



### Access to Lossiemouth East Beach

A public meeting was held on Wednesday 31 July 2019 by the Lossiemouth Community Development Trust (LCDT) at Lossiemouth Town Hall to discuss the closure of East Beach Bridge and pedestrian access to the beach.

#### In Attendance

Alan MacDonald	Chairperson - LCDT
Rab Forbes	Treasurer – LCDT & Bridge Sub-group Chair
Huw Williams	Development Officer – LCDT
Donna Milne	Vice Chairperson – LCDT
Jill Fletcher	Chairperson – Lossiemouth Business Association
Carolle Ralph	Vice Chairperson – Lossiemouth Community Council
Michael Burns	Secretary – LCDT
Carrie Humphrey	Administrative Assistant – LCDT

#### Elected Members in Attendance

Douglas Ross MP  
Laura Mitchell – Communications Manager for Richard Lockhead MSP  
Councillor James Allan  
Councillor John Cowe  
Councillor Ryan Edwards  
Councillor Theresa Coull  
Councillor Aaron McLean

Alan MacDonald welcomed all to the meeting, introduced the top table, and provided a brief introduction to the meeting.

#### Meeting Aim

- Provide information on the work LCDT have done to date
- Repair/replacement options for the bridge
- Provide an update on actions since last week’s emergency bridge closure
- Allow the public to comment and/or question the LCDT

Rab Forbes from the LCDT delivered a presentation on Access to Lossiemouth East Beach which covered the following;

- Reason for the Meeting
- Historical Background
- Finance
- The Way Ahead
- Questions

A question and answer session followed the presentation.

Q – What are the Army doing?

A – LCDT have met with the Army and they are very keen help, however, there is no in-service option for the Royal Engineers to provide a temporary fix, they do not have a bridge. If a temporary bridge were to be provided, then the army would, if they had manpower available, help to put it up.

Q – What about a temporary bridge?
A - It has taken the LCDT one year to raise £75K. One estimate received for a temporary bridge would require the hire of a crane for one day to lift 1000 tonnes at a cost of £25K, plus a further £10K a month to hire the bridge on a temporary basis, making the estimated cost to put a temporary bridge across the river £100K plus - all the money the LCDT have taken a year to raise would be consumed. Cheaper options are being investigated, and discussions are currently taking place with a company regarding a pontoon bridge. If that option were to come in at a reasonable price, and the money could be raised for it, the LCDT would go-ahead with a temporary option but at this stage, not convinced a temporary fix is doable.
Q – Have you applied to the National Lottery for funding?
A – The National Lottery are not currently funding infrastructure projects.
Q – Have you looked at business funding (Asda/Tesco/Co-Op)?
A – The LCDT have applied to and will continue to explore all funding avenues, including funding from businesses
Q – Have you approached the Whisky companies?
A – THE LCDT are in the process of identifying companies to write to, including the whisky companies to request further funding
Q – Is the LCDT going to accept ownership of the bridge so that it can move forward?
A – The LCDT will not take on the current bridge but are in discussions about taking ownership of the new bridge. HIE would be willing to contribute funding to a defined owner of a permanent asset so if that was the case, LCDT would look to buy the new bridge, but it does lend itself to liability issues. At the moment, the decision of taking on the new bridge isn't the problem, and it isn't stopping LCDT from moving forward. The problem is identifying people with money to build the new bridge.
Q – When are you putting in for planning permission?
A - As of next week, the next stage for the LCDT will be to use part of the funding recently awarded to obtain full detailed design work which will include, site investigations, and anything else required for the planning phase.
Q – Who owns the Esplanade?
A – LCDT are unsure at this point. It presumed Moray Council owned the Esplanade, however, following discussions with Moray Council, they don't own it, which seems quite strange.
Q – Of the £500 - £750K cost, how is that split between labour and materials? Where's that figure from?
A – The figures have been provided by a bridge company, however, until the design stage and site investigations have been carried out, the costings are approximate.
Q – A lot of the funding sources you are going to are small scale, and local. Are you looking at things like the National funding sources which are specifically for repair work, community assets, landscaping etc. that go up to £1 million in funding? Who of those have you contacted? I'm concerned that with two billionaires and five multi-millionaires in Moray, and companies such as Robertson's – who have a funding strand for this, large scale funders are not being utilised.

