

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVATION SUB-COMMITTEE

18 JUNE 2008

COUNCIL OFFICE, ELGIN

PRESENT

Councillors L Bell, J Divers, J Hogg, I Ogilvie, P B Paul, J Russell, M Shand and D C Stewart.

APOLOGY

An apology for absence was intimated on behalf of Councillor G McIntyre (Chair).

IN ATTENDANCE

The Director of Environmental Services, the Consultancy Manager, P Haslam, Senior Engineer (Flooding and Coastal Protection), Barbara Hellett, (Royal Haskoning), Deborah Halliday (Royal Haskoning), Paul Hart, Hydrologist (Royal Haskoning), Shona Weir, EC Harris, A Russell, Morrison Construction, A Burnie, Principal Planning Officer (Development Control), A Scott, Principal Solicitor (Commercial & Conveyancing) and the Senior Committee Services Officer, Clerk to the meeting.

1. CHAIR

In the absence of the Chairman the Clerk, in terms of Section 6(i) of Standing Orders, invited the meeting to appoint a Chair for the meeting.

Councillor Bell, seconded by Councillor Paul, moved that Councillor J Russell chair the meeting. There being no-one otherwise minded Councillor Russell took the Chair for the meeting.

2. 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.

3. MORAY FLOOD ALLEVATION 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. Progress reports by the Scheme Managers on the individual schemes were appended to the report as Appendix 1.

The report also sought approval of an amendment to the Rothes Flood

Alleviation Scheme Programme.

There was also appended to the report as Appendix 2 to the report a copy of the monitoring report in respect of the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for the period March – April 2008.

a Elgin Flood Alleviation Scheme – Noted_

The meeting also noted that Councillor Divers had met with Barbara Hellett and Paul Hart (Royal Haskoning, prior to the meeting, in the proposed outcomes stemming from the Hydraulic Review recommendations outcome in regard to the Tyock Burn Culvert Replacements. The meeting also noted that having had sight of sketches of proposed works Councillor Divers intimated that he was satisfied with the progress.

The meeting also noted that CAR Licenses were currently being prepared and would be applied for following the completion of detailed design work.

b Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme - Noted

The meeting also noted that an engineering appraisal review had reduced the overall cost of the scheme by approximately £2m and that a further review would be carried out during July 2008. In order to carry out the further review in July authority was sought to defer the design completion. In noting that this delay would not affect the overall scheme timetable it was agreed to grant the authority to defer the completion of the detailed designs by one month until the end of September 2008.

The meeting also noted that, to date, there were four objections to the planning application, which included details of proposed landscaping, and that a report thereon would be submitted to the next meeting of the Sub-Committee.

The meeting also noted that the haul road to Broom of Moy was restricted to pedestrian and bicycle access.

c Roths Flood Alleviation Scheme

Under reference to Paragraph 15 of the Minute of the Economic Development & Infrastructure Services Committee dated 17 June 2008 the meeting noted that a change to the scope of Roths Flood Alleviation Scheme Stage 1 relating to the Back Burn had been agreed and a revised programme to works start was noted. The meeting noted that the changes were necessary to bring the scheme cost down without compromising the effectiveness of the scheme. It was also noted that a report would be submitted to the meeting of the Council on 2 July 2008 on the progress and seeking approval of a variation to the contract, which has already been agreed, in principle, with the contractor.

In noting the progress report the meeting also agreed to approve the following changes to the Scheme Programme and report the progress to the Council:-

- Completion date for Back Burn Package to be changed to December 2009;
- Start date for Black Burn Package to be changed to January 2009; and
- Estimated completion date for Black burn Package to be changed to October 2009.

It was also noted that in order to take advantage of the Distillery's four-week close season during July it was proposed to replace the bridge in two stages. Stage 1 would be to build the bridge abutments this year and complete the bridge next year. In order to meet the timescales it was suggested that the necessary materials be ordered in advance.

It was agreed to grant delegated authority to the Director of Environmental Services, in consultation with the Chief Financial Officer and the Convener and Chairs of Policy & Resources and Economic Development & Infrastructure Services Committees, to acquire the necessary materials, in accordance with the Council's Financial Regulations.

d Tyock Burn Culvert Replacements – Noted

e Forres (Burn of Mosset) Flood Alleviation Scheme : Monitoring Report No 3 – Noted

The meeting also noted an oral update on construction works.

4. ELGIN FLOOD PREVENTION ORDER : UPDATE

There was submitted a report by the Director of Environmental Services informing the Sub-Committee on discussions with objectors to the Elgin Flood Prevention Order and of the progress towards resolving these objections and programme and cost implications. The meeting noted that the objections had been divided into four categories, Downstream left bank, Downstream right bank, Elgin businesses and householders and the Heritors of the Spynie Canal. Details of the objections and current position were set out in the Appendix to the report.

The meeting, in noting the report also noted that Paul Hart, Hydrologist (Royal Haskoning), is to meet with the hydrologist representing Pitgaveny and that meetings have been arranged with all those willing to meet to discuss their objections. It was also noted that given it was likely that the Flood prevention Order and Planning Application would proceed to Public Local Inquiries a

conjoined Public Local Inquiry would be sought.

5. ELGIN FLOOD ALLEVIATION SCHEME : PROGRESS ON PLANNING AND LISTED BUILDING CONSENT APPLICATIONS

There was submitted a report by the Director of Environmental Services advising the Sub-Committee on the progress of the applications for planning and listed building consent for the Elgin Flood Alleviation Scheme.

