

EAST AYRSHIRE COUNCIL

DEVELOPMENT AND PROPERTY SERVICES COMMITTEE - 14 DECEMBER 2004

SUBMISSION OF THE GALSTON FLOOD PREVENTION SCHEME TO THE SCOTTISH EXECUTIVE FOR CONFIRMATION

Report by the Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1** To inform the Committee of the progress on the Council's proposed flood prevention works for Galston.
- 1.2** To seek authority from the Committee for submission of the Galston Flood Prevention Scheme to the Scottish Executive for confirmation.
- 1.3** To approve funding for the Galston Flood Prevention Scheme.

2. BACKGROUND

- 2.1** At the Development Services Committee of 12 March 2003, the Committee:
 - a) noted the progress on the Council's proposed flood prevention works for Galston;
 - b) approved the public consultation exercise on the proposed flood prevention works for Galston;
 - c) approved the preparation of a contract and tender issue for costs, for the promotion of a formal Flood Prevention Scheme under the Flood Prevention (Scotland) Act 1961, post public consultation;
 - d) noted that a further report will be submitted setting out the funding implications for the progression of the promotion of a formal Flood Prevention Scheme under the Flood Prevention (Scotland) Act 1961.

3. PROGRESS

- 3.1** The Galston Flood Prevention Scheme has been prepared and a copy is currently with the Scottish Executive for checking with respect to procedural matters and the initial checking of the benefit-cost analysis. This is expected to be complete by end December/early January.
- 3.2** The Council's Legal Department is currently finalising the Order for submission to the Scottish Executive and the Notice, for publication in the Kilmarnock Standard and Edinburgh Gazette.

- 3.3** It is anticipated that the Order will be submitted to the Scottish Executive early January following which the Notice of the Order will be published for two consecutive weeks in the Kilmarnock Standard and Edinburgh Gazette, subject, of course, to Committee approval.

4. FINANCIAL IMPLICATIONS

- 4.1** The flood prevention measures at Galston will exceed costs which could readily be met from within the Council's own resources.
- 4.2** In view of the number of properties which will be affected by flooding at Galston, the estimated capital cost of the 1 in 100 year plus climate change is £7.2M. This estimated cost includes direct construction costs, accommodation works for utilities, a 25% Preliminaries allowance, a 30% contingency allowance (in accordance with Treasury and Scottish Executive guidance), cost of land acquisition and supervision costs. This provides a benefit-cost ration of 2.9. On this basis it is expected that the Scottish Executive will look favourably on a grant funding request.
- 4.3** The Scottish Executive announced on the 30 September 2004 that grants which were available under the Flood Prevention (Scotland) Act 1961 for confirmed flood prevention schemes to mitigate flooding of non-agricultural land has been increased from 50% to 80%. The new 80% grant will apply to grant offers made from 1 April 2004 providing the Scheme meets the Scottish Executive's technical, environmental and economic criteria.
- 4.4** The Council's contribution to the Galston Flood Prevention Scheme will therefore amount to an estimated cost of £1.5M.

5. LEGAL IMPLICATIONS

- 5.1** The Council has powers to carry out flood prevention works. Major schemes undertaken directly by the Council on privately owned land require submission of a Flood Prevention Scheme to the Scottish Ministers under the Flood Prevention (Scotland) Act 1961.
- 5.2** Any flood prevention measures that are promoted through a formal flood prevention scheme under the Flood Prevention (Scotland) Act 1961 requires a period of three months for any objections. This gives an opportunity for members of the public or public bodies who believe they may be adversely affected by the proposals to have their concerns considered before the scheme is approved. An approved scheme gives the Council powers of entry into land as required to implement the schemes, subject to compensation payments to land owners.

6. RECOMMENDATIONS

6.1 It is recommended that:

- i) The Committee note the progress on proposed flood prevention works for Galston;
- ii) The Committee authorises the submission of the Galston Flood Prevention Scheme to the Scottish Executive for confirmation.
- iii) The Committee approve funding of an estimated cost of £1.5M for the Galston Flood Prevention Scheme.

James Lavery
Director of Development and Property Services
1 December 2004

BACKGROUND PAPERS

Nil

For further information on the contents of this report contact John McRobert on 01563 576310

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