°	3	5	.	3	5	8	'N			-	4	°	0	4	.	0	7	1	'W
5	7	°	3	5	.	3	6	4	'N			-	4	°	0	4	.	0	5	4	'W
5	7	°	3	5	.	2	1	8	'N			-	4	°	0	3	.	8	9	8	'W
5	7	°	3	5	.	2	2	4	'N			-	4	°	0	3	.	8	8	1	'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W

[1] http://jncc.defra.gov.uk/protectedsites/sacselection/species.asp?FeatureIntCode=S1349
[2] http://www.snh.org.uk/pdfs/publications/commissioned_reports/797.pdf

(d) Provide a brief description of the proposed activity and the methods to be used.
Detailed information should be included in your Supporting Information
Please provide details of the source levels and frequencies of underwater noise if relevant

The purpose of the project to extend the outfall is to meet SEPA's requirements for dilutions, as captured in CAR/L/1001681/VN01. The end of pipe for existing outfall is between MHWS and MLWS. Scottish Water have undertaken to extend their sea outfall, which requires the flows to be discharged at a point on the beach matching lowest astronomical tide level. Following an options appraisal process a piled sea outfall was selected as the preferred solution.

Concrete mattresses were not sufficiently robust to stand up to the forces of tidal action at the outfall location.

The nature of the substrate (sands and gravels) at the outfall location means that directional drilling is not feasible.

It is therefore proposed that the 16m long tubular steel piles are installed from MHWS level to LAT level along the beach by using a jack up barge. The piling equipment will be placed on the barge and piles will be drilled using an odex system. This is a novel drilling technique, which operates in a similar manner to a directional drill, but operating along the vertical rather than horizontal plane. This technique was selected as an option minimising noise and vibration generation, in preference to higher impact percussive piling techniques, following consultation with SNH around construction methodology and in an attempt to minimise the impact on marine mammals known to be present within the Moray Firth.

The piles will be drilled to 14.5m depth below the beach. Each pile will be drilled individually and 2 piles can be installed from each jack up location. The barge will refloat to the next position on the high tide and the process will be repeated. There are a total of 112 piles.

Pipe supports and the pipe will then be installed to the piles to the LAT discharge point.

(e) Briefly state how you will minimise the impact of your proposed work on European protected species.
Detailed information should be included in your Supporting Information.

Construction method

Driving piles using percussive piling techniques creates bursts of sound which has high risk of disturbance to dolphins, due to the proposensity of low frequency sound to travel through water. Instead, Scottish Water have selected the odex drilling technique, which drills a cavity into the ground while at the same time vibrating the piles to the depth required to avoid uplift and marine storm forces. We believe this technique represents the minimum possible noise and vibration disturbance while still providing the robustness of structure required in this dynamic marine environment.

A continuous sound source will be deployed from each jack-up barge for the duration of the site works. Although the proposed work will involve a drilling rather than percussive piling technique, it is possible to operate the drill at variable intensity. It is therefore proposed that a timed 'soft-start' ramp-up technique (20 minutes) will be employed for all operations, only operating the drill at full power following the soft start.

Construction mitigation

Scottish Water's Marine Construciton Contractor proposes to provide a qualified marine mammal observer (MMO) to oversee marine construction activities for the duration of the works, in order to further minimise potential for disturbance or injury to marine mammals, in line with JNCC Guidance[3].

Marine vessels moving between Inverness Harbour and the Ardersier Outfall site will follow the Dolphin Space Code of Conduct for marine vessel movements within the Moray Firth SAC[4].

Construction phasing

Scottish Water have programmed the outfall construction work to take place between January and May 2018 in an effort to avoid the summer, as the most important and sensitive period for *Tursiops truncatus*. Furthermore, the activity to place the piles will be prioritised to take place from February – April.
The consultation response from SNH to MS-LOT associated with pending Marine Scotland Licence Ref 06167 has recommended that marine work to install the new outfall is restricted to the period Jan-March inclusive. It is therefore expected that a condition restricting construction timescale will be applied to any eventual Marine Construction Licence, once issued.

4. Consideration of designated sites

Designated Areas: National Nature Reserves (NNR), Sites of Specific Scientific Interest (SSSI), Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar sites, Marine Protected Areas (MPA). Information on designated sites is available on Scottish Natural Heritage website (http://gateway.snh.gov.uk/sitelink/) or from your local SNH office.

(a) Will any part of the proposed activity fall within /or adjacent to an area covered by a designated site eg SSSI, SAC, MPA? Yes ☒ No ☐

(b) Please give the name of the designated site(s) and either the outcome of your consultations or the reason why you have not consulted (see note 9). Please enclose any relevant correspondence.

Works take place within the Moray Firth SAC. Please see attached for email correspondence with SNH regarding the proposed works.

[3] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/50006/jncc-pprotocol.pdf
[4] http://www.dolphinspace.org/index.asp?pageid=10448

4. **Activities to be Licenced**

Proposed Methods

(a) Please complete all relevant columns in the table below to indicate the methods you propose to use, the activity involved and the time period in which you propose to use each method. This information will be used when preparing the licence to cover activities that would otherwise be unlawful, and failure to give full details may result in an inappropriate licence being issued.

Activity to be licensed (please tick)						**Time period**	
Capture	Kill (exceptional circumstances only)	Injure	Transport	Disturb/ Harass	Method to be used, (e.g. piling)	From	To
☐	☐	☐	☐	☒	Odex Drilling	08/01/18	31/03/18
☐	☐	☐	☐	☐			
☐	☐	☐	☐	☐			
☐	☐	☐	☐	☐			

5. **Purposes of the licence application (tick one box only)**

A licence can only be issued if 3 specific legal tests are met. The section below relates to the first of these tests. The options shown are taken from the **Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).**

Please indicate which purpose relates to the proposed works

(a) Preserving public health or public safety (we will require evidence that there is a risk to public health or public safety e.g. an imminent risk of flooding) Regulation 44(2)(e) ☐

(b) Imperative reasons of overriding public interest (*including those of a social or economic nature and beneficial consequences of primary importance for the environment)* Regulation 44(2)(e) ☒

(c) Preventing the spread of disease Regulation 44(2)(f) ☐

(d) Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries. Regulation 44(2)(g). ☐

6. **Justification for carrying out the proposed work**

(a) Please explain how the proposed work falls under the purpose selected in Section 5. Please also explain why it is necessary to carry out the proposed work affecting the species.

The proposed activity to extend the outfall addresses current non-compliance with The Water Environment (Controlled Activities) (Scotland) Regulations 2011. The point source discharge from Ardersier Waste Water Treatement Works currently dischargese directly onto the beach at approximately MHWS level. The effluent does not achieve regulatory requirements for dispersion and dilution in its current location.

SEPA have requested via discharge consent (CAR/L/1001681/VN01) that the effluent is discharged to a specific point in the marine environment which is located at Lowest Astronomical Tide.

The activity to extend the end of pipe of the outfall to the location specified in CAR/L/1001681 is essential in order to achieve compliance with Controlled Activities Regulations for dispersal and dilution of treated wastewater effluent. The public interest served is the environmental benefit in relocation of a wastewater discharge from the beach (terrestrial environment) to the marine environment, to achieve the required dilutions in accordance with national environmental regulations (controlled by SEPA under the CAR process).

As a separate project, also a requirement of the CAR Consent referenced above, UV treatment of effluent will also be installed by Scottish Water at Ardersier WwTW in order to improve the quality of discharge to recreational water levels to further minimise the risk of impact on marine mammals.

The proposed works are short-term. The construction method and timescale proposed have been selected to minimise the potential for noise and vibration impact on bottlenose dolphins.

7. Satisfactory alternatives

This relates to the second of the legal tests which must be satisfied. You should detail any possible alternatives which were considered and why they were considered unsuitable. Please explain why there is no satisfactory alternative to carrying out the proposed work affecting the species.