<p>A – LCDT have applied for every eligible funding opportunity, and additional opportunities will become available once the next stage has been completed.</p>
<p>Q – How will it be kept in the media to ensure big money?</p>
<p>A – Since the closure of the East beach Bridge, it has been all over the media; local newspapers (Press &amp; Journal, Northern Scot, Evening Express), local radio (BBC Radio Scotland, Moray Firth Radio) and TV coverage (STV, BBC Scotland News). Media coverage will continue to be directed by Alison Reid. The LCDT are not at all nervous about keeping it in the media, it won't be hard to keep it alive in the town and will continue to apply for and write to everyone it can for funding. The LCDT have been working on this project now for over 4 years, so not sure agree with the views that not enough has been done or that it won't do enough to keep this moving forward – obtaining funding is tough.</p>
<p>Q – The original bridge was built in 1908 and moved 10 years later. Do we know why the location was changed? Does more research need to be done to find out if there was an underlying reason for the bridge being moved?</p>
<p>A – The information LCDT received was that the fishing boats at that time were sail boats which couldn't get under that original bridge and needed to berth nearer to the Seatown so the bridge was moved further upstream to allow those boats access. Regarding is it safe/suitable to put a new bridge down at the Esplanade – that's what the LCDT will pay surveyors and engineers to tell us.</p>
<p>Q – If the old bridge is left, we can't ignore the fact that it will still be a safety issue. What will happen to it? Is there any plan to take the bridge down or will it just be left to rot and fall into the river?</p>
<p>A – The LCDT couldn't agree more, it is a safety issue, but nobody is responsible for the old bridge. The LCDT do not own the old bridge and are therefore not responsible for what happens to it. A Health and Safety Executive closed the bridge. It only becomes a problem for the LCDT if we take it on to fix it, or we knock it down to replace it with a new one.</p>
<p>Q - What is the LCDT plan if you don't get permission to build a new bridge from the Esplanade? What is plan B?</p>
<p>A – Plan B would be to go back to the current position. Over the last year, discussions have taken place with planning departments and various other agencies including SEPA, Flood Alleviation, Highway, Conservation, and to date there has been no objection to a new bridge being built in either location.</p>
<p>Q – From the survey that was carried out, the structure was good for another 20 years so why don't you just replace the top structure of the bridge? It would be cheaper, and you could get the army to help – so the only cost would be for materials</p>
<p>A – Fairhurst, the structural surveyors who carried out the survey on the old bridge, looked at the piles and said the ones above water look sound, except in 4 areas where 4 of the piers were rotten so sections would need to be cut out and replaced – which is exactly what happened to some of the piers in 1995. However, the bridge company that came to look at it would not accept another structural engineer's report. They would want to check the piers themselves and said it would be highly unlikely that they would build a structure on piers that someone else put together over 100 years ago.</p>
<p>Q – If you put a new top section on, wouldn't it give you time to save money to put new pylons on and then put a new bridge next to it? I would provide another 20 years usage</p>
<p>A – Option A of the public consultation is full replacement of the top structure and strengthening of the sub-structure to support a wider platform. However, due to the extensive work that would be required to remove the old structure and stabilise existing piers, it's one of the more expensive options. The bridge company were very concerned about Option A because they cannot guarantee that the existing piers will be strong enough to sustain a brand new structure.</p>

Q – I’m not a builder, I’m not an engineer, nor am I a good fundraiser but there is one source of income and at the risk of being flippant, even facetious, we have in our midst our MP, Douglas Ross, who I understand is a good friend of Boris Johnson. Boris was in Scotland yesterday and gave the good people of Argyle & Bute a promise of £300 million. I would ask Douglas, when he goes back to Westminster to say to Boris that the good people of Lossiemouth have contributed enormously to the economy of Britain over the past century through the fishing industry, more recently from oil and gas, and of course the Military – MPs can open doors and let down drawbridges. So, I would ask Douglas, please go back to Westminster and say to Boris Johnson to help these people of Lossiemouth build a tiny little bridge for far less than the people are going to get in Argyle & Bute.

A – Response from Douglas Ross – For clarity, the £300 million was for Scotland, Northern Ireland and Wales. Argyle & Bute was mentioned because it’s an area that doesn’t have a growth deal so the £300 million was very similar to the £55 million that Moray got just a couple of weeks ago match funded by the Scottish Government so there is already investment. But to answer the gentleman’s point, after yesterday’s task force meeting, I was in discussion with No. 10. The one thing the new Prime Minister has said is that he wants to make direct investment from the UK Government into communities in Scotland. At the moment we’re not allowed to do that but there is a plan in place. I am working with both UK and Scottish Government to see if they can directly invest because as I also mentioned at the meeting yesterday, there is something called the Bellwin Scheme – the Bellwin Scheme is established by the UK Government and delivered in Scotland by the Scottish Government to assist communities where there is, has been, and is, an ongoing emergency - and I believe, as Mike Mulholland said on behalf of Lossiemouth Community Council yesterday what’s happening in Lossiemouth at the moment is an emergency, and needs an urgent response – and I will certainly continue to fight for that.

Q – It’s been mentioned that there is a Development Fund for Moray. I know we asked this question before to Moray Council - Lossiemouth doesn’t have a town centre, it has a beach and that’s where it gets its money from, so why can’t we get a proportion of that fund? Don’t come back and say it’s not in the parameters, we can argue that.

A – Response from John Cowe – I spoke to the leader of the Council yesterday, unfortunately, he can’t be here tonight as he’s in Glasgow. Yes, we’ve had £65 million in Growth Deal. I asked the question as to why Grant Lodge in Elgin is part of the Growth Deal because it’s not owned by the council, and it can’t help Lossiemouth because the bridge is not owned by the council. The response I got was that it’s part of the Growth Deal because the Trust, which is run through Grant Lodge in Elgin, is run through the Council itself. There is something coming up in a year or two’s time, Participatory Budgeting, which is worth 1% of the Council’s funding, and that’s getting less and less all the time – this will go to local communities to support them but is too little and too late for where we are at the moment. Regarding getting funding, I spoke to Reni Millburn (Development Services) today, and to Jim Grant (Head of Development Services) last Thursday, and they will do all they possibly can to support the LCDT and the people of Lossiemouth to get a bridge. Regarding the question from the gentleman regarding the Army, they won’t touch the bridge unless there is ownership. I met with Major Stewart from 39 Regiment, he came down to have a look at the bridge and said there is nothing that can be done with the bridge – they won’t touch it. We have an RAF base in the town, the biggest RAF base in the country, millions and billions of pounds have been spent on it, no mention here tonight of the RAF, no mention of what we could possibly get through Boeing, who are very good at supporting local areas. When we were looking at a school in Lossiemouth at a cost of £42 million, we got £26.9 million from the Scottish Futures Trust which is the Scottish Government. At the planning stage, the Ministry of Defence were involved, and looking at it they put in stipulations as to what that building had to have to suit them – non-reflective roofing, sound proofing etc. – that cost £1.3 million. The number of pupils was increased from 700 to 800 because of the influx that was going to come into RAF Lossiemouth – that cost £800K. Moray Council had to pay an additional £466K with no contribution from the MOD – that would have built the bridge. I do intend to speak to Air Vice Marshall Gale, and ask where I can get money to support Lossiemouth and the bridge. When I became a councillor 6 years ago, I was in a car with the Chief Executive going somewhere and we were speaking about Lossiemouth and the task force, and these are his words, not mine ‘Lossiemouth and the task force saved RAF Lossiemouth’. It’s high time they came to our aid now.

Alan Macdonald paused the question and answer session to allow Councillor Edwards to speak about the motion he will be putting forward to the Council.

Councillor Ryan Edwards – In June last year, I put forward a motion to the Council to help the LCDT keep Lossiemouth Beach Access open. Everything that was agreed to then, parts have been met, and other parts haven't so I will be going back this week with an emergency motion which again will be asking for money that came from the sale of land in Lossiemouth that got put into Elgin Common Good Fund - I don't know how many of you know that – and there are other areas within Lossiemouth and Seatown that belong to Elgin Common Good and that's something I want to bring back to the power of Lossiemouth so we can use it in Lossiemouth however we see fit. Furthermore, part of my emergency motion is asking for match funding – which goes back to the question from the lady earlier about Town Centre funding – I am asking for match funding for Beatrice £50K to be matched from that Town Centre funding.

Councillor Theresa Coull - It was just something Douglas Ross mentioned earlier about the Bellwin Scheme – Graham Leadbitter, the leader of the Council is looking into that. His apologies for not being here tonight but he's in Glasgow. The Bellwin Scheme is only for emergencies to safeguard life and property, and is payable to Local Authorities to offset the financial burden on them - requiring a lead role from council that was the legal opinion today but Graham Leadbitter, leader of the council is still looking into that and the administration is doing their best to try and see how we can fix this awful problem you've got with the bridge – be assured we are all in this as a Council – we're looking into every aspect of it but unfortunately, the funds just aren't there from the Council.

On behalf of the Lossiemouth Community Council (LCC), Carolle Ralph said the Community Council fully support the Lossiemouth Community Development Trust but stressed concerns about the safety of people who continue to cross the river, despite the warning, and proposed to form a sub-committee with emergency service to establish what can be done to raise awareness and keep people safe, including an urgent risk assessment of the beach.

On behalf of the Lossiemouth Business Association (LBA), Jill Fletcher said the Business Association fully support the Lossiemouth Community Development Trust but stressed concerns about the impact the loss of access to the East Beach will have on the local economy and proposed to undertake an economic impact assessment to quantify the impact.

Alan Macdonald re-opened the question and answer session

Q – On your investigations on land ownership, have you made detail enquiries with the railway that used to be in that area? Has anybody asked if that might be a residual bit of land that they own that's fallen into no man's land?
A – The LCDT have a map in the office and are comfortable with who owns what. From the water line on the Esplanade across to the beach, all the way from the mouth of the river to the Seatown belongs to Queen Elizabeth and that the rest belongs to Moray Council.
Q – I could have this completely wrong, did the Council put up the fences at the bridge? Did they not say whoever touches the bridge are liable for it – therefore, doesn't the finger point towards Moray Council?
A – The LCDT get confused as to how Local Authorities looked after a bridge for 80 years and they don't own it. Moray Council tell LCDT all the time, they don't own the land, so why has the bridge been fixed for the last 80 years? In Section 29 of the Building Scotland Act, if Health and Safety are called – they fix the bridge and should bill the owner. Health and Safety were called, so who paid for it?
Q – It's not so much a question but amending the record a bit, I'm reading the Bellwin Scheme as we speak, and Councillor Coull quoted from it but she just missed out the bit at the end where it says 'or prevents suffering or inconvenience in the area or amongst its inhabitants' – I would argue that this is a big inconvenience.

<p>Q – So much comes back to the word ‘ownership’. What’s stopping the community taking legal ownership of the bridge? If we did that, would that then not allow more options, more speed? Is there anything ownership would facilitate?</p>
<p>A – If LCDT takes ownership of the bridge, it then takes on liability for it. It’s in a terrible state at the moment – that in itself is not too much of a problem, it would take out Liability Insurance – but then LCDT own a 100 year old bridge that’s falling apart, and so we’re back to the three options. The solicitor that investigated the ownership of the bridge on behalf of the LCDT has been dealing with the Crown who have said that because the Harbour Board fell into abeyance back in 1935, the bridge in their books is classed as vacant property. The Crown’s solicitors have told the solicitor acting on behalf of the LCDT that they have no interest in the vacant property, so the vacant property lies there for anybody to take ownership but there is a caveat in that you must demonstrate legally for over a year that you have been trying to take ownership before the courts will consider your application of ownership. So, even if LCDT started now, it’s long way down the road.</p>
<p>Q – If LCDT take ownership of the bridge now, we will be in a position hopefully, next year to get that bridge fixed by the Army – the Army said 5 years ago that they would assist us with that. We are talking about putting in a planning application for a brand new bridge that we don’t even know we’re going to get permission to build – that’s not going to be a one year project. How long will the project take if you take ownership of the bridge from the Crown for £1 now, get the Army in to help, fundraise to purchase the required materials – put an application in because we own it and we can – that’s got to be quicker than a brand new bridge in my opinion.</p>
<p>A – The Army stated very clearly that they do not have the requisite hardware to build a bridge, and they do not have unlimited manpower. Taking ownership isn’t that simple and would still need to go through planning to fix the old bridge. To date, the LCDT have not been refused funding as a result of not owing the bridge - we have just been awarded £50K from Beatrice Wind Farms, and we do not own a bridge. If someone comes up with a cost effective way of fixing the old bridge, the LCDT would take ownership of the old bridge – no-one has done that yet – and why would you want to fix a 100 year old bridge when you can get a new bridge for less? The old bridge will be a problem – but it’s not a LCDT problem.</p>
<p>Q – Having spoken a lot about liability, what is the Crown’s position on liability?</p>
<p>A – The Crown do not have any responsibility for the bridge – a terminology was used which meant they disowned any responsibility for it whatsoever.</p>
<p>Q – I was born and brought up in the Seatown, the bridge and across the river were our playground, and we were told by parents never to go to the left when you go over the bridge because the water from there to the river mouth was very dangerous. In my day, five children were drowned there at separate times. If you were to build the new bridge where you propose it, then boys will be boys – it is a very dangerous part of the river.</p>
<p>A – The LCDT are fully aware of what people think and will leave it to the Health and Safety Executives to decide whether it is safe to build a new bridge from the Esplanade.</p>
<p>Q – I believe from both stories that the bridge was moved from its original position because it was deemed unsafe. I don’t believe the Crown will give you access to their land for a new bridge if the LCDT do not do anything with the old bridge, and I don’t think Moray Council will give you planning permission unless someone disposes of the old bridge.</p>
<p>A – That may well be the case, however, it will be part of the planning process that the LCDT will go through, but it will only happen once money becomes available to do it.</p>
<p>Q – Has a final decision be made about what we are going to do moving forward?</p>

<p>A – No. The LCDT are in discussion with LCC and LBA to sort out the current issue in respect of safety and what may be done in the near future beyond that in terms of advising people about other areas in the town. A meeting will take place this week to hear the result of what the UK and Scottish Government are prepared to do, until then, we can't really move any further forward - presume Moray Council are in the same position?</p>
<p>A – Response from John Cowe – An approach was made by the Moray Council about the bridge. Moray Council doesn't own the bridge but has a statutory duty for Health and Safety of the public under Section 29 of the Building Scotland Act, so they acted on that. They were down at the East Beach immediately, they looked at the bridge, and had 12 men there to try and close the bridge and get people off the beach itself. We had a structural engineer there, and by 10am the next morning we had a meeting at the Council, I was given a copy of the draft report on exactly what was wrong with it. From all our point of view Health and Safety comes first. It was done by Rory Clark of the Building Control Department – he has the authority to close any structure that is in danger to the public, and that's what happened.</p>
<p>Q – Just a question, or maybe a possible solution for the way forward. We have identified that the community have agreed the best way forward is a new bridge, well let's get rid of the old one. We've got a metal worker in town, that will stop the children going across it, that will make it safe – just drop the sections. Very simple and won't cost a lot, and we're getting somewhere, we don't have a bridge. Possibly a good idea?</p>
<p>A – Good idea but not sure many parties would agree to it, but it is something the LCDT will look at.</p>
<p>Q – I'm sure I heard that Moray Council is responsible for Health and Safety, and if it was a building that was unsafe, they would demolish it so what's the difference with the bridge?</p>
<p>A – Response from John Cowe – The difference is that they don't own the bridge, so they won't demolish it. The difference is, if it was a building or any other structure that was owned by anyone, the cost of the council being involved would be invoiced to the owner.</p>

Alan MacDonald concluded the meeting by thanking those in attendance for coming along and participating.