

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE

21 APRIL 2010

COUNCIL OFFICE, ELGIN

PRESENT

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

ALSO PRESENT

Councillor A Wright (Depute Convener) Ex-Officio member of the Sub-Committee.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J Hogg, I Ogilvie and G McIntyre (Convener) Ex-Officio member of the Sub-Committee.

IN ATTENDANCE

The Director of Environmental Services, the Consultancy Manager, Head of Direct Services, Mr P Haslam (Senior Engineer, Consultancy), Ms S Weir and Ms J Johansen (EC Harris), Mr C Whyte, Project Manager Rothes, Mr A McEachan, Principal Solicitor (Commercial & Conveyancing) and Mr D Westmacott, Apprentice 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. 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.

<u>Para No of Minute</u>	<u>Para No of Schedule 7A</u>
12	9
13	8 & 13

3. WRITTEN QUESTIONS

The Committee noted that there were no written questions.

4. MORAY FLOOD ALLEVIATION SCHEMES: FINANCIAL MONITORING SUMMARY

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the Moray Flood Alleviation Schemes in respect of financial monitoring and to advise the Sub-Committee of key factors affecting costs of schemes.

During discussions it was noted that the revised estimate for the Forres (River Findhorn & Pilmuir) was being estimated at £40m and not £30m, however, figures would not be confirmed until a full audit and risk review had been conducted.

Following consideration the Sub Committee agreed to note:-

- (i) the estimated capital cost of schemes that accords with the approved Financial Plan as far as can be ascertained at this point;
- (ii) that compensation costs for the Forres (Burn of Mosset) Scheme remain a concern at this time and would be decided by the Lands Tribunal for Scotland; and
- (iii) the revised provisional cost estimate of £84.3m for the Elgin Flood Alleviation Scheme.

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.

It was noted that an execution plan would not be developed and submitted to the Sub-Committee until it was clear what the Reporter's decision was.

Following consideration the Sub Committee agreed to:-

- (I) note the progress for Elgin Flood Alleviation Scheme for the period ending 6 April 2010; and
- (II) report progress to the Council.

6. 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, and a copy of the Monitoring Report No 14 covering the period for February and March 2010.

The Sub-Committee were informed that the pipeline works at Benromach Distillery were completed and pumps were now switched off. Mr P Haslam (Senior Engineer, Consultancy) also informed the Sub-Committee that the test of stop logs and penstocks had been completed.

Concerns were raised with the presentation of results from the questionnaire sent to Stakeholders. Ms S Weir (EC Harris) agreed that she would review the questionnaires and the percentages for each category. The changes would be made for the next meeting.

The Consultancy Manager asked for and gained the Sub-Committee's support in submitting an entry for a Saltire Award for the Forres (Burn of Mosset) Scheme.

Following consideration the Sub Committee agreed to:-

- (i) note the Monitoring Report 14 for the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for February and March 2010;
- (ii) agree the new format of the Flash Report for project reporting after the Completion Certificate has been issued; and
- (iii) report progress to the Council.

7. 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 informed the Sub-Committee that the main objector was Mr Wilson of McKenzie & Cruickshank. In response to a question from Councillor Ross the Consultancy Manager summarised negotiations with this objector and confirmed that officers were seeking a further meeting with them to address their concerns.

During discussions it was noted that Councillor Ross had met with Mr Wilson in his capacity as a Parliamentary Candidate in the forth coming General Election to hear his concerns. At no time did Councillor Ross breach Code of Conduct guidance previously issued by Mr A McEachan, Principal Solicitor (Commercial & Conveyancing).

Following consideration the Sub Committee agreed to:-

- (i) note the progress for Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 1 April 2010; and
- (ii) 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.

Mr C Whyte, Project Manager Rothes, spoke to the report and advised of the stages of work being carried out in Rothes.

In response to a question from Councillor Paul regarding the alleged damage to the Outfall of the River Spey and also in regards to traffic on Land Street, in particular alleged speeding, the Head of Direct Services advised that they would discuss the issue with Grampian Police and also Transportation with regard to monitoring the situation. The Consultancy Manager informed Members that there was a lot of erosion at various parts of the River Spey.