Construction activity location

Consideration was given to alternative locations for the discharge of the sewage from Ardersier WwTW Outfall, however the the current location of discharge point is optimal as it avoids the Fort George Scheduled Ancient Monument to the west, and Whiteness Head SSSI and the Inner Moray Firth SPA and RAMSAR site to the Easte. It is considered that all sea discharges in the vicinity would result in a similar effect on the qualifying features of the Moray Firth SAC, due to the arge area of coverage of this designation. The current outfall location is considered to be outwith the core area for dolphins.

Construction technique

Alternative techniques to odex drilling have been considered, with SNH consulted. Please see attached emails and also the document 'Ardersier Outfall Comparison Technical Memo 27-05-16 (SN update 02-09-2016)'.
SNH's preferred technique of directional drilling has been discounted on the basis of engineering feasibility, due to the substrate present at the outfall location (highly mobile sand bank).
Consideration was also given to a method involving trench excavation and stabilisation using concrete mattresses. This option was discounted largely due to the substrate. A significant area would need to be excavated for a trench due to the sandy nature of the substrate, and the risk of shift of sand in the future was not considered to represent a robust enough solution. Furthermore, sheet piles would need to be used to keep the excavations open and to prevent sand from refilling the excavated trench. Installation of sheet piles is considered by the project team to generate more noise and vibration than the proposed Odex drilling technique.
Given the substrate at this location, long piles provide the only sufficiently robust construction technique to secure the outfall in place. The Odex system has been proposed for the construction technique, as this represents the best available technique in terms of minimisation of noise and vibration generation.

Do nothing

Consideration has been given to leaving the end of pipe in its current location. This option has been discounted as it is not deemed acceptable by the Scottish Environment Protection Agency, due to the non-compliance of the existing outfall discharge point with Controlled Activities Regulations.

8. Other Licences / Consents

Please detail below all licences / consents you have applied for or received. **Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg Marine licence).**

Type of Licence / Consent (e.g. Marine Licence, Local Planing Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of licence / consent
Marine Scotland Construction Consent	05 September 2016	06167	Licence application pending, has not been issued

10. Noise Monitoring

Please indicate if any of the following noise generating activities will be taking place during the operations:

Use of explosives ☐ Piling ☐ Use of Acoustic Deterrent Devices ☐
Survey equipment operating in the range 10 Hz – 10kHz ☐

If you have ticked any of the above boxes please complete the form located at:
http://www.scotland.gov.uk/Topics/marine/Licensing/marine/guidance/noise-registry

Please note the form must only be completed once for each activity. If you have already completed a form for this activity (eg through the marine licensing process) please give details.

Consultation with Marine Scotland by phone indicates the Noise Registry does not need to be completed for the proposed works. Due to the nature of the Odex system, operating as a drill rather than an impulse sound such as piling or survey equipment, it is not possible to derive a dB and frequency value as specified for the types of activity detailed above.

A licence will not be issued until this form has been completed and submitted.

11. Using and sharing your information

The data controller is the Scottish Government, Information Management Unit, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD. Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate. It will be used for processing your application.

The Scottish Ministers are a Scottish public authority and have duties under the Environmental Information (Scotland) Regulations 2004 and the Freedom of Information (Scotland) Act 2002 to provide certain types of information held by them. The Scottish Ministers may therefore be obliged to make available certain information relating to, or contained in, this application, or any licence that may be granted, other than information which is personal data as defined in the Data Protection Act 1998, and the disclosure of which would contravene any of the data protection principles.

The Scottish Government or its appointed agents may use the name, address and other details on your application form to contact you in connection with occasional customer research aimed at improving the service that the Marine Scotland Directorate provides to you.

If you believe that any of the information we hold concerning you is incorrect or out of date, please provide us with the accurate information in writing together with supporting evidence (if appropriate).

Part C. Declarations

12. I have read and understand the guidance provided in this application form. I declare that the particulars given are correct to the best of my knowledge and belief, and I apply for a licence in accordance with these particulars.

I authorise employees or representatives of the Scottish Ministers to enter the site which is subject to this application for the purpose of monitoring and inspecting the permitted works.

Warning

Under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) it is an offence to fail to comply with the conditions imposed by a licence. The licensee is responsible for ensuring compliance with the licence.

The Scottish Ministers can modify or revoke a licence at any time, provided there are good reasons. Any licence that may be issued is likely to be revoked immediately if it is discovered that false information was provided and resulted in the issue of a licence.

Under the Conservation (Natural Habitats, &c.) Regulations 1994, any person who in order to obtain a licence knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. Any person found guilty of such offences is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale (currently £5,000), or to both imprisonment and a fine.

Note: Previous convictions for wildlife offences will be taken into account and in some cases may mean that the Scottish Ministers do not consider it appropriate to grant a licence.

Have you remembered to enclose Supporting Information with your application, as described in the accompanying guidance? Please tick ☒

Signature of the Applicant	[redacted]	Date	12/04/2017

(The person named at part 1)

Name in BLOCK LETTERS	[redacted]

Note – If signing on behalf of a company, please append you signature with "on behalf of *Company Name*".

Please print and sign completed forms and send with Supporting Information to the following address:

Licensing Operations Team
Marine Scotland
EPS Division
375 Victoria Road
Aberdeen
AB11 9DB

Disclaimer

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McCaskell S (Stuart)

From: [redacted]
Sent: 24 April 2017 07:47
To: [redacted]
Subject: RE: Highland Housing Alliance - Issue with SW

Hi [redacted]
Thanks for the update.

The contact for the South West Area Team is [redacted] based at Bothwell House, Hamilton Business Park, Caird Park, Hamilton, ML3 0QA. Phone number: [redacted]

[redacted]

From: [redacted]
Sent: 21 April 2017 16:04
To: [redacted]
Subject: Re: Highland Housing Alliance - Issue with SW

[redacted]
[redacted] who is the development planner for the area is going to get in contact with them and get a bit more info to find out what the issue is. I think he tried earlier but his contact is out today so they will catch up next week.

Can you remind me who the contact for the South west region is please. I'm not going to be able to make the meeting on Thursday but the team are still going to attend so I need to confirm details. It sounds like the meetings this week have gone well.

[redacted]

Sent from my Samsung Galaxy smartphone.

-------- Original message --------
From: [redacted]
Date:18/04/2017 10:19 (GMT+00:00)
To: [redacted]>
Cc:
Subject: Highland Housing Alliance - Issue with SW

Hi [redacted]
Do you have a response to the issue raised below, by the Highland Housing Alliance?
Thanks
[redacted]

From: [redacted]
Sent: 24 March 2017 09:15
To: [redacted]
Subject: Section 75 Agreement, Home Farm Portree - Scottish Water

Hi [redacted]
Do you have a response yet to my earlier email about the Section 75 agreement at Portree?

Please also see a new issue: Highland Housing Alliance are trying to resolve a Deed of Servitude at Ardersier, which SW requested. Until SW have completed that, they will not adopt the system. HHA's solicitors have been chasing SW for months, but have been unable to get to the bottom of what is happening – people seem to keep moving on.

Any information on this one would be much appreciated.

Thanks
[redacted]

Scottish Water

www.scottishwater.co.uk

McCaskell S (Stuart)

From: [redacted]
Sent: 22 June 2017 16:47
To: McCaskell S (Stuart)
Subject: FW: Ardersier Landownership - Scottish Ministers
Attachments: RE: Land at Ardersier

Found it in "deleted" . This was the last email in the sequence.

[redacted]

From: [redacted]
Sent: 13 June 2017 10:43
To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Hi [redacted]

Please see the attached correspondence from Rural Directorate.
They do not own the piece of land labelled 21, but have records which show the land refers to as "land belonging to [redacted]".

