FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – LOCAL FLOOD RISK MANAGEMENT PLAN – ACTION PRIORITISATION

1. Purpose of Report
1.1 In accordance with the Flood Risk Management (Scotland) Act 2009, the Council has a duty to publish a Local Flood Risk Management Plan setting out Actions to manage flood risk for the Solway Local Plan District (LPD).

1.2 Following publication of the Solway Local Plan District Flood Risk Management Strategy by SEPA in December 2015, this report seeks Members approval for the Actions within the Solway LPD Local Flood Risk Management Plan that will be delivered by Dumfries and Galloway Council.

2. Recommendations
Members are asked to:

2.1 note that the Actions for the first cycle (2016-2021) contained with the Local Flood Risk Management Plan (LFRMP) for the Solway Local Plan District (LPD) are as published by SEPA in their Solway LPD Flood Risk Management Strategy in December 2015;

2.2 note that in some areas that have suffered flooding, most recently in December 2015, there are no works programmed to be undertaken during the first cycle (2016-2021);

2.3 note that many of the Actions to manage flood risk will be delivered by others, e.g. SEPA and Scottish Water, and these are not detailed within this report;

2.4 agree the delivery primarily from existing revenue and capital budgets of the Actions (see Table 1 and Table 2) for which Dumfries and Galloway Council are Delivery Lead during the first cycle (2016-2021) of the Solway LPD LFRMP to be published in June 2016, principally:

- Region-wide actions – maintenance (clearance and repair), self help (including property level protection), emergency plans/response, planning policies and awareness raising (including property level protection) as detailed in section 3.10 and Appendix 1.
- The delivery of flood studies for Kirkconnel, Moffat, Creetown, Dalbeattie, and Moniaive as detailed in section 3.13.
- A refresh of the Shoreline Management Plan be undertaken to better inform any future investment in coastal infrastructure and the future coastal flood studies as detailed in sections 3.14 – 3.15.
- The delivery of a natural flood management study for the Dee catchment (potentially beneficial for Castle Douglas and Kirkcudbright) as detailed in section 3.16 and Appendix 2
- The delivery of surface water plans/studies for Dumfries and Annan as detailed in sections 3.17 – 3.19
- The support of two established flood action groups as detailed in sections 3.32 – 3.34
- The maintenance of various flood protection (prevention) schemes as detailed in sections 3.35 – 3.36.
- The delivery of the Whitesands flood protection scheme.

2.5 agree the development and delivery of flood protection schemes at Langholm and Newton Stewart and completion of flood protection works at Stranraer as detailed in sections 3.21 – 3.31 (and Appendices 3-6) subject to successful completion of statutory procedures
2.6 agree that further development work on the Carsphairn Flood Study is completed utilising existing revenue funding and further agree that, if a scheme is proven to be deliverable, to lobby the Scottish Government for grant funding to support the identified scheme;

2.7 note that at this Committee on 14 June 2016 Members will be provided a brief report and weblink to the final version of the Local Flood Risk Management Plan for the Solway Local Plan District prior to publication by end June 2016; and

2.8 note that the delivery of flood protection schemes for Langholm, Newton Stewart and Carsphairn will require future consideration as part of the ongoing development of the Council’s Capital Investment Strategy at Policy and Resources Committee and further note that it will be necessary to maintain current revenue funding levels to ensure the delivery of the flood studies and a refresh of the Shoreline Management Plan as detailed in sections 3.13 – 3.19.

3. Considerations

3.1 As Lead Local Authority, Dumfries and Galloway Council has to produce a Local Flood Risk Management Plan (LFRMP) for the Solway Local Plan District. This LFRMP will be produced in partnership with SEPA and the appropriate Responsible Authorities, namely Scottish Borders Council, East Ayrshire Council, Scottish Water and Forestry Commission Scotland.

3.2 At this Committee on 14 July 2015, Members agreed to the Actions that would be delivered by this Council to manage flood risk in a plan led, risk based, sustainable approach across Dumfries and Galloway. These Actions were then presented in SEPA’s recently published Solway Local Plan District Flood Risk Management Strategy (FRMS), a copy of which can be found here - http://apps.sepa.org.uk/FRMStrategies/pdf/lpd/LPD_14_Full.pdf

3.3 The Solway LPD Local Flood Risk Management Plan, which complements the FRMS, has taken the objectives and details what Actions will be taken, by whom and at what time, to deliver them within the first six-year planning cycle from 2016 to 2021. Within this Committee report the full LFRMP will not be fully reproduced, but instead the Actions to be delivered by this Authority will be detailed for approval by the Committee.

