

THE MORAY COUNCIL
MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE
27 FEBRUARY 2008
COUNCIL OFFICE, ELGIN

PRESENT

Councillors G McIntyre (Chair), L Bell, J Divers, J Hogg, P B Paul, J Russell, M Shand and D C Stewart.

APOLOGIES

An apology for absence was intimated on behalf of Councillor I Ogilvie.

IN ATTENDANCE

The Director of Environmental Services, the Consultancy Manager, P Haslam, Senior Engineer (Flooding and Coastal Protection) Paul Winfield, Scheme Manager (River Findhorn & Pilmuir), M Newman, Scheme Manager Elgin, Bob Bryce Senior Engineer, Coastal & Rivers (Royal Haskoning), Deborah Halliday (Royal Haskoning), Shona Weir, EC Harris, A Russell, Morrison Construction A McEachan, Principal Solicitor (Commercial & Conveyancing) and the Senior 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. MORAY FLOOD ALLEVIATION SCHEMES: PROGRESS

Prior to considering the report the Chairman read out the terms of a letter dated 13 February 2008 from M Russell MSP, Minister for Environment to R Lochhead MSP in regard to flood alleviation schemes in Moray, a copy of which the Chairman had received just prior to the meeting. The meeting noted that the letter made reference to the Minister's visit to Moray on 11 December 2007 when he gave an assurance that Moray Council would not be disadvantaged by the change in funding from ring fenced grant to a block grant. The meeting also noted that the Government's flood prevention grant programme appeared to be on target and whilst potential underspends were not expected should another authority not take up all the grant made available to them the needs of Moray will be given appropriate priority. In noting the terms of the letter it was agreed that a copy be made available on the Members' Portal and the on Council's Internet site as part of the meeting papers.

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Moray Flood Alleviation Schemes. Progress reports by the Scheme Managers on the individual schemes were appended to the report as Appendix 1.

There was also appended to the report as Appendix 2 a copy of the monitoring report in respect of the Forres (Burn of Mosset) Flood Prevention Scheme 2005 for the period 26 November – 18 January 2008 which was set out in the proposed new reporting format.

- (a) Elgin Flood Alleviation Scheme – Noted
- (b) Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme - Noted

The meeting whilst noting the concerns expressed in regard to developing the A96 design also noted that the proposals which include a new roundabout, moving the

speed limit further west and installing a pedestrian crossing will improve road safety in the area.

(c) Roths Flood Alleviation Scheme – Noted

During discussion reference was made for the need to give regular road users as much notice as possible in regard to the closure of the A941 bridge over the Roth's Burn and that the temporary bridge will have a 10 tonne weight restriction.

(d) Tyock Burn Culvert Replacements - Noted

(e) Forres (Burn of Mosset) Flood Alleviation Scheme – Noted

Members welcomed the new reporting format and noted that future reports will include a method of monitoring and reporting on comments and /or complaints received.

3. ELGIN FLOOD PREVENTION ORDER

There was submitted a report by the Director of Environmental Services informing the Sub-Committee in regard to the objections to the Elgin Flood Prevention Order and the affect this will have on the programme for progressing the scheme. In this regard the report also sought approval of a number of short-term actions, set out in Section 3 of the report.

The meeting noted that as well as the advice given by Scottish Natural Heritage (SNH) to the Scottish Government which, for the purposes of the Act, is being treated as an objection, there were 26 other objections to the Order which were individually summarised in the Appendix to the report. The meeting also noted that whilst the prospects of negotiating withdrawal of all twenty-seven objections are limited officials will endeavour to resolve these issues and where possible agree a withdrawal of objections.

Following consideration the Sub-Committee agreed:-

- (i) to note the terms of objections to the Elgin Flood Prevention Order and the programme implications and approved the proposed short-term actions; and
- (ii) that the Council continue to assist the objectors in any practicable way towards securing withdrawal of their objections and thereby obviating the need for a Public Local Inquiry.

