

THE MORAY COUNCIL

MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE

9 MARCH 2011

COUNCIL OFFICE, ELGIN

PRESENT

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

APOLOGIES

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

IN ATTENDANCE

The Head of Direct Services, the Consultancy Manager, the Senior Engineer (Flood Risk Management, Consultancy), Ms S Weir (EC Harris), Ms B Hellett & M Newman (Royal Haskoning), Mr B Strachan (Morrison Construction), Mr A McEachan, Principal Solicitor (Commercial and Conveyancing) and the Senior Committee Services Officer, Clerk to the meeting.

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillor's Code of Conduct the meeting noted 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. ELGIN FLOOD ALLEVIATION SCHEME: PROGRESS

There was submitted a report by the Head of Direct Services updating the Sub-Committee on the progress of the Elgin Flood Alleviation Scheme. A copy of an Executive Summary detailing what has been carried out in the past three months and what is proposed over the next three months was appended to the report as Appendix 1.

Prior to considering the report the Sub-Committee received a preview of the finalised visualisation of the four year programme being developed for public information.

The report was augmented by oral reports by the Consultancy Manager and Ms B Hellett (Royal Haskoning) during which it was noted that it was proposed to have a ground breaking ceremony on Monday 4 April 2011 which appeared to clash with Council business already arranged for that date/time. It was also noted that were it to be moved to the afternoon it would clash with an a previously agreed site visit to the Rothies Flood Alleviation Scheme by Rothies Council albeit Councillor Paul undertook, if necessary, to discuss these arrangements with those involved with a view to arranging an alternative date.

Questions were raised about the effect of the Scheme on downstream owners. Mr Gowans confirmed the Reporters findings that some downstream proprietors were at increased flood risk as a result of the Scheme, but that this increased risk was outweighed by the wider public interest in the flood protection which the Scheme gives to Elgin. Mr Gowans explained that those whose land depreciated in value as a result of the Scheme could make a claim for compensation under the legislation.

The meeting also noted that whilst a verbal acceptance had been received from the Grampian Motorcycle Club to the design proposals for changes to their track provided to the Club prior to Christmas 2010 no formal acceptance of the proposals had been received, to date. It was also agreed that the question in regard to government criticism over rising costs would be dealt with under Item 7 'Moray Flood Alleviation Schemes: Financial Monitoring Summary'

This being the last report to the Sub-Committee by Ms B Hellett (Royal Haskoning) in her role as Scheme Manager the meeting paid tribute to her work on the scheme and noted that she would be continuing in a different role overseeing the project as part of the team.

Following consideration the Sub-Committee agreed:-

- (i) to note the progress of the Elgin Flood Alleviation Scheme for the period ending 24 February 2011;
- (ii) to report the progress to the Council; and
- (iii) that it be remitted to the Consultancy Manager, in consultation with the Chairman, to make appropriate arrangements for the ground breaking ceremony and advise Members in due course.

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

There was submitted a report by the Head of Direct Services updating the Sub-Committee on the progress of Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme. A copy of an Executive Summary detailing what has been carried out in the past three months and what is proposed over the next three months was appended to the report as Appendix 1.

The report was augmented by an oral update by the Consultancy Manager during which it was noted that if the outcome of the Flood Prevention Order (FPO) was not announced by 22 March 2011 then it would fall to the new administration following the Scottish Government elections on 5 May 2011. In light of this and funding uncertainties regarding the flood alleviation scheme a number of works, funded from the Council's reserves, have, due to their procedural nature, been placed on hold.

Concerns were expressed in regard to the delay in announcing the outcome of the FPO and the message this sends to the people of Forres and it was suggested that the Convener be requested to write to the First Secretary requesting that an announcement on the outcome of the FPO be made by 22 March 2011. Concern was also expressed in regard to the wording of recommendation 2.1 (iii) and the message this might convey to the public. Reference was also made to the ongoing discussions the Finance Secretary was having with CoSLA in regard to flood alleviation scheme funding.

Following consideration the Sub-Committee agreed:-

- (i) to note the progress of Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 24 February 2011;
- (ii) to report the progress to the Council and recommend that the Council reiterate its support for the scheme;
- (iii) to recommend to the Council that procedural issues relating to the development of this scheme should be placed on hold owing to overall scheme funding uncertainties; and
- (iv) that the Convener be requested to write to the Finance Secretary requesting that an announcement on the outcome of the FPO be made by 22 March 2011 and, if possible, advise on the outcome of discussions with CoSLA in regard to flood alleviation scheme funding.

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

There was submitted a report by the Head of Direct Services updating the Sub-Committee on the progress of Forres (Burn of Mosset) Flood Prevention Scheme. There was appended to the report a copy of the Monitoring Report No 19 Post Completion Report covering the period December 2010 to end of January 2011.

Following consideration the Sub-Committee agreed to:-

- (i) note Monitoring Report No 19 Post Completion Report for the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for December 2010 to end January 2011; and,

- (ii) report the progress to the Council.

6. ROTHES FLOOD PREVENTION SCHEME: PROGRESS

There was submitted a report by the Head of Direct Services Committee updating the Sub-Committee on the progress of Rothes Flood Alleviation Scheme. There was appended to the report a copy of the Monitoring Report No 14 covering the period December 2010 and January and February 2011.

Following consideration the Sub-Committee agreed to:-

- (i) note Monitoring Report No 14 for the Rothes Flood Prevention Scheme 2006 for December 2010 and January and February 2011 and that the scheme is now virtually operationally complete; and
- (ii) report the progress to the Council.

7. MORAY FLOOD ALLEVIATION SCHEMES: FINANCIAL MONITORING SUMMARY

There was submitted a report by the Head of Direct Services providing the Sub-Committee with a financial monitoring summary in respect of Moray Flood Alleviation Schemes, details of which were set out in Appendix 1 to the report.

Under reference to Paragraph 3 of this Minute Consultancy Manager responded to the question in regard to government criticism over rising costs of the Elgin Scheme. The meeting noted the Council was recently advised by Scottish Government that funding was predicated on the mid-range business case costing of £64 million (range £56 - £72 million) in July 2007 that was included in the Flood Prevention Order. The Council budgeted on £72 million which included £5.7 million already spent and that this, combined with no allowance for inflation, means that the Scottish Government's basis for funding schemes led to an inevitability that councils would not receive 80% of eligible out-turn costs as per the previous grant system. It was also implied that the Council should have been aware of the list of schemes to be funded during 2008/14. In this regard a survey of flood risk management professionals in Scottish Councils was carried out through The Society of Chief Officers of Transportation Scotland (SCOTS) to establish who was aware of this list. Results show that 27 of the 32 Councils were unaware of the list. To date, no response has been received for the other 5 Councils.

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) the project budget of £86.2 million for the Elgin Scheme as approved by the Special Meeting of The Moray Council on 10 February; and
- (iv) that the Scottish Government has made no provision of Capital funding for the Forres (Findhorn & Pilmuir) Scheme and that it is to be recommended to the Council that procedural issues relating to the development of the scheme should be placed on hold pending discussions between the Finance Minister and CoSLA.

8. QUESTION TIME

There were no questions raised.