They did however own land adjacent which you can see in the plan attached, but this was sold in 1987. [redacted]

Kind regards,

[redacted]
Asset Management Policy Adviser
Property Division | [redacted] | **Scottish Procurement and Commercial Directorate**
http://www.gov.scot/Topics/Government/Procurement
3B South, Victoria Quay, Edinburgh, EH6 6QQ

From: [redacted]
Sent: 12 June 2017 12:07
To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Many Thanks [redacted]

I would be grateful if you could advise on receipt of the files.

Kind Regards,

[redacted]
Scottish Water Horizons Ltd
Mobile: [redacted]
Email: [redacted]
Address: Shieldhall WWTW, 38 Renfrew Rd, Glasgow, G51 4SU

Supporting the development of Scotland's sustainable economy

From: [redacted]
Sent: 12 June 2017 12:05
To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Hi all,

Just as a brief update, SG Rural Directorate did own land in this area and are awaiting delivery of their title deeds/files from central storage to check the extent of ownership – hopefully this will be in the next couple of days.

Thanks,

[redacted]
Asset Management Policy Adviser
Property Division | [redacted] | **Scottish Procurement and Commercial Directorate**
http://www.gov.scot/Topics/Government/Procurement
3B South, Victoria Quay, Edinburgh, EH6 6QQ

From: [redacted]
Sent: 07 June 2017 16:57
To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Hi [redacted]

Please find the original documentation sent to [redacted]

Kind Regards,

[redacted]
Scottish Water Horizons Ltd
Mobile: [redacted]
Email: [redacted]
Address: Shieldhall WWTW, 38 Renfrew Rd, Glasgow, G51 4SU

Supporting the development of Scotland's sustainable economy

From: [redacted]
Sent: 07 June 2017 16:44
To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Hi [redacted]

I noticed below the land seemed to have belonged to the Board of Agriculture for Scotland before it was abolished and then defaulted to Scottish Ministers – I'm now thinking this could belong to Rural Directorate, so I will ask if they have any record of owning this piece of land. Do you still have the plan available that you sent before? If so could you please send to me again? I seem to have deleted it, but would be helpful for our colleagues in RPID.

Many thanks

From: [redacted])
Sent: 06 June 2017 17:21

To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Hi [redacted]

Scottish Water is struggling to establish the dimensions of the land held by Scottish Ministers in Ardersier – No 21 Ardersier carpark in particular. Would ePIMS be able to clarify the limits or where we might find that information?

Below is an email from [redacted] who is trying to get to the bottom of this particular conundrum. As you'll see Highland Council seems to have a different understand of who owns which piece of land and where they are located.

Many thanks

[redacted]

From: [redacted]
Sent: 30 May 2017 11:29
To: [redacted]
Subject: FW: Ardersier Landownership - Scottish Ministers

Hi [redacted]

I'm afraid I'm going around in circles a little with trying to confirm the extend of ownership of the following-

Number 21 – Ardersier car park and picnic site.

Does you ePIMS system contain any plans/maps/dimensions showing the extent of the Scottish Ministers ownership of the above?

Kind Regards,

[redacted]
Scottish Water Horizons Ltd
Mobile: [redacted]
Email: [redacted]
Address: Shieldhall WWTW, 38 Renfrew Rd, Glasgow, G51 4SU

Supporting the development of Scotland's sustainable economy

From: [redacted]
Sent: 30 May 2017 10:30
To: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

[redacted]

Re the green area on your map – HC don't own this – as per the email below 31st March from [redacted] this is Scottish Ministers and HC do not own.
I attach our title for Tign Na Mara – but would comment this is further down the coast from you plan
Regards
[redacted]

[redacted] **Property Manager | MRICS**
The Highland Council, Glenurquhart Road, Inverness, IV3 5NX

[redacted] | F 01463 702222 | www.highland.gov.uk

From: [redacted]
Sent: 12 May 2017 10:28
To: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Do you have any plans showing the extent of ownership?

Kind Regards,

[redacted]
Scottish Water Horizons Ltd
Mobile: [redacted]
Email: [redacted]
Address: Shieldhall WWTW, 38 Renfrew Rd, Glasgow, G51 4SU

Supporting the development of Scotland's sustainable economy

From: [redacted]
Sent: 11 May 2017 18:34
To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Yes I believe we own these areas
[redacted]

[redacted] **Property Manager | MRICS**
The Highland Council, Glenurquhart Road, Inverness, IV3 5NX
[redacted] F 01463 702222 | www.highland.gov.uk

From [redacted]
Sent: 10 May 2017 15:47
To: [redacted]
Cc: [redacted]
Subject: FW: Ardersier Landownership - Scottish Ministers

Hi [redacted]

Did you have any joy in identifying the areas referred to in [redacted] email?– (Highland Council own 2 bits of land in Scottish Ministers name)

Kind Regards,

[redacted]
Scottish Water Horizons Ltd
Mobile: [redacted]
Email: [redacted]
Address: Shieldhall WWTW, 38 Renfrew Rd, Glasgow, G51 4SU

Supporting the development of Scotland's sustainable economy

From: [redacted]]
Sent: 21 April 2017 15:36
To: [redacted]
Cc: [redacted]
Subject: FW: Ardersier Landownership - Scottish Ministers

[redacted]

Can you advise/assist [redacted] with this land ownership/title enquiry.
Thanks
[redacted]

From: [redacted]
Sent: 21 April 2017 15:24
To: [redacted]
Subject: FW: Ardersier Landownership - Scottish Ministers

Hi [redacted]

As you will see from the below, [redacted] has suggested you may be able to assist in identify land in either THC's ownership or 'The Scottish Ministers'.

The attached plan shows the area (in green) in Ardersier that we are looking to establish ownership.

Please do not hesitate to contact me should you wish to discuss.

Kind Regards,

[redacted]
Scottish Water Horizons Ltd
Mobile [redacted]
Email: [redacted]
Address: Shieldhall WWTW, 38 Renfrew Rd, Glasgow, G51 4SU

Supporting the development of Scotland's sustainable economy

From: [redacted]
Sent: 18 April 2017 15:31
To: [redacted]
Cc: [redacted]
Subject: RE: Ardersier Landownership - Scottish Ministers

Hi [redacted]

Apologies for the delay in responding.

I have checked with SG property advisers and am told that from what they can see from ePIMS (which is our property database), Highland Council own 2 bits of land in Scottish Ministers name.

The bits they own are:

Number 8 – 0.04ha land (Tigh na mara)
Number 21 – Ardersier car park and picnic site.

I understand that the best person to speak to about this is [redacted] at Highland Council. [redacted]k.

Regards

[redacted]

From: [redacted]
Sent: 31 March 2017 16:16
To: [redacted])

Cc: [redacted]
Subject: FW: Ardersier Landownership - Scottish Ministers

[redacted]

I looking for some help if possible. My colleagues in SW Horizons are laying a new pipe along Stuart St in Ardersier as part of our investment for the A96 corridor.

After significant searching of land titles and ownership, First Scottish advised us that the "likely" owners of a large portion of land fronting the foreshore in Ardersier is "The Scottish Ministers as statutory successors to the former Board of Agriculture for Scotland". This land is along the route of the pipeline.

Whilst this ownership isn't certain we are keen to ask the appropriate people within the Scottish Government whether they are able to confirm this and if so, where we could serve the notices seeking entry to the land.

I attach some documents and drawings for further information.

Thanks for your help.

Kind Regards

[redacted]

[redacted]
Scottish Water
[redacted]

From: [redacted]
Sent: 31 March 2017 10:03
To: [redacted]
Cc: [redacted]
Subject: Ardersier Landownership

Hi [redacted]

Will call you shortly to discuss.

Please see attached for reference.

Kind Regards,

[redacted]
Scottish Water Horizons Ltd
Mobile: [redacted]
Email: [redacted]
Address: Shieldhall WWTW, 38 Renfrew Rd, Glasgow, G51 4SU

Supporting the development of Scotland's sustainable economy

From: [redacted]
Sent: 30 March 2017 16:58
To: [redacted]
Cc: [redacted]
Subject: FW:

H[redacted]

Please see attached – is this a correct interpretation?

Regards,

[redacted]

From: [redacted]
Sent: Thursday, March 30, 2017 4:33 PM
To: [redacted]
Subject:

[redacted]
CAD Technician
Allen Gordon LLP

Allen Gordon

8 Ardross Street
Inverness
IV3 5NN.

Tel.[redacted]
Fax. (01463) 711767
www.allengordon.co.uk

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www.allengordon.co.uk

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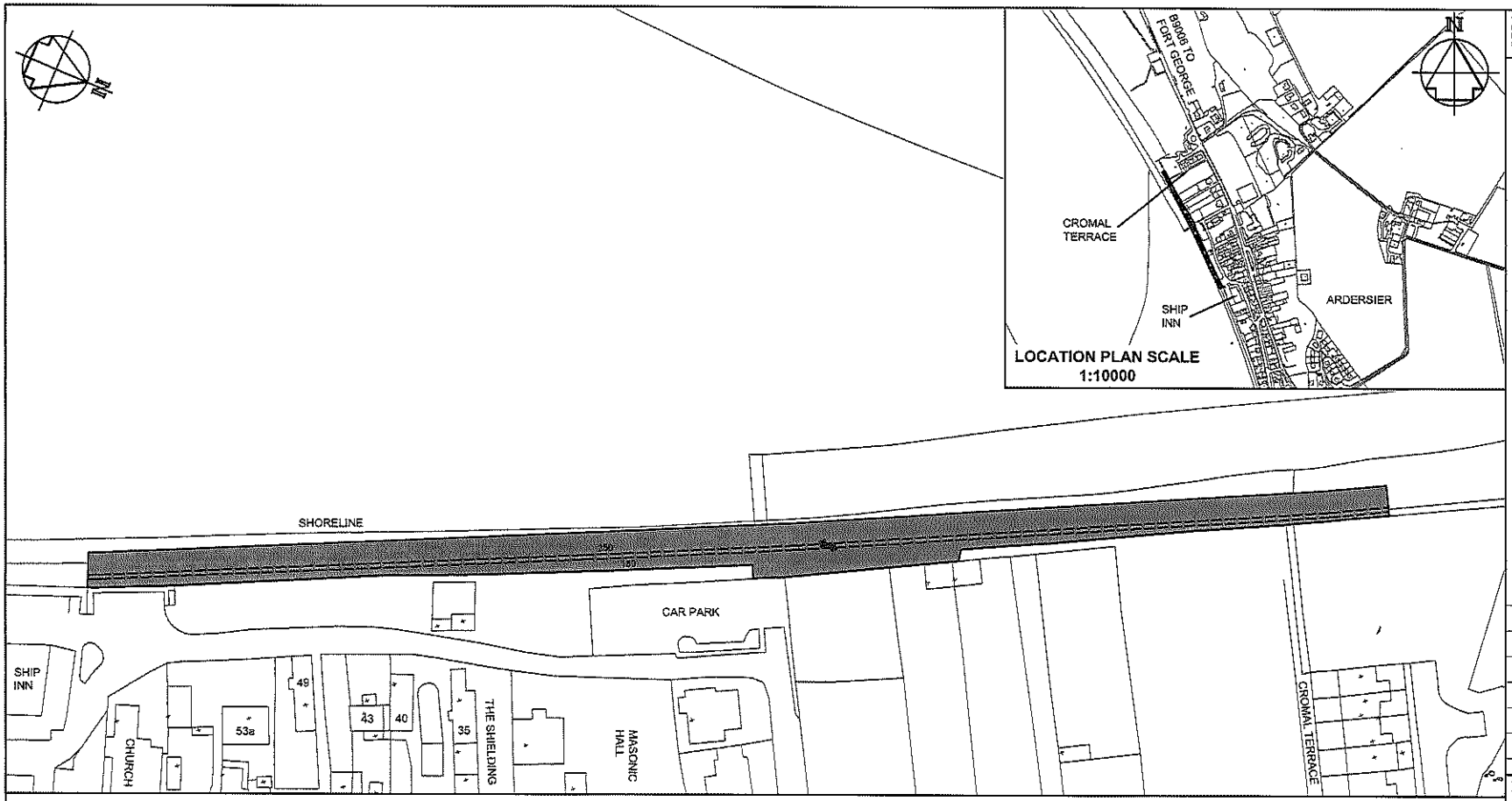

LAYOUT PLAN
SCALE 1:2000

SCALE 1:10000 — 100 0 200 400 600 800 1000m

WASTE WATER FITTINGS
AIR VALVE

GENERAL KEY:
WASTE WATER
RISING MAIN SEWER

WORKING AREA SHOWN THUS
ACCESS TO WORKING AREA

OWNER	OCCUPIER	LAND DESCRIPTION	METHOD OF CONSTRUCTION	PIPE (mm)	LENGTH (m)	MIN DEPTH (m)	MANHOLE CHAMBERS	WORKING WIDTH
WHOM IT MAY CONCERN	N/A	BUND/PATH	OPENCUT	250	290	0.9	1	AS SHOWN
				180	290	0.9	1	

Original Size A3

THIS IS THE DRAWING REFERRED TO ON THE NOTICE DATED..... ISSUED UNDER SECTION 3A OF THE SEWERAGE (SCOTLAND) ACT 1968 AND SIGNED RELATIVE HERETO.

SIGNED.....

DATE:.....

Colin Lindsay
Operations Manager
Scottish Water Horizons Limited
Mobile: 07875 873 100
Email:
colin.lindsay@scottishwaterhorizons.co.uk

Deerdykes Development Centre
Old Quarry Road
Cumbernauld
G68 9NB

NOT FORMALLY ISSUED

Rev	Description	Drawn	Chk'd	App'd	Date
D1	FIRST ISSUE				

Scottish Water Horizons

Originated By	Drawn By	Checked By	Approved By
Date	Date	Date	Date

Scale: AS SHOWN
Status: NOTICE PLAN

Project Title: TORNAGRAIN PUMP AWAY SCHEME

Drawing Title: SEWERAGE (SCOTLAND) ACT 1968 SECTION 3A NOTICE PLAN 28

ELLIPSE EQUIPMENT No. 5XXXXXXXXX
ELLIPSE PLANT No. XXXXXXXXX AUTOCODE No. 00000000

Drawing No. 90245-DG-2027

OUTPUTS MONITORING GROUP (OMG)
MINUTES OF 45th MEETING
SCOTTISH WATER, CASTLE HOUSE, 23 March 2017

Attendees:

[redacted], Scottish Government (Chair)
[redacted] Scottish Government
[redacted] Scottish Government
[redacted] WICS
[redacted] WICS
[redacted] DWQR
[redacted], SPSO
[redacted] CAS
[redacted] Scottish Water
[redacted] Scottish Water
[redacted] Scottish Water
[redacted] Scottish Water
[redacted] SEPA
[redacted] SEPA
[redacted] SEPA

ITEM 1 – WELCOME AND APOLOGIES

1. There were apologies from [redacted]

ITEM 2 – MINUTES OF PREVIOUS MEETING

2. The minutes from the previous meeting on 8 December 2016 were agreed to be an accurate record.

3. The action points were reviewed:
   - **AP1** – Agenda item 7
   - **AP2** – Complete
   - **AP3** – Complete
   - **AP4** – Complete
   - **AP5** – On-going

