

## REPORT TO MARR AREA COMMITTEE – 23 NOVEMBER 2021

### **SUPPLEMENTARY DIRECTORATE PROCUREMENT PLAN - BALLATER FLOOD RISK AND OPTIONS FOR MINOR IMPROVEMENT STUDY – PROCUREMENT APPROVAL**

#### **1 Reason for Report/Summary**

This report asks Area Committee to consider the discussions held locally regarding the flood risk to Ballater, the options regarding commissioning additional flood study work, to assess the benefits of undertaking minor works and to approve the addition of the study for inclusion in the Infrastructure Services Directorate Procurement Plan for 2021/2022.

#### **2 Recommendations**

**The Committee is recommended to:**

- 2.1 Consider the additional flood study options described in paragraph 4.11;**
- 2.2 Agree to the officer recommendation (Option 1) for additional flood study work as per paragraph 4.12; and**
- 2.3 Agree that subject to the findings of Option 1, Option 2 could be triggered; and**
- 2.4 Approve the items on the Supplementary Procurement Work Plan (Appendix 1) and note that these items will be added to the Infrastructure Services Directorate Procurement Plan for 2021/22, that was approved by this Committee on 30 March 2021;**
- 2.5 Determine whether to reserve the approval of the Procurement Approval Form (PAF) for any item in the Supplementary Procurement Plan where the value of the matter is between £50,000 and £1,000,000; and**
- 2.6 Acknowledge that should the Committee not reserve approval of the Procurement Approval Forms then the relevant Chief Officer has the delegated authority to approve the Procurement Approval Forms and also to award the final contracts for the items on the Supplementary Procurement Plan.**

#### **3 Purpose and Decision Making Route**

- 3.1 The Scheme of Governance provides that Committee approval is required for the expenditure of £50,000 or more on the purchase of goods, works and services from external suppliers. Committee approval is sought via the Procurement Plan. This is the first stage of the procurement approval process.**

3.2 The Financial Regulations provided at 5.2.2 states that:

“Each Director shall be responsible for reporting to the relevant Committee prior to the beginning of the financial year with a Procurement Plan for all procurements falling within the jurisdiction of the Committee with a Contract Value of £50,000 or more and updating the Committee from time to time in the event of new procurements with a Contract Value of £50,000 or more being added to the Procurement plan”

The purpose of this report is primarily to recognise the ongoing situation regarding the potential for further flooding events and to address this potential together with the concerns held locally, as far as practically possible. Therefore, Committee is asked to consider the options with regards to additional flood study work and also to approve the items on the Supplementary Procurement Work Plan for inclusion in the Infrastructures Services Directorate Procurement Plan for 2021/2022 (as not previously reported when approved by Committee on 30 March 2021). The Supplementary Procurement Plan sets out the information that Committee requires in order to make an informed decision about the procurement. These works have been identified as falling within the remit of this Committee as detailed within the report.

- 3.3 Having met with the Ballater and Crathie Community Council (BCCC) Flood Issues Group and Ward Members, it is clear there is concern about a further flooding event. Therefore, there have been requests for Aberdeenshire Council to provide a view on the benefits or disbenefits of local mitigation work, and to consider further flood study work.
- 3.4 If it is agreed to proceed as per the recommendations, the flood study work will be immediately commissioned with an estimated completion time of seven to eight months. On conclusion of the work, further consultations will take place on the findings, any recommended work, and the need to further engage with landowners.
- 3.5 The preferred option for a nationally funded Flood Protection Scheme at Ballater was identified as part of the Feasibility of Options and Flood Study submitted to Scottish Government for National Prioritisation and consideration of funding, in December 2019.
- 3.6 At present, we are still waiting for confirmation of Scottish Government funding, for any of our proposed flood schemes and actions to be included in Cycle 2 of the Flood Risk Management (FRM) (Scotland) Act (June 2022 to June 2028). Confirmation of funding is required prior to publication of the final Local Flood Risk Management Plan which will likely go to Infrastructure Services Committee for approval, in Spring/Summer 2022. However, we are aware that COSLA has recently written to Scottish Government regarding assurances on funding levels

and the potential for delaying the publication of the Local FRM Plan, to December 2022.

- 3.7 If Committee require further information about the items on the Supplementary Procurement Plan then it can reserve approval of the Procurement Approval Form (PAF) and it will come to Committee at a later date. Committee can also request further specific information that relates to the item. If the approval for the PAF is not reserved, then the relevant Chief Officer has the delegated authority to approve the PAF.
- 3.8 The PAF details the justification for the procurement, the proposed procurement journey, the financial implications and information, any community benefits that can be legally derived from the contract and that the required governance has been complied with. The approval of the PAF is the second stage of the procurement approval process and follow approval of the PAF by either the relevant Committee or Officer, the contract can then be tendered or progressed if it is a direct award of contract.
- 3.9 Where the Contract Value is between £50,000 and £1,000,000, the Procurement Approval Form may be approved by the relevant Chief Officer and notified to the Head of Commercial and Procurement Shared Services. However, the Committee may at this stage, choose to reserve any item on the Supplementary Procurement Plan which is within its remit and such item would then require its Procurement Approval Form to be reported to this Committee prior to the service being authorised to undertake the procurement.

