
HAWICK FLOOD PROTECTION PROJECT SCHEME PUBLICATION DATE DECISION

Report by Depute Chief Executive - Place

SCOTTISH BORDERS COUNCIL

29 September 2016

1 PURPOSE AND SUMMARY

- 1.1 This report provides Members with an update on the progress of the Hawick Flood Protection Scheme and a proposal that the Preferred Scheme is considered by Council at its meeting on 23 February 2017.**
- 1.2 The Project Team continue to deliver the Hawick Flood Protection Scheme on programme and in February 2016 the completion date was accelerated by six months to the revised substantial completion date of June 2021, with the reprofile of the project budget to allow the detailed design to commence in parallel with the scheme publication process.
- 1.3 Keeping to the current programme provides nine months of programme float before the end of the Scottish Government funding period in March 2022. This provides a period of time to rectify 'valid' objections to the published scheme or undertake a Public Local Inquiry before it effects the funding viability of the project.
- 1.4 The Project Team require Scottish Borders Council to approve the Preferred Scheme on 23 February 2017 allowing the preparation of the appropriate documents to enable the scheme to be published on 18 April 2017, with the determination period running in parallel with the pre-election ('Purdah') period for the 2017 Local Government Election.

2 RECOMMENDATIONS

- 2.1 I recommend that Scottish Borders Council:-**
 - (a) Notes the progress made on the project to date.**
 - (b) Agrees that a report is brought to Scottish Borders Council meeting on 23 February 2017 to consider the Preferred Scheme for publication.**

3 PROGRESS UPDATE

3.1 Progress with the Hawick Flood Scheme has been on programme since the commencement of the project delivery in late 2014. The key outcomes that have been achieved are as follows:

- a. Procure a Principle Designer (CH2MHill) on a 7 year NEC3 Professional Services contract to develop the project technically through to the programmed completion in June 2021.
- b. New topographic survey of the Teviot and Slitrig and affected properties threshold levels.
- c. New ground radar survey within proposed zone of flood defence works to identify utility locations and any noticeable below ground features.
- d. A suit of ecological survey were undertaken in 2015 (Bats, Badgers, Otters, Voles, Kingfishers, Trees, Botanical, Invasive species, breeding birds, fish, Landscape, noise, traffic)
- e. Revised River Teviot flood model since the baseline in 2012, which was accepted by SEPA in June 2016.
- f. The programmed piling trial for December 2015 was changed to react to the flood events to stabilise the retaining wall at Glebe Mill Street following the failure of the Scottish Water syphon.
- g. In late 2015 community groups created to identify opportunities for the project to support/enhance the heritage, art and sustainable transport along the water corridor.
- h. A community group created to look at opportunities for renewable energy to ensure that the flood protection solution would not prohibit future installations within the Teviot or existing culverted mill lade networks. (This will be achieved as far as reasonable practicable where it does not affect our duty to protect against flood risk.)
- i. Working group meetings have been undertaken with internal officers and external bodies to inform the development of the design prior to the public exhibition. (Watercourse impact Working Group; Roads and Access Group; Planning, Heritage and Landscape Working Group, Environmental Consenting Working Group).
- j. On 11 February 2016 Council approved the reprofile of the project budget to allow the detailed design to be brought forward by six months in the programme and change the expected substantial completion date from December 2021 to June 2021.
- k. On 19 May the Executive approved the reprofile of the project budget to allow emergency repairs to be undertaken to the Post Office retaining wall on the Teviot. These works commenced on 29 August 2016 following a detailed design and the approval of all permits/licences from statutory bodies.
- l. 16 August 2016 the budget was reprofiled to accommodate

additional ground and structural investigations throughout Hawick to increase the level of certainty for the Outline Design process.

- m. A successful Public Exhibition on 23rd & 24th August 2016, with over 700 visitors and over 500 comments cards submitted.
- n. Over the course of 2016 the Land Referencing exercise has progressed with the confirmation of circa 700 of the 1000 property owners in the 1 in 75 return period flood zone.

4 PROGRAMMED ACTIVITIES

4.1 Following the public exhibition on 23 & 24 August 2016 the design team can now review the community feedback and conclude the outline design to allow the 'Preferred Scheme' to be approved by Council. The key tasks are as follows:

- Stakeholder and public feedback analysis and review (Sept 2016)
- Micro exhibitions to target key issues in the community (Sept/Oct 2016)
- Complete Public Exhibition Report to review whole process and respond to the issues raised by Stakeholders and the Community (Sept/Oct 2016)
- Constructability audit of the proposed scheme to inform the final Outline Design and Land Referencing/Notification process (Sept 2016)
- Produce scopes of service for Utility diversions/protection, environmental mitigation and tree clearance enabling work packages (Sept to Dec 2016)
- Draft Environmental Statement (Sept to Dec 2016)
- Complete Land referencing process (Sept to Dec 2016)
- Prepare notification process (Jan to March 2017)

5 FLOOD PROTECTION SCHEME APPROVAL PROCESS ('CONFIRMED SCHEME')

5.1 The current mandate for the Project Team is to develop the project to the Outline Design stage, prior to the publication of the Preferred Scheme to obtain a 'Confirmed Scheme'. Once a 'Confirmed Scheme' is in place it is one of five milestones (Confirmed Scheme, Deemed Planning & CAR Licence, confirmed construction tender price) required to validate the project for Scottish Government funding through the construction period.

5.2 The Project Team require to present the Outline Design to Scottish Borders Council to obtain the decision to publish the Preferred Scheme and enter into the require scheme Determination Period. The Determination Period allows statutory stakeholders or private individuals to review the suite of project documents and raise any objections in relation to the scheme design or the affects the scheme may cause.