ITEM 3 – OMG WORKING GROUP REPORT

4. [redacted] presented the working group update report. In particular she noted that:
   - The Working Group met once in the last quarter with the next meeting scheduled for May.
   - The OMD score was 94 at the end of quarter 3 against the target of 69 points.
   - OMG had asked the Working Group to highlight risks in its report. OMGWG had decided to provide a paper on risk at the next meeting. [redacted] noted there are risks to the delivery of the investment programme and Scotland-wide risks ie drinking water quality, bathing waters. He queried whether OMG would like the full picture or focus on the investment programme. The Chair confirmed the focus should be on risks to the delivery of the investment programme as the wider risks should inform SR21 and beyond.
   - OMGWG considered 5 Technical Expression change requests, including the requirement for SW to register its land assets. WICS had asked for further information regarding costs. [redacted] suggested SW could provide a presentation to WICS on what is required.
   - An update was provided on the OMG180 programme and on 3 projects in particular; Kelvingrove UIDs, Inverness and Nairn and the bathing waters at Portobello and Fisherrow. The Working Group had agreed the regulatory treatment of these three projects, including that Inverness and Nairn should be considered as part of IR18 to reflect that new information had changed the nature of the outputs. [redacted] noted it is important that monitoring is consistent and transparent. [redacted]

noted it is important there's no delay to delivery of the schemes if they are moved to IR18. SW confirmed there would be no change to delivery timescales.

5. [redacted] queried the suitability of the environmental targets on page 9 of the OMG report and whether SW is over delivering. [redacted] noted the OMD score reports SW's position and that if outputs are delivered early, customers will benefit earlier.

6. [redacted] presented the graphs:
   - **Drinking water quality and reliability – number of water treatment works improved** – [redacted] highlighted that the programme is 1 output behind at MS2. He confirmed the output at Bradan now has financial approval and work will start on site in April. The Bradan scheme has been redesigned to reduce the risk to the operation of the existing works whilst the new project is delivered. He noted the scope has been agreed at Boardhouse and that SW hopes to reach MS2 in Q1 2017-18. Delays with the Loch Ness Regional Scheme were due to 3rd party issues involving raw water intake (Glenmoriston Estate) and access from the A82 (Transport Scotland). Successful discussions had taken place with the 3rd parties recently. At Tighnabruich, work has commenced on site.
   - **Drinking water quality and reliability – Number of water quality etc studies to inform future periods** – 2 outputs behind at MS5. This programme had now recovered.
   - **Drinking water quality and reliability – 2010-15 outputs planned to complete in the 2015-21 period** – Planning issues at Lochmaddy had been resolved.
   - **Protecting and enhancing the environment – 2010-15 outputs planned to complete in the 2015-21 period** – Behind baseline at MS2 due to the on-going issues at Ardersier. This output is forecast to run a year late. [redacted] noted the outfall can only be constructed during Jan-March due to local wildlife activity. The window had been missed in 2017 due to community issues. SW will use the delay to make the outfall less visible. It was queried whether lessons can be learned from the process. [redacted] noted there are many examples of positive community engagement for example at Shieldhall.

Action 1 – OMGWG to present paper on risk.

ITEM 4 – OMG REPORT

7. [redacted] presented the OMG quarterly report. [redacted] queried whether the OMD targets for 2016-17 were accurate as few points appeared to have been allocated across the year. [redacted] confirmed the forecast is in line with the re-baselined targets.

8. The OMG Q3 2016-17 report was agreed. The Chair requested this be submitted to Ministers.

Action 2 – SG to submit report to Ministers and publish on website.

ITEM 5 – UPDATE ON PROJECTS DUE BY MARCH 2015

9. [redacted] provided the update. He confirmed that at the end of quarter 3, 28 projects were complete. SW forecast 29 would be complete at year-end. [redacted] clarified a further 4 projects were under construction and 1 had started on site. Of the 2 remaining, Inverurie was expected to start on site in May 2017 and a solution had been agreed for Laggan Bridge water treatment works.

ITEM 6 – UWWTD

10. [redacted] provided the update. She noted that the EU Commission had published the 2014 monitoring results the previous day and that it is now likely to ask for further information on the reported failures. The failure at Peebles Wastewater treatment works was highlighted and SW confirmed it has installed a temporary chemical dosing solution, though it hasn't been used yet as the current concentrations of phosphorus in the effluent are within the permitted levels. [redacted] noted SEPA data from the last 6 years confirms that the low levels are normal for this time of year.

11. The Commission had also queried those works that are operating above 130% of the design capacity and the size and location of certain agglomerations. It was noted that the size of an agglomeration determines the level of treatment. SG, SW and SEPA would investigate these queries. The Commission had published a list of sites across Europe and [redacted] offered to send the link to WICS.

12. The annex to the paper provided information on the UWWTD failures. [redacted] confirmed that only the Article 5 failures feature in the 2016 list of non-compliances. As described in the paper, actions are in hand for all of these. SW noted that an update on Dalmarnock and Daldowie would be provided at the next meeting and that performance is looking strong with the temporary solution.

Action 3 – SG to send link to list of WwTW sites to WICS.

Action 4 - SW to provide update on Dalmarnock and Daldowie

ITEM 7 – BATHING WATERS

13. [redacted] gave a presentation. He highlighted that SEPA is increasing its engagement with SW, Local Authorities and communities in relation to bathing waters. He also confirmed that 12 of the 84 bathing waters were classed as poor at the end of the 2016 season. [Post meeting note: recent update from the EC confirms it is now likely that 11 sites will be classed as Poor as Eyemouth will be sufficient due to different EC counting of classification/discounted samples]. Classification would be confirmed on 15th May for the start of the 2017 bathing season. It was noted that bathing water standards are underpinned by the World Health Organisation guidelines which are translated into the Bathing Water Directive. [redacted] clarified that the new Bathing Water Directive has tighter standards as classification is based on data from 4 years, not 1. He noted this provides a more meaningful description of the overall condition of a bathing water.

14. [redacted] confirmed that SEPA is taking forward a number of projects to focus on the reduction of pollution at 19 bathing waters. This includes an additional 7 sites which are classed as "sufficient" and are at risk of failure. The improvement plans are looking at all sources of pollution including diffuse, point source, animal etc. He noted that new technology known as Microbial Source Tracking (MST), which is a form of DNA testing, allows SEPA to determine the source of the pollution – humans, animals or birds. SEPA has formed partnerships which involve SG, LAs, SW and local communities at Ayr, Edinburgh, Eyemouth, Kinghorn and Nairn to consider how best to improve the quality of bathing waters given the evidence provided by SEPA. This might include publicity campaigns such as those run in Blackpool.

15. [redacted] queried how SEPA would attribute the different sources of pollution eg human, agricultural, industry, animal. [redacted] noted that the nature of the catchment, together with the MST results help to explain the most likely causes of bathing water

failures. [redacted] also asked how SEPA decided the monitoring point locations. [redacted] confirmed the models created by SW during bathing water studies helps to identify monitoring points. [redacted] queried the likelihood of bathing water closures in 2019. SEPA noted the first column of the annex gives its opinion on likely failures at bathing waters.

16. It was noted that Fisherrow and Portobello West will remain at risk of failure until improvements are delivered to the sewerage network. Owing to the recent completion of the Edinburgh integrated catchment study, the pollution sources are understood but the solutions have not yet been developed. It is unlikely that these will be in place by 2020. It was also noted that temporary solutions are unlikely to be available.

17. The Chair queried the decision making progress and how SEPA decides whether it is better to focus on reducing diffuse pollution or invest in SW assets if the impact is similar. SEPA confirmed monitoring hasn't yet identified such a situation. The Chair also asked how Scotland's results compare to Europe. SEPA confirmed Scotland has a high percentage of failures (14%) compared to England (6 out of 413 or 1.5%).

ITEM 8 - Q&S/IR18 UPDATE

18. [redacted] confirmed the Q&S (IR18) group met on 20 February and that it was working on the list of IR18 outputs to be submitted for OMG's approval in December. The group was considering how to deal with growth, for example at North Berwick, and whether the investment driver is classed as environmental or supporting economic development. SEPA is preparing a paper on the environmental needs at North Berwick and SW is considering the possible options to meet the necessary standards. An update would be provided at a future OMG meeting. OMG queried whether there are rules for classifying investment as environmental or growth and that it would be useful to know for public perception.

19. [redacted] highlighted there had also been a presentation on customer engagement and research proposals to inform SR21. She noted that SG had sent the SR21 Commissioning letter to WICS, copied to all members of OMG

ITEM 9 - AOB

20. The next meeting will be hosted by Scottish Water at Castle House on 22 June 2017.

[redacted]
Scottish Government
March 2017

OMG WORKING GROUP
SR15 PROGRAMME RISKS

1. Purpose of this paper

This paper provides an overview of the SR15 programme risks as at 30 April 2017.

2. Background

In May 2016, Scottish Water presented the Working Group with an insight into the types of risks to delivery of the SR15 programme; these comprised scope risk, third party risk and construction risk. Scottish Water highlighted that whilst construction risk can be considered through early contractor engagement, it aimed to identify scope and third party risks through its approach to 'Plan Prepare Deliver'.

Following consideration of the risks to delivery of the Glasgow Strategic Scheme in December 2016, the OMG asked the Working Group to review the risks to delivering the programme required to achieve Ministers' Objectives in the 2015-21 period. It also asked the Working Group to consider highlighting risks in its reporting to the OMG.

2. Key Risks

The top three types of risks to Scottish Water delivery remain as set out in the report to the OMGWG in May 2016: -

- **Scope Risk:** Scottish Water's delivery plan is underpinned by a set of assumptions on the scopes that are required to deliver the agreed outputs. Scope risk is the risk that investigations identify that a change of scope is required to that assumed in the Delivery Plan and the revised scope requires a greater amount of time for delivery. The new 'Plan, Prepare, Deliver' is successfully flushing out the scope risk at an early stage in the project, instead of scope risks emerging during construction or commissioning. Additionally, the process identifies changes in scope that can accelerate benefits to customers.

- **Third party Risk:** Third party engagement, if not managed, has the potential to significantly delay the delivery of capital works. Early identification and mitigation of third party risks is an essential part of our new 'Plan, Prepare, Deliver' process where third party issues are identified and then mitigation actions put in place prior to committing the project to delivery. A good example of where this approach has been used is the Amlaird to Highlees project, part of the Ayrshire Strategic Resilience scheme. In this project 21.5km of pipeline will be laid. This directly affects 32 landowners who were fully engaged in the 'prepare' phase and the full pipeline route agreed with them

- **Construction Risk:** Construction risk not only has a significant impact on the cost and time to deliver capital works but it also plays a role in the identification of the preferred option and work scope selected to deliver a required outcome.

Construction risk is mitigated through early contractor engagement at the beginning of the project life cycle. A "buildability" review and detailed site investigation form an integral part of the 'Plan, Prepare, Deliver' process to ensure that the design and construction phase can progress without undue delay. The results of these investigations can impact on planned delivery timescales. Further risks can materialise and have impact during construction, e.g. unforeseen ground conditions; adverse weather.

3. Monitoring of Programme Risks

Where specific risks impact projects there is inevitably an impact on the graphs that are used to monitor progress towards achievement of outputs. Commentary is given on any specifics and discussed at the OMG Working Group. Thereafter, if any risks have a material impact on outputs the specific graphs are presented to the OMG. It is considered that this is an appropriate method for highlighting any key risks to Ministerial Objectives. The OMG Working Group should note that Scottish Water review risks regularly as an integral part of its delivery processes.

To illustrate this by some examples, we set out below some projects and programme areas where we have seen/could see the impact of scope, third party and/or construction risks on delivery of outputs. These have been reviewed and discussed at OMG Working Group as part of its review of progress.

Portobello / Rockcliffe Bathing Waters
Currently at study stage to define needs. Delivery of solutions is contingent on scope confirmation with a risk that they may not be in place by 2019.

Loch Ness Regional Scheme
Due to the previously identified third party issues with the Loch Ness Regional Scheme (comprising Fort Augustus and Invermoriston water treatment works), we continue to forecast to be below the financial approval baseline for the first two Quarters of 2017/18

Ayrshire Resilience Scheme
The maturity of Ayrshire resilience pipeline route selection is progressing with land permissions, land purchase, power supply provision and potential environmental assessments and diversions by other utilities still to be resolved. The Glasgow section of the project will require the engagement of the local authorities; the potential for community resistance is recognised and will need to be managed.

Easedale, Isle of Siel
The current scope to deliver the improvement required is to replace the existing waste water asset and is complicated by significant customer concerns regarding solutions. Community and stakeholder concerns being managed by Scottish Water in order to achieve the environmental improvement required.

Ardersier Oufall

This project has been complicated by significant customer concerns regarding solutions. The outfall project is delayed by a year to accommodate further investigation to secure the right solution. The current delivery date is based on a septic tank solution and there is a risk of further delay if this is not acceptable.

Glasgow Strategic Scheme

A number of projects with the overall Scheme are complicated by potential hydraulic linkages across the network, and the programme has experienced significant challenges regarding ground conditions at some sites, including contaminated land, services, local authorities, regulatory and Network Rail permissions. Some projects remain at a relatively early stage and may change when modelling outcomes and site investigations are completed. It should be further noted that many UID projects may be hydraulically linked to flooding schemes. Some specific areas of work to note are:

- Espedair: this is an extensive tunnelling project complicated by service diversions, land access, Network Rail issues and ground stability issues
- Lower River Clyde - Dalmarnock and Daldowie WWTWs: further work to confirm a treatment solution underway following trials. Strategic solution of a tunnelled transfer of flows will no longer be progressed. Given complexity, project remains profiled for 2020-2021.
- Robslee Road UID: detailed analysis of watercourse undertaken to confirm solution acceptable to the local authority. This project also has hydraulic linkages with the Shieldhall tunnel.
- Ailsa Drive, Kirkintilloch: complex dual manhole issues across a large network with on-going scope risk dependant on final solution.
- Millbrae UID where construction is being impacted by unforeseen ground conditions.

4. Conclusion

The OMG Working Group is asked to note the overview of the SR15 programme risks presented in this paper and to advise the OMG that risks are identified and managed through the monitoring of the OMGWG graphs with any impact on specific programme outputs will continue to be identified and reported to the OMG.

Scottish Water
May 2017

Output Monitoring Group Working Group
Minute of Meeting 55, Thursday 11 May 2017, 09:30
Venue: Scottish Water, Castle House, Dunfermline

Present:
[redacted] Chair, Scottish Government
[redacted] Scottish Government
[redacted] WICS
[redacted] WICS
[redacted], SEPA
[redacted] Scottish Water
[redacted] Scottish Water
[redacted] Scottish Water
[redacted] Scottish Water
[redacted], Scottish Water
[redacted], Scottish Water
[redacted]), DWQR
[redacted]), CAS
[redacted] CAS

ITEM 1 – Welcome and Apologies for Absence

1. There were no apologies.

ITEM 2 - Minutes of Previous OMGWG Meeting 54 (9 February 2017)

Agreement of Working Group Minutes (54/09)

2. The minutes of the previous meeting were agreed to be an accurate record.

Action 55.01(SG) – Agreed final minutes to be posted on SharePoint.