#### **4 Discussion**

- 4.1 In December 2019, Aberdeenshire Council commissioned a Flood Study that identified a preferred option that would protect Ballater from another event, similar in magnitude to Storm Frank, and offer up to a 1 in 200 level of protection. The preferred option is currently under consideration for national prioritisation and potential funding by the Scottish Government.
- 4.2 Ballater experienced a 'near miss' event in February 2021 following a period of heavy snowmelt and properties were required to be evacuated, as a precaution. The course of the river changed and a property to the south side of the riverbank, at Glenmuick Estate, required to be evacuated due to the risk of undermining and collapse. In addition, a further event occurred in late October resulting in a significant loss of area to the riverbank reinforcing the proposal for additional flood study work.
- 4.3 Aberdeenshire Council held a 'virtual meeting' on 19th May 2021 with the BCCC Flood Issues Group, Resilience Group, Scottish Fire & Rescue Service and representatives from the Golf Club, who all expressed concern that the level of flood risk had increased since the February 2021 event.

- 4.4 A follow up meeting was held on the golf course on 29th June 2021 with a walkover to look at the issues on site. There was also lengthy discussion on small measures that could be taken.
- 4.5 At both meetings, discussions took place around the level of protection offered by the previous golf course bund. This was felt to offer limited protection and estimated at between a 1 in 10 and a 1 in 5 return period flood protection (therefore a 10% - 20% probability of exceedance and flood overtopping into the golf course in any one year).
- 4.6 However, the impact of the February 2021 event has been disputed by the Golf Club and the Flood Issues Group. Both have since requested a revised flood study to establish both the current level of flood protection and to identify any small measures that can be taken to improve flood risk protection; perhaps establishing a minimum 1 in 10 return period level of protection (but still a 10% annual exceedance probability). The heavy rain at the end of October 2021, mentioned earlier, saw further loss of riverbank alongside the golf course, leading to a section of the riverside footpath being closed as a result. The extent of the loss arising from this event further supports the request for flood study work.
- 4.7 The Flood Issues Group have also been in contact with CBEC Eco Engineering consultants about small environmental improvement works which may see minor improvements to flood risk protection.
- 4.8 Following a meeting on 29th June 2021, Aberdeenshire Council's Flood Risk Team did consider any immediate actions discussed (as listed below) but it was decided that the benefit (or otherwise) of doing any works could only be established through completing more flood study work. This was also the key request of the Flood Issues Group and, as such, a scope of study was prepared. The scope would also include the assessment of options discussed at the meeting and to establish any flood risk protection benefit.
- 4.9 See below list of actions discussed at the meeting: -
- a) Removal of dead trees to reposition (pull back) and build up banks with trees at the golf course. Discuss with Environment Planners.
  - b) Clear out channel in the river on Glenmuick side (previous riverbed). We would also ascertain SEPA's standpoint on moving riverbed material to clear the channel on the south bank. It is likely that approval will be required from Cairngorms National Park Authority (CNPA) / Environment Planners and the Dee Salmon Fishery Board.
  - c) Clear out channel on the golf course (underground burn) and outfall; by reopening the downstream end of the golf course cut-off ditch (Ministers pool / Legacy channel). Discuss with Environment Planners.

- d) Aberdeenshire Council to investigate and action the procurement of a refresh of the Ballater Flood Protection Study, following the changes to the river geomorphology.
- e) Contact Birkhall Estate and Glenmuick Estate together with CNPA – and highlight landowner responsibilities.
- f) Investigate areas for small gains - once the study refresh has been completed; including consideration of building up the bund – on the golf course (define route, and potentially use the Hesco barrier already purchased and stored in Ballater).

4.10 At the meeting, it was suggested that the Golf Club could feasibly do the maintenance works themselves within their private ground (clear dead trees and the cut-off ditch). However, they would require to gain any necessary licences and be confident that they had the necessary expertise to commission the works before progressing. A study would aim to provide more certainty that any proposed works would offer some flood risk protection benefit.

4.11 Having discussed this matter both internally and externally, including with SEPA, the Committee is asked to consider the following options: -

Option 1 - A staged approach where it is established if the flood risk is worse than it was pre-February 2021. If the answer is that the flood risk is the same as pre-February 2021, it is not recommended to proceed further with the study work. However, if the situation is deemed worse, this would trigger the next stage, i.e., Option 2.

Cost for Option 1 would be approximately £47,600.

