

THE MORAY COUNCIL
MINUTE OF MEETING OF THE FLOOD ALLEVATION SUB-COMMITTEE

15 OCTOBER 2008

COUNCIL OFFICE, ELGIN

PRESENT

Councillors J Russell (Chairman), L Bell, J Divers, J Hogg, I Ogilvie, M Shand and D Stewart.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors P Paul and D Ross

IN ATTENDANCE

The Director of Environmental Services, the Consultancy Manager, Bob Bryce Senior Engineer, Coastal & Rivers (Royal Haskoning), Shona Weir, Stan Mathieson & Allan Russell of EC Harris, Bob Strachan (Rothes Scheme Manager [Construction]), A McEachan, Principal 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.

3. ELGIN FLOOD PREVENTION ORDER : UPDATE

There was submitted a report by the Director of Environmental Services informing the Sub-Committee of the current position in regard to discussions with objectors to the Elgin Flood Prevention Order, details of which were set out in the Appendix to the report. The report also recommended that the Sub-Committee agree the Council's position regarding each of the objections and that the Scottish Government be advised of the Council's position and request that the Scheme be referred to Directorate for Planning and Environmental Appeals.

The meeting noted that with twenty-six outstanding objections to the Flood Prevention Order (FPO) a Public Local Inquiry (PLI) is probable, however every reasonable step is being taken to resolve as many objections as possible. The recommended Council position in relation to each objection is also set out in the Appendix to the report. It was also recommended that should a PLI for the planning application be required it would be preferable if it could be conjoined with any FPO Inquiry.

The Consultancy Manager and the Director of Environmental Services spoke to the report and thereafter responded to questions during which it was noted that it was anticipated that the planning application would be considered at a Hearing towards the end of November. The meeting also noted of the 26 objections to the FPO Scottish Natural Heritage (SNH) had withdrawn its objection and that Councillor Hogg continued to share of the concerns of the stakeholders downstream on the left bank and those of the Heritors of the Spynie Canal.

Following consideration the Sub-Committee agreed that the:-

- (i) Scottish Government be advised of the Council's position, as set out in the Appendix to the report, and request that the Scheme be referred by the Scottish Government to Directorate for Planning and Environmental Appeals; and
- (ii) Council continue to assist the objectors in any practicable way towards securing withdrawal of their objections and thereby minimising the scope of, or obviating the need for a Public Local Inquiry.

4. WORK TO IMPROVE THE OPERATION AND MAINTENAMNCE OF THE TYOCK BURN

Under reference to Paragraph 12 of the Minute of the Sub-Committee dated 27 August 2008 there was submitted a report by the Director of Environmental Services inviting the Sub-Committee to consider approving construction works to improve the operation and maintenance of the Tyock Burn, Elgin.

The meeting noted that the proposed works should allow savings to be made on long term operations and maintenance of Tyock Burn. In particular, collecting silt before the ASDA culvert is intended to allow silt from upstream to be removed without the need for access to a confined space.

Following consideration the Sub-Committee agreed to:-

- (i) approve the proposed work to improve the operation and maintenance of Tyock Burn comprising:
 - construction of a sediment trap before the entrance to the ASDA culvert to reduce the need to remove sediment from inside of the confined space; and,

- an improved grille design at the inlet and outlet of the culvert upstream of Cedarwood.
- (ii) note that the required works will be carried out within budget resulting in a budget saving of £264,000; and
- (iii) that the Sub-Committee's appreciation of the efforts of the Team in regard to this matter be conveyed to all those concerned.

5. ELGIN FLOOD ALLEVIATION SCHEME: PROGRESS

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Elgin Flood Alleviation Scheme for the period ending 30 September 2008, details of which were set out in Appendix 1 to the report. A summary of subsequent key milestones was set out in Section 3.3 of the report.

