

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE

1 APRIL 2009

COUNCIL OFFICE, ELGIN

PRESENT

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

APOLOGIES

Apologies for absence was intimated on behalf of Councillor J. Hogg

IN ATTENDANCE

The Director of Environmental Services, the Consultancy Manager, P Haslam (Senior Engineer), Mr B Bryce, Senior Engineer, Coastal and Rivers (Royal Haskoning), Mr B Strachan & Mr A Russell (Morrison Construction), Ms S Weir (EC Harris), Ms B Hellett, (Royal Haskoning), Mr A McEachan, Principal Solicitor (Commercial & Conveyancing) and Mrs C Carswell, Committee Services Officer, Clerk to the meeting.

1. PRESENTATION BY SCOTTISH FLOOD FORUM

Mr Paul Hendy from the Scottish Flood Forum gave a presentation to the Sub-Committee and advised that they were an organisation who could support and represent those at risk. They work to bring together voluntary organisations who can help those who have been flooded. Their aim is to try and get communities to work together to empower them to control their own recovery, to ensure that people do not get lost whilst displaced into other properties and to ensure that they are getting all the help they can. The Scottish Flood Forum are currently compiling a database of localised groups and looking at how they can provide support and share best practice. He advised that, in his experience, people can feel that the aftermath is more stressful than the actual flood itself.

The Consultancy Manager advised that the Scottish Government are looking to put the Scottish Flood Forum into Local Authority frameworks for managing flood risk.

Councillor Paul advised that in Rothes people still panic when it begins to rain. She confirmed that many departments were involved at the time of flooding but that there may be more help for council tenants than for privately owned proprietors and that this may be something to look at.

The Director of Environmental Services asked that Paul Hendy leave a copy of his presentation and this could be copied to Members for their consideration.

In response to a question from Councillor Ross regarding funding for the project, Mr Hendy advised that there was a minimum of 6 years funding from the Scottish Government and after that the Scottish Flood Forum could become a charity in their own right and would not look for funding from Local Authorities because the Forum would lose its independence.

The Director of Environmental Services advised that there are some communities which may never get defences and the Council should recognise the voluntary organisations which help and build them into the emergency planning plan.

Councillor Russell thanked Mr Hendy for his very informative and concise presentation on behalf of the Sub-Committee.

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. EXEMPT INFORMATION

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Para No of Minute

15

Para No of Schedule 7A

6

4. WRITTEN QUESTIONS

The Committee noted that there were no written questions.

5. 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 and the Sub-Committee were also advised of key factors affecting future costs and funding of schemes.

The Consultancy Manager spoke to the report and thereafter responded to Members' questions. The meeting noted that the schemes remain on budget but that the River Findhorn & Pilmuir costs are exceeding the budget due to underestimate of design costs and dealing with objections. Future costs are unclear as they are Public Inquiry related.

Following consideration the Sub-Committee noted:

- (i) the actual expenditure to 28 February 2009 for 2008 - 2009 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; and
- (ii) the estimated capital cost of schemes and the anticipated expenditure profile that accords with the approved Financial Plan.

6. MORAY FLOOD ALLEVIATION SCHEMES: UPDATED FINANCIAL MONITORING FORMAT

There was submitted a report by the Director of Environmental Services asking the Sub-Committee to approve the updated financial monitoring format for the programme of major flood alleviation schemes.

The Consultancy Manager spoke to the report and thereafter responded to any members' questions.

Following consideration the Sub-Committee approved the updated financial monitoring format and agreed it should replace the existing format for the next and subsequent financial years.

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.

Ms Weir and Mr Russell spoke to the report and thereafter responded to Members' questions. The meeting noted that there had been three reportable accidents (where someone was off more than 3 days) since the last meeting, one of these had been highlighted at the last sub-committee meeting and one was a operative who sprained his wrist and the other one was a person who had slipped in the snow and damaged their back. The works at Mosset Tavern were almost complete and stone masons were in the process of completing the cladding. The bund was still to be built but that this should be finished in 3-4 weeks and the area would be reinstated and regenerated with grass. In Rafford the major part of the work had been done and reinstatement works would be completed in the next two weeks. Strathcona bund was near completion and landscape works would be done within the next week.

In response to a comment from Councillor Bell, regarding the similarity in the colours on the graph, Ms Weir advised that this was noted and would be changed for the next meeting.

Following consideration, the Sub-Committee:-

- (i) noted Monitoring Report No 8 for the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for January and February 2009; and
- (ii) agreed to report progress to the Council

8. ROTHES FLOOD PREVENTION SCHEME: PROGRESS

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Rothes Flood Prevention Scheme.

Ms Weir and Mr Strachan spoke to the report and thereafter responded to Members' questions. The meeting noted that February had been a difficult month due to the level of snow and frost but that Black Burn work was progressing. They also noted that on the A941 the traffic lights would be in position for the next 6 months.

Councillor Paul raised concern that cars were parking within the vicinity of the traffic lights and lorries were having to park on pavements. Mr Strachan advised that he would look into these concerns.