3.4 As detailed in the paper to this Committee on 14 July 2015, the purpose of prioritising Actions to manage flood risk is based on the ethos of the Flood Risk Management (Scotland) Act 2009 (FRM(S)A09) which is one of a plan-led, risk-based approach to sustainably managing flooding. In determining priorities for a limited budget, both capital and revenue, the costs of any Actions will be compared with the benefits. In moving to this approach we will target those areas at greatest risk of flooding and endeavour to reduce the likelihood or impacts of the flooding before an event rather than reacting to an event. Members agreed at this Committee on 14 July 2015 that that in accordance with the ethos of the FRM(S)A09, there is a need to target resources to the areas identified as being at the greatest risk. The proposed Actions detailed in this report are the priority for completion, noting that failure to do so will likely see a failure to meet with the statutory requirements of the Act.

3.5 The flooding events that occurred during December 2015, as a consequence of Storm Desmond and Storm Frank have seen impacts at locations already identified as being at risk, specifically Langholm, Newton Stewart and Whitesands, Dumfries; all locations where the
delivery of flood protection measures have been targeted for delivery in the first cycle (2016-2021) and where Scottish Government have given a commitment to fund 80% of costs.

3.6 Storm Frank also led to flooding in Moniaive, a location where a draft flood study was commissioned following a flooding event in December 2013. This second instance of flooding in 2 years occurred despite the presence of a flood prevention (protection) scheme constructed in 1963 under the previous legislation: the Flood Prevention (Scotland) Act 1961.

3.7 Furthermore, the impacts of Storm Frank caused significant flooding at Carsphairn, a location not within a previously identified Potentially Vulnerable Area (PVA), but one that this Council has identified more recently following flooding in 2013. As detailed in the report to this Committee on 14 July 2015, Scottish Government funding for a scheme at this location is not available in the first cycle (2016-2021). However, Members agreed at that time to the completion of a flood study to allow consideration of options that may substantially reduce flood risk through a scheme potentially funded fully by the Council.

The Solway Local Plan District Local Flood Risk Management Plan

3.8 There are eighteen Actions identified in the national strategies to manage flood risk, for which different authorities are responsible see Table 1.

<table>
<thead>
<tr>
<th>Actions</th>
<th>Delivery Lead</th>
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<td>Flood protection scheme/works</td>
<td>Local Authority / Infrastructure owner (e.g. Network Rail)</td>
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<td>Natural flood management works</td>
<td>Local Authority</td>
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<td>New flood warning</td>
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<td>Community flood action groups</td>
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<td>Property level protection scheme</td>
<td>Local Authority</td>
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<td>Site protection plans</td>
<td>Facility Owner</td>
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<td>Flood protection study</td>
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<td>Awareness raising</td>
<td>All</td>
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<td>Surface water plan/study</td>
<td>Local Authority</td>
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<td>Emergency plans/response</td>
<td>Local Authority</td>
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<td>Maintain flood protection scheme</td>
<td>Local Authority</td>
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<td>Strategic mapping and modelling</td>
<td>SEPA or Scottish Water</td>
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<td>Flood forecasting</td>
<td>SEPA</td>
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<td>Self help</td>
<td>All Responsible Authorities and SEPA</td>
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<td>Maintenance</td>
<td>Local Authority</td>
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<td>Planning policies</td>
<td>Local Authority</td>
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Table 1 – Actions to manage flood risk and Delivery Lead

3.9 Actions that will solely be delivered by others are not detailed within this report, but will be in the final publication. Details of the Actions delivered by others e.g. “strategic mapping and modelling” or “flood forecasting” can be found in the Solway LPD FRMS.

3.10 Table 2 summarises the actions to manage flood risk in the Potentially Vulnerable Areas of the Solway Local Plan District. As can be seen, a number of the Actions to manage risk apply to all PVAs. For the ones that are to be delivered by Dumfries and Galloway Council, the details of when they will be delivered and how this will be funded can be found in Appendix 1. These generic Actions are as follows:

- Awareness Raising (note this is the responsibility of all, but Actions to deliver are given for the local authority).
- Emergency plans/response (note this is the responsibility of all emergency responders, but Actions to deliver are given for the local authority).
• Self-help.
• Maintenance.
• Planning policies.