5.3 The Project Team have been proactively engaging with the community over

the last twelve months to obtain information to develop the Outline Design, but also to 'flush out' any issues that the community or statutory stakeholders may have to the proposals, so that action can be taken to avoid issues being raised during the Determination Period as valid objections to the Preferred Scheme.

5.4 The key actions that are required to be undertaken to obtain a 'Confirmed Scheme' are as follows:

- Scottish Borders Council approval to proceed with preferred scheme – 23/02/17 (to be agreed)
- Develop draft Flood Protection Scheme operations model – February 2017
- Develop Outline design drawings into scheme drawings – February 2017
- SBC Project team sign-off – February 2017
- Review & revise package of scheme drawings – March 2017
- Finalise Scheme of Publication (before Purdah period) – March 2017
- Finalise Landownership details – February 2017
- Organise advertisement & Notification – by 17/04/17
- Publication date – 18/04/17
- Determination Period – 19/04/17 to 16/05/17
- Identify valid objections – 17/05/17 to 19/05/17
- Discuss and negotiate objections (if required) – 22/05/17 to 28/07/17
- Resolution of objections (assume no modifications to published scheme) – 31/07/17 to 08/09/17
- Scheme 'Confirmed' by Scottish Borders Council – by 15/09/17 (subject to 2017 meetings calendar)

If objections to scheme are upheld by objectors the scheme will be referred to Scottish Government for determination – unknown time period

5.5 The delivery programme that has been communicated publically has not included any time beyond the statutory determination period and objection resolution period (totalling 85 working days) to get the scheme confirmed by Scottish Borders Council. If a valid objection is submitted that cannot be mitigated and removed within the periods in Section 5.4 the decision to 'Confirm' the scheme will have to be determined by Scottish Government based on the assessment of both parties written case. It is likely that the format of this will take the form of a Public Local Inquiry and could add on a significant period to the delivery programme.

5.6 The current funding period for the 42 approved schemes on the SEPA and Scottish Government list expires in March 2022. The next funding period will commence in April 2022 and will run until 2028, with a new list of prioritised schemes, determined on their individual merits.

- 5.7 The current estimated construction substantial completion date is June 2021, nine months prior to the end of the Scottish Government funding period, so any delay caused by a Scottish Government determination of the scheme can be absorbed during this period. More importantly there are 42 approved schemes in the funding period of 2016 to 2022, however it is unlikely that there is sufficient funding available for all of these projects, so it is important to secure the confirmation of funding as early as possible.
- 5.8 Section 5 highlights the importance of keeping to the current programme and obtaining Scottish Borders Council approval to proceed with the preferred scheme on 23 February 2017 to enable the determination period to run through the pre-election period ('Purdah') for the 2017 Local Government Elections.

6 IMPLICATIONS

6.1 Financial

- (a) The Scottish Government are currently funding all 42 projects on the priority list on a forecast annual basis. As these current costs are the delivery element of the project, the costs incurred are only a fraction of the funds required during the construction phase. It is therefore imperative that Scottish Borders Council continues to deliver the Hawick Flood Protection Scheme in line with the current programme to maximise the likelihood of obtaining 80% Scottish Government funding for the construction of the scheme.
- (b) The responses to the Scheme Determination Period are out with the control of Project Team, but it is important to publish the scheme on programme to mitigate any additional time and cost incurred through removing objections or going through a Scottish Government determination process, to maximise the likelihood of obtaining 80% Scottish Government funding for the construction scheme.
- (c) It should be noted that the programme or the capital budget do not contain a time or cost provision for objections being deferred to the Scottish Government for determination.

6.2 Risk and Mitigations

There is a risk that 'valid' objections are submitted during the Scheme Determination process. (*A 'valid' objection is an issues raised within the statutory timeframe; raised in the correct format and is legible*) The project team have mitigated this risk by proactively engaging with the community and statutory stakeholders over the last twelve months to develop the designs to an agreed layout and function. Various community meetings and the August 2016 Public Exhibition were used to inform the public of the proposed scheme and 'flush-out' any issues, so that they can be resolved prior to the approval of the Preferred Scheme by Scottish Borders Council on 23 February 2017.

6.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and

it is anticipated that there are no adverse equality implications.

6.4 **Acting Sustainably**

- (a) The proposed 1 in 75 return period defences in Hawick will protect circa 915 homes and properties from flooding, with a Benefit Cost Ratio of 3:1 (for every £1 spent there is £3 of benefit).
- (b) The preferred scheme that was approved in 2012 proposed reinforced concrete walls and foundation to retain flood waters and clay seepage protection. The effect of large concrete foundations would have caused significant disruption to the infrastructure and public utilities on the town. The preferred design solution is driver steel piles that over the majority of the scheme, that are driven down to bedrock to provide seepage protection, but also create a foundation for the flood defence walls that minimised the need for public utilities; roads; footways to be disturbed.
- (c) The delivery of a flood protection scheme to a level of 1 in 75 return period is the minimum level agreed by Central Government and the insurance sector to allow property insurance. Any property within the 1in 75 flood zone in Hawick will have a greater chance of property insurance once the scheme is delivered.

6.5 **Carbon Management**

N/A

6.6 **Rural Proofing**

N/A

6.7 **Changes to Scheme of Administration or Scheme of Delegation**

N/A

7 CONSULTATION

- 7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Philip Barr
Depute Chief Executive, Place

Signature

Author(s)

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Background Papers: Scottish Borders Council 28 March 2013

SBC - 29 September 2016

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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