In response to questions from Councillors regarding the sizes of the pipes used in the culvert at Black Burn, the Consultancy Manager advised that the design team had been satisfied that the capacity was sufficient and this had been reviewed by Royal Haskoning. Nevertheless he would seek categorical assurance. Councillor Russell thanked the Consultancy Manager for his re-assurance that the design was robust.

Following consideration, the Sub-Committee:-

- (i) noted Monitoring Report No 3 for the Rothes Flood Prevention Scheme 2006 for January and February 2009; and
- (ii) agreed to report progress to the Council.

9. 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.

The Consultancy Manager spoke to the report and thereafter responded to Members' questions. The meeting noted that the planning application was to be re-advertised due to the change in the local plan and that drawings would be updated meantime to take into account any minor changes. The meeting with Network Rail had been re-arranged for 8 April 2009.

Following consideration, the Sub-Committee:-

- (i) noted progress for Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 16 March 2009; and
- (ii) agreed to report progress to the Council.

10. 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.

Ms Hellet spoke to the report and thereafter responded to any Member's questions. The meeting noted that a date had been set of the 1st May 2009 for a pre-inquiry meeting.

In response to a question from Councillor Ross regarding the discrepancies between the flood risk assessment and the drawings, Mrs Hellett advised that in a worst case scenario the error could have come to light only when houses were affected by flooding. Councillor Ross advised that, in his opinion, he was appalled that there had been a number of consultant staff who had checked the work and that the first the Council would have been aware of the error was when homes were flooded and that it was a waste of taxpayers monies on a such a serious mistake. Ms Hellett stated that there was an internal investigation to determine how this had occurred and the findings would assist in avoiding any reoccurrence.

Following consideration, the Sub-Committee:-

- (i) noted progress for Elgin Flood Alleviation Scheme for the period ending 16 March 2009; and
- (ii) agreed to report progress to the Council.

11. PLANNING CONDITIONS

There was submitted a report by the Consultancy Manager which identified to the Sub-Committee any cases where there is non-compliance with Planning Conditions appended to both the Rothes Flood Alleviation Scheme and the Forres (Mosset Burn) Flood Alleviation Scheme.

The Consultancy Manager spoke to the report and thereafter responded to Members' questions. The meeting noted that there were 108 planning conditions which the Council were working towards discharging although some cannot be done until the schemes are complete.

Following consideration the Sub-Committee noted cases where there is non-compliance with Planning Conditions appended to both the Rothes Flood Alleviation Scheme and the Forres (Burn of Mosset) Flood Alleviation Scheme and the explanations provided.

12. ROTHES FLOOD ALLEVIATION SCHEME: PROGRESS TO ADDRESS PLANNING CONDITIONS (CONTAMINATED LAND)

There was submitted a joint report by the Consultancy Manager and the Principal Contaminated Land Officer asking the Sub-Committee to note the progress that has been made to address the planning conditions to enable flood defence works to continue on the Rothes Flood Alleviation Scheme.

The Consultancy Manager spoke to the report.

Following consideration the Sub-Committee noted the progress made to address the planning conditions to enable flood defence works to continue on the Rothes Flood Alleviation Scheme.

13. FORRES (RIVER FINDHORN & PILMUIR) FLOOD PREVENTION ORDER - UPDATE

There was submitted a report by the Director of Environmental Services informing the Sub-Committee of discussions with objectors to the Forres (River Findhorn & Pilmuir) Flood Prevention Order (FPO) and asking the Sub-Committee to agree the Council's position regarding each objection as set out in the Appendix to the report. The Sub-Committee were also asked to agree 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 Consultancy Manager spoke to the report and thereafter responded to Members' questions. The meeting noted that the Council had been dealing with objectors and that at some point the Council needed to go to a Public Inquiry in order to progress the scheme.

Following consideration the Sub-Committee agreed:

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

14. QUESTION TIME

Councillor Ross raised concerns with regard to a letter received from the Scottish Government which did not appear to be in align with the Press & Journal article on 24 January which it had stated that "there is no issue of a funding shortfall for flooding in the Moray area.... there is adequate funding already allocated with more to follow in the next spending review" yet the letter states "will certainly have resource implications for local authorities".

The Director of Environmental Services outlined the factual position and stated that it was important that the Scottish Government had the reporters recommendations on the Elgin Scheme to hand when next considering capital distributions.

15. ELGIN FLOOD ALLEVIATION SCHEME - ENABLING OPPORTUNITIES (PARA 6)

There was submitted a report by the Director of Environmental Services advising the Sub-Committee of the outcome of preliminary evaluation of measures to accelerate completion of the Elgin Flood Alleviation Scheme.

In response to concerns raised by Councillor Divers regarding New Elgin road, the Director of Environmental Services advised that when the Council agreed to exclude Tyock Burn it had given a commitment not to disadvantage the people of New Elgin. The Director undertook to discuss the matter with the Consultancy Manager and report at a future meeting.

Following consideration the Sub-Committee agreed to each of these six opportunities being developed further so that they could be carried out at the earliest practicable time.