

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE

WEDNESDAY 6 JUNE 2007

COUNCIL OFFICE, ELGIN

PRESENT

Councillor G McIntyre (Chairman), A Bisset, L Bell, J Divers, J Hogg, I Ogilvie, P Paul, J Russell and M Shand.

APOLOGY

An apology for absence was intimated on behalf of Councillor D C Stewart.

IN ATTENDANCE

The Director of Environmental Services, the Consultancy Manager, Peter Haslam, Senior Engineer (Flooding and Coastal Protection), Barbara Hellett, Scheme Manager (Elgin) (Royal Haskoning), Tim Ellingham, Scheme Manager (Forres [Burn of Mosset]) (Royal Haskoning), Paul Winfield, Scheme Manager, (River Findhorn & Pilmuir) (Royal Haskoning), Steve Vernon, Scheme Manager, (Roths) (Royal Haskoning), Neil MacLeod, Morrison Construction, Steve Magenis, Royal Haskoning, A McEachan, Senior Solicitor (Commercial & Conveyancing) and the Senior Committee Services Officer, Clerk to the meeting.

1. DECLARATION OF GROUP DECISIONS

In terms of the relevant Standing Order 20 and the Councillor's Code of Conduct the meeting noted that there were no declarations from Group Leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the agenda.

2. WRITTEN QUESTIONS

The meeting noted that there were no written questions in regard of the Sub-Committee

3. PRESENTATION ON MORAY FLOOD ALLEVIATION SCHEMES

During the presentation Councillor Ogilvie joined the meeting.

On the invitation of the Chairman the Consultancy Manager gave a presentation on the work undertaken by the Council in regard to managing flooding and coastal defences and the work of the Moray Flood Alleviation Team in regard to the preparation, funding and delivery of flood alleviation schemes in Moray.

In regard to flood management of non-agricultural land (Council responsibility) the meeting noted that officers provide advice on flooding, assess watercourses and produce a biennial report setting out a programme of planned and reactive flood and coastal management and gave a brief resume of work currently being undertaken

In regard to flood alleviation he referred to the history of major flooding events in Moray over the last ten years, which led the Council to embark on the ambitious programme currently being undertaken. He also referred to the various statutory and regulatory processes, which the Council has to address in the preparation of Flood Prevention Orders. The meeting noted that the Council has four major schemes in preparation at an estimated cost of £155m for which grant assistance of up to 80% is available from the Scottish Executive, subject to a scheme being economically beneficial and provide a minimum protection of 1 in 100 year event. As well as the preparation of Flood Prevention Orders the other major statutory processes relate to grant funding, the submission of a planning applications and, since last year, Controlled Activity Regulations licences from the Scottish Environmental Protection Agency (SEPA) in respect of engineering works affecting water bodies.

The meeting also noted that Moray Flood Alleviation (MFA) is a partnership between the

Council and Royal Haskoning, since 2000 and Morrison Construction since 2003 with a range of supporting specialists.

Thereafter Neil MacLeod, Morrison Construction, Steve Magenis, Royal Haskoning gave brief presentations on their individual Company's background and role in each of the schemes.

On the conclusion of the presentations the meeting agreed:-

- (i) to note the presentations;
- (ii) that Members advise Officials at the conclusion of the meeting as to which of the schemes they have a specific interest in so that they can be appraised more fully on the individual scheme(s); and
- (iii) that the new Minister for the Environment at the Scottish Executive, Mike Russell, MSP, be invited to view and receive a presentation on the work being undertaken in Moray to alleviate flooding.

4. MORAY FLOOD ALLEVIATION SCHEMES: PROGRESS

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Moray Flood Alleviation Schemes within Moray. Progress reports, based on programmes agreed at the meeting of the Sub-Committee dated 30 November 2005 (para 9 of the Minute refers), on the individual schemes for the period to 24 May 2007 were appended to the report. Details of subsequent amendments to key milestones were set out in section 3.4 to the report.

The individual Scheme Managers gave an oral summary of progress and future work and advised of any issues, which required to be brought to the attention of the Sub-Committee and the meeting agreed:-

(i) Elgin Flood Alleviation Scheme

To note the report and in particular:-

- that the draft Elgin Flood Prevention Order would be presented, for consideration, to the meeting of the Full Council on 4 July 2007;
- that the public exhibition in April attracted 645 people over two days, who were generally supportive of the proposals;
- that Pitgaveny Estate is still expressing concerns in regard to the impact the scheme will have on the area downstream from Elgin and the Riparian Owners and Downstream Stakeholders were considering separate proposals and that in this regard the MFA team had offered suggestions and had intimated that they were also prepared to meet and offer advice;
- that it was accepted that whilst work upstream will alter the water levels at Morriston Playing Fields the area will flood during severe storms as it forms part of the flood plain; and
- that an assessment of all bridges affected by the project has been undertaken.