Review of Actions

3. All actions were noted as complete, covered under the meeting agenda or specifically discussed below:

- **54.04** – Carried forward.
- **54.06** – Carried forward. [redacted] noted that the Cabinet Secretary would attend a "Day on the Clyde" event on 22 May.
- **54.07** – [redacted] confirmed WICS would seek further information from SW.
- **54.08** – [redacted] noted the Technical Expression should be version 1.7.

Action 55.02(SG) – SG to finalise agenda tracker.

Action 55.03(SW) – Consideration to be given to Glasgow case study once final conclusions are reached.

Action 55.04(SW) – SW to provide more information on the registration of land assets to WICS.

ITEM 3 - Update from the March 2017 OMG Meeting (OMG/45/17-07)

4. The action points were discussed:

- AP1 – Agenda item 5
- AP2 – The Cabinet Secretary was content with the report and it would be uploaded to the website shortly.
- AP3 – Complete
- AP4 – Agenda item 8

ITEM 4 – Change Proposals (55/02)

5. [redacted] presented the paper seeking OMGWG approval to 13 Technical Expression (TE) change requests. He noted that the change requests are now available on Sharepoint in advance of the meeting. The following change forms were discussed:
    - **SR15-049** – Removal of the catchment study as there is no longer a UWWTD requirement to improve dual manholes.
    - **SR15-050** – Addition of a temporary phosphorus treatment solution at Peebles WwTW. SW would consider a permanent solution as part of IR18. [redacted] queried whether the £75k chemical cost was for the remainder of the investment period. [redacted] clarified £75k is the annual cost and that the permanent solution for IR18 will determine the long-term costs. [redacted] noted that the treatment was activated on 24 April due to the recent lack of rainfall. She also noted that the IR18 solution would consider how to manage growth in the catchment.
    - **SR15-051/SR15-052** – Addition of a strategic study at Sandy Loch to improve the supply/demand for Eela WTW and Sandy Loch WTW. [redacted] clarified this removes £7.4m from the initial output and adds £1m instead for the study. In the long term, this will provide more security of supply for customers.
    - **SR15-056** – The request removes the study on the basis that groundwater modelling shows the water body is not downgraded and the study is no longer required.
    - **SR15-057** – Removes 3 studies and adds 1 to align with SEPA's overall Fish Passage improvement programme.

6. [redacted] also noted there were a number of SR10 TE change requests following recent decisions in relation to OMG180 projects. [redacted] requested an update to table K to clarify the revised milestone dates for these projects. The working group approved the change requests and authorised SW to update the TE to version 1.8 and post on Sharepoint.

Action 55.05(SW) – SW to update table K.

Action 55.06(SW) – SW to update the Technical Expression to version 1.7 and post on SharePoint.

ITEM 5 – Output Monitoring Report (55/03, 55/04, 55/05)

Review of Q4 (2016-17) monitoring report (55/03)

7. [redacted] presented the report. He confirmed that the Q4 OMD score was 108 points, ahead of the target of 83. He also noted that all programmes are on or ahead of target.

8. [redacted] stated that figure 2 is a helpful overview of the current position and noted that over half the projects had started on site. He suggested including more positive messages in the OMG report. On the annual targets on page 14, he raised the wholesale KPIs and suggested SW adds lines to explain what it is doing to recover in future years. He also suggested adjusting the wording referring to delivery partners.

9. [redacted] raised the number of new connections programme on page 12 and noted this is well ahead of target. It was queried whether the programme had almost reached the SR15 target. [redacted] clarified the target is for the first 3 years only and that it will be reviewed as part of IR18. [redacted] noted this programme will put additional demand on the IR18 allowance. He also noted there had been internal changes to the connections process and that this has reduced complaints from developers. He highlighted that the level of performance in the wholesale KPIs is higher than it has ever been.

10. [redacted] suggested adding lines to the OMGWG report to highlight the increased demand arising within the growth programme and the pressures that it places on the delivery of other programmes. [redacted] noted this affects all stakeholders in terms of communications, as all face challenges from Licensed Providers or developers. He highlighted that SW has made a lot of improvements and it would be helpful to have further information. He suggested a paper to OMG could help capture the challenges and the work involved. [redacted] noted SW had provided a previous paper for SG housing colleagues. [redacted] suggested SW could circulate a paper to OMGWG members rather than present to OMG. OMGWG was content with this approach.

The following graphs were discussed in detail:

11. **Drinking Water Quality and Reliability**

- **01 Number of water treatment works improved –** [redacted] noted this is a challenging programme. He confirmed there had been positive progress since the last meeting on a number of projects:
  - Bradan is now on site though it will be challenging to meet the September completion date.
  - A solution has been confirmed at Boardhouse.
  - 3rd party issues with Transport Scotland have been resolved for the Loch Ness Regional scheme. SW is still working with landowners on raw water intake. SW would review the construction programme as the original dates won't be met. The programme would be behind target at MS2 in the next 2 quarters due to this scheme.

[redacted] queried whether SW was confident of reaching the MS5 target next quarter as 2 outputs are required. [redacted] confirmed the 2 outputs relate to Amlaird and

that sign-off is self-certified – SW was confident it would reach the target. [redacted] confirmed she was content that this programme is closely monitored and every effort is being made to progress outputs. It was agreed not to take the graph to OMG. Instead an explanation should be added to the OMGWG report to OMG to note that risks are being closely monitored.

- **05 Distribution mains cleaned (km)** – [redacted] queried whether any issues had arisen due to the alternative delivery model and if this would impact on the profile. [redacted] confirmed there are no risks to meeting the black line target.
- **06 Number of water quality etc studies to inform future periods** – SW confirmed the programme is now back on track. It was agreed to take the graph to OMG
- **07 2010-15 outputs planned to complete in the 2015-21 period** – Delays relate to the project at North Harris. The original solution proposed was to main out 4 small facilities, however, the cost of the pipeline is excessive. [redacted] noted she had the TE form to remove the project but if SW is considering alternative solutions, the project shouldn't be removed at this time. [redacted] requested SW check if there is a water quality driver for improvements. [redacted] noted the SG had received a letter from the local MP due to community issues. SW confirmed it has met the community and [redacted] has met the local MP and MSP. It was agreed to take the graph to OMG.

12. **Protecting and enhancing the environment**

- **11 Number of WwTW improved to meet UWWTD** – [redacted] noted there is a large jump at MS5 during Q2 and queried whether SW is confident of meeting the target. [redacted] also noted there is some slippage at MS2 but SW confirmed it will be back on track and meet the target.
- **13 Number of improvements required to meet UWWTD – Glasgow Completion** – [redacted] noted the programme is close to the black line. [redacted] confirmed slippage relates to Kelvingrove and that the profile will change once the TE change request is confirmed. SW also noted there is a delay at MS2 due to commercial issues for the Dalmarnock Inlet CSO.
- **14 Number of improvements required to meet the Water Framework Directive** – [redacted] noted the programme is close to the black line and queried if there were any concerns. [redacted] confirmed there are no issues.
- **15 Studies and improvements under the revised Bathing Waters Directive** – [redacted] raised the steep delivery profile. SW highlighted that in programmes with fewer projects, the jumps look big. SW also confirmed that, following the recent OMG meeting, there is focus on this programme, particularly for Monifeith and other at risk bathing waters. [redacted] suggested that where there is a large jump in the delivery profile, SW could list the projects involved and highlight whether there are any concerns.
- **18 2010-15 outputs planned to complete in the 2015-21 period** – Delays at MS2 and MS3 related to Ardersier. SW confirmed it can only construct the outfall between January and March due to local wildlife activity. SW would use the delay to ensure the proposed solution is the best option. It was agreed to take the graph to OMG.

13. [redacted] provided a high level summary of the year end position – out of 105 individual milestones, only 4 are behind target. The issues relate to Ardersier, which has been well signposted, and North Harris.