3.11 In reviewing Table 2 Members should be aware that in some areas that have suffered flooding, most recently in December 2015, there are no works programmed to be undertaken during the first cycle (2016-2021). This includes Castle Douglas and Moffat.
<table>
<thead>
<tr>
<th>Action to manage flood risk</th>
<th>Flood protection scheme/works</th>
<th>Natural flood management works</th>
<th>New flood warning</th>
<th>Community flood action groups</th>
<th>Property level protection scheme</th>
<th>Site protection plans</th>
<th>Flood protection study</th>
<th>Natural flood management study</th>
<th>Maintain flood warning*</th>
<th>Surface water plan study***</th>
<th>Emergency plans/response***</th>
<th>Maintain flood protection scheme*</th>
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Table 2 – Actions to manage flood risk per PVA in the first cycle (2016-2021)

Notes: *NA is used where there is no formal flood protection scheme or flood warning present
**PVAs 14/03 (Newcastleton) and 14/26c (New Cumnock) are outwith Dumfries and Galloway
***The Actions are applicable to all PVAs. Details of delivery timescales and funding can be found in Appendix 1
3.12 The following Actions are location specific and the LFRMP will identify the delivery schedule, along with funding mechanisms.

Flood Protection Studies including Natural Flood Management Studies and Surface Water Studies.

3.13 As agreed by this Committee on 14 July 2015, the FRMS and consequently the LFRMP will detail proposals to deliver flood protection studies, natural flood management studies and surface water management plans all of which will be funded by Dumfries and Galloway Council. Studies into principally river flooding are as follows:

- **PVA 14/01 – Kirkconnel** - Reduce the risk of river flooding to properties in Kirkconnel. The study in this location has principally been completed and shows that there are limited benefits in undertaking engineered defences. However during the first cycle (2016-2021) further work will be undertaken to develop two distinct options. Firstly to build upon the work undertaken by DGHP in providing, in conjunction with Dumfries and Galloway Council, property level protection, the benefit of which will be improved through the development of a SEPA-led flood warning system. Secondly for DGHP, in conjunction with colleagues in the Council's Strategic Housing function, to consider the use of housing stock in the Kirkconnel / Kelloholm area.

- **PVA 14/02 – Moffat** - Reduce the risk of river flooding to properties in Moffat. Studies at Moffat have been undertaken in the past and have considered risks from the three main watercourses – River Annan, Birnock Water and the Crosslaw Burn as well as run-off issues from the Gallowhill. This has led to some improvement works, specifically above Hydro Avenue. During the first cycle (2016-2021) the previous works will be updated using better data, specifically better digital terrain mapping, allowing the consideration of issues such as out of channel flow (an issue identified on the Birnock Water) and general run-off issues from the Gallowhill. This work will commence in 2017/18.

- **PVA 14/17 – Creetown** - Reduce the risk of river and coastal flooding to residential properties in Creetown. A number of properties in Creetown are at risk of flooding from both river (Moneypool and Balloch Burns) and coastal sources, or a combination of both. The study at this location will look at both sources and the interaction. The delivery of this study will be later in the first cycle (2016-2021) to allow the findings of the shoreline management study to be progressed.

- **PVA 14/19 – Dalbeattie** - Reduce the risk of river flooding to residential and non-residential properties in Dalbeattie. A flood study for Dalbeattie was commissioned in 2015 to determine the benefits offered by the Flood Protection Scheme built in 1980. The study is currently in draft form. This study will be finalised in 2016/17 and will set out options for improving flood risk in Dalbeattie, including necessary repair works to the formal flood prevention scheme. It will also consider simple improvements to existing defences that will offer worthwhile improvements to the level of protection offered by the scheme.

- **PVA 14/25c – Moniaive** - Reduce the risk of river flooding to properties in Moniaive. This community has seen significant flooding in December 2013 and further, even more significant flooding in December 2015 during Storm Frank, despite the presence of a formal flood prevention scheme. A flood study was commissioned following the events of December 2013 with the intention of determining whether improvements to
the existing defences would be beneficial. The study is currently in draft form but will be finalised in 2016/17 and will set out options for improving flood risk in Moniaive, including necessary repair works to the formal flood prevention scheme. It will also consider simple improvements to existing defences that will offer worthwhile improvements to the level of protection offered by the scheme.