Option 2 – A new and full additional study including the assessment of options (including bund works and removal of the dead trees) but with no additional morphodynamic modelling being provided from CBEC (although they will be included in the assessment of options).

Cost for Option 2 (which includes Option 1) would be approximately £65,880.

Option 3 - Assess potential works, using the 2018 river model. This would be deemed as a high-risk strategy and given the visual changes in the river since February 2021, the findings of the report would be open to challenge by the community. Give consideration that the changes in river hydrogeomorphology have significantly altered the flooding mechanisms. Our consultant could try to address this by undertaking sensitivity analysis with model simulations representing the changes - although this would not be based on up-to-date survey data, and so could only provide “a high level overview” of the potential impact.

Cost for Option 3 would be approximately £36,000.

Option 4 – Do nothing. However, continue to encourage the Golf Club to speak to SEPA and establish what private maintenance works can be done themselves; under General Bindings Rules of The Water Environment (Controlled Activities) (Scotland) Regulations (CAR). Under CAR, river maintenance is generally deemed acceptable, including that of existing man-made structures.

4.12 The officer recommendation is Option 1 for a staged approach to the additional flood study but that approval is also given to the potential for funding Option 2 (full additional study) if the changes in river modelling demonstrates that the flood risk to Ballater has increased since the February 2021 near miss event.

4.13 Aberdeenshire Council’s Flood Risk Team will continue to liaise with SEPA, Environment Planners, District Fishery Board, CNPA and Landowners about the feasibility of doing works to improve matters while still requiring the additional study, to establish the required extent and detail.

## 5 Council Priorities, Implications and Risk

5.1 This report helps deliver the following Strategic Priorities:

- Health and Wellbeing within the Pillar Our People.
- Infrastructure within the Pillar Our Environment.
- Economy and Enterprise within the Pillar Our Economy.

5.2 The table below shows whether risks and implications apply if the recommendation is agreed.

<b>Subject</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Financial	x		
Staffing	x		
Equalities and Fairer Duty Scotland			x
Children and Young People’s Rights and Wellbeing			x
Climate Change and Sustainability	x		
Health and Wellbeing			x
Town Centre First			x

5.3 Both financial and staffing implications will be met from current resources within the Flood Risk and Coast Protection Team. Full Council approved the reinstatement of previously identified savings to the Flood Management revenue budget (£282,000) on Thursday 24th June 2021.

5.4 An integrated impact assessment is not required because agreeing the recommendations will not have a differential impact on any person with protected characteristics and the report deals with expenditure against budgets which have been approved by Aberdeenshire Council.

5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

- ACORP010 Environmental challenges e.g. extreme weather events, climate change. (This includes localised risks around flooding and the Council Priority to support Resilient Communities). As such, climate change is considered in flood risk and design.

5.6 The following Risks have been identified as relevant to this matter on a Strategic Level:

- ISR010 Risks associated with Delivery of annual Flood Risk and Coast Protection Programme of Measures.

5.7 Dependant on the findings of the proposed additional flood study, any subsequent work in the actual river channel would be limited between the end of May and the middle of October. This would be with approval from the District Fishery Board and avoids the most vulnerable life stages of salmon and trout, spawning, egg incubation and smolt migration. Subject to obtaining the appropriate SEPA CAR approval. Any other works, on the bank and in dry conditions are unlikely to create significant disturbance, therefore works here can be carried out at any time.

## **6 Scheme of Governance**

6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the [Scheme of Governance](#) and relevant legislation.

6.2 The Committee is able to consider and take a decision on this item in terms of Section B6.4.1 and 6.2 of the List of Committee Powers in Part 2A of the Scheme of Governance as the value of the item on the Procurement Plan is over £50,000 and relates exclusively to the Marr Area and comments are sought in relation in relation to capital projects for the Marr Area.

**Alan Wood**  
**Director of Environment & Infrastructure Services**

Report prepared by Lee Watson, Principal Engineer  
3 November 2021

### **List of Appendices:**

**Appendix 1 – Supplementary Procurement Work Plan**

**Appendix 1 - Supplementary Procurement Work Plan 2021/2022**  
**Marr Area Committee - 23 November 2021**

<b>B.Organised Contract Reference</b>	<b>Service</b>	<b>Contract Name</b>	<b>Contract Description</b>	<b>Est Contract/Contract Extension Start Date</b>	<b>Est Contract/Contract Extension End Date</b>	<b>Maximum Extension Period (Months)</b>	<b>Value to be approved by this Committee</b>	<b>Total Contract Value (inc all options &amp; extensions)</b>	<b>Area(s) Contract Covers</b>
000-DLFJ5864	Roads & Infrastructure	Ballater Additional Flood Study	Additional Flood Study - assessment of minor works	23-Nov-21	31/06/2022	12 months	£ 66,000	£66,000	Marr