4. MORAY FLOOD ALLEVIATION SCHEMES: MONITORING OF ESTIMATED COSTS TO BRING SCHEMES TO CONSTRUCTION START STAGE FOR FINANCIAL YEARS 2006-2009

There was submitted and noted a report by the Director of Environmental Services updating the Sub-Committee on the development of Moray Flood Alleviation Schemes to construction start stage for the period 2006-2009 in respect of financial monitoring

The meeting noted that estimated costs to construction start for financial year 2007 are higher than the previous report mostly due to the Roth's scheme and the overall programme costs have increased reflecting this. New funding arrangements and construction cost inflation, currently running at 7 to 8%, pose significant risks to the programme of schemes. The meeting also noted that Officers had negotiated grant claim for the Lhanbryde scheme with the Scottish Government and the Council had received a grant of £438,742.

Following consideration the Sub-Committee agreed to note:-

- (i) the actual expenditure to 31 January 2008 for 2007/08 against estimates and that Public Local Inquiry (PLI) and advance property costs are additional;

- (ii) that the costs for a Public Local Inquiry for the Elgin scheme will be identified separately in future; and
- (iii) that the estimated costs to construction for the Rothes scheme have increased over previous estimates.

5. FORRES (RIVER FINDHORN & PILMUIR) FLOOD ALLEVIATION SCHEME : RECOMMENDATION REPORT UPDATE

There was submitted a report by the Director of Environmental Services seeking Sub-Committee approval of the recommend preferred sub-option for Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme and the next steps in progressing the scheme, details of which were set out in Section 3.4 of the report.

Following consideration the Sub-Committee agreed:-

- (i) to approve Option 3, as detailed in Section 3.4 of the report, for the east River Findhorn embankment running northwards from the Aberdeen to Inverness railway, and that it be included in the Flood Prevention Order (FPO) be submitted for approval to the Meeting of The Moray Council on 26 March 2008; and
- (ii) that prior to reporting to Council on 26 March 2008 it be remitted to the Consultancy Manager to brief Ward Members on the proposed FPO.

6. PROGRESS OF SCOTTISH WATER'S DRAINAGE AREA STUDIES FOR ELGIN, ROTHES & FORRES AND ABERLOUR

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of Scottish Water's Drainage Area Studies for Elgin, Rothes & Forres and Aberlour, details of which were appended to the report.

Mr Haslam, Senior Engineer (Flooding and Coastal Protection) advised the meeting that a representative from Scottish Water was unable to attend this meeting and that he would request the preparation and submission of a programme for the next meeting.

Following consideration the Sub-Committee agreed:-

- (i) to note the progress of Scottish Water's Drainage Area Studies for Elgin, Rothes & Forres and Aberlour, as detailed in the Appendices to the report; and
- (ii) that the Sub-Committee's concerns in regard to the non-attendance of their representative be conveyed to Scottish Water.

7. TYOCK BURN CULVERT REPLACEMENT : HYDRAULIC REVIEW

Under reference to Paragraph 5 (e) of the Minute of the meeting of the Sub-Committee dated 12 December 2007 there was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of the hydraulic review in regard to the Tyock Burn Culvert replacement.

Following consideration the Sub-Committee noted that progress overall was behind programme, owing to a modelling resource issue within Royal Haskoning, and that the outcome of the Hydraulic Review would be submitted to the meeting of the Sub-Committee on 2 April 2008.

8. FLOOD RISK RESEARCH

There was submitted a report by the Director of Environmental Services inviting the Sub-Committee to consider an invitation he had received to be one of two Scottish delegates contributing to a European Workshop in Budapest on 23 April 2008 on determining the future of Flood related research.

The meeting noted that the European Union would be meeting all accommodation costs with the cost of travel, in the region of £280, being met by the delegate's local authority.

Following consideration the Sub-Committee agreed to authorises the attendance of the Director of Environmental Services at the European Union workshop.