

Environmental Quality Directorate
Water, Air, Soils and Flooding Division

T: 0131-244 -0220 F: 0131-244 0259
E: Stan.irvine@scotland.gsi.gov.uk



Angus Bodie
Manager of Roads, Waste & Transport
West Dunbartonshire Council
Garshake Road
DUMBARTON
G82 3PU



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Dear Sir

**FLOOD PREVENTION (SCOTLAND) ACT 1961
KNOWLE BURN FLOOD PREVENTION SCHEME 2007**

1. This letter contains the Scottish Ministers' decision on the submission by the West Dunbartonshire Council (the Council) for confirmation of the Knowle Burn Flood Prevention Scheme 2007 ("the Scheme") under the Flood Prevention (Scotland) Act 1961 ("the Act").
2. In terms of paragraph 7 of the Second Schedule to the Act, the Scottish Ministers may confirm the Scheme without modification, confirm the Scheme with such modifications as they think fit (and which have been intimated in accordance with paragraph 7(1) of that Schedule), or refuse to confirm the Scheme.
3. The Scottish Ministers have decided to confirm the Scheme, without modification, for the reasons set out below.

Background

4. Given the past history of flooding in Dumbarton from the Knowle Burn, the Council commissioned studies between 2001 and 2004 to develop a flood prevention scheme to mitigate flooding of 69 residential and other properties from the Knowle Burn, and consulted widely during its development of the proposed Scheme. The Scheme was made by the Council in terms of section 4 of the Act on 1 June 2007. It was submitted to the Scottish Ministers for confirmation in July 2007.
5. Objections to confirmation of the Scheme which were made and not withdrawn were considered at a public local Inquiry ("the Inquiry"), held at the Burgh Hall, Dumbarton on 3 February 2009 by Mr Michael Cunliffe BSc(Hons) MSc MCIWEM ("the Reporter").

Evidence at the Inquiry

6. The Reporter has summarised the description of the Scheme in Chapter 1 of the Report, the Council's evidence in Chapter 2, the objectors written representations and the Council's response in Chapter 3 of the Report. The Reporter's findings of fact and his conclusions and recommendation are set out in Chapters 4 and 5 of the Report. Those who appeared at the Inquiry are listed in the Preamble of the Report and a list of documents referred to by the Council are appended to the Report.

Reporter's Recommendation

7. The Reporter recommended that the Scheme be confirmed without modification.

The Scottish Ministers' Decision

8. The Act is a "relevant enactment" for the purposes of section 2(1) and (4) of the Water Environment and Water Services (Scotland) Act 2003 ("the 2003 Act"). This means that, in deciding whether to confirm the Scheme, the Scottish Ministers must have regard to the social and economic impacts of their decision and, so far as is consistent with the purposes of the Act, promote sustainable flood management and act in the way best calculated to contribute to sustainable development. Section 2(5) of the 2003 Act also requires them to have regard to the desirability of protecting the water environment.

9. The Scottish Ministers consider that promoting sustainable flood management is consistent with the purposes of the Act. They note the advice of the Flooding Issues Advisory Committee that sustainable flood management provides the maximum possible social and economic resilience against flooding, by protecting and working with the environment, in a way which is fair and affordable both now and in the future. They note that sustainable development must take account of three pillars; social, environmental and economic factors. Therefore in taking any decision to confirm a scheme they will inter alia take account of the impacts of flood risk on people and their health and well being, any assessment of the scheme's impacts on the wider environment and also on the water environment and an appraisal of the impacts of flooding and the proposed scheme on the economy.

10. The Scottish Ministers have carefully considered: - the objections to the Scheme which were not withdrawn; the evidence presented at the Inquiry, including the written submissions; the Reporter's findings of fact and his conclusions and recommendations thereon. The Scottish Ministers accept the Findings of Fact, agree with his reasoning and recommendations and adopt them for the purpose of their decision.

11. The Scottish Ministers conclude, in light of their consideration, that the Scheme is technically sound, is sympathetic to the environment, and in particular the protection of the water environment, and provides a level of protection to local people that delivers value for money over the life of the Scheme.

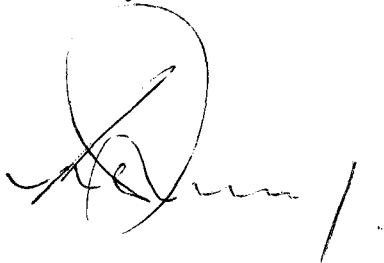
12. Accordingly, the Scottish Ministers have decided to confirm the Knowle Burn Flood Prevention Scheme 2007 without modification.

13. The foregoing decision of the Scottish Ministers is final, but any person aggrieved by the Scheme as confirmed who wishes to question the validity of the Scheme, or any of its provisions, on the grounds that it is not within the powers of the Act or that any requirement of the Act has not been

complied with in the making or confirmation of the Scheme, may make an application to the Court of Session (under paragraph 9 of the Second Schedule to the Act) within six weeks of the date on which the statutory notice of confirmation of the Scheme is first published.

14. A copy of the Report is enclosed and copies of this letter are being sent to all whose objections were not withdrawn. The Report and this letter will also be available on the Scottish Executive website; <http://www.scotland.gov.uk/Topics/Environment/Water/Flooding/new>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R N Irvine', with a large, stylized flourish above the name.

R N Irvine
Deputy Director
Water, Air, Soils and Flooding Division