

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE

20 OCTOBER 2010

COUNCIL OFFICE, ELGIN

PRESENT

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

APOLOGIES

Apologies for absence were intimated on behalf of Councillors L Bell, G McIntyre (Convener) (Ex Officio) and A Wright (Deputy Convener) (Ex-Officio).

IN ATTENDANCE

Director of Environmental Services, Mr D Gowans (Consultancy Manager), Mr P Haslam (Senior Engineer, Consultancy), Ms S Weir (EC Harris), Ms B Hellett, (Royal Haskoning), Mr B Strachan (Morrison Construction, 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 the Flood alleviation sub-committee for the guidance used to omit the questions and answers raised regarding uncertainty over funding for the Elgin flood scheme as raised at the last meeting of this committee, and what actions can be taken by members unhappy with the ruling of the chair and Chief Legal Officer (CLO), given this minute has still not been agreed by Full Council?”

The Council response was:-

“In terms of The Moray Council Standing Order 29, minutes of committees and subcommittees are approved by the Full Council. A question over the contents of the minutes of the 25th August Flood Sub Committee in relation to this matter was raised at Full Council meeting on Wed 15 September. The minutes were not approved at the Council meeting on 15 September and the CLO undertook to investigate the Clerk’s notes in relation to this matter.

The CLO has reviewed the Clerk’s notes and the video recording of the meeting and is content that the draft Minutes are a fair and accurate record of the 25th August meeting. They shall be presented to the next full Council meeting on 10 Nov. This would be the correct forum for any outstanding queries on the minutes to be discussed.”

As a supplementary question Councillor Ross then asked why, if the Standing Orders state that a response to a written question should be received one hour before the meeting, did he receive it only 10 minutes before; what the procedure would be if there was not a full agreement with a Minute at Full Council; and why details were omitted from the minute when facts about the MSP visit was included.

In response, the Principal Solicitor (Commercial and Conveyancing) advised that if a question about a Minute was outstanding then the decision would go to a vote at Full Council to decide the outcome. The Principal Solicitor (Commercial and Conveyancing) offered his apologies to Councillor Ross for receiving his response late.

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 the Elgin Flood Alleviation Scheme.

The Consultancy Managed advised the Sub Committee that he had received a copy of the Reporter’s Report on the Public Inquiry and that a closing date of 8 November 2010 for further representations had been set. He informed that once all representations had been compiled then Scottish Ministers would decide whether to confirm the Scheme. The length of time this process would take would be dependent on any modifications and their complexity.

The Director of Environmental Services referred the Sub Committee, in response to a query regarding funding for the Elgin and Forres (River Findhorn & Pilmuir), to his comments made at the meeting of the Economic Development and Infrastructure Committee held on 19 October 2010, but summarised that Mr R Lochhead was in attendance at the meeting with Scottish Government representatives in his position as constituency MSP for Moray, however, no fresh guarantees on funding was confirmed.

Ms B Hellett made the Sub Committee aware of a testing regime that was being undertaken. She informed the Sub Committee that the Contractor had taken soil excavated from the Chanory site and placed it on the Fochabers site in order to test how long they had to wait between excavating, storing of soil, and being able to use the soil. In response to a query from the Sub Committee, Ms Hellett advised that the testing was held as a one off as the equipment was available in Fochabers and that the test was cost neutral. Ms Hellett informed that the results of the test would help with determining the construction cost due on 3rd December 2010. Ms Hellett also confirmed that design re-profiling works for the motocross track at Woodside were ongoing in hope of keeping the track on site.

Following discussions, the Sub Committee agreed to note the progress for Elgin Flood Alleviation Scheme for the period ending 10 October 2010 and report progress to the Council.

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

The Director of Environmental Services submitted a report updating the Sub Committee on the progress of Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme.

Confirming that most of the design work had been completed, the Consultancy Manager advised the Sub Committee that they were awaiting the findings of the Public Local Inquiry, with the Reporter waiting for further information on planning conditions before finalising his report.

The Director of Environmental Services confirmed to the Sub Committee, following a query, that a meeting was held with Scottish Government representatives in relation to the Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme.

The Sub Committee, following deliberation, agreed to note the progress for Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 30 September 2010 and to report progress to the Council.

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

A report updating the Sub Committee on the progress of Forres (Burn of Mosset) Flood Prevention Scheme was submitted by the Director of Environmental Services.

The Consultancy Manager advised that the scheme had been shortlisted for a Saltire Society Award in the project and environmental categories. The Scheme was going to be represented at the ceremony by representatives of

The Moray Council, Morrison Construction and Royal Haskoning. The Consultancy Manager also confirmed that the award ceremony for the Green Apple Environmental Award was to be held on 15 November 2010.

Thereafter, the Sub Committee agreed to consider Monitoring Report No 17 Post Completion Report for the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for August and September 2010 and to report progress to the Council.

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.

On confirmation that the Scheme was still on target for the March 2011 completion, Councillor Paul expressed the view that the people of Rothes were feeling more comfortable when it rained with the works that had been completed so far.

During discussion concerns were raised by Councillors Paul & Divers regarding flash flooding in various parts of Moray caused by surface water problems, particularly during periods of heavy rainfall. The Consultancy Manager advised that the issue of responsibility was one which the Council was continuously raising with Scottish Water (SW) and the Scottish Government with a view to obtaining a solution to tackle the issue in the near future. Following discussion the meeting, in noting that flash flooding was an issue for the Economic Development & Infrastructure Services Committee (ED&I), noted that the Consultancy Manager would prepare a briefing paper for the Chairman and the Director of Environmental Services with a view to a letter being sent to SW with a copy being forwarded to the Scottish Government and to members of the Council attending the forthcoming SW Board meeting in Inverness. The Director also undertook to report to a future meeting of the ED&I Committee on known areas with surface water problems and possible solutions to alleviate the situation.

Following consideration the Sub Committee agreed to note Monitoring Report No 12 for Rothes Flood Prevention Scheme 2006 for August and September 2010 and report progress to the Council.

6. MORAY FLOOD ALLEVIATION SCHEMES: FINANCIAL MONITORING SUMMARY

The Director of Environmental Services submitted a report updating the Sub Committee on the Moray Flood Alleviation Schemes in respect of the financial monitoring.

Following a query, Ms B Hellett advised that they hope to keep the soil close to the excavation site so as to not spread the invasive species and then spray with a substance to kill off the plant. The Consultancy Manager advised that they hoped to hold a one-day workshop with experts to try and reduce costs with regards to invasive species such as Giant Hogweed and Japanese Knotweed.

Following consideration, 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 that the provision of Capital funding for the Elgin and Forres (Findhorn & Pilmuir) Schemes is subject to the outcome of the Scottish Government's Comprehensive Spending Review.

7. QUESTION TIME

There were no questions raised at the meeting.