The Consultancy Manager spoke to the report and the meeting also noted that given the close proximity of the replacement Pansport Bridge to Elgin Cathedral it was agreed to commission a design. The design, which resembles the wings of an osprey in flight, will be completed early in 2009. The meeting also noted that given the scale of the Elgin scheme diverting utilities and services is estimated at £17.5m. There may however be opportunities to reduce this cost once the detailed works information was available by carrying out some of the works in advance of the construction stage and, should this be practicable, a report thereon will be submitted to a future meeting of the Sub-Committee.

Following consideration the Sub-Committee agreed to note the progress for Elgin Flood Alleviation Scheme for the period ending 30 September 2008 and that a progress report will be submitted to the next meeting of the Council.

6. FORRES (RIVER FINDHORN & PILMUIR) FLOOD ALLEVIATION SCHEME: PROGRESS

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 30 September 2008, details of which were set out in Appendix 1 to the report. A summary of subsequent key milestones was set out in Section 3.3 of the report.

Following consideration the Sub-Committee agreed to note the progress for Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 30 September 2008 and that a progress report will be submitted to the next meeting of the Council.

7. FORRES (BURN OF MOSSET) FLOOD PREVENTION SCHEME: PROGRESS

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Forres (Burn of Mosset) Flood Prevention Scheme. There was appended to the report as an Appendix a copy of Monitoring Report No 5 and a summary of subsequent milestones was set out in Section 3.3 of the report. In noting the terms of the Monitoring report the meeting also noted that as at 29 August 2008 the project was 8 weeks ahead of the approved programme.

Following consideration the Sub-Committee agreed:-

- (i) to note the progress for Forres (Burn of Mosset) Flood Alleviation Scheme for the period ending 30 September 2008 and that a progress report will be submitted to the next meeting of the Council; and
- (ii) that the Sub-Committee's appreciation of the work to date be conveyed to all those concerned.

8. ROTHES FLOOD ALLEVIATION SCHEME: PROGRESS

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Rothes Flood Alleviation Scheme for the period ending 30 September 2008, details of which were set out in Appendix 1 to the report. A summary of subsequent key milestones was set out in Section 3.3 of the report.

The Director of Environmental Services and Bob Strachan (Rothes Scheme Manager [Construction]) spoke to the report and the meeting also noted that whilst the scheme was progressing well the estimated cost of the scheme was now £26.5m against a budget of £21m. Whilst every effort was being made to reduce this shortfall the Sub-Committee also noted that if the proposed new funding arrangements are approved this shortfall would require to be met by the Council. The Director advised the meeting that under the old funding arrangements the Government met 80% of the eligible cost leaving the local authority to fund the remaining 20%. If there was a difference between estimated and actual the Government would have met 80% of the difference. Under the proposed new funding arrangements a grant, equivalent to 80%, is made on the basis of best estimates. Any subsequent shortfall would require to be met by the local authority. Given the potential financial implications local authorities and CoSLA continue to make representations on funding arrangements. In regard to the proposed tree felling works the Director advised the meeting that Glen Grant Distillery, which owns the trees, has intimated that once felled the timber is to be made available to the residents of Rothes for firewood.

Following consideration the Sub-Committee agreed to note the progress for Rothes Flood Alleviation Scheme for the period ending 30 September 2008 and that a progress report will be submitted to the next meeting of the Council.

9. MORAY FLOOD ALLEVIATION SCHEMES: MONITORING OF ESTIMATED COSTS TO BRING SCHEMES TO CONSTRUCTION START STAGE FOR FINANCIAL YEARS 2006 – 2011

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, details of which were set out in the Appendix to the report. An extract detailing the monitoring costs in respect of the financial year 2008/09 was set out in Section 3 of the report. The report also advised the Sub-Committee of key factors affecting future costs and funding of schemes.

10. QUESTION TIME

There were no questions.

11. FLOOD SUMMIT

The Director of Environmental Services advised the meeting in regard to initial arrangements relating to a flooding conference to be held in the Mansfield Hotel, Elgin on the 30 & 31 October 2008. The meeting noted a an invitation to attend had been extended to all Scottish Local Authorities and the Scottish Government and as well as keynote speakers the conference would also include a visit to the flood alleviation works site at Burn of Mosset, Forres.