The meeting noted that on expiry of the notification and advertisement periods 26 representations had been received and whilst it was noted that over 50% of those were from parties downstream of Elgin they were not all the same as those objecting to the Flood Prevention Order.

In regard to outstanding consultations A Burnie, Principal Planning Officer (Development Control) advised the meeting noted that there were no major transportation issues and that Environmental Health have requested that standard conditions in regard to noise impacts and operating hours for construction activity be applied to any consent. He also advised that in regard to the objection from Scottish Natural Heritage (SNH) this could be overcome by a planning condition.

Following consideration the Sub-Committee agreed to note the progress on the applications for planning and listed building consent for the Elgin Flood Alleviation Scheme

6. ELGIN FLOOD ALLEVIATION SCHEME : SCOTTISH WATER

There was submitted a report by the Director of Environmental Services advising the Sub-Committee on the latest discussions with Scottish Water (SW) and outlining associated risks to programme and costs.

The meeting noted that Scottish Water have now stated that, while continuing to assist in providing information on the location of plant, broad technical issues and checking proposals, they cannot undertake detailed engineering design and optioneering regarding the accommodation of the Elgin FAS. They claim that this work is outside the remit and responsibility of SW. It was also noted that whilst discussions are ongoing with Scottish Water to try to resolve this issue, it seems likely that there will be both programme and cost implications associated with this issue. It was also noted that SW do not have the in house capacity to design improvements where these are specifically required by the implementation of the Elgin Flood Prevention Order and several options to achieve this was set out in Section 3.8 of the report.

There was also tabled at the meeting a copy of a letter, on behalf of SW, clarifying their position and advising of their continued support to help deliver the scheme. The meeting also noted that the letter also advised SW had achieved significant progress with the production and verification of the Drainage Area Study (DAS) to assist with the scheme, at a cost, to date, of £350,000 to SW. They also advised that they will provide the necessary information from the DAS to the Council's designers to allow for the scheme

to be moved on to the next stage.

The Director of Environmental Services advised the meeting that in preparing Flood Prevention Orders Local Authorities have to recognise there are different types of flooding. In the Council's submissions to the Scottish Government it was made clear that all public authorities and bodies had to work together to resolve flooding issues and that investment programmes had to be aligned. The Scottish Government through its inclusion in the Flooding Bill, which advises that "responsible bodies" will include both Local Authorities and Scottish Water, supports this view.

The letter from SW would appear to indicate that, in their view, it is up to Moray Council to plan for and implement such changes to the infrastructure. This is an approach that has not been followed in previous Moray schemes, nor to the best of the Director's knowledge has it been followed elsewhere in Scotland, in particular Glasgow and Edinburgh.

Having had discussions with the author of the letter the Director advised that whilst SW will continue to assist the Council it has difficulties when it comes to the physical implementation of major schemes.

In light of these concerns the Director suggested that officials organise a meeting with senior officers of SW to agree a joint position, following which a joint meeting is sought with the Minister, Mike Russell to bring it to his attention. Subsequently both sets of officials should report back to the next meeting of this Committee

Following discussion the Sub-Committee agreed:-

- (i) to note the report;
- (ii) to note the terms of the letter from SW and the response thereto from the Director of Environmental Services; and
- (iii) that it be remitted to the Director of Environmental Services to organise a meeting between senior officers the Council and SW to agree a joint position, following which a joint meeting is sought with the Minister, Mike Russell to bring it to his attention and that a report on the outcome be submitted to the next meeting of the Sub-Committee

7. MORAY FLOOD ALLEVIATION SCHEMES: MONITORING OF ESTIMATED COSTS TO BRING SCHEMES TO CONSTRUCTION START STAGE FOR FINANCIAL YEARS 2006-2009

There was submitted a report 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

Following consideration the Sub-Committee agreed to:-

- (i) approve the estimated costs to construction start stage for this financial

year;

- (ii) note that Public Local Inquiry (PLI) and advance property costs are additional, approve an allowance for these costs for the Elgin and Forres (River Findhorn and Pilmuir) Schemes within the approved Financial Plan and agree that these costs be separately monitored in future;
- (iii) note the expenditure to the end of the previous financial year;
- (iv) note the estimated capital cost of schemes and the anticipated expenditure profile that accords with the approved Financial Plan; and
- (v) note the impacts of construction cost inflation and actions to reduce costs.

8. ABERLOUR MULTI-AGENCY MEETING

There was submitted a report by the Director of Environmental Services to note that a Multi-Agency follow up meeting was held to discuss drainage problems in Aberlour, as agreed at a Public Meeting in September 2007. The report also gave details of the work undertaken by Scottish Water and the Council's Roads Maintenance Service since the original meeting, including the preparation of a Drainage Area Study (DAS)

It was also noted that further work to be carried out by the Consultancy this financial year includes replacement of inadequate trash screens on the flood alleviation ditch on Allachie Drive and bank stability works on Hatton Farm Road.

Following consideration the Committee agreed:-

- (i) to note the progress since the Public Meeting in September 2007;
- (ii) that the Chair and Ward Members be advised of the date for the installation of the replacement trash screens; and
- (iii) that a further meeting to be held in approximately six months time to discuss progress and the DAS if completed.