Tyock Culverts

The Consultancy Manager advised the meeting orally in regard to the project plan for the culverts at Moycroft, Ashgrove Road and off Ashgrove Road close to the railway bridge. The meeting noted that the Plan is currently being finalised with a completion target for all three of March 2008, subject to a number of issues which will require to be agreed/ addressed. The meeting also noted that the cleaning of the long culvert from ASDA under the railway had been completed and a CCTV survey of the culvert had revealed structural problems, which will be reported to the culvert owners.

He also advised that agreement still requires to be reached with Robertsons on the Wards culvert which requires to be lengthened as part of the road widening for the adjacent new retail development, which will be progresses as a matter of urgency;

In regard to the flash flooding incident in the area on Friday 1 June 2007 the Consultancy Manager advised that it appeared that the drains are inadequate and in such instances water cannot drain away quick enough.

In response to a question in regard to how long residents in the area will have to wait for the situation to be alleviated and the meeting noted that flash flooding was unpredictable and road levels made a solution difficult. In the meantime in such instances sandbags will be provided and in the event of flooding assistance will be given.

The Sub-Committee agreed to note the position.

(ii) **Burn of Mosset Flood Alleviation Scheme**

To note the report and in particular:-

- that the Scheme was unlikely to commence as planned in October 2007;
- that a representation had been received to the modifications to the Flood Prevention Order recommended by the Inquiry Reporter and, as there was uncertainty as to how the Scottish Executive would deal with the representation, it was unlikely if the outcome will be known before July 2007;
- that the Controlled Activities Regulation (CAR) license, from SEPA, the cost of which has risen substantially, could take up to 4 months to obtain and that ever effort was being made to seek an early resolution to this issue;
- that, as agreed, an invitation be extended to SEPA to give a presentation to a future meeting of the Sub-Committee on CAR licenses.

On the conclusion of this summary Councillor Bisset left the meeting.

(iii) **River Findhorn and Pilmuir Flood Alleviation Scheme**

To note the report and in particular:-

- that the programme was 3 weeks behind schedule and whilst every effort will be made to bring the programme back on schedule ground water was a major problem in the area and further bore hole tests require to be carried out once the growing season on agricultural land has finished;
- that a public exhibition of the proposed scheme is to be held in the Mosset Tavern in Forres on 28 June 2007.

(iv) **Rothes Flood Alleviation Scheme**

To note the report and in particular:-

- that whilst there were no public objections to the planning application there had been an objection from SEPA and that officers were working closely with SEPA to try and resolve the outstanding issue;
- that officials will continue to speak to the 2 residents whose homes require to be demolished, as part of the Scheme, with a view to reaching a solution which would allow them to withdraw their objection to the Flood Prevention Order which they had made in order to safeguard their position;
- that there was widespread public support for the planning application which may be referred direct to a Hearing which would allow for the opportunity to move to one Public Inquiry, should the need arise.

(v) **Kingston Coast Protection Scheme**

To note the report and that the consultants report in regard to the proposed creation of an off-shore island at the mouth of the River Spey to protect Kingston from storms, which breach the existing shingle spit had been submitted to SEPA & SNH for consideration. An offer to meet and discuss any issues arising from the submission had also been made.

iii) **Garmouth Flood Alleviation Scheme**

To note the report and that a brief for a business case has been drafted and submitted to Royal Haskoning for consideration.

5. MORAY FLOOD ALLEVIATION SCHEMES: MONITORING OF ESTIMATED COSTS TO BRING SCHEMES TO CONSTRUCTION START STAGE OR FINANCIAL YEARS 2006 – 2009

There was a report submitted by the Director of Environmental Services updating the Sub-Committee on the development of Moray Flood Alleviation Schemes to construction start stage for the period 2006 – 2009 in respect of financial monitoring.

The meeting noted that the anticipated costs to bring the schemes to construction start stage and the projected gross capital costs, set out in Appendices 1 & 2, respectively to the report, for future monitoring had been reviewed to take into account actual rather than provisional end of financial year amounts. The overall impact being neutral, with additional amounts paid the previous financial year offset by reduced anticipated expenditure in this financial year. Hence both anticipated totals to bring schemes to construction start stage and the total capital costs of schemes remain unchanged from that previously reported. There was also appended to the report as Appendices 3 & 4 respectively the monitoring costs to the construction start stage for 2007/09 to 24 May 2007 and the monitoring of the total cost of the Schemes to 2011/12.

Following consideration the Sub-Committee agreed to note the report and the minor adjustments to the base figures for future monitoring, which reflected the actual end of year expenditure compared to provisional amounts previously reported.

6. SCHEDULE OF OUTSTANDING BUSINESS

There was submitted and noted the Schedule of Outstanding Business in respect of the Flood Alleviation Sub-Committee.

8. QUESTION TIME

The meeting noted that there were no questions from Members on any matter within the remit of the Sub-Committee.