

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE

25 AUGUST 2010

COUNCIL OFFICE, ELGIN

PRESENT

Councillors J Russell (Chair), L Bell, J Divers, J Hogg, D Ross, M Shand and D Stewart.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors I Ogilvie, P Paul, G McIntyre (Convener) (Ex Officio) and A Wright (Deputy Convener) (Ex-Officio).

IN ATTENDANCE

Mr D Gowans (Consultancy Manager), Mr P Haslam (Senior Engineer, Consultancy), Ms S Weir (EC Harris), Ms B Hellett, Mr R Bryce, Ms D Halliday (all Royal Haskoning), Mr B Strachan (Morrison Construction), Ms J Mercer (Technical Clerk, Consultancy), Mr A Muscutt (Contaminated Land Officer), Mr A McEachan (Principal Solicitor (Commercial and 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. WRITTEN QUESTIONS

A written question was submitted from Councillor Ross in the following terms:-

“To ask what notifications the Council have issued to, and discussions they have had with, Grampian Motorcycle Club regarding the Elgin Flood Alleviation Scheme?”

The Council response was:-

“The Council notified Grampian Motorcycle Club under the following statutes:-

- Flood Prevention (Scotland) Act 1961
- Planning Application – Neighbour notification

The Club had a lease of the land from the Council which was terminated 28 February 2006 and replaced with a three year lease with a break option on giving 3 months notice.

In April 2010 the Policy and Resources Committee (Item 17(b) of the minute refers) approved works which required that the Club be given notice to quit so that the Council could obtain fill material for land raising at Chanonry. In May 2010, The Moray Council (Item 17 of the minute refers) approved a more cost-effective solution to obtaining fill material and this led to the withdrawal of the notice to quit.

Planning Condition No 19 states that no work can commence on site until the applicant has provided details of the realigned motor-cross track at Woodside to be relocated outwith the area of the proposed flood channel. The team met the Club's representatives on 4 May 2010 and the Council recently received information from the Club on design guidance for moto-cross tracks. The Council is currently progressing compliance with the Planning Condition and will submit proposals to the Planning Authority."

As a supplementary question Councillor Ross then asked when the notification for the two statutes were sent, as the recipient was at a Moray Council address and had left said address in March 2007 and the Club felt that they did not have an opportunity to discuss several matters as they did not receive the letter; and whether suggestions from the Grampian Motorcycle Club that could avoid re-aliment to be relocated outwith the area of the proposed flood channel would be considered.

In response, the Consultancy Manager informed Councillor Ross that the Flood Prevention (Scotland) Act 1961 notification was sent between October and November 2007 and the Planning Application – Neighbour notification was sent in January 2008, both by recorded delivery, in good faith, to the details they were provided with. He also gave an assurance that any suggestions would be considered by the Flood Alleviation team but commented that any changes would be unlikely due to environmental constraints.

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.

The Consultancy Manager informed the Sub-Committee that they were awaiting the Reporter's response following the Public Inquiry, where he predicts there will be modifications. He further advised that any required modification would require to go back out to consultation, lasting about 4 weeks. He also informed the Meeting that should the Reporter recommend one of the options that the Council did not prefer then a revised planning consent would require to be submitted which could result in further delays.

Ms B Hellett (Royal Haskoning) provided an update on recent progress and what will happen over the following three months, noting in particular:-

- (i) Target setting with the Contractors
- (ii) The progression of planning conditions
- (iii) Continuation of contaminated land investigations
- (iv) Ongoing discussions with SEPA
- (v) Workshops with the Contractors

Following consideration, the Sub-Committee agreed to:-

- (i) consider the progress for Elgin Flood Alleviation Scheme for the period ending 31 July 2010; and
- (ii) report progress to 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.

Following consideration, the Sub-Committee agreed to:-

- (i) consider the progress for Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 31 July; and
- (ii) report progress to 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.

Mr P Haslam (Senior Engineer, Consultancy) informed the Sub-Committee that the scheme had won a 'Green Apple Environmental Award' but it will not be clear at what level until the awards ceremony. He advised that the application was made for the team on behalf of Morrison Construction. Mr P Haslam (Senior Engineer, Consultancy) also made aware of another application in progress, for a Saltire Society Award. He further explained that a presentation had been made and a site visit conducted to the judges the previous day. Mr P Haslam (Senior Engineer, Consultancy) advised that an ecological survey was to be carried out one year after completion of the work on site, and this would also be sent to judges as part of the application.

In response to a query on contamination land investigations at Mosset Tavern, Mr P Haslam (Senior Engineer, Consultancy) informed the Sub-

Committee that he hoped to have a report on the outcome for the Sub-Committee before the end of the year.

6. 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 Alleviation Scheme.

In response to Member's queries, Mr B Strachan (Morrison Construction) informed the Sub-Committee that:-

- (i) the Traffic Regulation Order providing the weight limit on the temporary bridge expires on 4 October 2010
- (ii) it is hoped to withdraw the weight limit in late-September
- (iii) the temporary bridge's geometry stops larger vehicles from passing over it

The Consultancy Manager also confirmed that discussions will be held with Ms E Penny (Engineer, Traffic) in regard to the need for a footbridge for the "Safer Routes to School" Scheme following the demolition of Station Street Bridge.

Following consideration, the Sub-Committee agreed to:-

- (i) consider Monitoring Report No 11 for the Rothes Flood Prevention Scheme 2006 for June and July 2010; and
- (ii) report progress to the Council.

The meeting joined the Chair in thanking Mr B Strachan and his team for their work on the Scheme after a positive visit from the local MSP and MP.

7. 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 the financial monitoring.

Following discussions, the Sub-Committee agreed to:-

- (i) note the estimated capital cost of schemes that accords with the approved Financial Plan as far as can be ascertained at this point;
- (ii) note that compensation costs for the Forres (Burn of Mosset) Scheme remain a concern at this time and will be decided by the Lands Tribunal for Scotland;

- (iii) note the revised capital cost estimate for the Forres (River Findhorn & Pilmuir) Scheme; and
- (iv) note the revised capital cost estimate for the Elgin Scheme following review of the estimated compensation allowance.

8. QUESTION TIME

Councillor Russell asked whether it was possible to be provided with more detail on outstanding tasks for the Elgin Scheme so that there is no delay on the April 2011 start.

In response The Consultancy Manager advised that the team were currently doing this and will determine the most effective way of providing the information to the Sub-Committee.