

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE

15 DECEMBER 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, Ms D Halliday (Both Royal Haskoning), Mr B Strachan (Morrison Construction), Mr A McEachan (Principal Solicitor (Commercial and Conveyancing)), the Senior Committee Services Officer 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

There were no written questions

3. STATEMENT BY THE CHAIR

Prior to the commencement of business the Chair made the following statement regarding references to the Council's General Capital Grant allocation:-

"This Sub-Committee is not the forum for discussion or speculation about Scottish Government funding of the Elgin and Forres (River Findhorn & Pilmuir) schemes.

There will be a special meeting of the Moray Council on Monday 20th December, when the Financial Plan, including reference to flood alleviation schemes will be discussed.

Therefore I intend to use my Chair's prerogative to defer sections from all papers here today that refer and relate to future funding."

In response to the Chair's statement, Councillor Ross referred to the reference in the Summary of the Flood Alleviation Sub-Committee's functions it states that the Sub-Committee is "to consider matters of strategic importance" of which capital expenditure is one and requested that the Chair reconsider his ruling. Mr McEachan, Principal Solicitor (Commercial and Conveyancing) advised the meeting that under Standing Order No 28, the Chair, at his discretion, may take any item of business out of its order. Councillor Ross expressed his concern in regard to the use of the discretion as the Chair was proposing to omit only certain sections of reports and not whole reports from the Order of Business.

Councillor Divers referred to the question on this issue he raised at the meeting of Economic Development & Infrastructure Committee on the 14 December 2010 and had been advised to wait until the Special Meeting of the Moray Council on 20 December 2010 for a full report which he was willing to do. However, he sought clarification as to why the requested information was not being provided, when a press statement on the subject had been released by the Depute Convenor the previous day and he had received a copy of this information from the Chief Executive prior to the commencement of the Sub Committee meeting.

Following discussions, the Sub Committee agreed to accept the Chair's ruling.

4. ELGIN FLOOD ALLEVIATION SCHEME: PROGRESS

The Director of Environmental Services submitted a report updating the Sub Committee on the progress of the Elgin Flood Alleviation Scheme.

In response to a question from Councillor Ross in regard to the current position relating to discussions with the Motocross Group, the meeting noted that a realigned track had been designed for them which has met with their approval and is currently being drawn up to be forwarded to the Group hopefully before the end of the year.

Thereafter the Sub-Committee agreed to:

- (i) note the progress of Elgin Flood Alleviation Scheme for the period ending 26 November 2010; and
- (ii) report progress to the Council.

5. 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 the meeting noted that whilst planning consent had been granted the Public Inquiry Report which was to have been issued in December 2010 is now expected in January 2011.

Following consideration the Sub Committee agreed to:

- (i) note the progress of Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 30 November 2010; and
- (ii) report progress to the Council.

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

There was submitted 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 Director of Environmental Services displayed commendations received from the Saltire Society for Environmentally Sustainable Construction and the Project, in respect to the Forres (Burn of Mosset) Flood Prevention Scheme, which the Council had been awarded at the award ceremony on 28 October 2010. Mr Haslam (Senior Engineer, Consultancy) also displayed the Green Apple Silver Award received for the Project at an awards ceremony on 15 November 2010.

Following deliberation, the Sub Committee agreed to:-

- (i) note Monitoring Report No 18 Post Completion Report for the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for October and November 2010; and
- (ii) report progress to the Council.

7. ROTHES FLOOD PREVENTION SCHEME: PROGRESS

A report updating the Sub Committee on the progress of Rothes Flood Alleviation Scheme was submitted by the Director of Environmental Services.

During discussions the meeting noted that whilst heavy snowfall at the end of November/early December had impacted on the construction works, work had

continued at a reduced level and that the financial risk and time allowance had been amended accordingly.

Following consideration the Sub-Committee agreed to:-

- (i) Note Monitoring Report No 13 for the Rothes Flood Prevention Scheme 2006 for October and November 2010; and
- (ii) report progress to the Council.

8. 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.

The Consultancy Manager advised that, in respect to the Elgin Scheme, the latest estimate for construction costs had been reduced by £300k to £52.70m and as such, the whole scheme cost estimate reduced to £90.19m and that any under spend was to be carried forward to the 2011/12 financial year.

Following discussions 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 will be decided by the Lands Tribunal for Scotland;
- (iii) that the provision of Capital funding for the Elgin and Forres (Findhorn & Pilmuir) Schemes remains at risk following the announcement of a one-year budget settlement by Scottish Government;
- (iv) that the latest cost forecast for the Elgin scheme has reduced by £300k to £90.19m;
- (v) that the forecast cost outturn for the Rothes Flood Alleviation Scheme is currently £1.46 million below budget.

9. ELGIN PRECONSTRUCTION WORKSHOP ACTIONS

A report recording the Elgin Flood Alleviation Scheme preconstruction workshop held on 4 November 2010 and asking the Sub-Committee to note the follow-up actions was submitted by the Director of Environmental Services.

The Consultancy Manager advised the meeting that it was hoped to hold a stakeholder engagement workshop in late February 2011 for the construction stage of the scheme.

Ms Hellett gave a short presentation, on behalf of Royal Haskoning, on work to date of a visualisation of the four year programme being developed for public information.

Following consideration the Sub Committee agreed to:

- (i) approve the workshop report set out in the appendix to the Report;
and
- (ii) noted the follow-up actions.

10. QUESTION TIME

In response to a question from Councillor Ross that the Sub Committee consider reviewing the remit of the Flood Alleviation Sub-Committee so that all aspects concerning flooding across Moray could be discussed the Senior Committee Service Officer reminded the meeting that the remit of the Sub Committee had recently been reviewed by the Full Council and it had been agreed that the status quo remain.