3.14 In 2005, Dumfries and Galloway Council published Stage 1 of the Dumfries and Galloway Shoreline Management Plan. Building upon this work, during the first cycle (2016-2021), a Shoreline Management Study, focussing on coastal flooding and erosion issues will be delivered. The LFRMP will identify that the work will be funded by Dumfries and Galloway Council. Given the costs involved in this work, it will be commenced in 2016/17 and continue over the full term of the first cycle.

3.15 In the initial works, consideration will be given to targeting higher risk locations allowing the potential for flood protection works to be identified in time to be considered for further development, funding and construction in the second cycle (2022-2027). From the point of view of the LFRMP, this Study will deliver on commitments to reduce flood risk in PVAs with a coastal flood risk. However, the study will also address issues along the full length of the region’s shoreline specifically associated with impacts upon Council infrastructure e.g. roads. The PVAs in which the delivery of this Action has been identified are as follows:

- PVA 14/08 – Ecclefechan – Annan.
- PVA 14/15 – Stranraer.
- PVA 14/19 – Dalbeattie.
- PVA 14/21 – Southernness and Carsethorn.
- PVA 14/22 – Kirkcudbright.
- PVA 14/24 – Isle of Whithorn and Garlieston.

3.16 The first cycle (2016-2021) will also see the delivery of a natural flood risk management study in part of the Dee Catchment. As part of the wider Galloway Glens Landscape Partnership Scheme, Dumfries and Galloway Council propose to investigate whether Natural Flood Management measures can be utilised on the small tributaries of the Dee to reduce flood risk to settlements in the Dee catchment and provide other ecological and habitat benefits. This is applicable to PVAs 14/11 – Castle Douglas and 14/22 – Kirkcudbright. Further details can be found in Appendix 2.

3.17 Finally, with respect to studies, the first cycle (2016-2021) will see the delivery of a surface water plan / study (also known as Surface Water Management Plans) in Dumfries (PVAs 14/05 and 14/06) and Annan (PVA 14/08).

3.18 Surface water flooding is principally associated with urban areas. It can be described as flooding from high intensity rainfall events that cause flooding from rainfall runoff flowing and ponding on the ground and also flooding from sewers and other artificial drainage systems such as road drainage when the capacity of drainage systems is exceeded. Based on surface water flooding mapping produced by SEPA and following meetings with Scottish Water and colleagues in the Roads Service, a number of locations within Dumfries and Annan have been identified as requiring further investigation.

3.19 These studies will be funded by Dumfries and Galloway Council and will be undertaken in conjunction with Scottish Water. The works are scheduled to commence in 2016/17 with completion by 2019.
Flood Protection Schemes / Works

3.20 As agreed by this Committee on 14 July 2015, the FRMS and consequently the LFRMP will detail proposals to deliver flood protection schemes / works at the following four locations:

- Whitesands, Dumfries.
- Stranraer (work items 4 and 6 on the Town Burn and Black Stank catchments).
- Newton Stewart.
- Langholm.

Whitesands

3.21 At this Committee on 10 November 2015, Members agreed to the development of a flood protection scheme for the Whitesands that provided both a 1:75 year return period standard of protection and improvements in the public realm, with agreement to return to Committee for a final decision prior to promoting in accordance with the Flood Risk Management (Scotland) Act 2009 and associated 2010 Regulations. The option, developed following feedback from public engagement works in January 2015 where concerns were raised over the height of permanent defences, will see a raised walkway with glass walling form the section of the scheme from Buccleuch Street Bridge to Assembly Street with the other areas being protected generally by walls. See Appendix 3 for the relevant extract from the Solway LPD LFRMP.

Stranraer

3.22 A number of work packages for managing flood risk in Stranraer have been completed, but two remain outstanding, namely Work Item 4 and Work Item 6. Work Item 4 involves the collection of excess run-off from the Gallowhill above Ochtrelure Way and diversion to the catchment of the Black Stank. Work Item 6 involves the formalisation of floodwater storage on fields to the south of the railway line at Blackparks through the installation of a flow control structure on the Town Burn at the point where the watercourse passes under Edinburgh Road. The two Work Items affect many of the same landowners and to date agreement has not been reached to undertake the works. Engagement with the Valuation Office Agency and use of Council’s Legal Services is being undertaken with the aim of either reaching agreement with affected parties or utilising the coercive powers of the Flood Risk Management (Scotland) Act 2009.

