

## **THE MORAY COUNCIL**

### **MINUTE OF MEETING OF THE FLOOD ALLEVIATION SUB-COMMITTEE**

**24 FEBRUARY 2010**

**COUNCIL OFFICE, ELGIN**

#### **PRESENT**

Councillors J Russell (Chairman), L Bell, J Divers, J Hogg, P Paul, D Ross, M Shand and D Stewart

#### **ALSO PRESENT**

Councillor G McIntyre (Convener) Ex-Officio member of the Sub-Committee.

#### **APOLOGIES**

Apologies for absence were intimated on behalf of Councillors I Ogilvie and A Wright (Depute Convener) (Ex-Officio)

#### **IN ATTENDANCE**

The Director of Environmental Services, the Consultancy Manager, Mr P Haslam (Senior Engineer, Consultancy), Mr I Thomson, (Morrison Construction), Ms S Weir (EC Harris), Ms D Halliday, Engineer, Mr C Whyte, Project Manager Rothes, Mr B Bryce, Engineer, Mr A McEachan, Principal Solicitor (Commercial & Conveyancing) and Mr R Ritchie, 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. WRITTEN QUESTIONS**

The Committee noted that there were no written questions.

### **3. 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 financial monitoring and of key factors affecting costs of schemes, details of which were set out in the Appendix to the report

During discussion the meeting noted that the costs of undertaking the additional studies requested by the Inquiry Reporter were not as yet fully known and that there was no case for a claim for these costs to be sought from the Council's consultants on designing the Elgin Flood Alleviation Scheme.

Following consideration 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; and
- (iii) that whilst allocations for Third Party Compensation, Contaminated Land Risk and Council Risk Allowance have in the main been reprofiled into 2010/11, there is a small risk that a proportion of this funding may yet be required in 2009/10.

#### **4. 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. 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.

During discussion the meeting noted that the key milestone dates on the graph at section 3.3 of the report required to be amended to reflect the delays caused by the Public Inquiry and the start date will not be known until the outcome of the Public Inquiry is known, probably summer 2010.

Following consideration the Sub Committee agreed to:-

- (I) note the progress for Elgin Flood Alleviation Scheme for the period ending 9 February 2010; and
- (II) report progress to the Council;

#### **5. ELGIN FLOOD ALLEVIATION SCHEME : PUBLIC INQUIRY UPDATE**

Under reference to Paragraph 4 (a) of the Minute of the Sub-Committee dated 9 December 2009 there was submitted a report by the Director of Environmental Services updating the Sub-Committee on the progress of the Elgin Flood Prevention Order 2007 through the Public Local Inquiry (PLI) process and inviting the Sub-Committee to note the programme and reporting on additional studies. A copy of the Note of Procedural Meeting held at Elgin Town Hall on Friday 29 January 2010 was appended to the report.

Following consideration the Sub-Committee agreed to:-

- (i) note the recent developments at the procedural Hearing and additional studies that the Council has agreed to undertake to assist the Reporter;
- (ii) note the programme for completion of the studies, the estimated cost and the implications for the scheme implementation programme and costs; and
- (iii) receive a report, in confidence, to the next meeting of the Sub-Committee, prior to the conclusion of the studies, so that the Sub-Committee may consider the findings before they are submitted to the Directorate of planning and Environmental Appeals, and circulated to relevant parties.

## **6. 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. There was appended to the report a copy of the Monitoring Report No 13 covering the period to the end of January 2010.

During discussion the meeting noted that the Scheme is completed other than minor works issued recently and landscaping works planned to be completed in the correct season. It was also noted that this would be the final monitoring report, in this format. Further reports on progress of compensation issues and contaminated land issues at Mosset Tavern will be submitted until the exceptional risk items reach a satisfactory conclusion. In regard to the provision of a visitor interpretation panel it was noted that no funding was available at present and that consideration would be given to the inclusion of a visitor panel in future revenue Budgets.

Following consideration the Sub Committee agreed to:-

- (i) note Monitoring Report 13 for the Forres (Burn of Mosset) Flood Prevention Scheme 2005 to the end of January 2010; and
- (ii) report progress to the Council.

## **7. 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. 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.

Following consideration the Sub Committee agreed to:-

- (i) note the progress for Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme for the period ending 29 January 2010; and
- (ii) report progress to the Council.

#### **8. 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 Prevention Scheme. There was appended to December 2009 and January 2010. The report was augmented by a PowerPoint presentation.

Following consideration the Sub Committee agreed:

- (i) to note the progress for Rothes Flood Alleviation Scheme for the period ending 26 November 2009; and
- (ii) to report progress to the Council.

#### **9. ROTHES FLOOD PREVENTION SCHEME : REPLACEMENT OF THE A941 BRIDGE AND ASSOCIATED WORKS**

There was submitted a report by the Director of Environmental Services updating the Sub-Committee on the replacement of the A941 Bridge and associated works in conjunction with the Rothes Flood Alleviation Scheme.

