

REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE ON 20 FEBRUARY 2008

SUBJECT: GARMOUTH FLOOD ALLEVIATION SCHEME: PRE-FEASIBILITY STUDY

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 The Committee is asked to agree 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.
- 1.2 The report is submitted to Committee in terms of Section E (23) 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. RECOMMENDATION

It is recommended that the Committee:

- 2.1 **agree a recommendation from the Flood Alleviation Sub-Committee that 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, therefore, be progressed at this time.**
- 2.2 **agree to note the Pre-feasibility report recommendations and, at this time, no further studies are progressed.**
- 2.3 **review the position in the context of proposed new flooding legislation and any changes in funding arrangements.**

3. BACKGROUND

- 3.1 There is a long history of flooding of the lower Spey around low-lying areas of Garmouth and Kingston. The Flood Alleviation Sub-Committee of 17 October 2007 (para 4 of the Minute refers) was informed that:-
 - the brief for the pre-feasibility study had been sent to Royal Haskoning and a Work Order agreed; and,
 - The outcome of the pre-feasibility study would be reported to the Flood Alleviation Sub-Committee on 12 December 2007.
- 3.2 The Pre-feasibility Study was reported to the Flood Alleviation Sub-Committee on 12 February 2007. The recommendations of the study were :-

- The Council does not invest further in the development of a 1 in 100 year capital flood alleviation scheme as it is highly unlikely that a positive benefit – cost ratio could be achieved;
 - The Council does invest further in developing a range of long-term flood risk management strategies that over time would reduce the flood risk in Garmouth.
 - It is recommended that the Council invest in the following activities to manage flood risk in Garmouth, such as
 - i Development Control and Consultancy Service to disseminate flood risk information and knowledge and ensure no further development occurs on the River Spey floodplain;
 - ii Undertake 2D hydrodynamic modelling of the River Spey and Spey Bay to understand better the flood risk and hazards to Garmouth. This would be achieved through a better understanding of the flood mechanisms, fluvial / tidal interaction and potential flow velocities during extreme events;
 - iii Hold a 2 day workshop (site visit and workshop) to develop further the following long term flood risk management strategies for Garmouth to consider: -
 - Progressive retreat from the floodplain;
 - Removal of property from the floodplain;
 - Flood proofing properties, and;
 - Enhanced emergency planning.
 - Once the appropriate flood risk management strategy for Garmouth has been determined, undertake a programme of community education involving individual meetings with property owners at flood risk to discuss future options.
- 3.3 These recommendations are drawn from the consultant's report and amended to accord with Council protocols and procurement rules.
- 3.4 The study concentrated, as per the brief, on Garmouth and did not take into account tidal effects. There are a small number of low-lying properties in Kingston. The author of the report has been consulted in this respect and considers that by including these, and tidal effects, the report recommendations would remain because flood damages would still be well below that required to justify a scheme economically under current rules.
- 3.5 The Scottish Government has announced the intention to publish a Flooding Bill in June 2008. The principal aims are to reform and streamline current legislation and clarify responsibilities for flood risk management. It will also transpose the Directive of the European Parliament and of the Council [of Europe] on the assessment and management of floods (2007) into Scots Law.

- 3.6 The Bill will consider how to take forward proposals broadly similar to the recommendations in 3.2 above.
- 3.7 The Consultancy Manager is a member of the Scottish Government's Flooding Bill Advisory Group (FBAG) and can advise that, among the considerations, will be how best to take forward proposals to encourage and fund small scale solutions on a local level, i.e., with reduced need for complex and costly statutory processes.
- 3.8 The Bill will also consider how to take forward proposals broadly similar in nature to the recommendations in 3.2 above.
- 3.9 It will be some time before the Bill is enacted and there may well be secondary legislation to follow. However there is a potential opportunity for the Council (or any subsequent flood risk management body) to promote schemes at lower cost that may not meet current funding criteria.
- 3.10 The Flood Alleviation Sub-Committee considered these issues and made the recommendations to this Committee as set out in Section 2 of this report (para 7 of the Minute of 12 February 2007 refers).
- 3.11 Since the Sub-Committee Meeting, the implications of the Concordat between the Scottish Government and CoSLA have become clearer. Ring-fencing has been removed from funding for flood alleviation schemes. However the Scottish Government continues to vet schemes in regard to economic justification.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Development Plan/Community Plan/Service Improvement Plan

The Corporate Development Plan 2004 – 2007 states that providing effective flood alleviation schemes is a priority.

(b) Policy and Legal

The Council has discretionary powers to promote schemes under the Flood Prevention (Scotland) Act 1961 and has a long-standing policy towards flood alleviation for Moray's communities. The foregoing legislation is scheduled for repeal and replacement.

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

Taking forward the recommendations of the Pre-feasibility report (paragraph 3.2 above refers) would require funding and staff resourcing beyond the current budgets and available staff. Hence, this report recommends that these are not pursued at this time. Some of the recommendations, however, are current practice and will continue. The recommendations from the Flood Alleviation Sub-Committee included reviewing the situation following new legislation and any changes in funding arrangements. This refers to changes resulting from the new legislation rather than the Concordat.

(d) Consultations

Lorraine Paisey, Principal Accountant has been consulted and agrees with the recommendations.

Aileen Scott, Principal Solicitor (Commercial & Conveyancing) has been consulted and agrees with the contents of the report.

5.0 CONCLUSION

- 5.1 The Pre-feasibility report indicates that the cost of a flood alleviation scheme would exceed the value of properties protected, so it is highly unlikely that a scheme would meet current funding criteria.**
- 5.2 The report thereafter recommends a number of measures to manage flood risk that require staff resources and funding, some of which are current practice.**
- 5.3 New flood risk management legislation may open opportunities for promoting a local scheme and funding it.**
- 5.4 New funding mechanism following the Concordat has at best, a neutral impact on the recommendations of the Flood Alleviation Sub-Committee.**

Author of Report: Consultancy Manager
Background Papers:
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