

**THE MORAY COUNCIL****MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE****3 DECEMBER 2008****COUNCIL OFFICE, ELGIN****PRESENT**

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

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillors L Bell and P Paul.

**IN ATTENDANCE**

The Director of Environmental Services, the Consultancy Manager, P Haslam (Senior Engineer), Bob Bryce Senior Engineer, Coastal & Rivers (Royal Haskoning), Stan Mathieson & Allan Russell of Morrison Construction, the Principal Contaminated Land Officer, 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 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 14 November 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 thereafter responded to Members' questions. The meeting noted that, in regard to objections to the Flood Prevention Order (FPO) and planning applications, the Flood Team was continuing to meet with those with concerns and/or queries with a view to reducing the number of objections. In regard to the objections the meeting also noted that these could be withdrawn right up to the day of the Public Inquiry in respect of the FPO. SEPA's objection related to the planning application and not the FPO and that Paul Hart, Royal Haskoning was continuing to work with Pitgaveny Estate's hydrologist in regard possible amendments to water flow. The meeting also noted that the Contaminated Land Strategy, which would cover all potential contaminated sites within the scheme, was on target and in response to a question from Councillor Ross, relating to Deanshaugh Playing Fields, it was noted that it was impossible to determine at this stage whether Deanshaugh Playing Fields would be included or excluded.

Following consideration the Sub-Committee agreed to note the progress for Elgin Flood Alleviation Scheme for the period ending 14 November 2008 and that a progress report will be submitted to the next meeting of the Council.

#### **4. 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 14 November 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 14 November 2008 and that a progress report will be submitted to the next meeting of the Council.

#### **5. 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 6 and a summary of subsequent milestones was set out in Section 3.3 of the report.

During discussion reference was made to the condition of the old road at Rafford and articles in the media relating to the submission of a substantial claim for compensation, as reported to the Council on 5 November 2008. The meeting noted that, on completion of the scheme, the road will be returned to its original safe condition prior to the commencement of works. It was also noted that the matter relating to the compensation claim would be discussed further, in confidence, in terms of Paragraphs 6 & 9 of Part 1 of Schedule 7A

of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended.

Following consideration the Sub-Committee agreed to note the terms of Monitoring Report No 6 for the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for September and October 2008 and that a progress report will be submitted to the next meeting of the Council.

## **6. 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. There was appended to the report as an Appendix a copy of Monitoring Report No 1 and a summary of subsequent milestones was set out in Section 3.3 of the report.

During discussion the meeting noted that the figures shown in the 'Potential Cost Effect' column of the Monitoring Report were derived from the distribution of effects of potential risk and therefore in may be more appropriate to indicate less precise figures in future reports.

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.

## **7. 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 Appendix 1 to the report. An extract detailing the monitoring costs in respect of the financial year 2008/09 was set out in Section 3.3 of the report. The report also advised the Sub-Committee of key factors affecting future costs and funding of schemes, details of which were set out in Appendix 2 to the report.

During discussion the meeting noted that the monitoring statements had been updated to take into account the amended budget forecast or the Rothes Scheme, approved by the Council on 5 November 2008, and that payment of compensation claims remained a key risk area relating to budget provision. It was also noted that the Head of Estates Services would be submitting a report on compensation issues/concerns to the meeting of the Council on 17 December 2008.

Following consideration the Sub-Committee agreed to note the:-

- (i) actual expenditure to 31 October 2008 for 2007 – 2008 against estimates and that Public Local Inquiry (PLI) and that advance property

costs are additional, but have been included in the projections for this and the next financial year;

- (ii) estimated capital cost of schemes and the anticipated expenditure profile that accords with the approved Financial Plan; and,
- (iii) increase in projected costs of the Rothes Scheme, as agreed by The Moray Council on 5 November 2008.

## **8. QUESTION TIME**

There were no questions.

## **9. FORRES (BURN OF MOSSET) FLOOD PREVENTION SCHEME : COMPENSATION CLAIMS**

Under reference to Paragraph 5 of this Minute the meeting resumed discussion in regard to articles in the media relating to the submission of a substantial claim for compensation following the meeting of the Council on 5 November 2008.

The Director of Environmental Services advised the meeting in regard to the current position relating to processing the claim and the effect the media coverage has had on the company concerned. The meeting also noted that, as reported to the Council on 5 November 2008 the District Valuer is acting for the Council in negotiating all compensation claims received in respect of the scheme. In the event of parties failing to agree a level of compensation then the matter will be determined by the Lands Tribunal for Scotland, in terms of Section 11 of the Flood Prevention (Scotland) Act 1961.

The Sub-Committee noted the position.