The meeting noted that the bridgeworks are expected to start soon and be completed in September 2010. The proposals have been developed to minimise disruption to residents of Rothes and ensure that the replacement of the A941 bridge is completed as quickly as possible.

Following consideration the Sub-Committee agreed to note the proposals for the replacement of the A941 Bridge and associated works in conjunction with the Rothes Flood Prevention Scheme.

#### **10. FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – IMPLEMENTATION UPDATE**

Under reference to Paragraph 8 of the Minute of the Sub-Committee dated 9 December 2009 there was submitted a report by the Director of Environmental Services updating the Sub Committee on the implementation of the Flood Risk Management (Scotland) Act 2009 (the Act) and associated developments.

The meeting noted that Part 4 of the Act relates to local authority functions which will come into effect in the second half of 2010 following new regulations and that until then Councils is limited to the powers under the 1961 Act. The meeting also noted that the suggested boundaries for the District and Sub-District Advisory Groups and Local Flood Management Planning areas have been drawn up by SEPA for informal comment and that formal consultation will follow.

During discussion reference was made to the potential impact on Development Plans and other issues outwith the remit of the Sub-Committee and it was suggested that consideration be given to reviewing the remit.

Following consideration the Sub Committee agreed to:

- (i) note the progress on implementing the Act and associated issues and to receive further progress reports as appropriate; and
- (ii) recommend to the Council that consideration be given to reviewing the remit of the Flood Alleviation Sub-Committee in light of the emerging new legislation.

## **11. BENEFITS OF COMPLETED FLOOD PREVENTION SCHEMES**

There was submitted a report by the Director of Environmental Services updating the Committee on the benefits of completed flood prevention schemes in terms of return on investment, as detailed in section 3 of the report.

The meeting noted that a substantial proportion of the investment for the completed schemes at Lhanbryde and Forres (Burn of Mosset) has been returned in damages saved by the storage events to date and that it is probable that the schemes will return the investment many times over during their design life.

Following consideration the Sub-Committee agreed to note the benefits to date of completed flood prevention schemes in terms of return on investment.

## **12. MANAGING FLOOD RISK AT KINGSTON AND GARMOUTH**

There was submitted a report by the Director of Environmental Services inviting the Sub-Committee to note the recent history regarding flood risk management in the lower reaches of the River Spey and Spey Bay and to note the proposed actions.

Prior to considering the report the Director of Environmental Services advised the meeting in regard to the main points he took from a meeting he attended with the Consultancy Manager, in Garmouth Village Hall on 15 January 2010 which had been arranged to discuss recent flooding incidents. The meeting noted that public concern was that the risk had changed, they wanted the Authorities and Landowners involved paying attention and they wanted action to slow or reverse the erosion and the report summarises the position to date.

The Director also advised that on 19 February 2010 the MP, all MSP's serving this area, Ward Councillors, Community representatives, SNH and SEPA were invited to a meeting to discuss the report and the issue to see if we could build consensus as to a way forward. Richard Lochhead had a Ministerial engagement and of the list MSP's only Mary Scanlon could attend.

Stemming from that meeting the Director was of the view that there were a number of additional recommendations that should now be considered:-

- (a) recommend to the Planning & Regulatory Services Committee, as Planning Authority, that it considers placing a moratorium on new development in the flood plain north of Fochabers until Flood Risk is reassessed;
- (b) recommend to the Council, in consultation with SEPA, that the trigger points when public warning is given be re-examined and what action should be taken;
- (c) to invite SEPA to look at the flood risk and assess whether or not this has changed due to recent erosion and report back to the appropriate Committee of the Council; and
- (d) that once the position of riparian owner is clarified a meeting be arranged to discuss their riparian obligations

During discussion reference was also made to an offer from a local contractor to carry out work to alleviate the problems at a cost of £150,000 and a DVD which had been produced by Angus Robertson MP. Reference was also made to discussions which took place at a meeting of the Council on 20 January 2010 in response to a question from Councillor A McDonald when it was understood that it had been agreed that arrangements were to be made for the Sub-Committee to visit Garmouth & Kingston.

Following consideration the Sub-Committee agreed to:-

- (i) note the current position regarding flood risk at Kingston and Garmouth;
- (ii) note that there is no allowance in the Capital Plan to develop a scheme for Garmouth;

- (iii) note that the Council will work with riparian owners and local representatives to identify together how flood risk and other interests can be managed;
- (iv) approve the additional recommendations of the Director of Environmental Services referred to in (a) to (d) above;
- (v) note that a meeting is to be arranged with the local contractor to discuss his proposal and that a report thereon will be submitted to a future meeting of the appropriate Committee of the Council; and
- (vi) remit it to the Clerk to the Sub-Committee to ascertain the decision of the Council meeting on 20 January 2010 and advise members of the Sub-Committee and to seek to obtain a copy of the DVD, referred to during discussion, for circulation to the Sub-Committee

### **13. QUESTION TIME**

There were no questions raised at the meeting.