3.23 The development of these works will continue to be progressed and will be delivered in the first cycle (2016-2021), but at this stage, given the challenges with land negotiations it is not possible to accurately determine the delivery date. See Appendix 4 for the relevant extract from the Solway LPD LFRMP.

Newton Stewart

3.24 Newton Stewart suffered flooding in November 2012. This led to the undertaking of a flood study for the town which identified that a flood protection scheme to offer a low level of protection (1:10 year return period) was economically viable. Unfortunately, the costs associated with a scheme to protect from flooding from a larger event were shown to be more expensive than the benefits realised.

3.25 Since reporting to Committee on 14 July 2015, work has been undertaken by Kaya Consulting in an attempt to deliver a lower capital-cost scheme which will achieve a 1:75 year return period standard of protection and a positive benefit cost ratio. Utilising revenue monies, options for a scheme that targets the areas at greatest risk, principally downstream of the Cree Bridge on the west (town) side are developed, with other locations being considered for lower cost options including property level protection. Towards the end of
2015, this was achieved in principle although there was a need to acknowledge that a small number of higher risk properties could not be protected with formal defences. The use of property level protection for those locations where permanent defences are not achievable is predicated on the SEPA Flood Warning System (similar to that operated on the Nith at Dumfries) being operational. The LFRMP shows this will be operating towards the latter half of 2016.

3.26 In December 2015 during Storm Frank, significant flooding, exceeding that of the November 2012 event occurred. This included failure of the riverside wall on Riverside Road exacerbating flooding in the town centre. At the time of writing this report, the impacts of this event are still being investigated to ensure that any scheme developed will offer an appropriate level of protection. This will include reviewing impacts to the small community of Challoch on the Cree, just slightly northwest of the town.

3.27 One matter that will be considered at an early stage is the raising of the Sparling footbridge. The hydraulic modelling work has indicated that this has an impact upon flood flows, raising water levels upstream. Furthermore, the bridge is hit by waterborne debris during flood flows and may suffer from damage as a consequence. Raising the structure above the flood levels could be undertaken ahead of any flood protection scheme development without prejudicing other defence works. See Appendix 5 for the relevant extract from the Solway LPD LFRMP.

Langholm

3.28 A flood study was commenced for Langholm in 2012 as a high priority area, given SEPA’s indicative flood mapping (strategic mapping) indicated approximately 524 properties were within the 1:200 year return period floodplain of the rivers Esk, Ewes and Wauchope. Through hydraulic modelling work the flood study refined the number of properties at risk to 185 and identified that there was a positive benefit cost ratio for a scheme offering protection to a 1:25 year return period.

3.29 Further concern with flood risk in Langholm comes from run-off from agricultural land on the west side of the town and capacity issues with culverts on the east side of the town. Although this element requires further investigation and study work to determine whether cost effective measures can be implemented, the LFRMP will identify that further work to investigate solutions.

3.30 In early December 2015, Storm Desmond led to high river flows in the Langholm area. While there was some damage to the riverside wall at George Street, generally impacts were limited as the walls were not over-topped. At the time, a multi-agency response saw installation of property level protection from the Council’s Flood Pod on at risk properties and evacuation of a number of houses near to the river. Within the LFRMP, it is proposed that ahead of any scheme development, there is a move towards a Community-led property level protection scheme.

3.31 Community-led property level protection measures are considered more appropriate for Langholm than for other at risk communities because of the likelihood of the risk. Unlike, for example Whitesands where flooding occurs regularly, at Langholm, property on the riverside has little history of flooding. The risk is present, as has been demonstrated by both the Flood Study and the recent high flow events, but it is not as frequent as other locations. So relying on all residents to sign up for SEPA Floodline warnings and know how to react to an infrequent event may not be effective. Instead, working with the Community, likely through the establishment of a Community Resilience Team, the Council would provide a store of property level protection equipment to be installed on issue of a flood warning. A SEPA
Flood Warning System (similar to that operated on the Nith at Dumfries) is scheduled in the LFRMP to be operating towards the latter half of 2016. See Appendix 6 for the relevant extract from the Solway LPD LFRMP.

Community Flood Action Groups

3.32 Two locations in Dumfries and Galloway have Community Flood Action Groups identified as a way of managing flood risk – Moffat (PVA14/02) and Newton Stewart (PVA 14/12).

