REPORT TO: FLOOD ALLEVIATION SUB-COMMITTEE ON 7 JUNE 2006

SUBJECT: CONSULTATIONS WITH STAKEHOLDERS

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. **Reason for Report**

1.1 To advise Members of the main stakeholder issues and progress in relation to the flood alleviation schemes.

1.2 The report is submitted to the Sub-Committee in terms of Section D (23) of the Council’s Administrative Scheme relating to the functions of the Council under the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997.

2. **Background**

2.1 The Sub-Committee of 12 April 2006 considered a report advising Members of the main stakeholder issues and progress in relation to the flood alleviation schemes (para 6 of the Minute refers).

3. **The Proposals**

3.1 It is proposed that the Sub-Committee note the issues described below in relation to each scheme.

3.2 **Forres (Burn of Mosset) Flood Alleviation Scheme**

There remain four objections to the Flood Prevention Order (FPO). On 20 April 2006 the Scottish Ministers confirmed that a Public Local Inquiry would be held to consider the objections to the flood prevention scheme. A Reporter from the Scottish Executive Inquiry Reporters Unit (SEIRU) has been appointed. Mr Martin Cunliffe BSc (Hons) MSc MIWEM will conduct the Inquiry and thereafter report to the Scottish Ministers for their consideration. A pre-Inquiry meeting was held on 30 May 2006 with the Council represented by Mr Maurice O’Carroll acting on instructions from the Council’s Principal Solicitor (Commercial and Conveyancing). It is proposed to comment further on the Inquiry arrangements at the Sub-Committee meeting.

At the meeting the Reporter fixed the date of the Inquiry as Tuesday 26 September 2006 and he expects it to last until the end of the following week.

The PLI relates solely to the FPO process. Work is continuing to address an outstanding objection by SEPA to the planning application. At this stage the application has not yet been forwarded to the Scottish Ministers for their consideration including whether to call in the planning application and/or hold any planning inquiry on the proposal which may or may not be ‘conjoined’ with the FPO Inquiry. At the Environmental Services Committee on 24 May 2006 it was agreed that the Reporter be advised of the status of the planning submission and where appropriate, that the Scottish Ministers consider a conjoined inquiry for the flood prevention and planning submissions for the Forres (Burn of Mosset) Flood Alleviation Scheme.
The main stakeholder issues in relation to the FPO are as follows:-

Mr Bruce, Sanquhar Mains Farm

The situation is unchanged since the Sub-Committee of 12 April 2006.

Altyre Estate

A meeting was held with Altyre Estate and their representatives on 20 April 2006, continuing discussions reported to previous Sub-Committees. Outline proposals have been prepared by Altyre Estate based on ideas discussed at earlier meetings that may provide a solution. This was developed further and at a meeting on 26 May 2006. A series of programmed actions were agreed which might allow Altyre Estate to consider withdrawing their objection. The matter is being dealt with urgently.

Gordon and MacPhail (Benromach Distillery)

British Geological Survey (BGS) have completed their study and it is being finalised through their quality management system for delivery in mid June, slightly later than programmed. It considered the impact of a body of water overlying the spring source for a period of time, both in terms of severity of impact and duration. Once the report has been delivered a copy will be sent to Gordon and MacPhail. A design proposal based on the findings of BGS will be drawn up for discussion with Gordon and MacPhail towards the end of June 2006. In the meantime BGS will discuss their findings with SEPA in relation to their objection to the planning application. The report will also be sent to SEPA on receipt and SEPA will be asked to consider the aforementioned design proposals with a view to confirming to the Council, as planning authority, that their objection can be withdrawn.

In parallel with the above, the borehole pumping test showed a drop in yield but the reason was deemed to be a mechanical problem. The test has been continued at the previous rate of 0.7 litres per second and there have been no further problems. Water quality from the borehole is very similar to the existing source.

Chapeltonmoss

The situation is unchanged since the Sub-Committee of 12 April 2006.

3.3 Elgin Flood Alleviation Scheme

In addition to team members, including staff from various Council Departments, and Councillors Keith (am) and Sim (pm), the following stakeholders attended the Optioneering Workshop on 25 May 2005. The workshop considered the Bishopmill Bridges and Borough Briggs section in the morning session and the Cathedral area in the afternoon.
Graeme Archibald (Johnstons of Elgin)
Ian McKay (Elgin Angling Association)
Tom McWhirter (Decora and Elgin Motor Museum)
David Baker (Mansion House Hotel)
Fiona Graham (SEPA)
Mike Pedery (Historic Scotland)
Alan Rutherford (Historic Scotland)

Apologies were received from Scottish Natural Heritage who sent written comments. The outcome will be reported separately to this Meeting.

An update meeting with Johnstons of Elgin was held on 26 April 2006.

There have been discussions with Elgin City Football Club regarding their proposed development at Lesser Borough Briggs and how it may be affected by flooding and/or the scheme. A further meeting is scheduled for 6 June 2006.

A further meeting was held with Historic Scotland on 20 May 2006 to discuss their facilities near the Cathedral.

A meeting with representatives of downstream landowners was held on 8 May 2006 and attended by Councillor Hossack. It was a useful exchange of views and a work plan was agreed. This involves coming up with an agreed outline solution by Autumn 2006.

3.4 Rothes Flood Alleviation Scheme

Campari recently acquired Glen Grant Distillery. A meeting was held with the new owners who were very helpful and supportive of the scheme. Further detailed discussions will be held so that the proposals fit with their business needs as far as practicable.

Dave Gowans and Bob Bryce attended a public meeting of Speyside Sports Trust on 9 May 2006 to assist the community in deciding on options for an all-weather community use sports facility at Rothes FC, and to answer any flood alleviation scheme related queries.

Meetings have been held with the Transportation Service and Grampian Police regarding traffic management during the works have resulted in agreement of a traffic management plan in principle that would allow the A941 to remain open during construction of a new bridge, and providing alternative routes for light traffic. The Local Member has been consulted on the draft plan that will be further developed.

3.5 Findhorn Flood Alleviation Scheme

A meeting was held with Council planning officers to determine appraisal criteria for Planning/Social Impact for comparing options.

4. Financial Implications
This is an information report without direct financial implications.

5. **Staffing Implications**

5.1 None

6. **Environmental Implications**

6.1 None

7. **Sustainable Development Checklist**

7.1 Not applicable

8. **Consultations**

7.1 The Head of Estates Services, Principal Solicitor (Commercial and Conveyancing), and Angus Burnie, Principal Planning Officer have been consulted and their comments are incorporated in this report.

7.2 Representatives of Altyre Estate were consulted regarding para 3.2 (2) and their comments regarding urgency have been incorporated.

8. **Corporate Development Plan**

8.1 Delivering effective flood alleviation schemes is a priority in the Corporate Development Plan 2004 – 2007.

9. **Recommendations**

9.1 **It is recommended that the Sub-Committee note the contents of this report.**

Author of Report: Dave Gowans, Consultancy Manager
Background Papers: Ref: