

REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 15 JUNE 2010

SUBJECT: MANAGING FLOOD RISK AT KINGSTON AND GARMOUTH

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1 REASON FOR REPORT

1.1 To ask the Committee to approve a review of the position with respect to flood risk at Garmouth and Kingston, which should include:

- (i) a re-examination of the outline business case;
- (ii) consideration of further possible options for managing flood risk in Garmouth and Kingston; and,
- (iii) a further report to the Council that will include details of resource implications including budget estimates for specialist assistance from consultants, and capital and revenue consequences.

1.2 The report is submitted to the Committee in terms of the Council's Administrative Scheme relating to the functions of the Council under the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997.

2 RECOMMENDATIONS

2.1 **It is recommended that the Committee approve a review of the position with respect to flood risk at Garmouth and Kingston, which should include:**

- (i) a re-examination of the outline business case;**
- (ii) consideration of further possible options for managing flood risk in Garmouth and Kingston; and,**
- (iii) a further report to the Committee that will include details of resource implications including budget estimates for specialist assistance from consultants, and capital and revenue consequences.**

3 BACKGROUND

3.1 The Flood Alleviation Sub-Committee of 12 December 2007 (Para 7 of the Minute refers) considered a report by the Director of Environmental Services recommending that there was no economic justification for a flood alleviation

scheme for Garmouth that would attract funding under the rules existing at that time, and that a scheme should not be progressed at that time.

3.2 Following consideration the Sub-Committee agreed:-

- (i) to note the Pre-feasibility report recommendations and, at this time, no further studies be progressed;
- (ii) to recommend to Environmental Services Committee that there is no economic justification for a flood alleviation scheme for Garmouth that would attract grant funding under current rules, and that it should not be progressed at this time; and
- (iii) that the position be reviewed in the context of proposed new flooding legislation and any changes in funding arrangements.

3.3 Following consideration, the Environmental Services Committee of 20 February 2008 (Para 19 of the Minute refers) agreed to:

- (i) approve the recommendation from the Flood Alleviation Sub-Committee that, as the cost of a flood alleviation scheme for Garmouth would exceed the value of property protected and consequently a scheme would not attract grant funding under current rules, it should not be progressed at this time;
- (ii) note the Pre-feasibility report recommendations and, at this time, no further studies are progressed; and,
- (iii) review the position in the context of proposed new flooding legislation and any changes in funding arrangements.

3.4 The Special Meeting of the Moray Council of 12 February 2009 (Para 3 of the minute refers) approved the Revised Capital Plan for 2009/10. The allocation in the 2009/10 Capital Plan was not carried forward in the Capital Plan for 2009/10 approved by the Moray Council as Garmouth Flood Alleviation Scheme was not included in the block grant provided by the Scottish Government.

3.5 The Special Meeting of the Moray Council of 11 February 2010 (Para 4 of the Minute refers) approved the Revised Capital Plan for 2010/11. The Revised Capital Plan for 2010/11 includes provision for Flood Alleviation Schemes requiring further investigation as shown in the table below:

The Moray Council Capital Programme 2010/11 Onwards	2010/11 (£1,000)	2011/12 (£1,000)	2012/13 (£1,000)	2013/14 (£1,000)	2014/15 (£1,000)
Flood Alleviation Schemes requiring	0	0	300	300	300

further investigation					
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It should be noted that due to the uncertainty about the level of future capital grant funding the capital programme for the years 2011/12 to 2014/15 has been established as an indicative plan for the meantime.

- 3.6 The Flood Risk Management (Scotland) Act 2009 (other than Part 4) received the Royal Assent on 16 June 2009. It is anticipated that Part 4 of the Act, which concerns Flood Protection Schemes, would come into force in late 2010 / early 2011.
- 3.7 If the UK Government completes a comprehensive spending review for the next 3 year by autumn 2010 (clearly this is highly uncertain at the current time) it is reasonable to assume that the Scottish Government will conduct a Comprehensive Spending Review in early 2011 for the Financial Years 2011/12 to 2013/14. The Council will be required to submit details of proposed budget requirements for Flood Prevention / Protection Schemes as part of the Comprehensive Spending Review. The Block Grant provided by the Scottish Government will not include provision for the Flood Alleviation Schemes requiring further investigation in Financial Years 2012/13 and 2013/14 unless the Council identifies a budget need in the submission made for the Comprehensive Spending Review.

Current Position at Garmouth and Kingston

- 3.8 Since September 2009, there has been increased regularity of flooding in Garmouth. This is attributed to severe erosion on the west bank near Ross House, Queenshaugh and exceptional adverse weather over the last 8 months.
- 3.9 The records at Boat O' Brig indicate that there have been eight flood events since September 2009, where only one similar event would be anticipated based on historical records. The threshold for flooding in Garmouth occurs when the Boat O' Brig gauging station is at much lower level than previously recorded.

Recent Records from SEPA's Boat O' Brig Gauging Station				
Date	Time	Stage (metres)	Flow (cumecs)	Return period (years)
04/09/2009	10:00	2.991	807	18.0
26/10/2009	06:00	2.018	423	1.5

Recent Records from SEPA's Boat O' Brig Gauging Station				
Date	Time	Stage (metres)	Flow (cumecs)	Return period (years)
02/11/2009	04:00	2.616	653	6.0
26/11/2009	03:30	1.747	325	1.1
27/01/2010	17:00	1.869	368	1.3
15/03/2010	19:45	1.893	377	1.3
19/03/2010	07:45	1.821	351	1.2
06/04/2010	15:30	2.323	538	2.8

- 3.10 Melting snow and further rains in the upper catchment caused flooding on several occasions during March and early April 2010. Properties in Garmouth flooded and the access to Kingston was severed for up to two days on each occasion.
- 3.11 A number of meetings and site visits in recent months have informed options for measures to reduce flood risk. Officials attended a public meeting on the evening of 15 January 2010 convened by Angus Roberson MP and Richard Lochhead MSP. SEPA, SNH and Crown Estates also attended. This prompted a meeting of the Lower Spey Forum on 22 February 2010.
- 3.12 Angus Robertson MP, together with the constituency and list MSPs, Ward Members, the Chair, SNH, SEPA and local representatives were invited to a meeting on Friday 19 February 2010.
- 3.13 A further meeting was attended by the constituency MSP, ward members, the vice convenor, SNH, SEPA, local representatives and officials at the Wards on 19 April 2010.
- 3.14 In view with regard to the current position, the Director of Environmental Services considers that the Council should review its position with respect to Garmouth and Kingston as recommended in paragraph 2.1 of this report.
- 3.15 The view of the Director of Environmental Services was endorsed by the Flood Alleviation Sub-Committee of 21 April 2010.

Proposals

- 3.16 It is proposed to re-examine the outline business case as reported to the Environmental Services Committee on 20 February 2008, with particular reference to scheme damages.
- 3.17 Further possible options for managing flood risk in Garmouth and Kingston will be investigated to see if there are any options that may be feasible based on the review of damages.

- 3.18 Should it be considered that there may be economic justification for a scheme, the information gathered would be used to estimate resource implications including budget estimates for specialist assistance from consultants, and capital and revenue consequences. This would be the subject of a further report to the Economic Development and Infrastructure Services Committee.

4 SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement / Service Improvement Plan

- (i) Promoting flood alleviation schemes is Local Priority 7 in the Single Outcome Agreement. This is relevant to National Outcome 12 – “We value and enjoy our built and natural environment and protect it and enhance it for future generations”.**
- (ii) The Corporate Development Plan 2004 – 2007 states that providing effective flood alleviation schemes is a priority, and the Community Plan reiterates this. The Departmental Service Improvement Plan sets out targets for the schemes.**

(b) Policy and Legal

There are a number of legal issues involved in promoting measures to reduce flood risk to these communities. The Council cannot carry out works other than maintaining or cleansing watercourses without a Flood Prevention Order under the Flood Prevention (Scotland) Act 1961, which remains in force until Part 4 of the 2009 Act is implemented.

(c) Resources (Financial, Risks, Staffing and Property)

There is no allowance in the Capital Plan for works at either location. There is an allowance for 2012/13 and 2013/14 for flood alleviation schemes requiring further development.

Initially the proposed review will be carried out by in-house staff and absorbed within the existing budget although this will require a review of the workloads and priorities of the Consultancy. The resource requirements for specialist consultants and Capital and Revenue implications would be reported in a further report to the Council.

(d) Consultations

Mark Palmer, The Chief Financial Officer has been consulted on this report and his comments have been incorporated.

Roddy Burns, Chief Legal Officer has been consulted on this report and his comments have been incorporated.

The Head of Direct Services has been consulted on this report and his comments have been incorporated.

5 CONCLUSION

- 5.1 The current position at Garmouth and Kingston gives cause for concern that flood risk has exacerbated owing to severe erosion on the west bank near Ross House, Queenshaugh and exceptional adverse weather over the last 8 months.**
- 5.2 It is an opportune time to review the resource implications with regard to flood risk at Garmouth and Kingston to enable budget estimates to be prepared in time for the Comprehensive Spending Review.**
- 5.3 It is anticipated that Part 4 of the Flood Risk Management (Scotland) Act 2009 will be implemented before the end of the current financial year. This would put in place the necessary legislation for local authorities to promote Flood Protection Schemes.**

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Background Papers:

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