3.33 The Moffat Flood Action Group was established in 2012 with a Charter signed by the Chair of the Group, the Chair of the Community Council, the Scottish Flood Forum, and the Director and Chair of the then Planning, Housing and Environment Services Committee. The Moffat Flood Action Group have been involved in flood matters in Moffat and generally raising awareness of risk, for example through:

- Promoting the Council’s subsidised flood products scheme and being supportive of property level protection.
- Obtaining funding and installing their own river level monitor in conjunction with SEPA and the Council. This augments the two water level monitors the Council has on small watercourses for which the Group have web-based access to level information, assisting in response when issues arise.
- Raising awareness of flood risk through engagement with Moffat Through-School.

3.34 The Cree Valley Flood Action Group was established in 2013 following the flooding events of November 2012. Like the Moffat Flood Action Group, this group is a sub-group of the Community Council. Initially the Group supported the Council attendance at local facilities to support the subsidised flood products scheme and latterly have engaged with the on-going modelling works. Following the events of December 2015 when Strom Frank led to significant damage, progress is being made to expand the Group to offer a response role during times of higher flood risk to support the Community in being flood resilient. This development is on-going but will be supported by the Council, specifically the Safety and Resilience function with the likely development of a Community Resilience Team.

Maintaining Flood Protection Schemes

3.35 A number of the PVAs contain Flood Prevention Schemes constructed in accordance with the Flood Prevention (Scotland) Act 1961. The majority of these schemes across the region are quite small, limited in some cases to short lengths of culvert or riverbank protection works. These will be assessed, inspected and works scheduled and undertaken in accordance with Section 18 and Section 59 of the Flood Risk Management (Scotland) Act 2009.

3.36 With the three, larger flood prevention schemes that do exist (in Portpatrick, Dalbeattie and Moniaive) the LFRMP will offer a brief level of detail on the measures undertaken to maintain these schemes.

Areas outwith Potentially Vulnerable Areas

3.37 As discussed in the 14 July 2015 report to this Committee, the focus of resources must remain on the 23 areas that were identified as Potentially Vulnerable Areas in the December 2011 National Flood Risk Assessment designated by Scottish Ministers following a consultation period. The legislation does not prevent our Council from undertaking works outwith a PVA, but these cannot be progressed to the detriment of Actions within the LFRMP. Furthermore, works outwith a PVA are not eligible for Scottish Government grant funding. It
is crucial therefore that in considering the progression of projects outwith a PVA, separate funding, distinct from that required to address the PVA works detailed above, is allocated.

3.38 Within the Solway LPD, the location of most recent concern, and one where a flood study has been recently produced, is Carsphairn. Flooding in December 2013 and January 2015 has highlighted the flood risk within this community and the study was published in draft form and issued to the Community Council.

3.39 At this Committee on 14 July 2015 Members agreed that development work on the Carsphairn flood study be progressed utilising revenue funding with a future report to this Committee for support for a Council funded Capital project if development work proves definitively that a scheme is worth constructing.

3.40 On the 30 December 2015, Carsphairn was flooded for the third time in two years; this most recent event the worst of the three, with 28 properties flooded. Continuing to use revenue monies from the Flood Risk Management budget, the report will be refreshed with the impacts of this event.

3.41 The findings of the original report have indicated that there is a potential scheme to protect the community from the flood risk posed by the nearby Water of Deugh. This is very much at the initial stages, but does show that there is potential for a flood protection scheme that offers a benefit cost ratio of 1:1.27. In refreshing this original report officers will seek to develop the following:

- Options for a flood protection scheme and or measures that will reduce the risk of flooding.
- Options for short-term improvements, improvements in early warning and recommendations for Community-led resilience that can effectively reduce the impacts of any future significant out-of-channel flow event.

3.42 It is acknowledged that the second option, for short-term improvements, while potentially offering benefits, is a short-term measure. However, clearly the issue remains that within this first cycle (2016-2021) there is no opportunity to drawdown funding from the Scottish Government as the village is not within a Potentially Vulnerable Area. On the current criteria it would not meet the requirements of becoming a PVA, as the number of properties identified as being at risk is less than 50. However, there is the potential that in a future cycle this area could be identified as a PVA and thus make it feasible to be considered for funding.

3.43 This restriction on potential grant funding cannot be a reason for not progressing with the completion of the flood study and the development of a flood protection scheme. Consequently, as agreed by this committee on 14 July 2015 Members are recommended to agree that works on the development of a flood protection scheme and improvements in flood warning for Carsphairn are progressed utilising existing revenue funding to a point where a more definitive decision can be made as to whether a scheme is worth progressing.