Review of output programme risks (55/04)

14. [redacted] presented the paper. He noted a previous paper gave insight into the 3 main types of risk SW faces – Scope, 3rd party and construction. He confirmed SW looks to mitigate construction risks by engaging developers earlier in the process and that this had become more relevant as more projects move into the construction phase. Scope and 3rd party risks are mitigated by the plan, prepare, deliver approach.

15. [redacted] confirmed that programme risks are highlighted in the monitoring graphs ie 3rd party risks affecting the Loch Ness Regional Scheme, construction risks at Ardersier. He noted that continual monitoring allows OMGWG to understand any risks in advance. [redacted] suggested reporting to OMG that risks are managed and identified by OMGWG reviewing the graphs and raising issues to OMG if appropriate. [redacted] noted that [redacted] had queried the risk of an "overhang" being created. SW clarified that there is no risk at present, all programme areas are on track and there is no risk to meeting compliance dates. [redacted] suggested that the WG report can highlight that risks are assessed through graphs.

16. [redacted] questioned whether there are risks to delivery dates if the planning part of a project takes longer than expected and the construction period is compressed as a result. [redacted] suggested amending the paper to explain how OMGWG monitors risk and how it would report to OMG if there is an issue. SW noted it would also redraft the construction risk section to cover [redacted]s concern. [redacted] also queried if the paper should draw out the projects at Amlaird and Muirdykes as, although the overall programme isn't affected, they are being delivered late. SW confirmed this could be noted in the WG report. [redacted] also suggested highlighting Tullich and Bradan as the undertaking date has been missed.

Review of Report to OMG (55/05)

17. [redacted] presented the report. He confirmed SW would capture the changes already proposed:
    - Key points – more positive messaging.
    - Over half the delivery programme has started on site but there is still a lot to do.
    - Update wholesale KPI text.

    [redacted] suggested the conclusion could be amended to note the "good" progress made.

Action 55.07(SW) - SW to circulate paper on new connections process.

Action 55.08(SW) - SW to check whether there is a water quality driver for the North Harris project.

Action 55.09(SW) – SW to present risk paper at OMG and to note that Amlaird and Muirdykes had missed their Undertaking dates.

Action 55.10(SW) – OMG report to be amended as agreed and circulated to members ahead of OMG.

ITEM 6 – Update on projects due by March 2015 (55/06)

18. [redacted] provided the update. He noted 29 projects had been signed-off at the end of Q4. Looking forward, the majority of the remaining projects had started on site. [redacted] confirmed that the projects at Dalmarnock and Skellyton had now been signed off and that sign-off at Portree was forecast for Q1.

19. [redacted] noted there were few projects remaining and queried whether the group still needs a separate paper. OMGWG suggested asking OMG whether to keep the paper or include the update in the Working Group Report.

ITEM 7 – Glasgow Strategic Scheme (55/07)

20. [redacted] provided the update. He confirmed the tracker provides a high-level position and that the paper gave further detail on the strategic projects. He also noted that risks are highlighted and that overall progress is good – the only delay is at Kelvingrove. SW would check how the TE removal would affect the programme. SW confirmed it would work closely with SEPA to determine what will be delivered and would revisit the table K date.

21. [redacted] queried when the Tunnel Boring Machine would complete the Shieldhall Tunnel. SW confirmed it was forecast between October-December. [redacted] suggested that the First Minister may wish to mark the completion of the project as it brings benefits to her constituents. She would discuss options with SW.

ITEM 8 – Urban Waste Water Treatment Directive (55/08)

22. [redacted] presented the update on compliance at Dalmarnock and Daldowie WwTW. He confirmed that SW had trialled a chemical dosing scheme to deliver compliance and that monitoring from the trial is positive. [redacted] noted that SW previously had a £100m risk allowance associated with the project. The trial has confirmed that dosing successfully achieves compliance with the Directive and therefore SW can release the risk allowance back to IR18. [redacted] queried how the dosing works. [redacted] noted it is flow proportional and depends on the volume of influent.

23. SW noted that the Daldowie Sludge Centre, which processes sludge from Glasgow WwTWs including Dalmarnock and Daldowie, is affected by ferric dosing as it impacts its ability to process sludge. SW has worked closely with the PFI contractor to monitor and quantify the impacts. No major concerns or issues have been raised.

24. SW proposed that the chemical dosing solution is approved. It also noted that a number of work packages would be undertaken at the same time – hydraulic modifications at Daldowie to improve performance, assessing capital maintenance needs, centrate treatment for sludge processing at Shieldhall if needed.

25. OMGWG agreed to the use of chemical dosing to achieve compliance and requested that an update is provided to OMG. [redacted] noted that at a future meeting OMG might want to reflect on lessons learned. [redacted] noted this could be captured in the Glasgow case study. OMGWG noted the project is a good example of evidence led decisions and risks carried in terms of compliance – SW noted it originally proposed a solution to meet both the WFD and UWWTD but concluded it was more efficient to develop 2 separate solutions. SW highlighted that SEPA monitoring has since confirmed the WFD driver is not necessary due to improvements in the quality of the River Clyde.

26. [redacted] provided an update on the UWWTD infraction case. She confirmed that the European Court had opined and that Scotland had been removed from the case as data provided showed compliance. [redacted] intended to speak to SG lawyers to understand the consequences of the Welsh failures – which relates to CSO spillages – and how it will affect Scotland.

Action 55.11(SW) – SW to update OMG on Dalmarnock and Daldowie.

ITEM 9 – Environmental Studies Programme (55/09)

27. No questions were raised regarding this paper.

ITEM 10 – SAIFF (55/10)

28. The paper was taken as read. [redacted] queried the timing of studies and whether these are on track to inform IR18 and SR21. [redacted] suggested this is discussed at the upcoming IR18 meeting as the programme is delivering to the milestone dates. [redacted] confirmed that in its update to OMG, SW would include lines in the paper to confirm whether the studies are on time for delivery.

29. [redacted] confirmed that the integrated catchment studies (ICS) are designed to identify investment needs not solutions – in this case the mechanisms which give rise to the flooding. By identifying the needs, these can be prioritised for delivery. [redacted] noted this approach supports having flexibility in the investment plan. He noted ICS are important tools in relation to delivering growth as these inform what work is required to ensure that new connections can be made.

30. [redacted] suggested the group needs to think about the process for defining need, identifying possible solutions and defining solutions/making commitments to ensure there are the right levels of opportunity in the early stages. He confirmed WICS would consider this for the methodology for SR21/IR18.

Action 55.12(SW) – SAIFF update to be provided to OMG.
ITEM 11 - Any Other Business

31. The next meeting will be hosted by Scottish Water at Castle House on 10 August 2017.

OMG Working Group – Action Log
(Actions arising from meeting 55, held on 11 May 2017)

Ref	Action	Owner	Status	Delivery by
55.01	Agreed final minutes to be posted on SharePoint.	SG		Aug OMGWG
55.02	SG to finalise agenda tracker.	SG		Aug OMGWG
55.03	Consideration to be given to Glasgow case study once final conclusions are reached.	SW		Aug OMGWG
55.04	SW to provide more information on the registration of land assets to WICS.	SW		Aug OMGWG
55.05	SW to update table K.	SW		Aug OMGWG
55.06	SW to update the Technical Expression to version 1.7 and post on SharePoint.	SW		Aug OMGWG
55.07	SW to circulate paper on new connections process.	SW		Aug OMGWG
55.08	SW to check whether there is a water quality driver for the North Harris project.	SW		Aug OMGWG
55.09	SW to present risk paper at OMG and to note that Amlaird and Muirdykes had missed their Undertaking dates.	SW		June OMG
55.10	OMG report to be amended as agreed and circulated to members ahead of OMG.	SW		June OMG
55.11	SW to update OMG on Dalmarnock and Daldowie.	SW		June OMG
55.12	SAIFF update to be provided to OMG.	SW		June OMG