

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 16 JANUARY 2018

ARBROATH (BROTHOCK WATER) FLOOD PROTECTION SCHEME

REPORT BY HEAD OF TECHNICAL AND PROPERTY SERVICES

ABSTRACT

This report updates the Committee on the progress of the Arbroath (Brothock Water) Flood Protection Scheme for delivery in the first cycle of the Local Flood Risk Management Plan for the Tay Estuary and Montrose Basin.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) notes the revised programme of delivery of the Arbroath (Brothock Water) Flood Protection Scheme as detailed in this report;
- (ii) notes the updated financial forecast for the Arbroath (Brothock Water) Flood Protection Scheme; and
- (iii) acknowledges the publishing of the Arbroath (Brothock Water) Flood Protection Scheme notice in which formal objections may be made to the Scheme.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Our communities are prosperous and fair;
- Our communities are safe and strong;
- Our communities are sustainable; and
- Our natural and built environment is protected and enjoyed.

3. BACKGROUND

- 3.1 The Flood Risk Management (Scotland) Act 2009 (the "Act") places duties on the Council as a responsible authority for the Tay local plan district, and lead authority and responsible authority for the Tay Estuary and Montrose Basin local plan district (Report No. 87/16, Article 10, Communities Committee, 1 March 2016 refers).
- 3.2 The Arbroath (Brothock Water) Flood Protection Scheme (the 'Scheme') was prioritised through the development of the Flood Risk Management Strategies to reduce the risk of fluvial flooding in Arbroath. The flood protection scheme is a selected action in the Arbroath PVA as set by SEPA and agreed with flood risk management authorities following consultation, and has been described as required for inclusion in the Local Flood Risk Management Plan for Tay Estuary and Montrose Basin (reference Report Nos 87/16, 17/16, 297/15 and 463/14).

4. CURRENT POSITION

- 4.1 In accordance with the Act, a notice of the Scheme has been published in The Edinburgh Gazette, and The Courier and Arbroath Herald as local newspapers. Copies of the Scheme documents are also displayed in Arbroath Library and Angus Council Offices at Bruce House in Arbroath and Angus House in Forfar.
- 4.2 As previously reported, the objective of the Scheme is to reduce economic damages to residential and non-residential properties in Arbroath caused by flooding from the Brothock Water. In doing so, the Scheme will reduce risk to people in Arbroath from river flooding. The proposed fluvial flood protection works will address flood risk from the Brothock Water and include improvements to direct flood defences and the construction of three flood storage areas. The Scheme will remove 530 people at risk and is to provide a 1:200 standard of flood protection for Arbroath. Savings in annual average damages from flooding from the Brothock Water in Arbroath have been appraised at £840,000 (£360,000 from residential properties and £480,000 from non-residential properties).
- 4.3 The previously reported delivery programmes for the Scheme (reference Report No 297/15) has been revised as a result of delays in delivery due to re-profiling of resource commitments. Table 1 below shows the latest delivery dates.

Table 1: Revised Programme for the Delivery and Implementation of the Proposed Arbroath (Brothock Water) Flood Protection Scheme

Action	Progression of Scheme through notification and confirmation process	
	No valid objections to Scheme	Valid objections to Scheme with no Scottish Minister call-in and local authority hearing <u>or</u> with Scottish Minister call-in
Publish notice for the Arbroath (Brothock Water) Flood Protection Scheme 2018	January 2018	
End of notice period for Arbroath (Brothock Water) Flood Protection Scheme 2018	February 2018	
Review of any objections to the Arbroath (Brothock Water) Flood Protection Scheme 2018	March 2018	
Key Milestone 3: Report to appropriate Angus Council committee to identify available funding within Financial Plan, and seek confirmation of the proposed scheme if no valid objections <u>or</u> to approve preliminary decision following objections and referral to Scottish Minister.	May 2018	August 2018
If valid objections are not removed, either local authority hearing of valid objections if no Ministerial call in <u>or</u> Ministerial consideration (* which may include a public local inquiry in which case an additional 12 months should be allowed for)	-	November 2018*
Request deemed planning permission from Scottish Minister following confirmation of the Scheme if no valid objections, <u>or</u> completion of local authority hearing <u>or</u> Ministerial consideration (* which may include a public local inquiry in which case an additional 12 months should be allowed for)	June 2018	November/ December 2018*
Deemed planning permission granted by Scottish Minister	July/September 2018	January/ March 2019*
Key Milestone 4: Subject to confirmation of the Scheme and granting of deemed planning: Detailed report to the appropriate committee for procurement authority for the works, which would require an allocation within the current Financial Plan.	October 2018	February/April 2019*

Notification of final decision	October 2018	March/May 2019*
Confirmation of grant funding from flooding component of the General Capital Grant	March 2016; updated annually	March 2016; updated annually
Procurement of construction works	November 2018	April/June 2019*
Award Construction Contract	January 2019	May/June 2019*
Construction Works Begin	March 2019	August 2019*
Construction Works Completed	June 2020	November 2021*

4.4 Scottish Government wrote to all councils asking for updated estimates of the expenditure profiles for each of the flood protection schemes/works set down in the Flood Risk Management Strategies on 11 October 2017. Angus Council received this request for the Arbroath (Brothock Water) Flood Protection Scheme.

4.5 The returns from councils will be used to allocate the flooding component of the general capital grant to individual schemes. The allocation for any scheme will be provisional until confirmation of the Scheme at which scheme costs are considered fixed for grant purposes. The expenditure profile for the Arbroath (Brothock Water) Flood Protection Scheme is presented in Table 2 of section 6.