3.44 Furthermore, Members are recommended to agree that if a viable scheme is shown to be deliverable (i.e. positive benefit cost ratio), lobbying of Scottish Government be undertaken to seek capital funding grant towards design and construction costs.

Financial Implications
3.45 Dumfries and Galloway Council are responsible for the delivery of the many of the Actions identified within the Solway Local Flood Risk Management Plan. Exclusions are
those Actions being delivered by other bodies or responsible authorities e.g. SEPA or Scottish Water or those in areas outwith Dumfries and Galloway, specifically in Newcastleton and New Cumnock. This clearly has financial implications that must be budgeted for over the period of the first cycle (2016-2021) and consequently the LFRMP sets out how these Actions would be funded.

Capital Funding
3.46 The Council’s agreed Capital Investment Strategy includes funding to support the Council’s share of the development and capital costs of the Whitesands Project.

3.47 No funding is reflected within the current strategy in relation to further schemes at Stranraer, Newton Stewart and Langholm at this stage and support for these projects will require to be sought through the Policy & Resources Committee. The timing of the consideration of funding for these projects will take into account factors including competing demands for capital funding and the timing of the availability of Scottish Government grant support.

3.48 At this Committee on 14 July 2015, Elliot Robertson, SEPA advised that those schemes identified within the national prioritised list are eligible for Scottish Government grant funding of 80% assuming a positive benefit cost ratio is proven. For Dumfries and Galloway Council the applicable scheme are Whitesands, Stranraer, Newton Stewart and Langholm. Furthermore, the de-minimus of £2M previously imposed is likely to be dropped from future grant funding. This may allow for works at Stranraer to be funded. There will however be a requirement for our Council to fund a minimum of 20% of the Capital costs of these schemes. As reflected at paragraph 3.47 above, Council funding will require to be sought through the Policy & Resources Committee at the appropriate stage as part of the ongoing development of the Capital Investment Strategy. Table 3 contains an indicative six-year spend profile recently sent to Scottish Government for these four schemes.

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Table 3 – Indicative spend profile issued to Scottish Government 2 February 2016

3.49 Furthermore, at this Committee on 14 July 2015 Members were advised that the £42M capital monies identified for flood protection works by Scottish Government would be top-sliced by 20% with this £8.4M being provided to assist in the delivery of flood studies and potentially actions such as property level protection. This arrangement has now been confirmed by Scottish Government and the allocation for Dumfries and Galloway is estimated to be £150K per annum based on the number of properties at risk and the numbers that will be protected by future flood protection schemes. Members agreed at this Committee on 14 July 2015 to recommend to the Policy and Resources Committee that any funding received from Scottish Government identified for flood risk management is allocated to delivering the work detailed in this report.
3.50 Finally, it is understood that unlike in previous years where a local authority would, once a formal flood prevention (protection) scheme was confirmed, seek grant funding of eligible costs, this will change. Instead, Scottish Government are likely to provide Capital monies to all local authorities in the General Capital Allocation based on spend profiles for flood protection schemes. (This is understood to be the funding mechanism, but still requires approval at the Settlement and Distribution Group and then the CoSLA Leaders Group). This will require our Council to manage that allocation in a manner that allows the works within the LFRMP to be delivered within the first cycle (2016-2021). The benefit of this is that it does mean that there will be an amount of capital monies beyond the estimated £150K for the development of the schemes at Newton Stewart and Langholm. The report to Council on the Budget and Council Tax 2016/17 on the 29 February 2016 stated that Dumfries and Galloway has three specific schemes (Dumfries Whitesands, Langholm and Newton Stewart) within the planned programme of works issued by the Scottish Environment Protection Agency in December 2015. The planned programme of works will be taken forward over a number of years and the timing of individual schemes will be subject to a number of issues including the availability of Scottish Government and Council funding.

3.51 A mid cycle review is planned to ensure that the methodology for the allocation of the top sliced portion is appropriate. Of the initial 80% any monies not drawn down from Capital Works may be distributed based on this methodology.

Revenue Funding

3.52 The funding of flood studies and the Shoreline Management Plan refresh will be one of revenue, with use of capital monies only being appropriate once the study has identified a viable solution and agreement has been sought from the Strategic Asset Board and Service Committee to progress with a scheme. With Members being asked to agree to the inclusion of the delivery of a number of flood studies and SMP2 within the first cycle (2016-2021) of the LFRMP it is important that current revenue funding for flood risk management is maintained.