Following consideration the Sub Committee agreed to:

- (i) note the Monitoring Report No 9 for the Rothes Flood Prevention Scheme 2006 for February and March 2010; and
- (ii) report progress to the Council.

9. MANAGING FLOOD RISK AT KINGSTON AND GARMOUTH

There was submitted a report by the Director of Environmental Services to ask the Sub-Committee to note the recent history regarding flood risk management in the lower reaches of the River Spey and Spey Bay, and to ask the Sub-Committee to agree the proposed actions.

During discussions, Councillor Ross moved additional recommendations to be put to the meeting of Full Council on 12 May 2010:-

- (i) Garmouth & Kingston be added to the local authority's list of priority areas for flood protection measures; and
- (ii) The remit of the Sub-Committee be reviewed to allow for discussions on other flood risks that do not fall under the main flood alleviation schemes.

The Director of Environmental Services agreed to approach Legal Services to investigate the ownership of the land around Queenshaugh area of Garmouth.

Following consideration the Sub-Committee agreed to:-

- (i) note the recent flood history in the lower reaches of the River Spey;
- (ii) note that officers will work with SEPA to improve flood warning and emergency response, and also with Scottish Water to increase awareness of flood risk;
- (iii) recommend to Full Council that they investigate the feasibility and outline business case for flood protection measures for seven properties and Kingston Road in Garmouth that could be implemented once Part4 of the Flood Risk Management (Scotland) Act 2009 is in force;
- (iv) note that officers will continue to work with riparian owners and local representatives to identify together how flood risk and other interests can be managed;
- (v) recommend to Full Council that Garmouth & Kingston be added to the local authority's list of priority areas for flood protection measures; and
- (vi) recommend to Full Council that the remit of the Sub-Committee be reviewed to allow for discussions on other flood risks that do not fall under the main flood alleviation schemes.

10. FORRES (RIVER FINDHORN & PILMUIR) FLOOD ALLEVIATION SCHEME –PROJECT EXECUTION PLAN

The Director of Environmental Services submitted a report asking the Sub-Committee to approve a revised issue of the pre-construction phase of the Project Execution Plan (PEP) for the Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme.

Following consideration the Sub Committee agreed to:

- (i) approve a revised issue of the Project Execution Plan (PEP) for the pre-construction phase of the Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme; and
- (ii) continue to monitor progress against the PEP and report to the Moray Council.

11. QUESTION TIME

There were no questions raised at the meeting.

12. FORRES (BURN OF MOSSET) FLOOD ALLEVIATION SCHEME – COMPENSATION CLAIMS (PARA 9)

A report was submitted by the Head of Estates Services asking the Sub-Committee to note its interest the terms of a confidential report to the Policy and Resources Committee's meeting of 27 April detailing the current position on the processing of outstanding compensation claims arising from the Forres (Burn of Mosset) Flood Alleviation Scheme. A copy of the report to Policy and Resources Committee was appended to the report.

Councillor Divers informed the Sub-Committee that he had been contacted by the Press who had the reports for both confidential items. It was agreed that the Chief Executive would investigate the breach of confidentiality and that Members would be informed of the outcome as soon as possible.

Following consideration, the Sub-Committee agreed to note its interest in terms of the attached report to the Policy and Resources Committee

13. ELGIN FLOOD ALLEVIATION SCHEME: PUBLIC INQUIRY UPDATE (PARA 8 & 13)

There was a report submitted by the Director of Environmental Services updating the Sub-Committee on the progress of the Elgin Flood Prevention Order 2007 through the Public Local Inquiry (PLI) process and to ask the Sub-Committee to note the programme and reporting on additional studies.

Following consideration, the Sub-Committee agreed to note the contents of the studies, the conclusions of this report and that the study reports will be forwarded to the Directorate of Planning and Environmental Appeals, affected landowners and relevant parties to the Inquiry by the agreed deadline.