4.6 A series of further investigative works have begun to confirm ground conditions around Arbroath to advise the final design details. Council officers have also entered detailed discussions with Utility providers to begin enabling works to divert or alter apparatus to allow Angus Council to move forward with Scheme construction works once a contractor has been appointed.

4.7 Pre-Publication Consultation

4.7.1 Four consultation events were held within Arbroath to provide a forum for residents and local business owners to come and meet the project team for the Scheme, ask questions and an opportunity to view hard copies of the draft Scheme documents. The events were advertised on the Angus Council website, newsletters and its respective Facebook and Twitter accounts.

4.7.2 There was a strong showing of support given for the current proposals. However, a broad range of opinions were expressed with some registering concerns over visual issues and effects on the local wildlife habitats.

4.7.3 All responses were collated and reviewed by the project team and formalised in to a log. This held details of the responses e.g. reference, date, name, comment etc. Each comment was considered individually and actions created within the log. At the end of the consultation period the responses were reviewed and proposed changes to The Scheme were agreed by Angus Council and passed on to consultants for any revisions to the design. The latest designs have been made available along with the scheme documents with the Scheme publication.

4.8 Land Issues

Negotiations with landowners at the flood storage areas, where embankments and flow control will be constructed, are on-going to make arrangements and agreements for access to land, any land to be acquired and compensation to be paid. Similar negotiations with other owners or occupiers of land affected by the Scheme will also be undertaken. Updates on and approval of payments for land or compensation will be reported to subsequent committee meetings.

5. PROPOSALS

5.1 The revised programme of delivery of the Arbroath (Brothock Water) Flood Protection Scheme, as detailed in this report is proposed.

- 5.2 The revised programme will require the capital expenditure for the Scheme to be amended as part of the budget setting and development of the Financial Plans over the period 2018/23.
- 5.3 It is proposed that updates on and approval of payments for land or compensation will be reported to subsequent committee meetings, subsequent to publication of the Scheme.

6. FINANCIAL IMPLICATIONS

- 6.1 As detailed in section 4 of this report, the costs of the Arbroath (Brothock Water) Flood Protection Scheme has been re-profiled and has been subject of communication on grant funding allocations with Scottish Government. Capital funding allocations will need to be amended subsequently as part of the budget setting and development of the Financial Plans over the period 2018/23. The latest funding and expenditure profile for the Arbroath (Brothock Water) Flood Protection Scheme is set out in the Table 2 below.

Table 2: Latest funding and expenditure profile for the Arbroath (Brothock Water) Flood Protection Scheme

	Estimated Total Cost £000	Actual to 31/03/16 £000	Actual 2016/17 £000	Monitoring Budget 2017/18 £000	Estimate 2018/19 £000	Estimate 2019/20 £000	Estimate 2020/21 £000
Arbroath Flood Strategy (Brothock Burn / Seawall projects)	11,970	1,352	149	183	1,490	6,827	1,969
<i>Scottish Government General Capital Grant (to be confirmed)</i>	(6,699)	0	0	0	0	(5,124)	(1,575)
<i>Coastal Communities Fund</i>	(75)	(75)	0	0	0	0	0
Net Cost	5,196	1,277	149	183	1,490	1,703	394

7. RISK

- 7.1 The overall risk identified in this report is that of flooding to people, property and land in Arbroath. The Flood Risk Management (Scotland) Act 2009 presents the risk-based, plan-led approach to managing flood risk across Scotland and locally. Delivering the actions identified in the Local Flood Risk Management Plans, as detailed in this report, will reduce flood risk. The Scheme will reduce flood risk in Arbroath.
- 7.2 In order to implement all of the actions identified in the Plans, including the Scheme, sufficient funding and resources will need to be available and allocated. The revenue and capital budget setting by the council over the period 2016-2022 must consider the statutory requirements of the Act against all other requirements of the council.
- 7.3 As a lead authority, one of the statutory responsibilities is that an interim report on the Local Flood Risk Management Plan must be published. The interim review would be undertaken between June 2018 and June 2019 (between years 2 and 3 of the six year plan cycle). The review will report on the progress that has been made towards implementing the actions identified in the Plan.
- 7.4 Between years 5 and 6 (June 2021 and June 2022), a report must be published by the lead authority on progress against the Plan actions, those not implemented, with reasons, and any other additional actions that contributed to the objectives set down in the Flood Risk Management Strategies.

7.5 Our performance and that of other responsible authorities and SEPA will therefore be subject to published scrutiny, which would present a risk should actions not have been delivered where adequate resources have been allocated.

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NOTE:

The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

Report No. 87/16 - Flood Risk Management (Scotland) Act 2009 Update – 1 March 2016
Report No. 17/16 - Flood Risk Management (Scotland) Act 2009 Update – 19 January 2016
Report No. 297/15 – Flood Risk Management (Scotland) Act 2009, Arbroath Flood Strategy & Arbroath (Brothock Water) Flood Protection Scheme Updates – 18 August 2015
Report No 463/14 – Flood Risk Management (Scotland) Act 2009 Update – Communities Committee – 18 November 2014
Report No.251/13 - Arbroath Flood Strategy & Brothock Water Flood Protection Scheme – Update, Infrastructure Services Committee 16 April 2013
Report 602/10 – Arbroath Flood Strategy, Infrastructure Services Committee 24 August 2010