3.53 In agreeing to the details in the LFRMP, Members should be aware of correspondence received by our Chief Executive from the Scottish Government stating ‘Including “potential actions” in the implementation plan does not commit a local authority to implementation if, for any reason, that proves to be unworkable – one such reason could be that funding could not be secured.’ A copy of the letter provided to this Committee in July 2015 is included again within Appendix 7.

4. Governance Assurance

Members of the Corporate Management Team have been consulted and are in agreement with the terms of this report.

5. Impact Assessment

An Impact Assessment using the Council’s Impact Assessment Toolkit has not been undertaken at this stage but will be carried out prior to the finalisation of the LFRMP. The Plan is subject to Strategic Environmental Assessment (SEA) and the Council has prepared a Screening Opinion. This concludes that no further SEA process is required because sufficient assessment has already been carried out for SEPA’s Flood Risk Management Strategy. A determination to this effect will now be made. A Habitats Regulations Assessment will be undertaken prior to finalisation of the Local Flood Risk Management Plan. Environmental Impact Assessment (EIA) and Impact Assessment will be undertaken on individual projects contained in the LFRMP as and when required.
Appendices – 7

Appendix 1 – Extract from Solway Local Plan District Local Flood Risk Management Plan – Actions that are applicable to all Potentially Vulnerable Areas.
Appendix 2 – Extract from Solway Local Plan District Local Flood Risk Management Plan – Natural Flood Management Study in Dee Catchment
Appendix 5 – Extract from Solway Local Plan District Local Flood Risk Management Plan – Newton Stewart Flood Protection Scheme.
Appendix 6 – Extract from Solway Local Plan District Local Flood Risk Management Plan – Langholm Flood Protection Scheme.
Appendix 7 – Letter from George Burgess, Deputy Director of the Scottish Government’s Environmental Quality Division.

Background Papers
Item 7 - Planning, Housing and Environment Services Committee 13 October 2009, Implementation of the Flood Risk Management (Scotland) Act 2009. 

Item 9 - Planning, Housing and Environment Services Committee 6 November 2012, Implementation of the Flood Risk Management (Scotland) Act 2009, Update Report. 

Item 11 - Planning, Housing and Environment Services Committee 10 September 2013, Flood Risk Management (Scotland) Act 09, Implementation Update 


Item 13 – Economy, Environment and Infrastructure Services Committee 9 September 2014, Flood Risk Management (Scotland) Act 09, Implementation Update 
Item 6 – Stewartry Area Committee 17 September 2014, Flood Risk Management (Scotland) Act 09, Short-List of Measures to Manage Flood Risk in Stewartry

Item 2 – Nithsdale Area Committee 1 October 2014, Flood Risk Management (Scotland) Act 09, Short-List of Measures to Manage Flood Risk in Nithsdale

Item 6 – Wigtown Area Committee 1 October 2014, Flood Risk Management (Scotland) Act 09, Short-List of Measures to Manage Flood Risk in Wigtown

Item 6 – Annandale and Eskdale Area Committee 15 October 2014, Flood Risk Management (Scotland) Act 09, Short-List of Measures to Manage Flood Risk in Annandale and Eskdale

Item 11 – Economy, Environment and Infrastructure Services Committee 11 November 2014, Flood Risk Management (Scotland) Act 09, Implementation Update

Item 14 - Economy, Environment and Infrastructure Services Committee 13 January 2015, Flood Risk Management (Scotland) Act 2009 - Delivery Plan Consultation

Item 16 - Economy, Environment and Infrastructure Committee 14 July 2015, Flood Risk Management (Scotland) Act 2009 – Local Flood Risk Management Plan – Action Prioritisation

Item 12 - Economy, Environment and Infrastructure Committee 10 November 2015, Whitesands Project (Flood Protection Scheme and Public Realm Improvements) – Approval to Promote Scheme

Item14 – Economy, Environment and Infrastructure Committee 12 January 2016 – December 2015 Flooding Update


The Flood Risk Management (Scotland) Act 2009

Flood Risk Management Planning in Scotland Arrangements for 2012-2016
National Flood Risk Assessment Methodology:
https://www.sepa.org.uk/media/99914/nfra_method_v2.pdf

Dumfries and Galloway Shoreline Management Plan

Surface Water Management Planning Guidance, The Scottish Government

Solway Local Plan District Flood Risk Management Strategy -